

**CHERRY HILL TOWNSHIP****OPEN PUBLIC RECORDS ACT REQUEST FORM**

Cherry Hill Township

Date Received: 5/27/2020

Tracking Number:

OPRA-Req-20-0575**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor InformationName: Kim Taeho

Address: _____

City: _____ State: NJ Zip: _____

Telephone: _____ Fax: _____

Email: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxxxx.xxxPreferred Delivery: E-Mail**Payment Information**Maximum Authorized Cost 0Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
Other materials (CD, DVD, etc) - actual cost of material

☐ If you are requesting records containing personal information: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature: _____ Date: _____

Record Request Information:

Location: _____

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).

2. Please provide copies of the complaint in any lawsuits and cases described above.

AGENCY USE ONLY:

Est. Document Cost: _____

Est. Delivery Cost: _____

Est. Extras Cost: _____

Total Est. Cost: _____

Deposit Amount: _____

Estimated Balance: _____

Deposit Date: _____

AGENCY USE ONLY:**Disposition Notes:**

Custodian: If any part of request cannot be delivered in seven business days, detail reason here.

In Progress - Open _____

Denied - Closed _____

Filled - Closed _____

Partial - Closed _____

AGENCY USE ONLY:**Tracking Information:**

Tracking # _____ Total _____

Rec'd Date _____ Deposit _____

Ready Date _____ Bal. Due _____

Total Pages _____ Bal. Paid _____

Records Provided:

Custodian Signature: _____

Date: _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

MAY 01 2014

By: CLERK / REGISTRAR

CHRISTOPHER SMITH,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF CHERRY HILL, ET AL.,
Defendant

CASE NUMBER: 1:13-CV-07878-NLH-KMW

TO: (Name and address of Defendant):

Township of Cherry Hill, et al

RECEIVED
MAY - 1 2014
LAW DEPARTMENT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

Brian D. Kemner

(By) DEPUTY CLERK



ISSUED ON 2013-12-31 11:15:20.0, Clerk
USDC NJD

RETURN OF SERVICE

Service of the Summons and complaint was made by me (1)

DATE

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service☐ Served personally upon the defendant. Place where served: _____
_____☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.☐ Name of person with whom the summons and complaint were left: _____☐ Returned unexecuted: _____

_____☐ Other (specify) : _____

_____**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date_____
*Signature of Server*_____
Address of Server

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

-----X
CHRISTOPHER SMITH

The Arbors Apartment D-104

Maple Shade, New Jersey 08052,
Plaintiff

Civil Action Number: 1:13-cv-07878-NLH-KMW

-v-

TOWNSHIP OF CHERRY HILL,

a municipal corporation formed under
the laws of the State of New Jersey,
having principal offices located at
820 Mercer Street
Cherry Hill, New Jersey 08002

and

JOHN DOE I,

having a principal place of business
at the Cherry Hill Police Department
820 Mercer Street
Cherry Hill, New Jersey 08002

and

JOHN DOE II,

having a principal place of business
at the Cherry Hill Police Department
820 Mercer Street
Cherry Hill, New Jersey 08002

Defendants

COMPLAINT - Civil Rights

Jurisdiction and Venue

1. Plaintiff brings this action under 42 U.S.C. §1983 and §1988, and the 4th and 14th

Amendments to the United States Constitution. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and §1343. The pendent jurisdiction of this Court is invoked pursuant to 28 USC §1367(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) inasmuch as causes of action by the Plaintiff arose in the District of New Jersey, and all the defendants are found in the District of New Jersey.

Parties and Background Allegations

3. The plaintiff is Christopher Smith (hereinafter "Plaintiff"), an adult male who resides at The Arbors, Apartment D-104 in the Township of Maple Shade and County of Burlington, New Jersey 08052.
4. A defendant is the Township of Cherry Hill (hereinafter "TOWNSHIP"), a Municipal Corporation existing under the laws of the State of New Jersey as a Township of the First Class, having principal offices located at 820 Mercer Street, in the Township of Cherry Hill and County of Camden, New Jersey 08002.
5. A defendant is John Doe I, who is an adult male. At all times relevant hereto, John Doe I worked as a Police Officer in the Cherry Hill Township Police Department, a Department established, operated and managed by the Township of Cherry Hill, and had a principal place of business located at 820 Mercer Street in the Township of Cherry Hill and County of Camden, New Jersey 08002. As such, defendant John Doe I was at all times relevant hereto an employee, workman, servant and/or agent of Defendant Township of Cherry Hill.
6. A defendant is John Doe II, who is an adult male. At all times relevant hereto,

John Doe II worked as a Police Officer in the Cherry Hill Township Police Department, a Department established, operated and managed by the Township of Cherry Hill, and had a principal place of business located at 820 Mercer Street in the Township of Cherry Hill and County of Camden, New Jersey 08002. As such, defendant John Doe I was at all times relevant hereto an employee, workman, servant and/or agent of defendant Township of Cherry Hill.

7. At all times relevant hereto, defendants John Doe I and John Doe II were acting under color of law for and on behalf of defendant Township of Cherry Hill, under authority vested in them by it, in furtherance of its business, and pursuant to its customs and policies.
8. At all times relevant hereto, defendants John Doe I and John Doe II were acting wilfully and intentionally with deliberate indifference to the right of the plaintiff to be free from the use of excessive force, and free from the imposition or suspicion of false criminal charges, and with the intention that the plaintiff be deprived of his liberty, all in violation of the rights of the plaintiff to be free from unreasonable seizures without due process of law guaranteed him under the Fourth and Fourteenth Amendments to the Constitution of the United States of America, and their analogs under the Constitution of the State of New Jersey, and in further deliberate indifference to the physical and mental safety and well-being of the plaintiff.
9. At all times relevant hereto, defendant Township of Cherry Hill and its high-ranking Police officials, including the Chief of Police, were deliberately indifferent to the constitutional rights of the citizens of the Township of Cherry Hill and knew

that Cherry Hill police officers routinely and customarily detained and arrested individuals upon less than or no probable cause of being involved in various crimes, misused police resources, and routinely caused unwarranted charges of "resisting arrest" to be brought against individuals, but allowed police officers to continue in these practices so much so that they became established, if unwritten, official Township of Cherry Hill police policy and custom allowing, encouraging and fomenting police officers to arrest and detain individuals without warrants, and to treat them unreasonably and without justification.

Defendant Township of Cherry Hill's Duty and Obligation

10. At all times relevant hereto, defendant Township of Cherry Hill was under a duty and obligation to train and instruct its officers in the proper procedures for investigating criminal suspects and, after proper investigation, for presenting their findings to a detached and neutral magistrate and not to use police property and resources to conduct their own, personal investigations and then to take into custody and/or arrest suspected criminals without warrants.
11. At all times relevant hereto, defendant Township of Cherry Hill was also under a duty and obligation to train and instruct its officers in the proper use of force, and the need to refrain from the use of excessive force in subduing suspected criminals.
12. Defendant Township of Cherry Hill breached these duties by failing: 1) to train and instruct its officers in the proper procedures for investigating criminal suspects and, after proper investigation, for presenting their findings to a detached and neutral

magistrate and not to use police property and resources to conduct their own, personal investigations and then arrest suspected criminals without warrants; and 2) to train and instruct its officers in the proper use of force, and the need to refrain from the use of excessive force in subduing suspected criminals.

13. Defendant Township of Cherry Hill's official, although unwritten, policy and custom of allowing, encouraging and fomenting police officers to detain and arrest individuals without arrest warrants or probable cause to do so, and its deliberate indifference to the constitutional rights of its citizens, directly caused and allowed the individual defendants to detain and to take the plaintiff into custody, as described herein, and further to use unreasonable and excessive force against the plaintiff, and then to detain him for suspicion in an unwarranted and unjustified criminal offense, and by these failures directly fomented and caused the individual defendants John Doe I and John Doe II to deprive the plaintiff of his constitutional rights as described herein.

14. If defendant Township of Cherry Hill had properly trained and instructed defendants John Doe I and John Doe II as described herein, said defendants John Doe I and John Doe II would not have engaged in the conduct complained of herein.

Operative Allegations

15. At all times relevant hereto, plaintiff Christopher Smith was a 37 years old black male and had been working detailing cars at a local car service center.

16. At or about 11:15 A. M. on December 30, 2011, plaintiff Smith was lawfully at the TD

Bank located at North Kings Highway, Route 41, Cherry Hill when he was accosted by the police after cashing his check and walking outside of the bank and entering his vehicle.

17. Plaintiff Smith was accosted by two police officers who immediately began yelling at him with guns drawn and pointed in his direction.
18. Both officers were dressed in the uniform of the Township of Cherry Hill Police.
19. Upon information and belief, John Doe I and John Doe II used Township of Cherry Police Department resources, to which both defendants had access, to conduct their own personal investigation into the robbery of TD Bank and determined that the robbery had been committed by a black male.
20. Based upon their own personal investigations, defendants John Doe I and John Doe II entertained nothing more than a personal suspicion or belief that plaintiff Smith was a black male who might have been involved in, or have knowledge about the robbery.
21. The police officers had responded to the scene to effectuate the arrest of any black male that they suspected of having committed an alleged robbery.
22. Defendants John Doe I and John Doe II proceeded to the TD Bank located on North Kings Highway, Route 41 in Cherry Hill and accosted plaintiff Smith with guns drawn and pointed in his direction as plaintiff was seated in his vehicle.
23. Although ample time existed within which the defendants John Doe I and John Doe II could have further investigated, the defendants John Doe I and John Doe II deliberately forewent the application for an arrest and/or search warrant, and neither

officer had a warrant for the arrest and/or seizure of plaintiff.

24. When defendants John Doe I and John Doe II Sullivan saw the plaintiff after he exited the bank and entered his vehicle, defendant John Doe I said to defendant John Doe II "This is our guy".
25. In furtherance of their agreement between themselves, defendants John Doe I and John Doe II then approached plaintiff at gunpoint and forcibly pulled him out of his vehicle and forcibly threw him to the ground without his permission or consent.
26. With no idea of why the police were accosting him and attacking him as they were, the plaintiff was powerless to resist.
27. While attempting to cooperate with the police, plaintiff Smith did not make any threatening or menacing gestures toward either officer.
28. As plaintiff Smith attempted to cooperate with the police, defendants John Doe I and John Doe II grabbed plaintiff Smith by his arms, twisted his torso and roughly forced him face down to the ground causing injury to his neck and back.
29. When defendants John Doe I and John Doe II so forced the plaintiff to the ground, the plaintiff suffered serious and permanent injuries, has incurred and will incur expenses for the treatment of his injuries, has been disabled and in the future will be disabled and not able to perform his usual functions and has been caused great pain and suffering and in the future will be caused great pain and suffering, to his great loss and damage. .
30. Plaintiff was taken into custody and placed in the rear seat of a police cruiser where

while so seated, a bank employee from TD Bank indicated to defendants John Doe I and John Doe II that plaintiff was not the person who committed the robbery at the bank earlier.

31. Plaintiff was then taken by defendants John Doe I and John Doe II to the Cherry Hill Police Department located at 820 Mercer Street, Cherry Hill, New Jersey and held in custody for several hours.
32. As a result of the rough treatment inflicted upon him by Defendants John Doe I and John Doe II, the Plaintiff suffered two cervical herniated discs at C3-C4 and C4-C5, a lumbar herniated disc at L4-L5 and numerous bulging discs at C3-C4, C4-C5, C5-C6, C6-C7, L4-L5 and L5-S1.
33. Because of his injuries, plaintiff, upon his release from custody, sought treatment at Virtua Memorial Hospital Emergency Room in Mount Holly, New Jersey.
34. While at the hospital, the injuries of the plaintiff were addressed, and he was thereafter released..
35. Despite being manhandled and taken into custody by the Cherry Hill Police, plaintiff was never charged with any criminal offenses by the Cherry Hill Police Department.
36. As a direct and proximate result of the acts and failures of the defendants to act as described herein, the plaintiff was deprived of his constitutional rights, subjected to severe and unwarranted treatment, and subjected to unlawful detainment.
37. As a further direct and proximate result of the acts and failures of the defendants to act as described herein, particularly the use of excessive force in taken the plaintiff

into custody, the Plaintiff was forced to undergo regimen of treatment for his injuries by Dr. Eric Schmetterling.

38. As a further direct and proximate result of the acts and failures of the defendants to act as described herein, the plaintiff suffered physical and mental pain, anguish, humiliation, embarrassment.

FEDERAL CLAIMS

COUNT I: PLAINTIFF V. DEFENDANTS TOWNSHIP OF CHERRY HILL, JOHN DOE I AND JOHN DOE II
Violation of 42 U. S. C. §1983; 4th Amendment
(Unreasonable Seizure; deprivation of liberty)

39. All preceding allegations are incorporated here as if the same were set forth here in their entirety.
40. The 4th Amendment to the United States Constitution, applicable to the Township of Cherry Hill, guarantees citizens the right 'to be secure in their persons . . . against unreasonable . . . seizures' of the person."
41. The failure of defendant Township of Cherry Hill to train and instruct the defendants, and its official, although unwritten, policy and custom, as described herein, directly caused and allowed the individual defendants to act and fail to act as described herein, and to deprive the plaintiff of his constitutional rights, as described herein.
42. The acts and failures to act of defendants John Doe I and John Doe II, individually and/or jointly, both of whom acted under color or law and without probable cause, were allowed, fostered and fomented by defendant Township of

Cherry Hill's failure to train and instruct the defendants, which in turn caused the plaintiff to be subjected to an unreasonable seizure and the use of excessive, unreasonable physical force against his person, in violation of his rights to be free from the same as guaranteed him under the Fourth Amendment to the United States, applicable to the State of New Jersey under the Fourteenth Amendment to the United States Constitution.

43. The acts and failures to act of defendants Township of Cherry Hill, John Doe I and John Doe II, individually and/or jointly, were proscribed by 42 U. S. C. §1983.

WHEREFORE, the plaintiff demands judgment against the defendants, individually and/or jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for attorneys fees pursuant to 42 U. S. C. §1988.

**COUNT II: PLAINTIFF V. DEFENDANTS TOWNSHIP OF CHERRY HILL, JOHN
DOE I AND JOHN DOE II
Violation of 42 U. S. C. §1983; 4th Amendment
(Unreasonable Use of Excessive Force; deprivation of liberty)**

44. All preceding allegations are incorporated here as if the same were set forth here in their entirety.
45. The 4th Amendment to the United States Constitution, applicable to the Township of Cherry Hill, guarantees citizens the right 'to be secure in their persons . . . against unreasonable . . . seizures' of the person."
46. The failure of defendant Township of Cherry Hill to train and instruct the defendants, and its official, although unwritten, policy and custom, as described herein, directly caused and allowed the individual defendants to act and fail to act as described

herein, and to deprive the plaintiff of his constitutional rights, as described herein.

47. The acts and failures to act of defendants John Doe I and John Doe II, individually and/or jointly, both of whom acted under color or law and without probable cause, were allowed, fostered and fomented by defendant Township of Cherry Hill's failure to train and instruct the defendants, which in turn caused the plaintiff to be subjected to an unreasonable seizure and the use of excessive, unreasonable physical force against his person, in violation of his rights to be free from the same as guaranteed him under the Fourth Amendment to the United States, applicable to the State of New Jersey under the Fourteenth Amendment to the United States Constitution.

48. The acts and failures to act of defendants Township of Cherry Hill, John Doe I and John Doe II, individually and/or jointly, were proscribed by 42 U. S. C. §1983.

WHEREFORE, the plaintiff demands judgment against the defendants, individually and/or jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for attorneys fees pursuant to 42 U. S. C. §1988.

STATE LAW CLAIMS

COUNT III: PLAINTIFF V. DEFENDANTS JOHN DOE I AND JOHN DOE II (Violation of Article I, Paragraph 7 of the New Jersey Constitution)

49. All preceding allegations are incorporated here as if the same were set forth here in their entirety.

50. Article I, paragraph 7 of the New Jersey Constitution provides, where relevant, that "The people shall be secure in their persons, houses,.....from unreasonable

searches and seizures,....”

51. The acts and failures to act of defendants John Doe I and John Doe II, in manhandling the Plaintiff so severely about the torso as described herein was unreasonable under Article 1, paragraph 7 of the New Jersey Constitution, and deprived the Plaintiff of his right to be free from the same.

52. As a direct and proximate result of the Defendants’ acts and failures to act as described herein, the Plaintiff was further injured as described herein.

WHEREFORE, the Plaintiff demands judgment against the Defendants, individually and/or jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for all costs and attorneys fees as allowed by law.

**COUNT IV: PLAINTIFF V. DEFENDANTS JOHN DOE I AND JOHN DOE II
(Assault)**

53. All preceding allegations are incorporated here as if the same were set forth here in their entirety.

54. Defendants John Doe I and John Doe II, individually and jointly, intended to cause the Plaintiff a harmful and offensive contact and to be placed in fear of imminent harmful or offensive contact.

55. Plaintiff Smith was placed in fear of immediate harmful contact by defendants John Doe I and John Doe II.

56. The acts and failures to act of defendants John Doe I and John Doe II, as described

herein, constituted an assault of the Plaintiff.

WHEREFORE, the Plaintiff demands judgment against the Defendants, individually and/or jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for all costs and attorneys fees as allowed by law.

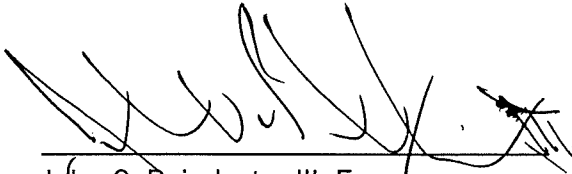
**COUNT V: PLAINTIFF V. DEFENDANTS JOHN DOE I AND JOHN DOE II
(Battery)**

57. All preceding allegations are incorporated here as if the same were set forth here in their entirety.
58. Defendants John Doe I and John Doe II, individually and jointly, intended to cause the Plaintiff a harmful and offensive contact and/or to be placed in fear of imminent harmful or offensive contact
59. A harmful contact did occur as described herein.
60. The acts and failures to act of Defendants John Doe I and John Doe II, described herein, constituted a battery on the Plaintiff.

WHEREFORE, the Plaintiff demands judgment against the Defendants, individually

and/or jointly, in an amount in excess of One Hundred Fifty Thousand Dollars
(\$150,000.00), and for all costs and attorneys fees as allowed by law.

Respectfully submitted,



John O. Poindexter III, Esquire
Attorney for Plaintiff

4100-06

Francis X. Donnelly, Esq.

Mayfield Turner O'Mara & Donnelly, P.C.

2201 Route 38, Suite 300

Cherry Hill, NJ 08002

Telephone No. (856) 667-2600

Attorneys for defendants, Township of Cherry Hill, Sgt. J. Staepel, Officer J. Weist, and Officer S. Cairns.

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

Christopher Smith

Plaintiff

vs.

Township of Cherry Hill, a
municipal corporation formed under
the laws of the State of New Jersey,
having principal offices located at
820 Mercer Street, Cherry Hill, NJ
08002, Sgt. J. Staepel, Badge #277,
Officer J. Weist, Badge #352 and
Officer S. Cairns.

CIVIL ACTION NO: 1:13-cv-07878

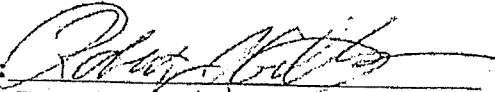
**STIPULATION OF DISMISSAL
WITH PREJUDICE**

THE MATTER IN CONTROVERSY having been amicably settled between
the parties hereto;

IT IS ON THIS 24th **day of** October, 2016, **STIPULATED AND**
AGREED that the plaintiff's action against the defendants, Township of Cherry
Hill, Sgt. J. Staepel, Officer J. Weist, and Officer S. Cairns, be and the same
hereby is dismissed with prejudice and without costs to any party involving all
matters pertaining to the above-captioned parties.

MAYFIELD, TURNER, O'MARA &
DONNELLY, P.C.
Attorney for Defendants Township
of Cherry Hill, Sgt. J. Staepel,
Officer J. Weist, and Officer S.
Cairns

JOHN O. POINDEXTER, III, ESQ.
Attorney for Plaintiff

BY: 
ROBERT J. GILLISPIE, JR. ESQ.

By: 
JOHN O. POINDEXTER, III, ESQ.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DESMOND NEWBILL, ET AL.,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

WALGREEN CO., ET AL.,
Defendant

CASE NUMBER: 1:13-CV-07479-JHR-KMW

TO: *(Name and address of Defendant):*

Cherry Hill Township
820 Mercer Road, Suite 105
Cherry Hill, NJ 08002

RECEIVED
APR 11 2014
LAW DEPARTMENT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Justin M. Cohen, Esquire
Richman, Berenbaum & Associates, PC
Two Penn Center
1500 John F. Kennedy Blvd, Suite 411
Philadelphia, PA 19102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

Nicholas Zotti

(By) DEPUTY CLERK



ISSUED ON 2013-12-13 12:20:49.0, Clerk
USDC NJD

RICHMAN, BERENBAUM & ASSOCIATES, PC
A Professional Corporation
Two Penn Center
1500 J.F.K. Boulevard, Suite 411
Philadelphia, PA 19102
215-985-1300 (telephone)
215-985-2865 (facsimile)
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY (CAMDEN VICINAGE)**

DESMOND NEWBILL
SHAWNA BOYCE,
MARY BURTON, NEWBILL,

Plaintiffs,

vs.

WALGREEN CO.,
CHERRY HILL TOWNSHIP,
CHERRY HILL POLICE DEPARTMENT,
GANNETT CO., INC.,
CBS CORPORATION,
THE WALT DISNEY COMPANY,
COMCAST CORPORATION,
TWENTY-FIRST CENTURY FOX, INC.,
JOHN DOE INDIVIDUALLY 1 - 5,
JOHN DOE INDIVIDUALLY 6 - 10,
JOHN DOE INDIVIDUALLY 11 - 15,
JOHN DOE INDIVIDUALLY 16 - 20,
JOHN DOE INDIVIDUALLY 21 - 25,
JOHN DOE INDIVIDUALLY 26 - 30,
JOHN DOE INDIVIDUALLY 31 - 35,
JOHN DOE INDIVIDUALLY 35 - 40,
JOHN DOE CORPORATIONS 40 - 45,
Individually, jointly, severally,
and in the alternative,

Defendants.

CIVIL ACTION

DOCKET NO. 13-CV-07479

COMPLAINT and JURY DEMAND

I

PRELIMINARY STATEMENT

Plaintiffs, Desmond Newbill, Mary Burton-Newbill and Shawna Boyce individually, by and through his attorney of record, brings this action against All Defendants individually, jointly, severally, and in the alternative.

Plaintiffs seek an amount in controversy in excess of \$75,000.00, exclusive of interest and costs.and states as follows:

II

THE PARTIES

1. Plaintiff, Desmond Newbill, ("Plaintiff, Desmond Newbill"), is an individual, and citizen of the City of Camden, County of Camden, State of New Jersey, and at all times mentioned in this complaint resided at 1324 Sheridan Street, Camden, New Jersey.

2. Plaintiff, Shawna Boyce, ("Plaintiff, Shawna Boyce"), is an individual, who at the time of the factual allegations mentioned in this complaint resided in the City of Camden, County of Camden, State of New Jersey. Currently, Plaintiff Shawna Boyce resides at 912 E. Hazeldel Avenue, New castle, DE 19720.

3. Plaintiff, Mary Burton-Newbill, ("Plaintiff, Mary Burton-Newbill"), is an individual, and citizen of the City of Camden, County of Camden, State of New Jersey, and at all times mentioned in this complaint resided at 1324 Sheridan Street, Camden, New Jersey.

4. Defendant, Walgreen Co. ("Defendant, Walgreen Co."), is a nationally recognized drug store chain incorporated and existing under the laws of the State of Illinois. Its corporate headquarters is located at 108 Wilmot Road Deerfield, IL 60015.

5. Defendant, Cherry Hill Township ("Defendant, Township"), is a municipal corporation and a political subdivision of the County of Camden and State of New Jersey with its municipal building located at 820 Mercer Street, Suite 105, Cherry Hill, NJ 08002.

6. Defendant, Cherry Hill Police Department ("Defendant, Police Department"), is a division of Defendant, Township established pursuant township code and under the supervisory authority of Defendant, Township with its headquarters located 820 Mercer Street, Cherry Hill, NJ 08002.

7. Defendant, Gannett Co., Inc., Inc. ("Defendant, Gannett Co., Inc."), is a media and marketing solutions company, with a diverse portfolio of broadcast, digital, mobile and publishing companies. Defendant, Gannett Co., Inc. owns and operates the Courier Post Newspaper. Defendant, Gannett Co., Inc. corporate headquarters is located at 7950 Jones Branch Drive McLean, VA 22107.

8. Defendant, CBS Corporation ("Defendant, CBS Corporation"), is one of the world's leading media companies. CBS Television Stations is a subsidiary of Defendant, CBS Corporation, which owns and operates KYW-TV CBS 3. Defendant, CBS Corporation corporate headquarters is located at 51 W. 52nd Street, New York, NY 10019.

9. Defendant, The Walt Disney Company (“Defendant, The Walt Disney Company”), is composed of Walt Disney Company’s global entertainment and news television properties and owns and operates WPVI-TV ABC 6. Defendant, The Walt Disney Company corporate headquarters is located at 500 South Buena Vista Street, Burbank, CA 91521.

10. Defendant, Comcast Corporation (“Defendant, Comcast Corporation”), is a global media and technology company. NBC Universal Media, LLC is a subsidiary of Defendant, Comcast Corporation, which owns and operates WCAU-TV NBC 10. Defendant, Comcast Corporation headquarters is located at One Comcast Center, 1701 John F Kennedy Blvd, Philadelphia, PA 19103.

11. Defendant, Twenty-First Century Fox, Inc. (“Defendant, Twenty-First Century Fox, Inc.”), is a diversified international media and entertainment company. Fox Entertainment Group, Inc. is a subsidiary of Defendant, Twenty-First Century Fox, Inc., which owns and operates WTXF-TV FOX 29. Defendant, Twenty-First Century Fox, Inc. headquarters is located at 1211 Avenue of the Americas, New York, New York.

12. Defendant(s) John Doe Individuals 1-5 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Walgreen who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment.

(Defendant, Walgreen Co. and Defendants John Doe #1-5 are referred to herein collectively as "The Walgreen Co. Defendants").

13. Defendant(s) John Doe Individuals 6-10 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Township who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, Townships and Defendants John Doe #6-10 are referred to herein collectively as "The Township Defendants").

14. Defendant(s) John Doe Individuals 11-15 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Police Department who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, Police Department and Defendants John Doe 11-15 are referred to herein collectively as "The Police Department Defendants").

15. Defendant(s) John Doe Individuals 16-20 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Gannett Co., Inc. who are presently unknown but who are responsible for the harm that occurred to

Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, Gannett Co., Inc. and Defendants John Doe #16-20 are referred to herein collectively as "The Gannett Co., Inc. Defendants").

16. Defendant(s) John Doe Individuals 21-25 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, CBS Corporation who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, CBS Corporation and Defendants John Doe #21-25 are referred to herein collectively as "The CBS Corporation Defendants").

17. Defendant(s) John Doe Individuals 26-30 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, The Walt Disney Company who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, The Walt Disney Company and Defendants John Doe #26-30 are referred to herein collectively as "The Walt Disney Company Defendants").

18. Defendant(s) John Doe Individuals 31-35 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Comcast Corporation who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, Comcast Corporation and Defendants John Doe #31-35 are referred to herein collectively as "The Comcast Corporation Defendants").

19. Defendant(s) John Doe Individuals 36-40 are fictitiously named individuals Defendants, all of whom are designed to represent and put on notice those owners, partners, employees and/or agents of Defendant, Twenty-First Century Fox, Inc. who are presently unknown but who are responsible for the harm that occurred to Plaintiffs. This claim is being made against these John Doe Defendants personally as well as in their official capacity working in the course and scope of their employment. (Defendant, Twenty-First Century Fox, Inc. and Defendants John Doe #36-40 are referred to herein collectively as "Twenty-First Century Fox, Inc. Defendants").

20. Defendant(s) John Doe Corporations 40-45 are fictitiously named corporate Defendants, all of whom are designed to represent and put on notice those corporations, companies, partnerships, subdivision and entities who are presently unknown but who are responsible for the harm that occurred to Plaintiffs, jointly

and severally, and at all times relevant hereto, resided in or conducted business in the State of New Jersey on a regular, continuous and systematic basis.

21. At all times material hereto, the conduct of Defendants, jointly and severally, resulted in injuries to Plaintiffs.

III

JURISDICTION AND VENUE

22. The cause of action which form the basis for this matter arises under the common law of the state of New Jersey, the New Jersey Constitution, 42 U.S.C. §1983 (Section "1983") and the United States Constitution, including but not limited to, the Fourth and Fourteenth Amendment.

23. Jurisdiction is founded upon 28 U.S.C. § 1331 and the aforementioned statutory and constitutional provisions. Plaintiffs further invokes the pendent and supplemental jurisdiction of this Court under 28 U.S.C. § 1367(a) to hear and decide any claim arising under state law.

24. Venue lies in the United States District Court for the District of New Jersey (Camden Vicinage) pursuant to 28 U.S.C. § 1391.

IV

FACTUAL ALEGATIONS

25. Plaintiff, Desmond Newbill and Mary Burton-Newbill, have resided in the Camden City, Camden County, New Jersey for thirty-five (35) years and twenty-five (25) years respectively and are the parents of six (6) year old twins Eladan and Joisha Newbill Plaintiff, Desmond Newbill and Mary Burton-Newbill work full time as an "Attendance Officer" for the Camden City School District.

Their primary responsibility is to combat absenteeism and truancy among school-age youth who reside in the city of Camden. In addition to his their time employment, Plaintiff, Desmond Newbill was the General Manager for the non-profit organization Whitman Park Youth Development Group and Plaintiff, Mary Burton-Newbill was the Secretary. They both served as a youth mentor, youth baseball coaches and assistants to youth football program for over 20 years. Plaintiff, Desmond Newbill was the Camden County Coordinator for Marine "Toy for Tot Program" for the past five (5) year and Plaintiffs, Mary Burton-Newbill and Shawna Boyce were volunteers for the "Toys for Tot.Program for at least five (5) years." The Toy for Tot Program is s a national recognized program run by the United States Marine Corps Reserve. The mission of the U. S. Marine Corps Reserve "Toys for Tots Program" is to collect new, unwrapped toys during October, November and December each year, and distribute those toys as Christmas gifts to less fortunate children throughout Camden County. Plaintiffs, have enjoyed a relationship with thousands of families and youth throughout the years. Plaintiff, have during all this time enjoyed a good reputation, both generally and in the community at large.

26. On October 6, 2012, in preparation for the upcoming Christmas season, Defendant, Walgreen sent an email to the Marine "Toy for Tots Program" requesting toy bins be placed in all their store locations in Camden County including store #504 located at 504 Route 70 W., Cherry Hill, New Jersey.

27. The "Toy for Tot Program" has enjoyed a relationship with Defendant, Walgreen for many years and has placed a toy bin in this particular store for more than 3 years.

28. In October 2012, the Plaintiffs, Desmond Newbill and Mary Burton-Newbill placed the customary toy bin in the Walgreen store located at 504 Route 70 W., Cherry Hill, New Jersey.

29. Between October 2012 and December 12, 2012, Plaintiffs made multiple trips to the Walgreen stores to empty the toy bins.

30. During the course of Plaintiffs trips to empty the toy bin, Plaintiffs, always made their presence known upon entering the Walgreen store.

31. . Plaintiffs, were well known to the Walgreen store managers and several Walgreen employees.

32. On December 12, 2012, Plaintiff, Desmond Newbill and Shawna Boyce, upon entering Walgreen store #504 located at 504 Route 70 W., Cherry Hill, New Jersey, made their presence known to the Walgreen personnel at the cash registers, in the front of the store. Plaintiffs, Desmond Newbill and Shawna Boyce were greeted as normal and proceeded to empty the toy bin as normal.

33. On December 12, 2012, a Walgreen Pharmacist, located in the back of the store, noticed the Plaintiff, Desmond Newbill and Shawna Boyce on the surveillance camera emptying the toy bin. The pharmacist for reasons unknown to Plaintiffs; assumed the Plaintiffs were stealing the toys out of the toy bin. Instead of coming to the front of the store to ascertain the true nature of the Plaintiffs

actions and/or checking with the personnel at the cash registers and/or store manager, the Pharmacist call Defendant, Police Department and report the theft of the "Toys for Tot" toys.

34. Defendant, Police Department upon arrival at the Walgreen store, questioned the pharmacist and took a statement and the surveillance video, which showed the Plaintiff, Desmond Newbill and Shawna Boyce's face and likeness. Defendant, Police Department determined that a theft had in fact occurred and without any formal investigation immediately proceeded to post the story about the theft on social media their "Facebook Page" along with the surveillance video.

35. Defendant, Police Department also reported the theft to the local media Courier Post Newspaper, which is owned and operated by Defendant, Gannett Co., Inc., and others, and turned the surveillance video over to local television stations KYW-TV - CBS 3, which is owned by Defendant, CBS Corporation; WPVI-TV - ABC 6; which is owned by Defendant, The Walt Disney Company; and WCAU-TV - NBC 10 which is owned by Defendant, Comcast Corporation.

36. The Courier Post Newspaper published the reported theft in their newspaper, and television stations KYW-TV - CBS 3; WPVI-TV - ABC 6; WCAU-TV - NBC 10 and WTXF-TV-FOX 29, reported the theft via a broadcast, which included the Walgreen surveillance video. The local media asked the community at large to assist them in locating Plaintiffs, Desmond Newbill and Shawna Boyce in order that they may be taken into custody.

37. KYW-TV - CBS 3; WPVI-TV - ABC 6; WCAU-TV - NBC 10 and WTXF-TV-FOX 29, in their haste to make a dramatic statement in utter disregard of what this might mean to the Plaintiffs well-being, characterizing the Plaintiffs, in their broadcasts as the "Grinch That Stole Christmas."

38. KYW-TV - CBS 3; WPVI-TV - ABC 6; WCAU-TV - NBC 10 and WTXF-TV-FOX 29, broadcast collectively reached millions of households.

39. The Courier Post Newspaper's reported circulated numbers are 69,521 Monday thru Saturday and 82,911 on Sunday.

40. Defendants and their owners, partners, employees, agents, corporations, companies, partnerships, subdivision and/or entities did nothing to insure the accuracy of their story and reporting and in their haste to make a mythical and hated Christmas character and story come to life distinguished the Plaintiffs, in such a way that was intended to cause harm to the Plaintiffs.

41. Defendants' in their haste to make a mythical and hated Christmas character and story come to life failed to consider the damage that such a story would have on the Plaintiffs character, safety, mental state, and ability to function in the communities in which they work, live and serve.

42. The entire statements, online post, news reports and television broadcast about Plaintiffs were false and certainly "The Grinch that Stole Christmas" was false, derogatory and done with malice, hatred, and ill will toward Plaintiffs and with the desire to injure them.

43. The newspaper article is libelous and the television broadcast are slanderous on its face and it clearly exposed the Plaintiffs, to hatred, contempt, ridicule and obloquy, because it charges the Plaintiffs, with having committed the crime of stealing donated Christmas toys dedicated to underprivileged and underserved children.

44. Plaintiff, Desmond Newbill and Mary Burton-Newbill received threatening telephone calls immediately after the published newspaper article and television broadcast. Plaintiffs, were ridiculed, and humiliated.

45. Plaintiffs, Shawna Boyce received by the community and made to feel scared and uncomfortable by complete and total strangers while out in the public.

46. Because of the backlash and hatred towards Plaintiffs, spewing from the community, Plaintiff, Desmond Newbill was advised by Plaintiff, Mary Burton-Newbill and former Camden City Councilman Ali Sloan El to turn himself into Defendant, Police Department to clear his and Plaintiff, Shawna Boyce's name and to ease the unrest in the community.

47. Plaintiff, Desmond Newbill was given no choice in this matter and for his own safety and the safety of Plaintiffs, Mary Burton-Newbill and Shawna Boyce turned himself into Defendant, Police Department to clear his and Plaintiff, Shawna Boyce's name.

48. Defendant, Police Department reportedly received well over 100 phone calls and/or tips telling them where they could find the Plaintiff, Desmond Newbill to arrest him.

49. Plaintiff, Desmond Newbill, while at the police station was threatened, harasses, ridiculed and further humiliated by Defendant, Police Department. Defendant, Police Department did not believe the Plaintiff, Desmond Newbill's worked for the Marine "Toys for Tot Program" and interrogated him as if he truly was the "Grinch that Stole Christmas."

50. Plaintiff, Desmond Newbill in an attempt to clear his and Plaintiff, Shawna Boyce's name called via the telephone from the police station Retired Marine Corp Major General Keith Walker, the chairperson for the Camden County "Toys for Tot Program" in order to prove his innocence.

51. Defendant, Police Department released Plaintiff, Desmond Newbill on the strength of Retired Marine Corp Major General Keith Walker's testimony.

52. All Defendants, individually, jointly, severally, and in the alternative, and/or their owners, partners, employees, agents corporations, companies, partnerships, subdivision and entities after learning of the Plaintiffs innocence; attempted to shield their failure to follow proper police protocol and policies, journalistic ethics and standards, and store policy and procedures, prior to charging the Plaintiffs with the commission of a crime, fabricated, printed and broadcast the following retraction to the public and placed the blame on the Plaintiffs by falsely accusing them of not making themselves known to the Walgreen employees.

**Cherry Hill Police Say Pair Caught on
Camera Weren't Stealing Donated Toys**

"Cherry Hill Police have cancelled their search for two "toy thieves." Police originally put out surveillance photos of a man and a woman who made three quick trips into a Walgreen store on Route 70 at Grove

Street last week, taking toys from the "Toys for Tots" bin each time. Cherry Hill Police detective sergeant Joe Vitarelli says it turns out the two weren't Grinches after all. The man was legitimately collecting for Toys for Tots but forgot to show Walgreen' employees his identification. "He had forgotten to notify the storekeeper as per procedure that, 'Hey, I'm here to collect the gifts for Toys for Tots,' identify himself with an ID card and badge," Vitarelli tells KYW Newsradio. "He was so tired he had just forgotten." Vitarelli says it's always good to report that a crime was not committed, especially at this time of year."

53. The day after his release by Defendant, Police Department, Plaintiff, Desmond Newbill and Mary Burton-Newbill were called in for questioning by their full time work supervisor, Ms. Ramona Pearson-Hunter of the Camden City School District. The supervisor was aware of the allegations against Plaintiffs, Desmond Newbill and Shawna Boyce. Plaintiff, Desmond Newbill explained to Ms. Pearson-Hunter what had taken place. Ms. Pearson-Hunter did not think it was a good idea for Plaintiff, Desmond Newbill to face the children at school under the current set of circumstances and advised Plaintiff, Desmond Newbill to take some time off and she would fill in for him, while they sorted things out.

54. Plaintiffs attempted to resume their normal life in the community. Plaintiff Desmond Newbill and Mary Burton Newbill returned to the little league baseball field for practice with the kids and their parents. Plaintiffs were met with skepticism and accusations from both the parents and children, who were calling the Plaintiff, Desmond Newbill the "Grinch that Stole Christmas." Plaintiff, Desmond Newbill was advised by other coaches who were aware of the allegations against him to take some days off until the entire matter simmered down.

55. Plaintiff, Mary Burton-Newbill, while delivering toys to needy children at the Early Childhood Development Center in Camden, New Jersey, where Plaintiff, Desmond Newbill and her children also attend, was greeted by a teacher who said her classroom full of children that they did not want stolen toys and refused to accept the toys to tots donations from Plaintiff, Mary Burton-Newbill.

56. As a proximate result of the newspaper articles and television broadcasts, Plaintiffs suffered the loss of their reputation, shame, mortification, and injury to their feelings.

57. The newspaper articles and television broadcasts were not privileged, because they were published by Defendants' with malice, hatred, and ill will toward Plaintiffs and the desire to injure them, in that Defendants' had expressed to millions of households a desire to "capture" Plaintiffs, because they were thieves and the "Grinch that Stole Christmas."

58. Because of Defendants' malice in characterizing, publishing and broadcasting the story and the Plaintiffs likeness in such an inflammatory light, that the Defendants knew or should have known would jeopardize the Plaintiffs ability to move freely in the community and cause possible physical harm to the Plaintiffs, Plaintiffs seeks punitive damages in an amount to be established at trial.

59. The true names of Defendants' John Doe Individually #1-40 and John Doe Corporation #41-45, inclusive, are unknown to Plaintiffs at this time. Plaintiffs sues those Defendants' by such fictitious names pursuant to N.J. Civil Rule 4:26-4. Plaintiffs are informed and believe, and based on that information and belief, allege,

that each of the Defendants' designated as a John Doe Individually #1-40 and John Doe Corporation #41-45 are legally responsible for the events and happenings referred to in this complaint, and unlawfully caused the injuries and damages to Plaintiffs alleged in this complaint.

60. Plaintiffs are informed and believe, and based on that information and belief, allege, that at all times mentioned in this complaint, Defendants' were the agents and employees of their Co-Defendants' and in doing the things alleged in this complaint were acting within the course and scope of such agency and employment.

COUNT I
Intentional Defamation/Slander
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Walgreen Co. Defendants

61. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

62. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

63. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by The Walgreen Co. Defendants.

64. Beginning on or about December 12, 2012, The Walgreen Co. Defendants willfully and maliciously published scandalous and defamatory statements to others, including but not limited to, The Police Department Defendants, falsely accusing Plaintiffs of stealing Christmas toys from the "Toys for

Tot" toy bin at Defendant, Walgreen Co. Store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035.

65. The Walgreen Co. Defendants aforementioned statements and suggestions are defamatory and slanderous per se in that the communication contained wording charging the Plaintiffs with the commission of a crime.

66. The statements made by The Walgreen Co. Defendants were false, defamatory, unprivileged, injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

67. The Walgreen Co. Defendants did not have the privilege to make the defamatory statements about Plaintiffs or abuse said privilege.

68. The Walgreen Co. Defendants published false and defamatory statements as set forth herein and the suggestions and implications arising therefrom, were made with reckless disregard as to their truth or falsity and with malicious, intentional, and/or reckless disregard for the injury to the good name and reputation of Plaintiffs.

69. The Walgreen Co. Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

70. Plaintiffs have sustained damage as a result of The Walgreen Co. Defendants defamatory communications and are entitled to recover such damage as

will compensate them for the injury to their reputation, as well as for any and all damages and expenses resulting from The Walgreen Co. Defendants false and defamatory words.

71. Plaintiffs are entitled to recover punitive award because The Walgreen Co. Defendants communicated defamatory statements to The Police Department Defendants and/or others with malice, intent to injure Plaintiffs and Plaintiffs reputation and employment, and/or in reckless disregard to Plaintiffs interest.

72. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against The Walgreen Co. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT II
Negligent Defamation/Slander
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Walgreen Co. Defendants

73. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

74. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

75. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by The Walgreen Co. Defendants.

76. Beginning on or about December 12, 2012, The Walgreen Co. Defendants willfully and maliciously published scandalous and defamatory

statements to others, including but not limited to, The Police Department Defendants, falsely accusing Plaintiffs of stealing Christmas toys from the "Toys for Tot" toy bin at Defendant, Walgreen Co. Store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035.

77. The Walgreen Co. Defendants failed to exercise due care to determine the truth or falsity of the defamatory statements at issue.

78. The Walgreen Co. Defendants defamatory words were intended to be understood as discrediting Plaintiffs and damaging their reputation.

79. The statements made by The Walgreen Co. Defendants were false, defamatory, unprivileged, and/or injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

80. The statements of The Walgreen Co. Defendants were not privileged or abused said privilege.

81. The Walgreen Co. Defendants aforementioned statements and suggestions are defamatory and slanderous per se in that their communication contained wording charging the Plaintiffs with the commission of a crime.

82. The Walgreen Co. Defendants aforementioned statements as set forth herein and the suggestions and implications arising therefrom were made with knowledge of their falsity and/or with negligent disregard as to their truth or falsity and with negligent disregard for the injury to the good name and reputation of Plaintiffs.

83. The Walgreen Co. Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

84. Plaintiffs have sustained damages as a result of The Walgreen Co. Defendants defamatory communications and he is entitled to recover such damages as will compensate them for the injury to his reputation, as well as for any and all damages and expenses resulting from The Walgreen Co. Defendants false and defamatory words.

85. Plaintiffs are entitled to recover punitive award because The Walgreen Co. Defendants communicated defamatory statements to The Police Department Defendants and/or others with malice, intent to injure Plaintiffs and Plaintiffs reputation and employment and/or in reckless disregard to Plaintiffs interest.

86. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against The Walgreen Co. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT III
Invasion Of Privacy/False Light
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Walgreen Co. Defendants

87. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

88. The publication by The Walgreen Co. Defendants of those statement described herein portrayed Plaintiffs in a false light, which was highly offensive to a reasonable person in that The Walgreen Co. Defendants knowingly, recklessly and or/negligently accused Plaintiffs of committing a crime and/or gave a discrete presentation of information in a fashion which made the publication as a whole susceptible to inferences that Plaintiffs appear before the public in an objectionable false light or false position.

89. The publication by The Walgreen Co. Defendants maliciously relayed that Plaintiffs committed a crime and were therefore criminals.

90. The Walgreen Co. Defendants acted negligently, recklessly, maliciously, and with knowledge and/or with reckless disregard as to whether Plaintiffs would be cast in a false light by The Walgreen Co. Defendants in their publication.

91. The statement given publicly by The Walgreen Co. Defendants about Plaintiffs were published with a reckless disregard as to whether the statements cast Plaintiffs in a false light and with intentional and reckless disregard for the injuries, which said statements would inflict upon Plaintiffs.

92. Plaintiffs endured injury to their right of privacy, injury to reputation, mental suffering, and shame, and humiliation as a result of the publications and The Walgreen Co. Defendants realized, and/or should have realized, that Plaintiffs would be harmed by such publications.

93. Plaintiffs are entitled to recover such damages as will compensate them for the injuries received as a result of the invasion of his privacy, as well as for any and all financial losses and expenses resulting from The Walgreen Co. Defendants publications of matters placing them in a false light.

94. The Walgreen Co. Defendants publications of matters placing Plaintiffs in a false light warrants an award of punitive damages because The Walgreen Co. Defendants conduct was in reckless disregard of Plaintiffs right of privacy and was malicious, outrageous and the result of improper motive.

95. Plaintiffs are entitled to recover an award of punitive damage as a result of The Walgreen Co. Defendants outrageous conduct in order to punish The Walgreen Co. Defendants for their invasion of Plaintiffs privacy and deter them and others from repetition of similar invasions of privacy in the future.

96. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demands judgment against The Walgreen Co. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT IV

Intentional Infliction of Emotional Distress All Plaintiffs vs. The Walgreen Co. Defendants

97. Plaintiff, Desmond Newbill realleges and incorporates by reference as though fully set forth herein the allegations set forth in the above paragraphs.

98. The above described improper and tortuous acts were carried out by The Walgreen Co. Defendants and/or employees of Defendant, Walgreen Co. acting in the course and scope of their employment.

99. The conduct of the The Walgreen Co. Defendants was extreme and outrageous.

100. The conduct of The Walgreen Co. Defendants was intentional in causing and producing emotional distress and/or The Walgreen Co. Defendants acted in deliberate disregard of a high probability that emotional distress would occur and/or The Walgreen Co. Defendants were substantially certain that such harm would occur.

101. The conduct of The Walgreen Co. Defendants caused Plaintiffs to suffer emotional distress that no reasonable person could be expected to endure.

102. The Walgreen Co. Defendants acted with actual malice and/or with a wanton and willful disregard of person who might foreseeably be harmed by their acts or omissions and the imposition of punitive damages are warranted.

103. As a direct and proximate result of The Walgreen Co. Defendants tortuous conduct, Plaintiffs have suffered the injuries; damages and losses set forth herein, including severe emotional distress and has incurred attorney fees and costs.

104. Plaintiffs are now suffering and will continue to suffer irreparable injuries and monetary damages as a result of The Walgreen Co. Defendants

intentional infliction of emotional distress unless the Court grants the relief requested herein.

105. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against the The Walgreen Co. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT V
Negligent Infliction of Emotional Distress
All Plaintiffs vs. The Walgreen Co. Defendants

106. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

107. The above described improper and tortuous acts were carried out by The Walgreen Co. Defendants and/or employees of Defendant, Walgreen Co. acting within the course and scope of their employment.

108. The Walgreen Co. Defendants conduct breached a duty owed by The Walgreen Co. Defendants to Plaintiffs.

109. The Walgreen Co. Defendants failed to exercise ordinary care in causing and producing Plaintiffs emotional distress.

110. Plaintiffs emotional distress was a probable and foreseeable consequence of The Walgreen Co. Defendants conduct.

111. The Walgreen Co. Defendants conduct caused Plaintiffs to suffer emotional distress that no reasonable person could be expected to endure.

112. The Walgreen Co. Defendants acted with malice and/or with a wanton and willful disregard of person who might foreseeably be harmed by their acts or omissions and the imposition of punitive damages is warranted.

113. As a direct and proximate result of The Walgreen Co. Defendants tortuous conduct, Plaintiffs have suffered the injuries; damages and losses set forth herein, including severe emotional distress and has incurred attorney fees and costs.

114. Plaintiffs are now suffering and will continue to suffer irreparable injuries and monetary damages as a result of The Walgreen Co. Defendants negligent infliction of emotional distress unless the Court grants the relief requested herein.

115. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against the The Walgreen Co. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT VI

False Imprisonment

Plaintiff, Desmond Newbill vs. The Walgreen Co. Defendants

116. Plaintiff, Desmond Newbill realleges and incorporates by reference as though fully set forth herein the allegations set forth in the above paragraphs.

117. The above described improper and tortious acts were carried out by the The Walgreen Co. Defendants and/or employees of Defendant, Walgreen Co. acting

within the course and scope of their employment, whose acts were motivated, at least in part, in furtherance of Defendant, Walgreen Co. business.

118. The Walgreen Co. Defendants by the above improper and unlawful acts, falsely imprisoned Plaintiff, Desmond, Newbill.

119. Defendants', actions were intentional and willful.

120. The Walgreen Co. Defendants actions were intended to restrain Plaintiff, Desmond Newbill.

121. The Walgreen Co. Defendants Desmond Newbill was detained against his own will.

122. The Walgreen Co. Defendants detention of Plaintiff, Desmond Newbill was done without proper legal authority and/or legal justification.

123. As a direct and proximate result of The Walgreen Co. Defendants tortuous conduct, Plaintiff, Desmond Newbill has suffered the injuries, damages and losses set forth herein.

124. Plaintiff, Desmond Newbill is now suffering and will continue to suffer irreparable injuries as a result of the Defendants' unlawful acts.

125. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiff, Desmond Newbill, demands judgment against The Walgreen Co. Defendants compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT VII
Intentional Defamation/Libel
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Gannett Co., Inc. Defendants

126. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

127. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

128. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by The Gannett Co., Inc. Defendants.

129. Beginning on or about December 12, 2012, The Gannett Co., Inc. Defendants intentionally and/or with reckless disregard published a scandalous and defamatory article falsely stating as a matter of fact that Plaintiffs stole Christmas toys from the "Toys for Tot" toy bin at Defendant, Walgreen Co. store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035.

130. The Gannett Co., Inc. Defendants failed to exercise due care to determine the truth or falsity of the defamatory statements at issue.

131. The Gannett Co., Inc. Defendants defamatory words were intended to be understood as discrediting Plaintiffs and damaging their reputation.

132. The Gannett Co., Inc. Defendants aforementioned statements are defamatory and slanderous per se in that the communication contained words charging Plaintiffs with the commission of a crime and directing the public where to go to see photos of Plaintiffs.

133. The statements in the article published by The Gannett Co., Inc. Defendants were false, defamatory, unprivileged, injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

134. The Gannett Co., Inc. Defendants did not have the privilege to make the defamatory statements about Plaintiffs or abuse said privilege.

135. The Gannett Co., Inc. Defendants published false and defamatory statements as set forth herein and the suggestions and implications arising therefrom, with knowledge of their falsity and/or with reckless disregard as to their truth or falsity and with malicious, intentional, and/or reckless disregard for the injury to the good name and reputations of Plaintiffs.

136. The Gannett Co., Inc. Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

137. Plaintiffs have sustained damages as a result of The Gannett Co., Inc. Defendants defamatory communications and are entitled to recover such damages as will compensate them for the injury to their reputation, as well as for any and all damages and expenses resulting from The Gannett Co., Inc. Defendants false and defamatory words.

138. Plaintiffs are entitled to recover a punitive award because The Gannett Co., Inc. Defendants published the article with malice, intent to injure Plaintiffs

and Plaintiffs reputation and employment, and/or in reckless disregard to Plaintiffs interest.

139. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against The Gannett Co., Inc. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT VIII

Negligent Defamation/Libel

Plaintiffs, Desmond Newbill and Shawna Boyce vs.

The Gannett Co., Inc. Defendants

140. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

141. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

142. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by The Gannett Co., Inc. Defendants.

143. Beginning on or about December 12, 2012, The Gannett Co., Inc. Defendants negligently and/or with reckless disregard published a scandalous and defamatory article falsely stating as a matter of fact that Plaintiffs stole Christmas toys from the "Toys for Tot" toy bin at Defendant, Walgreen Co. store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035.

144. The Gannett Co., Inc. Defendants failed to exercise due care to determine the truth or falsity of the defamatory statements at issue.

145. The Gannett Co., Inc. Defendants defamatory words were intended to be understood as discrediting Plaintiffs and damaging their reputation.

146. The Gannett Co., Inc. Defendants aforementioned statements are defamatory and slanderous per se in that the communication contained words charging the Plaintiffs with the commission of a crime and directing the public where to go to see photos of Plaintiffs.

147. The statements in the article published by The Gannett Co., Inc. Defendants were false, defamatory, unprivileged, injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

148. The Gannett Co., Inc. Defendants did not have the privilege to make the defamatory statements about Plaintiffs or abuse said privilege.

149. The Gannett Co., Inc. Defendants published false and defamatory statements as set forth herein and the suggestions and implications arising therefrom, with knowledge of their falsity and/or with negligent and/or reckless disregard as to their truth or falsity and with malicious, intentional, negligent and/or reckless disregard for the injury to the good name and reputations of Plaintiffs.

150. The Gannett Co., Inc. Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them

the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

151. Plaintiffs have sustained damages as a result of The Gannett Co., Inc. Defendants defamatory communications and are entitled to recover such damages as will compensate them for the injury to their reputation, as well as for any and all damages and expenses resulting from The Gannett Co., Inc. Defendants false and defamatory words.

152. Plaintiffs are entitled to recover a punitive award because The Gannett Co., Inc. Defendants published the article with malice, intent to injure Plaintiffs and Plaintiffs reputation and employment, and/or in negligent and/or reckless disregard to Plaintiffs interest.

153. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against The Gannett Co., Inc. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT IX
Invasion Of Privacy/False Light
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Gannett Co., Inc. Defendants

154. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

155. The publication by The Gannett Co., Inc. Defendants of those statement described herein portrayed Plaintiffs in a false light, which was highly offensive to a reasonable person in that The Gannett Co., Inc. Defendants

knowingly, recklessly and or/negligently accused Plaintiffs of committing a crime and/or gave a discrete presentation of information in a fashion which made the publication as a whole susceptible to inferences that Plaintiffs appear before the public in an objectionable false light or false position.

156. The publication by The Gannett Co., Inc. Defendants maliciously relayed that Plaintiffs committed a crime and were therefore criminals.

157. The Gannett Co., Inc. Defendants acted negligently, recklessly, maliciously, and with knowledge and/or with reckless disregard as to whether Plaintiffs would be cast in a false light by The Gannett Co., Inc. Defendants in their publication.

158. The statement given publicly by The Gannett Co., Inc. Defendants about Plaintiffs were published with a reckless disregard as to whether the statements cast Plaintiffs in a false light and with intentional and reckless disregard for the injuries, which said statements would inflict upon Plaintiffs.

159. Plaintiffs endured injury to their right of privacy, injury to reputation, mental suffering, and shame, and humiliation as a result of the publications and The Gannett n Company Defendants realized, and/or should have realized, that Plaintiffs would be harmed by such publications.

160. Plaintiffs are entitled to recover such damages as will compensate them for the injuries received as a result of the invasion of his privacy, as well as for any and all financial losses and expenses resulting from The Gannett Co., Inc. Defendants publications of matters placing them in a false light.

161. The Gannett Co., Inc. Defendants publications of matters placing Plaintiffs in a false light warrants an award of punitive damages because The Gannett Co., Inc. Defendants conduct was in reckless disregard of Plaintiffs right of privacy and was malicious, outrageous and the result of improper motive.

162. Plaintiffs are entitled to recover an award of punitive damages as a result of The Gannett Co., Inc. Defendants outrageous conduct in order to punish The Gannett Co., Inc. Defendants for their invasion of Plaintiffs privacy and deter them and others from repetition of similar invasions of privacy in the future.

163. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against The Gannett Co., Inc. Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT X

**Intentional Defamation/Slander
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The CBS Corporation Defendants,
The Walt Disney Company Defendants, and
The Comcast Corporation Defendants
The Twenty-First Century Fox, Inc. Defendants**

164. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

165. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

166. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by the Defendants.

167. Beginning on or about December 12, 2012, the Defendants intentionally and/or with reckless disregard broadcast a scandalous and defamatory statements and video falsely stating as a matter of fact that Plaintiffs stole Christmas toys from the "Toys for Tot" toy bin at Defendant, Walgreen Co. store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035, and were the "Grinch that Stole Christmas."

168. The Defendants failed to exercise due care to determine the truth or falsity of the defamatory statements at issue.

169. The Defendants defamatory broadcast and statements were intended to be understood as discrediting Plaintiffs and damaging their reputation.

170. The Defendants aforementioned broadcast and statements are defamatory and slanderous per se in that the communication contained words charging Plaintiffs with the commission of a crime, and mischaracterizing them as a hated fictitious character.

171. The statements broadcasts by the Defendants were false, defamatory, unprivileged, and injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

172. The Defendants did not have the privilege to make the defamatory statements about Plaintiffs or abuse said privilege.

173. The Defendants broadcast false and defamatory statements as set forth herein and the suggestions and implications arising therefrom, with knowledge of their falsity and/or with reckless disregard as to their truth or falsity and with malicious, intentional, and/or reckless disregard for the injury to the good name and reputations of Plaintiffs.

174. The Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them the title of being the "Grinch that Stole Christmas" and the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

175. Plaintiffs have sustained damages as a result of The Defendants defamatory communications and are entitled to recover such damages as will compensate them for the injury to their reputation, as well as for any and all damages and expenses resulting from the Defendants false and defamatory words.

176. Plaintiffs are entitled to recover a punitive award because the Defendants broadcast the statements with malice, intent to injure Plaintiffs and Plaintiffs reputation and employment, and/or in reckless disregard to Plaintiffs interest.

177. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demands judgment against the Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT XI

**Negligent Defamation/Slander
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The CBS Corporation Defendants,
The Walt Disney Company Defendants, and
The Comcast Corporation Defendants
The Twenty-First Century Fox, Inc. Defendants**

178. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

179. At all times relevant hereto, Plaintiffs have been private figures who have not thrust themselves into any public controversy as defined by law.

180. Plaintiffs were esteemed and accepted among others to whom Plaintiffs were known to be persons of good name and credit, prior to commission of the acts by the Defendants.

181. Beginning on or about December 12, 2012, the Defendants negligently and/or with reckless disregard broadcast a scandalous and defamatory statements and video falsely stating as a matter of fact that Plaintiffs were the "Grinch that Stole Christmas" and stole Christmas toys from the "Toys for Tot" toy bin at Defendant, Walgreen Co. store #504, located at 504 Route 70 West, Cherry Hill, NJ 08035.

182. The Defendants failed to exercise due care to determine the truth or falsity of the defamatory statements at issue.

183. The Defendants defamatory words were intended to be understood as discrediting Plaintiffs and damaging their reputation.

184. The Defendants aforementioned statements are defamatory and slanderous per se in that the communication contained words charging the Plaintiffs with the commission of a crime, and mischaracterizing them as the "Grinch that Stole Christmas".

185. The statements broadcast by the Defendants were false, defamatory, unprivileged, injurious to Plaintiffs good name, and continue to expose Plaintiffs to obloquy.

186. The Defendants did not have the privilege to make the defamatory statements about Plaintiffs or abuse said privilege.

187. The Defendants broadcast false and defamatory statements as set forth herein and the suggestions and implications arising therefrom, with knowledge of their falsity and/or with negligent and/or reckless disregard as to their truth or falsity and with malicious, intentional, negligent and/or reckless disregard for the injury to the good name and reputations of Plaintiffs.

188. The Defendants aforementioned false and defamatory statements and suggestions have severely tarnished Plaintiffs excellent reputation, exposed them to public hatred and obloquy, and falsely ascribed to them the title of being the "Grinch that Stole Christmas" and the crime of stealing Christmas toys designated for underprivileged and underserved children, as well as a lack of decency, integrity, and responsibility.

189. Plaintiffs have sustained damages as a result of the Defendants defamatory communications and are entitled to recover such damages as will compensate them for the injury to their reputation, as well as for any and all damages and expenses resulting from the Defendants false and defamatory words.

190. Plaintiffs are entitled to recover a punitive award because the Defendants published the article with malice, intent to injure Plaintiffs and Plaintiffs reputation and employment, and/or in negligent and/or reckless disregard to Plaintiffs interest.

191. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against the Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT XII

**Invasion Of Privacy/False Light
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The CBS Corporation Defendants,
The Walt Disney Company Defendants, and
The Comcast Corporation Defendants
The Twenty-First Century Fox, Inc. Defendants**

192. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

193. The broadcast by the Defendants of those statement described herein portrayed Plaintiffs in a false light, which was highly offensive to a reasonable person in that the Defendants knowingly, recklessly and or/negligently accused Plaintiffs of committing a crime and/or gave a discrete presentation of information

in a fashion which made the publication as a whole susceptible to inferences that Plaintiffs appear before the public in an objectionable false light or false position.

194. The publication by the Defendants maliciously relayed that Plaintiffs committed a crime and was therefore a criminal.

195. The Defendants acted negligently, recklessly, maliciously, and with knowledge and/or with reckless disregard as to whether Plaintiffs would be cast in a false light by the Defendants in their broadcast.

196. The statements given publicly by the Defendants about Plaintiffs were broadcast with a reckless disregard as to whether the statements cast Plaintiffs in a false light and with intentional and reckless disregard for the injuries, which said statements would inflict upon Plaintiffs.

197. Plaintiffs endured injury to their right of privacy, injury to reputation, mental suffering, and shame, and humiliation as a result of the broadcasts and the Defendants realized, and/or should have realized, that Plaintiffs would be harmed by such broadcasts.

198. Plaintiffs are entitled to recover such damages as will compensate them for the injuries received as a result of the invasion of his privacy, as well as for any and all financial losses and expenses resulting from the Defendants broadcasts of matters placing them in a false light.

199. The Defendants broadcasts of matters placing Plaintiffs in a false light warrants an award of punitive damages because the Defendants conduct was in

reckless disregard of Plaintiffs right of privacy and was malicious, outrageous and the result of improper motive.

200. Plaintiffs are entitled to recover an award of punitive damages as a result of the Defendants outrageous conduct in order to punish the Defendants for their invasion of Plaintiffs privacy and deter them and others from repetition of similar invasions of privacy in the future.

201. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiffs demand judgment against the Defendants for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT XIII
Violation Of Constitutional Rights – Section 1983
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Police Department Defendants, and
The Township Defendants

202. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

203. The Defendants as a matter of custom, policy, and/or practice, have intentionally and deliberately failed to adequately train, supervise, or discipline or otherwise direct police officers concerning allegations, false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, thereby causing, encouraging and condoning the individual Defendants, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described herein.

204. The Defendants as a matter of custom, policy and/or practice, have intentionally and deliberately failed to establish any effective mechanism for investigating, evaluating, reviewing or resolving allegations, false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, and for immediately stopping such illegal conduct by officers of Defendants thereby causing, encouraging and condoning the individual Defendants, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described above.

205. The Defendants as a matter of custom, policy and/or practice, have intentionally and deliberately failed to sanction or discipline police officers, including the individual Defendants, John Doe 11-15 in this case, for acts of false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, thereby causing, encouraging and condoning the individual Defendant, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described above.

206. The Defendants' highest policymaking officials or their delegates have failed to take effective and appropriate action to stop such acts of false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process and to discipline the officers responsible therefore, thereby condoning, supporting and, in that manner, participating in the illegal actions that were perpetuated against the Plaintiffs.

207. The foregoing acts and failures to act by the Defendants deprived Plaintiffs of, and manifested a deliberate indifference to, the rights, privileges and immunities secured for Plaintiffs under 42 U.S.C. § 1983, the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

208. Plaintiffs seeks such damages allowable under 42 U.S.C., § 1983 from the Defendants including, but not limited to:

- a) that the Court and jury enter a verdict for Plaintiffs and find that Defendants' have harmed Plaintiffs in violation of 42 U.S.C. § 1983;
- b) that the jury award Plaintiffs such compensatory and punitive damages as are allowed at law;
- c) that the jury and the Court award such actual and nominal damages as are allowed at law; and,
- d) that the Court award such attorney fees, costs and expenses, pre and post judgment interest and delay damages as are allowable by law.

WHEREFORE, Plaintiffs demand judgment against Defendant, Police Department and Defendant, Township for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this court deems appropriate.

COUNT XIV
Violation Of New Jersey Constitution
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
The Police Department Defendants, and
The Township Defendants

209. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

210. The Defendants as a matter of custom, policy, and/or practice, have intentionally and deliberately failed to adequately train, supervise, or discipline or otherwise direct police officers concerning allegations, false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, thereby causing, encouraging and condoning the individual Defendants, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described herein,

211. The Defendants as a matter of custom, policy and/or practice, have intentionally and deliberately failed to establish any effective mechanism for investigating, evaluating, reviewing or resolving allegations, false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, and for immediately stopping such illegal conduct by officers of Defendants thereby causing, encouraging and condoning the individual Defendants, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described above.

212. The Defendants as a matter of custom, policy and/or practice, have intentionally and deliberately failed to sanction or discipline police officers,

including the individual Defendants, John Doe 11-15 in this case, for acts of false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process, thereby causing, encouraging and condoning the individual Defendants, John Doe 11-15 in this case to engage in the unlawful and constitutionally impermissible conduct described above.

213. The Defendants highest policymaking officials or their delegates have failed to take effective and appropriate action to stop such acts of false arrest, false imprisonment, malicious prosecution, posting on social media, and/or malicious abuse of process and to discipline the officer responsible therefore, thereby condoning, supporting and, in that manner, participating in the illegal actions that were perpetuated against the Plaintiffs.

214. The foregoing acts and failures to act by the Defendants deprived Plaintiffs of, and manifested a deliberate indifference to, the rights, privileges and immunities secured for Plaintiffs under Article I, Paragraph 7 and 8 of the New Jersey Constitution ("NJ Constitution").

215. Plaintiffs seeks such damages allowable under NJ Constitution from the Defendants including, but not limited to:

- e) that the Court and jury enter a verdict for Plaintiffs and find that Defendants' have harmed Plaintiffs in violation of the NJ Constitution;
- f) that the jury award Plaintiffs such compensatory and punitive damages as are allowed at law;

g) that the jury and the Court award such actual and nominal damages as are allowed at law; and,

h) that the Court award such attorney fees, costs and expenses, pre and post judgment interest and delay damages as are allowable by law.

WHEREFORE, Plaintiffs demand judgment against Defendants Police Department and Defendants Township for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this court deems appropriate.

COUNT XV

False Imprisonment

**Plaintiff, Desmond Newbill vs. The Police Department Defendants, and
The Township Defendants**

216. Plaintiff, Desmond Newbill realleges and incorporates by reference as though fully set forth herein the allegations set forth in the above paragraphs.

217. The above described improper and tortious acts were carried out by the Defendants and/or employees of Defendants acting within the course and scope of their employment, whose acts were motivated, at least in part, in furtherance of Defendants business.

218. The Defendants by the above improper and unlawful acts, falsely imprisoned Plaintiff, Desmond, Newbill.

219. Defendants actions were intentional and willful.

220. The Defendants actions were intended to restrain Plaintiff, Desmond Newbill.

221. The Plaintiff, Desmond Newbill was detained against his own will.

222. The Defendants detention of Plaintiff, Desmond Newbill was done without proper legal authority and/or legal justification.

223. As a direct and proximate result of the Defendants tortuous conduct, Plaintiff, Desmond Newbill has suffered the injuries, damages and losses set forth herein.

224. Plaintiff, Desmond Newbill is now suffering and will continue to suffer irreparable injuries as a result of the Defendants' unlawful acts.

225. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiff, Desmond Newbill, demands judgment against The Walgreen Co. Defendants compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT XVI

**Violation of Constitutional Rights – Section 1983
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
Defendants, John Doe Individually 11-15**

226. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

227. At all times material hereto, the actions and conduct of Defendants, John Doe Individually 11-15 were committed under color of the law and under the color of their authority as police officers, detectives and/or supervisors of the Defendant, Police Department and Defendant, Township and were done with gross negligence, recklessness, and willfulness.

228. The aforesaid acts and failures to act by Defendants, John Doe Individually 11-15 deprived Plaintiffs of, and manifested a deliberate indifference to the rights, privileges and immunities secured for Plaintiff, Desmond Newbill under 42 U.S.C. § 1983, the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

229. The aforesaid acts and failures to act by Defendants, John Doe Individually 11-15 were outrageous, wanton, malicious, intentional and/or motivated by ill will and justify the imposition of punitive damages to deter said Defendants, John Doe Individually 11-15 and others similarly situated from like acts in the future.

230. Plaintiffs seek such damages allowable under 42 U.S.C. § 1983 from Defendants, John Doe Individually 11-15 including, but not limited to:

- i) that the Court and jury enter a verdict for Plaintiffs and find that Defendants, John Doe Individually 11-15 have harmed Plaintiffs by violating 42 U.S.C. § 1983;
- j) that the jury award Plaintiffs such compensatory and punitive damages allowable at law;
- k) that the jury and the Court award such actual and nominal damages as are allowed at law;
- l) that the Court award such attorney's fees, costs, and expenses, pre and post judgment interest and delay damages as are allowable by law.

WHEREFORE, Plaintiffs demand judgment against Defendants, John Does Individually 11-15 for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this court deems appropriate.

COUNT XVII
Violation of New Jersey Constitution
Plaintiffs, Desmond Newbill and Shawna Boyce vs.
Defendants, John Doe Individually 11-15

231. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

232. At all times material hereto, the actions and conduct of Defendants, John Doe Individually 11-15 were committed under color of the law and under the color of their authority as police officers, detectives and/or supervisors of the Defendant, Police Department and Defendant, Township and were done with gross negligence, recklessness, and willfulness.

233. The aforesaid acts and failures to act by Defendants, John Doe Individually 11-15 deprived Plaintiffs of, and manifested a deliberate indifference to the rights, privileges and immunities secured for Plaintiffs under Article I, Paragraph 7 and 8 of the New Jersey Constitution ("NJ Constitution").

234. The aforesaid acts and failures to act by Defendants, John Doe Individually 11-15 were outrageous, wanton, malicious, intentional and/or motivated by ill will and justify the imposition of punitive damages to deter said

Defendants, John Doe Individually 11-15 and others similarly situated from like acts in the future.

235. Plaintiffs seeks such damages allowable under the NJ Constitution from Defendants, John Doe Individually 11-15 including, but not limited to:

- m) that the Court and jury enter a verdict for Plaintiffs and find that Defendants, John Doe Individually 11-15 have harmed Plaintiffs by violating the NJ Constitution;
- n) that the jury award Plaintiffs such compensatory and punitive damages allowable at law;
- o) that the jury and the Court award such actual and nominal damages as are allowed at law;
- p) that the Court award such attorney fees, costs, and expenses, pre and post judgment interest and delay damages as are allowable by law.

WHEREFORE, Plaintiffs demands judgment against Defendants, John Doe Individually 11-15 for compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this court deems appropriate.

COUNT XVIII
Loss Of Consortium
Plaintiff, Mary Burton-Newbill vs. All Defendants

236. Plaintiff, Mary Burton-Newbill realleges and incorporates by reference as though fully set forth herein the allegations set forth in the above paragraphs.

237. At the time of the tortious actions complained of in the Complaint, the Plaintiffs were commonly married and the Plaintiffs continue to be legally married and have two children together who have been injured as they have been the subject to ridicule at the Early Childhood Development Center in Camden, New Jersey, where the children attend school.

238. That as a result of the wrongful and negligent acts of the Defendants, and each of them, the Plaintiffs were caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of their marital relationship.

239. That all the aforesaid injuries and damages were caused solely and proximately by the negligence of the Defendants.

240. No previous application has been made for the relief requested herein.

WHEREFORE, Plaintiff, Mary Burton-Newbill, demands judgment against All Defendants, compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

COUNT XIX
Prima Facie Tort
All Plaintiffs vs. All Defendants

241. Plaintiffs reallege and incorporate by reference as though fully set forth herein the allegations set forth in the above paragraphs.

242. The above described improper and tortious acts were carried out by the Defendants and/or employees of Defendants acting within the course and scope of their employment.

243. The Defendants conduct was intentional in causing and producing the injury and/or the Defendants acted in deliberate disregard of a high probability that injury would occur and/or Defendants were substantially certain that injury would occur to Plaintiffs.

244. As a direct and proximate result of Defendants tortious conduct, Plaintiffs have sustained the injuries, damages, and losses set forth herein.

245. The Defendants' acted without justification and/or with insufficient justification in the acts alleged above.

WHEREFORE, Plaintiffs demand judgment against All Defendants compensatory and punitive damages together with interest, jointly and severally, and such other and further relief as this Court deems appropriate.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demands a trial by jury of all issues triable by jury.

Dated: December 12, 2013:

RICHMAN, BERENBAUM & ASSOCIATES, PC

By:


JUSTIN M. COHEN, ESQUIRE

I.D. # 000852012

Attorney for Plaintiffs

GENERAL RELEASE

KNOW ALL PERSONS, that We, Desmond Newbill, Shawna Boyce and Mary Burton Newbill (hereinafter "**Releasors**"), in consideration of the payment of **One Thousand Five Hundred and 00/100 Dollars (\$1,500.00)**, and for other valuable consideration, the sufficiency of which is hereby acknowledged, for ourselves, our heirs, executors, administrators, successors and assigns, do hereby release and quitclaim unto **CHERRY HILL TOWNSHIP**, and all employees and persons acting on behalf of the aforementioned Township, individually and in their capacity of employees of said Township, and their insurers and attorneys (hereinafter **Released Parties**) all manner of actions, causes of actions, debts, dues, claims and demands, both in law and equity, and in particular any and all claims arising out of that certain alleged incident involving the **Releasors** on or about December 12, 2012 on the premises of a Walgreens store in Cherry Hill, New Jersey for which the **Releasors** commenced the legal action pending in the United States District Court for the District of New Jersey, entitled Desmond Newbill, Shawna Boyce and Mary Burton Newbill v. Cherry Hill Township, et. al. Civil Action # 13-cv-07479 (hereinafter "**the Incident**"), as well as any other alleged tortious actions or activities arising from this incident which may at this time, or any other time, be complained of by the **Releasors** against the **Released Parties**, their agents, servants, successors or assigns. It is the specific intent and purpose of this instrument to release and discharge any and all claims and causes of action of any kind or nature whatsoever, whether known or unknown and whether specifically mentioned herein or not, against which the said aforementioned **Releasors**, have now or ever have had, or will ever in the future have against the **Released Parties**, arising out of the incident described, including but not limited to past and present pain and suffering, wrongful death, alleged civil rights violations, attorney fees, medical expenses, lost earnings, damage to reputation, compensatory damages of any kind or any direct or consequential claims of the **Releasors**. This Release is meant to discharge any and all claims or causes of action of any kind whatsoever which may have arisen or which may arise out of or be derivative of any claim which the **Releasors** may have now or in the future against the **Released Parties** arising out of the above-described incident.

The **Released Parties** hereby agree to indemnify and hold harmless the **Released Parties** from and against any claims made by third party payors or lien holders for present claims or claims which have not been brought heretofore, and which are derivative of the injuries, pain and suffering, or other derivative causes of action arising out of the incident referred to above, or who otherwise claim an interest in the proceeds paid in settlement of this matter.

The **Released Parties** will satisfy any and all present and future liens including liens for medical care, disability claims, Medicare or Medicaid liens, ERISA liens or attorneys' liens. If any person or entity sues the **Released Parties**, their present or former agents, officers, directors, servants and employees and/or parent, subsidiaries, predecessor and/or successor of legal entities, their insurers, attorneys, excess carriers, or reinsurers for any claim set forth in this paragraph arising out of any alleged lien on the money paid to the **Releasors** in settlement, **Releasors** will hold harmless and indemnify the **Released Parties** from all such claims, including all attorney fees and costs incurred in responding to and/or defending such claims.

Releasors understands that this settlement is a compromise of a disputed claim and that the payments specified herein are not to be construed as an admission of liability on the part of the **Released Parties**; but, on the contrary, liability is expressly denied by them.

We have read this Release, understand it fully and we are signing it voluntarily after conferring with our counsel.

IN WITNESS WHEREOF, we hereunto set our hands this 23rd day of September ~~July~~, 2015.

WITNESS:

Mary Person

Desmond Newbill

Desmond Newbill

Mary Person

Shawna Boyce

Shawna Boyce

Mary Person

Mary Burton Newbill

Mary Burton Newbill

JARVE KAPLAN GRANATO STARR, LLC
ANTHONY GRANATO, ESQUIRE
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Attorneys for Plaintiff

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SEP 17 2015
LAW DEPARTMENT

JEROME SMITH

Plaintiff,

v.

KOHL'S DEPARTMENT STORE and POLICE
OFFICER J. RUTTLE, CHERRY HILL
POLICE DEPARTMENT AND CHERRY HILL
TOWNSHIP and JOHN DOE and/or JOHN DOE
CORPORATION 1-10 (John Doe and/or John
Doe Corporation 1-10 being fictitious names),
i/j/s/a

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. L-3299-15

CIVIL ACTION

SUMMONS

From The State of New Jersey, To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the Deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each Deputy Clerk of the Superior Court is provided.) A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

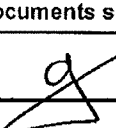
Dated: August 28, 2015

/s/ Jennifer M. Perez
Clerk of Superior Court

Name of Defendant to be served: Police Officer J. Ruttler

Address of Defendant to be served: c/o Cherry Hill Police Dept., 820 Mercer St., Cherry Hill, NJ 08002

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Anthony Granato		TELEPHONE NUMBER (856) 235-9500	
	COUNTY OF VENUE Camden		DOCKET NUMBER (when available) L-3299-15	
FIRM NAME (if applicable) Jarve Kaplan Granato Starr, LLC			OFFICE ADDRESS 10 Lake Center Executive Park 401 Rt 73 N. Marlton, NJ 08053	
DOCUMENT TYPE AUG 28 2015			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Jerome Smith		CAPTION Jerome Smith v. Kohl Department Store, et. al.		
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☐ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ Yes ☒ No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETAVAREXIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

JARVE KAPLAN GRANATO STARR, LLC

ANTHONY GRANATO, ESQUIRE

ATTY ID#043631987

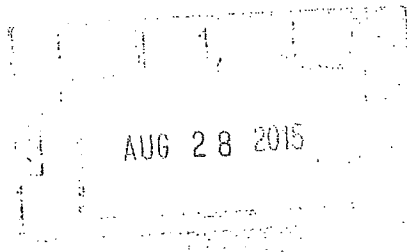
10 Lake Center Executive Park

401 Route 73 North, Suite 204

Marlton, NJ 08053

(856) 235-9500/Fax (856) 235-1620

Attorneys for Plaintiff



JEROME SMITH

Plaintiff,

v.

KOHL'S DEPARTMENT STORE and
POLICE OFFICER J. RUTTLE,
CHERRY HILL POLICE DEPARTMENT
AND CHREEY HILL TOWNSHIP,
and JOHN DOE and/or JOHN DOE
CORPORATION 1-10 (John Doe
and/or John Doe Corporation 1-10
being fictitious names), i/j/s/a

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO.

L-3299-15

CIVIL ACTION

**COMPLAINT AND JURY TRIAL
DEMAND**

Plaintiff, Jerome Smith, is an adult individual and citizen of the State of New Jersey herein avers as follows:

1. Plaintiff, Jerome Smith (hereinafter, "Plaintiff Smith") at all times relevant hereto was/is an adult individual, citizen and resident of the State of New Jersey, residing at residing at 130 Pamphylia Avenue, Apt. 172, Bridgeton, NJ 08302.

2. Defendant, Kohl's Department Store (hereinafter "Defendant Kohl's") is a corporation, partnership, and/or other business entity is a retail business selling goods to the general public, and maintains a principal place of business at 2133 Route 38 West, Cherry Hill, NJ 08002.

3. Defendant, Officer J. Ruttler (hereinafter, "Defendant Ruttler"), is a police officer who was at the time of the incident herein alleged, employed by Defendants Cherry Hill Police and Cherry Hill Township.

4. Defendant Cherry Hill Police Department (hereinafter "Defendant Cherry Hill Police") is a public entity owned and operated by the township of Cherry Hill which provides police services to the community, and which maintains its principal place of business at 820 Mercer St., Cherry Hill, NJ 08002.

5. Defendant, Cherry Hill Township is a local governmental body which owns, operates, and/or is responsible for the oversight and operation of Defendant Cherry Hill Police and its employees, including the Defendant Ruttler.

6. At all times relevant hereto, Defendant John Doe and/or John Doe Corporation 1-10 (John Doe and/or John Doe Corporation 1-10 being fictitious names), were individuals who were associated with and/or participated in the investigation and charging of the Plaintiff of the crime that is the basis of this complaint.

7. On July 19, 2014, Plaintiff Smith was charged by the Defendants Kohl's , Ruttler, and Cherry Hill Police with shoplifting merchandise the Kohl's retail store operated by Defendant Kohl's located at 2133 Rte 38 West, Cherry Hill, NJ.

8. The arrest was based solely upon a video surveillance tape which allegedly showed Plaintiff Smith taking merchandise at Kohl's department store at the address indicated.

9. The individual depicted on the surveillance video was a different height, weight, and physical stature than Plaintiff, Smith and, aside from being an African-American male, did not bear a substantial resemblance to the Plaintiff Smith.

10. Despite the fact that a simple comparison of the video with photographs of the Plaintiff or face-to-face interview with the Plaintiff would have shown that Plaintiff was not the person in the video tape, no further investigation was conducted and the shoplifting charge was made.

11. Plaintiff was charged and prosecuted for shoplifting in the Cherry Hill Township Municipal Court, Complaint No. 0412-S-2014-002166.

12. The charge was dismissed by the prosecutor as soon as the prosecutor look at the video and looked at photographs of the Plaintiff and looked at the Plaintiff.

13. As a result of the failure of Defendants to properly investigate the matter, Plaintiff Smith was wrongfully charged and subject to prosecution, and was caused to incur substantial costs, expenses, and inconveniences, and to suffer emotional and psychological trauma as a result of the wrongful charge.

COUNT I
PLAINTIFF JEROME SMITH V. ALL DEFENDANTS
NEGLIGENCE

14. The allegations set forth above are hereby incorporated herein as though fully set forth at length.

15. Defendants Kohl's, Ruttler and the Cherry Hill Police Department acted in a careless and negligent fashion by not properly looking at the surveillance video to determine if the individual depicted sufficiently matched the Plaintiff and the Plaintiff's physical appearance.

16. As above, despite the fact that a simple comparison of the video with photographs of the Plaintiff or face-to-face interview with the Plaintiff would have shown that Plaintiff was not the person in the video tape, no further investigation was conducted and the shoplifting charge was made.

17. Defendants Kohl's, Ruttler and the Cherry Hill Police Department acted in a careless and negligent fashion by requesting that a complaint be signed and by signing a complaint against Plaintiff Smith without sufficient evidence, information, or belief that Plaintiff Smith was the individual depicted shoplifting at the Kohl's store as indicated.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Kohl's, Ruttler and the Cherry Hill Police Department, Cherry Hill Township and the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

COUNT II
PLAINTIFF JEROME SMITH V. ALL DEFENDANTS
MALICIOUS PROSECUTION

18. All of the allegations set forth above are incorporated herein by reference as though fully set forth at length.

19. As indicated, it is undisputed that a criminal action was brought against Plaintiff Smith, in the Cherry Hill Municipal Court, State of New Jersey v. Jerome Smith, Complaint No. 0412-S-2014-002166.

20. As indicated, it is undisputed that the criminal prosecution against Plaintiff Smith was initiated by Defendants and a complaint was signed against the Plaintiff Smith, allowing the prosecution of the matter to proceed.

21. It is undisputed that the matter was totally dismissed in Plaintiff Smith's favor.

22. Plaintiff's charge and prosecution were based solely upon the images and evidence of the surveillance video.

23. As noted above, despite the fact that a simple comparison of the video with photographs of the Plaintiff or face-to-face interview with the Plaintiff would have shown that Plaintiff was not the person in the video tape, no further investigation was conducted and the shoplifting charge was made.

24. There was clearly a lack of reasonable and probable cause for the charge and prosecution of Plaintiff Smith.

25. As a result of this malicious prosecution, Plaintiff Smith was caused to incur substantial costs, expenses, and inconveniences, suffer damage to his character and reputation, and endure emotional and psychological trauma for which he has required treatment and counseling.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Kohl's, Ruttler and the Cherry Hill Police Department, Cherry Hill Township and the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

COUNT III

PLAINTIFF JEROME SMITH V. ALL DEFENDANTS **VIOLATION OF THE NEW JERSEY STATE CONSTITUTION AND THE NEW** **JERSEY CIVIL RIGHTS ACT**

26. All of the allegations set forth above are hereby incorporated herein by reference as though fully set forth at length.

27. Defendant Cherry Hill Police, by and through its agents, servants, and/or employees Defendant Ruttler were responsible for the charge and/or prosecution of Plaintiff Smith in the criminal matter as indicated.

28. The defendants failed to properly investigate the charge.

29. As noted above, despite the fact that a simple comparison of the video with photographs of the Plaintiff or face-to-face interview with the Plaintiff would have shown

that Plaintiff was not the person in the video tape, no further investigation was conducted and the shoplifting charge was made.

30. Defendants Cherry Hill Township were responsible, in whole or in part, for the actions/inactions of Defendant, Cherry Hill Police, Defendant Rutler and in particular, with regard to the charge and prosecution of Plaintiff Smith.

31. The Defendant Kohl's initiated the allegations against Plaintiff Smith and swore out complaint against Plaintiff Smith. The Defendants acted in concert to charge and prosecute the Plaintiff.

32. The unjustified charge and prosecution of Plaintiff Smith violated the rights of the Plaintiffs guaranteed by the New Jersey Civil Rights Act and the Constitution of the State of New Jersey.

33. As a result of Defendants' actions/inactions, Plaintiff Smith was unjustly charged and prosecuted, and was caused to incur substantial costs, expenses, and inconveniences, suffer damage to his character and reputation, and endure emotional and psychological trauma for which he has required treatment and counseling.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Kohl's, Rutler and the Cherry Hill Police Department, Cherry Hill Township and the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

COUNT IV

**PLAINTIFF JEROME SMITH v. DEFENDANTS CHERRY HILL POLICE
DEPARTMENT AND CHERRY HILL TOWNSHIP**

**VICARIOUS LIABILITY AND *RESPONDEAT SUPERIOR* UNDER THE NEW
JERSEY CONSTITUTION AND THE NEW JERSEY CIVIL RIGHTS ACT**

34. All of the allegations set forth above are hereby incorporated herein by reference as though fully set forth at length.

35. The agents, servants, and/or employees of Defendants Cherry Hill Police Department and Cherry Hill Township, acted to deprive Plaintiff of his rights under the New Jersey Constitution and the New Jersey Civil Rights Act, in that they had him charged and prosecuted without reasonable and probable cause, and such actions/inactions are imputed to the Defendants Cherry Hill Police Department and Cherry Hill Township, who are therefore vicariously responsible for the actions of their servants, agents, workmen and employees.

36. Plaintiff Smith was caused to incur substantial costs, expenses, and inconveniences, suffer damage to his character and reputation, and endure emotional and psychological trauma for which he has required treatment and counseling, for which the Defendants are responsible based on vicarious liability and *Respondeat Superior* pursuant to the New Jersey Constitution and the New Jersey Civil Rights Act.

WHEREFORE, the Plaintiff Demands a money judgment against the Defendants Cherry Hill Police Department and Cherry Hill Township, individually, jointly and

severally for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

JARVE KAPLAN GRANATO STARR, LLC

By: _____

ANTHONY GRANATO
Attorney for Plaintiff, Jerome Smith

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

JARVE KAPLAN GRANATO STARR, LLC

By: _____

ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

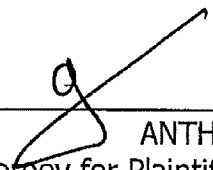
DATED: August 21, 2015

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Anthony Granato, Esquire is hereby designated as trial counsel in the above matter.

JARVE KAPLAN GRANATO STARR, LLC

By: _____


ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

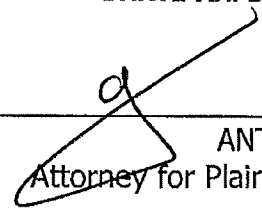
DATED: August 21, 2015

NOTICE PURSUANT TO RULE 1:7-1a (b)

PLEASE TAKE NOTICE that, to the extent applicable, Plaintiff(s) may, at the time of closing argument, suggest to the trier of the fact with respect to any element of damages, that unliquidated damages be calculated on a time-unit basis, without reference to the specific sum.

JARVE KAPLAN GRANATO, LLC

By: _____


ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

Dated: August 21, 2015

**DEMAND FOR COMPLIANCE WITH NEW JERSEY
COURT RULES 1:5-1(a) and 4:17-4(c)**

PLEASE TAKE NOTICE that the undersigned attorney, counsel for Plaintiff(s), hereby demands, pursuant to the provisions of R. 1:5 (a) and R. 4:17-4 (c), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories and responses thereto the undersigned.

JARVE KAPLAN GRANATO STARR, LLC

By: _____

ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

Dated: August 21, 2015

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1 and R. 4:10-2, Plaintiff(s) demand(s) of Defendant(s) Answers to Interrogatories prescribed by Form "C", Form "C1" and all other relevant forms in the Appendix to the New Jersey Court Rules.

JARVE KAPLAN GRANATO STARR, LLC

By: _____

ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

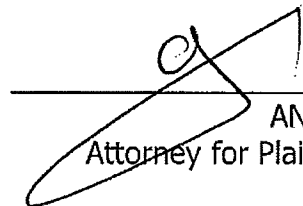
Dated: August 21, 2015

CERTIFICATION PURSUANT TO RULE 4:5-1

The matter in controversy is not the subject of any other known pending action in any Court or of a known pending arbitration proceeding. There are no other parties known who should be joined in this action.

JARVE KAPLAN GRANATO STARR, LLC

By:



ANTHONY GRANATO
Attorney for Plaintiff Jerome Smith

Dated: August 21, 2015

GENERAL RELEASE

KNOW ALL PERSONS, that I, JEROME SMITH, (hereinafter "Releasor"), in consideration of the payment of FIVE THOUSAND DOLLARS (\$5,000.00), and for other valuable consideration, the receipt of and sufficiency of which is hereby acknowledged, for myself, my heirs, my executors, administrators, successors and assigns, do hereby release and quitclaim unto CHERRY HILL TOWNSHIP, improperly named in the Complaint as CHERRY HILL TOWNSHIP AND CHERRY HILL POLICE DEPARTMENT, and all of its past, present and future elected officials, employees, departments, agents, servants, representatives, attorneys and their insurers (hereinafter "Released Parties"), individually and in their capacity as employees and former employees of the Township, all manner of actions, causes of actions, debts, dues, claims and demands both in law and in equity, and in particular any and all claims arising out of that certain incident for which Releasor commenced the legal action pending in the Superior Court of New Jersey, Law Division, Camden County, Docket No: CAM-L-3299-15 entitled Jerome Smith v. Kohl's Department Store, et al (hereinafter the "Incident"), as well as any other alleged tortious actions or activities, inclusive of all claims alleging civil rights violations, constitutional violations and claims for discrimination of any kind which may at this time, or any other time, be complained of by the Releasor against the Released Parties, their agents, servants, successors or assigns. It is the specific intent and purpose of this instrument to release and discharge any and all claims and causes of action of any kind or nature whatsoever, whether known or unknown and whether specifically mentioned herein or not, with respect to which the said aforementioned Releasor now has or ever has had, or will ever in the future have against the Released Parties, arising out of the incident described herein, including, but not limited to, costs and fees, punitive damages, compensatory damages, past and present pain and suffering, wrongful death, medical expenses, lost earnings, or any direct or consequential claims of Releasor.

Releasor further warrants that he will satisfy any and all present and future liens including liens for medical care, disability claims, Medicare or Medicaid liens, and attorney's liens. If any person or entity sues the Released Parties, their present and former agents, officers, directors, officials, servants and/or employees, their attorneys, insurers, excess carriers or reinsurers, for any claims arising out of any

alleged lien on the money paid to Releasor in this settlement, Releasor will hold harmless and indemnify the Released Parties from all such claims, including all attorney's fees and costs incurred in responding to and/or defending such claims.

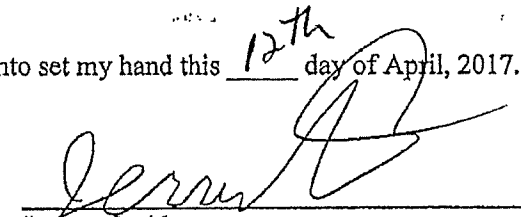
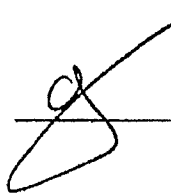
Releasor declares under penalty of perjury under the laws of the State of New Jersey that he is not currently a Medicare recipient and none of the treatment Releasor may have received for the injury or injuries claimed in this lawsuit (or related to the incident giving rise to this lawsuit) or released in this agreement were or will be submitted to or paid for by Medicare. For the purposes of this Release, "Medicare" is defined to include Part A, Part B, Part C (including any Medicare + Choice or Medicare Advantage Plan), and Part D.

Releasor understands that this settlement is a compromise of a disputed claim and that the payments specified herein are not to be construed as an admission of liability on the part of the Released Parties but, on the contrary, liability is expressly denied by them.

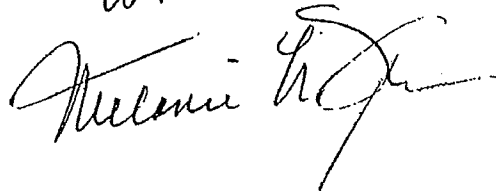
I hereby certify that I am 18 years of age or older and that I have read this Release, understand it fully, and am signing it voluntarily after conferring with my counsel.

IN WITNESS WHEREOF, I hereunto set my hand this 12th day of April, 2017.

Witness:


Jerome Smith

WITNESS:



RECEIVED
AUG 14 2014
LAW DEPARTMENT
NEW JERSEY

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – CAMDEN COUNTY

•

•

DOCKET NO.

Civil Action

SUMMONS

•

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the

addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prosc/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prosc/10153_deptyclerklawref.pdf.

Glenn Grant

Clerk of the Superior Court

DATED: August 5, 2014

Name of Defendant to Be Served: Cherry Hill Township

Address of Defendant to Be Served: 820 Mercer Street, Cherry Hill, NJ, 08002

CAMDEN COUNTY
SUPERIOR COURT
HALL OF JUSTICE
CAMDEN NJ 08103

COURT TELEPHONE NO. (856) 379-2200
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: JULY 18, 2014
RE: GLADNEY VS CHERRY HILL TOWNSHIP
DOCKET: CAM L -002841 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON DEBORAH SILVERMAN KATZ

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 201
AT: (856) 379-2200 EXT 3060.

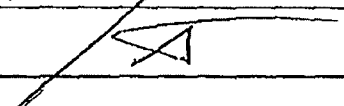
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: KENNETH D. ALTA
KENNETH D. ALTA
126 WHITEHORSE PIKE
HADDON HEIGHTS NJ 08035

JURATS

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i> , if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Kenneth D. Alta		TELEPHONE NUMBER 856-546-9284	
	COUNTY OF VENUE Camden			
FIRM NAME (if applicable) Law Offices of Kenneth D. Alta, P.C.			DOCKET NUMBER (when available) L-2841-14	
OFFICE ADDRESS 126 White Horse Pike Haddon Heights, NJ 08035			DOCUMENT TYPE Complaint	
			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Steven C. Gladney		CAPTION Steven C. Gladney v. Cherry Hill Township, Cherry Hill Police Department, Police Officer C. Bodenschatz, B. Hort, John Does 1-5, Kennedy Health Systems, Kennedy University Hospital, Rachel Burke, M.D., Adam Wan, R.N. John Does 6-10, ABC Corp.		
CASE TYPE NUMBER (See reverse side for listing) 005, 607	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☒ YES ☐ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE -- PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE -- PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE -- PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT -- OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/ARELIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

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Haddon Heights, NJ 08035
856-546-9284
Kdaesq@comcast.net
Attorney for Plaintiff
Attorney ID 004241998

STEVEN C. GLADNEY,

Plaintiff,

vs.

CHERRY HILL TOWNSHIP; CHERRY
HILL POLICE DEPARTMENT; CHERRY
HILL POLICE OFFICER C.
BODENSCHATZ, (individually and in
his official capacity); CHERRY HILL
POLICE OFFICER B. HORT (individually
and in his official capacity); KENNEDY
HEALTH SYSTEM; KENNEDY
UNIVERSITY HOSPITAL – CHERRY
HILL; RACHEL BURKE, M.D.;
ADAM WAN, R.N.; JOHN DOES 1-5
(fictitious name or names of Cherry Hill
Police Officers involved in the arrest,
detainment or battery of plaintiff); JOHN
DOES 6-10 (fictitious name or names of any
medical doctor, nurse or other employee of
Kennedy University Hospital-Cherry Hill;
ABC Corp. 1-5 (fictitious name or names
of any business entity, individual,
corporation, partnership or sole
proprietorship that employed or acted in an
agency relationship with Kennedy
University Hospital) jointly, severally or
in the alternative,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – CAMDEN COUNTY

: DOCKET NO. *L-2841-14*

: *Civil Action*

: **COMPLAINT AND JURY DEMAND**

Plaintiff, Steven C. Gladney, residing at 13 Teak Court, in the Township of Cherry Hill,
County of Camden and State of New Jersey by way of Complaint against defendants says:

PARTIES

1. Plaintiff Steven C. Gladney is an adult individual residing at 13 Teak Court, Cherry Hill Township and Camden County, New Jersey.

2. Defendant Cherry Hill Township was, and continues to be, a domestic municipal corporation duly organized and existing under, and by virtue of the laws of the State of New Jersey which supervises, controls, manages, and/or is responsible for the action of the Cherry Hill Township Police Department and that entities' employees/police officers with its principal place of business located at 820 Mercer Street, Cherry Hill, NJ 08002.

3. Defendant Cherry Hill Police Department was, and continues to be, a law enforcement agency duly organized and existing under, and by virtue of the laws of the State of New Jersey, which is responsible for providing police protection within the Township of Cherry Hill and performs all of the activities and services associated with police departments, with its principal place of business located at 820 Mercer Street, Cherry Hill, NJ 08002.

4. Defendants Cherry Hill Police Officers C. Bodenschatz and B. Hort are sworn Police Officers who were at all times relevant employees acting under the supervision of, and under the direction of defendants Cherry Hill Police Department and Cherry Hill Township. At all times relevant hereto, defendants C. Bodenschatz and B. Hort were on duty and acting under color of law and authority as Police officers of defendants Cherry Hill Police Department and Cherry Hill Township. They are sued in both their official and individual capacities.

5. Defendants John Does (1-5) are fictitious names used to designate as of yet unknown or unidentified parties to this action who are police officers employed by defendant Cherry Hill Police Department or Cherry Hill Township.

6. Defendant Kennedy Health System is a New Jersey business entity and an integrated health care delivery system providing health care services including hospital services

within Camden, Gloucester and Burlington Counties. At all times relevant hereto, Kennedy Health Systems provided hospital services at defendant Kennedy University Hospital - Cherry Hill located at 2201 Chapel Avenue West, Cherry Hill, NJ. Defendant Kennedy Health Systems is vicariously liable for the acts or omissions of its' employees and/or agents under the law of agency and/or respondeat superior.

7. Defendant Kennedy University Hospital – Cherry Hill is a New Jersey business entity existing under the laws of the State of New Jersey operating as a health care provider which provides health care services, including acute hospital services, located at 2201 Chapel Avenue West, Cherry Hill, NJ and at all times relevant hereto was responsible for plaintiff's treatment. Defendant Kennedy University Hospital is liable for the acts or omissions of its' employees and/or agents under the law of agency and/or respondeat superior. At all times relevant hereto, defendants Kennedy Health Systems and/or Kennedy University Hospital employed defendants Rachel Burke, M.D., Adam Wan, R.N., and John Does 6-10, and is vicariously liable for the acts or omissions of its' employees and/or agents under the law of agency and/or respondeat superior.

8. Defendant Rachel Burke, M.D. is an adult individual who is a medical doctor employed by defendant Kennedy Health Systems and/or Kennedy University Hospital- Cherry Hill and at all times relevant hereto was responsible for performing medical procedures on plaintiff without his consent and against his will.

9. Defendant Adam Wan, R.N. is an adult individual who is a registered nurse employed by defendant Kennedy Health Systems and/or Kennedy University Hospital and at all times relevant hereto was responsible for performing medical procedures on plaintiff without his consent and against his will.

10. Defendant John Does (6-10) are yet unidentified individuals who are employees of Kennedy Health Systems and/or Kennedy University Hospital – Cherry Hill as either medical doctors, registered nurses or other employees who assisted defendant Rachel Burke, M.D. and defendant Adam Wan, R.N. in performing the medical procedures on plaintiff without his consent and against his will.

11. Defendant ABC Corporation is a yet unidentified business entity, individual, corporation, partnership, sole proprietorship, that employed defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10 or was involved in an agency relationship with defendants Kennedy Health Systems and/or Kennedy University Hospital.

COUNT 1

FEDERAL AND STATE CONSTITUTIONAL VIOLATIONS, VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983 AND THE NEW JERSEY CIVIL RIGHTS ACT OF 2004, N.J.S.A. 10:6-1 TO N.J.S.A. 10:6-2

1. On or about July 19, 2012 at approximately 12:11 a.m., plaintiff was involved in a one-vehicle motor vehicle accident at or near the intersection of Park Boulevard and School Lane in Cherry Hill Township, Camden County New Jersey.

2. At the same time and place as aforesaid, as part of their duties as Cherry Hill police officers, defendants B. Hort and C. Bodenschatz were dispatched to the scene of the accident.

3. Upon encountering plaintiff who had left the scene of the accident on foot, defendants B. Hort and C. Bodenschatz called an ambulance for plaintiff to be transported to defendant Kennedy Hospital – Cherry Hill for evaluation for possible injuries related to the accident.

4. As defendants B. Hort and C. Bodenschatz had suspicion that plaintiff may have driving while intoxicated, defendant B. Hort requested that an emergency room nurse draw blood for investigative purposes to determine plaintiff's blood alcohol content.

5. At or about 12:54 a.m. at defendant C. Hort's request, Stephanie Ferroni, R.N. drew plaintiff's blood in a medically acceptable manner. Plaintiff was cooperative and consented to the officer's request.

6. After the blood being drawn, plaintiff was then informed that a urine sample would be necessary as well. Plaintiff agreed to provide a urine sample in a specimen cup. Despite plaintiff being fully awake, coherent, and capable of urinating on his own, he was informed that a he would be catheterized instead.

7. With the assistance of defendants B. Hort and C. Bodenschatz, John Does 1-5, defendant Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10 held plaintiff down against his will, cut his clothes off of his body, and without consent forcibly inserted a Foley catheter into his penis.

8. The catheter insertion was not necessary for investigative or medical purposes and done without a warrant, legal authority or justification.

9. As a proximate cause of the defendants' unconstitutional, unlawful and malicious conduct, the plaintiff was subjected to an unconstitutional search and seizure of his person and bodily fluids against his will and subjected to excessive force is his arrest and detention, deprived without limitation of his substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any other substantive rights, privileges or immunities secured by the Constitution or laws of the State of New Jersey specifically, U.S. Const., Amend. IV, and violation of the NJ Constitution, Art. I ¶¶, 1, 7 and 13. The plaintiff's exercise or enjoyment of those substantive rights, privileges or immunities was

unlawfully interfered with by defendants B. Hort and C. Bodenschatz while acting under color of law. This conduct is in violation of 42 U.S.C. sec. 1983 and the New Jersey Civil Rights Act of 2004, N.J.S.A. 10:6-1 and N.J.S.A. 10:6-2.

WHEREFORE, plaintiff demands judgment against defendants B. Hort, C. Bodenschatz, Cherry Hill Police Department, Cherry Hill Township, John Does 1-5, individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), and N.J.S.A. 10-6-2 (f), costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 2

42 U.S.C. § 1983 MONELL CLAIM – CUSTOM AND PRACTICE

1. Plaintiff repeats and incorporates all allegations of the preceding count of this Complaint as if set forth in full.

2. At all times relevant to this complaint, defendant Cherry Hill Police were aware of, condoned, encouraged, and failed to deter or to stop, the above-described pattern, history and custom of defendants B. Hort, C. Bodenschatz and John Does 1-5, violating the civil rights of individuals.

3. Defendant Cherry Hill Police intentionally, recklessly and/or negligently as a matter of policy and practice, failed to properly supervise, discipline, train, or otherwise sanction police officers/sergeants/lieutenants who violated the rights of individuals, including the rights of plaintiff, thus encouraging, acquiescing the defendants, B. Hort, C. Bodenschatz and John Does 1-5, to engage in the unlawful and actionable conduct described above. Defendants had an official custom of deliberate indifference that caused the constitutional violations.

4. Defendants Cherry Hill Police, as a further matter of public policy and practice failed to properly train its police officers, including defendants B. Hort, C. Bodenschatz and John Does 1-5 with respect to the constitutional, statutory and departmental limits of their authority.

5. At all times herein mentioned, defendant Officers B. Hort, C. Bodenschatz and John Does 1-5 were acting as the agents, servants, and/or employees of Cherry Hill Police Department, which was under the supervision, management or control of Cherry Hill Township.

6. Defendant Cherry Hill Police were on actual notice of the need to train, supervise, discipline or terminate defendant B. Hort, C. Bodenschatz and John Does 1-5 prior to the incident in question as other similar incidents may have occurred in the past.

WHEREFORE, plaintiff demands judgment against defendants B. Hort, C. Bodenschatz, Cherry Hill Police Department, Cherry Hill Township, John Does 1-5, individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), and N.J.S.A. 10-6-2 (f), costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 3

CONSPIRACY TO VIOLATE CIVIL RIGHTS

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. Defendants B. Hort, C. Bodenschatz, and John Does 1-5 conspired with each other to violate plaintiff's civil rights in contravention of 42 U.S.C. sec. 1985.

WHEREFORE, plaintiff demands judgment against defendants B. Hort, C. Bodenschatz, Cherry Hill Police Department, Cherry Hill Township, John Does 1-5, individually, jointly, severally and/or in the alternative for compensatory damages, punitive

damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), and N.J.S.A. 10-6-2 (f), costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 4

BATTERY

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. Defendants Rachel Burke, M.D., Adam Wan, R.N., John Does 6-10 intentionally committed a battery against the plaintiff by touching plaintiff without his consent and against his will with wanton disregard of his personal rights and sensitivities, specifically by holding him down and forcibly inserting a catheter into his penis.

3. As a direct and proximate cause of the intentional battery, plaintiff suffered legally compensable damages including, but not limited to physical injury and emotional distress.

4. Defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10 were at all times during the commission of the intentional battery acting in the course of their employment and as agents and servants of defendants Kennedy Health Systems, Kennedy University Hospital-Cherry Hill and/or ABC Corp. 1-5.

5. Defendants Kennedy Health Systems, Kennedy University Hospital-Cherry Hill and ABC Corp. 1-5 by and through defendants Rachel Burke, M.D., Adam Wan, R.N and John Does 6-10 have condoned the wrongful conduct.

6. Defendants Kennedy Health Systems, Kennedy University Hospital – Cherry Hill and ABC Corp. 1-5 is/are vicariously liable pursuant to the principles of respondeat superior are responsible for the acts or omissions of defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10.

WHEREFORE, plaintiff demands judgment against defendants Kennedy Health Systems, Kennedy University Hospital – Cherry Hill, ABC Corp. 1-5, Rachel Burke, M.D. Adam Wan, M.D. and John Does 6-10 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 5

BATTERY

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. Defendants B. Hort, C. Bodenschatz, John Does 1-5 intentionally committed a battery against the plaintiff by touching plaintiff without his consent and against his will with wanton disregard of his personal rights and sensitivities, specifically by holding him down and forcibly inserting a catheter into his penis.

3. As a direct and proximate cause of the intentional battery, plaintiff suffered legally compensable damages including, but not limited to physical injury and emotional distress.

4. Defendants B. Hort, C. Bodenschatz, and John Does 1-5 were at all times during the commission of the intentional battery acting in the course of their employment and as agents and servants of defendants Cherry Hill Police and Cherry Hill Township.

5. Defendants Cherry Hill Police and Cherry Hill Township by and through defendants B. Hort and C. Bodenschatz and John Does 1-5 have condoned the wrongful conduct.

6. Defendants Cherry Hill Police and Cherry Hill Township is/are vicariously liable pursuant to the principles of respondeat superior are responsible for the acts or omissions of defendants B. Hort, C. Bodenschatz and John Does 1-5.

WHEREFORE, plaintiff demands judgment against defendants Cherry Hill Police, Cherry Hill Township, B. Hort, C. Bodenschatz, John Does 1-5 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 6

NEGLIGENCE

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. At all times material to this cause of action, defendants Rachel Burke, M.D. and John Does 6-10 were duly licensed by the State to practice medicine as a medical doctor under the laws of the State of New Jersey, having offices at Kennedy University Hospital – Cherry Hill division and as such those parties held themselves out to the public and the plaintiff as being skilled, careful, knowledgeable and diligent in the practice of medicine.

3. At all time material to this cause of action, defendant Kennedy Health Systems and Kennedy University Hospital-Cherry Hill was a business entity existing under the laws of the State of New Jersey. Said defendant held itself out to the public, and to the plaintiff as being fully and adequately equipped and staffed with trained expert physicians, nurses and other healthcare providers capable of providing healthcare in connection with the conditions from which plaintiff suffered during his treatment with defendants.

4. During the course of treating the plaintiff and in connection with the medical services provided to him on July 19, 2012, the defendants Rachel Burke, M.D. and John Does 6-10 negligently and carelessly failed to exercise ordinary care, failed to exercise that degree of skill, diligence and care commonly exercised by other doctors in like circumstances giving due regard to the existing state of knowledge of medicine, failed to properly treat plaintiff, failed to

timely diagnose the plaintiff's condition, failed to properly apprise plaintiff of the risks and options available to him in connection with the services rendered, failed to properly treat his condition, conducted an extremely invasive medical procedure against plaintiff's will and without consent and otherwise failed to act as a prudent, skillful and careful medical doctors in connection with the services provided to the plaintiff.

5. As a direct and proximate result of the negligence and professional malpractice of defendant Rachel Burke, M.D., and/or John Does 6-10 the plaintiff was exposed to an invasive medical procedure against his will and without consent, sustained physical pain and suffering as well a emotional distress.

6. Defendant Kennedy Health Systems, Kennedy University Hospital-Cherry Hill and ABC Corp. are liable for the negligence of Rachel Burke, M.D., John Does 6-10, under the doctrine of respondeat superior or otherwise.

WHEREFORE, plaintiff demands judgment against defendants Kennedy Health Systems, Kennedy University Hospital-Cherry Hill, ABC Corp. 1-5, Rachel Burke, M.D. and John Does 6-10 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 7

NEGLIGENCE

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. At all times material to this cause of action, defendant Adam Wan, R.N. and John Does 6-10 were duly licensed by the State to practice medicine as a registered nurse under the laws of the State of New Jersey, having offices at Kennedy University Hospital – Cherry Hill

division and as such these parties held himself out to the public and the plaintiff as being skilled, careful, knowledgeable and diligent in the practice of medicine/nursing.

3. At all time material to this cause of action, defendant Kennedy Health Systems and Kennedy University Hospital-Cherry Hill was a business entity existing under the laws of the State of New Jersey. Said defendant held itself out to the public, and to the plaintiff as being fully and adequately equipped and staffed with trained expert physicians, nurses and other healthcare providers capable of providing healthcare in connection with the conditions from which plaintiff suffered during his treatment with defendants.

4. During the course of treating the plaintiff and in connection with the medical services provided to him on July 19, 2012, the defendant, Adam Wan negligently and carelessly failed to exercise ordinary care, failed to exercise that degree of skill, diligence and care commonly exercised by other nurses in like circumstances giving due regard to the existing state of knowledge of medicine, failed to properly treat plaintiff, failed to timely diagnose the plaintiff's condition, failed to properly apprise plaintiff of the risks and options available to him in connection with the services rendered, failed to properly treat his condition, conducted an extremely invasive medical procedure against plaintiff's will and without consent and otherwise failed to act as a prudent, skillful and careful medical doctors in connection with the services provided to the plaintiff.

5. As a direct and proximate result of the negligence and professional malpractice of defendant Adam Wan, R.N., and/or John Does 6-10 the plaintiff was exposed to an invasive medical procedure against his will and without consent, sustained physical pain and suffering as well a emotional distress.

6. Defendant Kennedy Health Systems, Kennedy University Hospital-Cherry Hill and ABC Corp. are liable for the negligence of Adam Wan, R.N and/or John Does 6-10, under the doctrine of respondeat superior or otherwise.

WHEREFORE, plaintiff demands judgment against defendants Kennedy Health Systems, Kennedy University Hospital-Cherry Hill, ABC Corp. 1-5, Adam Wan, R.N. and John Does 6-10 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 8

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. As a results of the aforementioned actions and or inactions set forth in this Complaint, defendants B. Hort, C. Bodenschatz, John Does 1-5, intentionally, wrongfully, willfully, wantonly and deliberately caused plaintiff to suffer physical and emotional injuries. The named defendants intentionally inflicted emotional distress upon the plaintiff.

3. Defendants B. Hort, C. Bodenschatz, and John Does 1-5 were at all times during the commission of the intentional infliction of emotional distress were acting in the course of their employment and as agents and servants of defendants Cherry Hill Police and Cherry Hill Township.

4. Defendants Cherry Hill Police and Cherry Hill Township by and through defendants B. Hort and C. Bodenschatz and John Does 1-5 have condoned the wrongful conduct.

5. Defendants Cherry Hill Police and Cherry Hill Township is/are vicariously liable pursuant to the principles of respondeat superior are responsible for the acts or omissions of defendants B. Hort, C. Bodenschatz and John Does 1-5.

WHEREFORE, plaintiff demands judgment against defendants Cherry Hill Police, Cherry Hill Township, B. Hort, C. Bodenschatz, John Does 1-5 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

COUNT 9

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and incorporates all allegations of the preceding counts of this Complaint as if set forth in full.

2. As a results of the aforementioned actions and or inactions set forth in this Complaint, defendants Rachel Burke, M.D., Adam Wan, R.N., John Does 6-10, intentionally, wrongfully, willfully, wantonly and deliberately caused plaintiff to suffer physical and emotional injuries. The named defendants intentionally inflicted emotional distress upon the plaintiff.

3. Defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10 were at all times during the commission of the intentional infliction of emotional distress were acting in the course of their employment and as agents and servants of defendants Kennedy Health Systems, Kennedy University Hospital – Cherry Hill, ABC Corp 1-5.

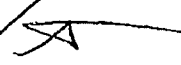
4. Defendants Kennedy Health Systems, Kennedy University Hospital, ABC Corp. 1-5 by and through defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10 have condoned the wrongful conduct.

5. Defendants Kennedy Health Systems, Kennedy University Hospital-Cherry Hill, ABC Corp. 1-5 is/are vicariously liable pursuant to the principles of respondeat superior are

responsible for the acts or omissions of defendants Rachel Burke, M.D., Adam Wan, R.N. and John Does 6-10.

WHEREFORE, plaintiff demands judgment against defendants Kennedy Health Systems, Kennedy University Hospital –Cherry Hill, ABC Corp. 1-5, Rachel Burke, M.D., Adam Wan, R.N. John Does 6-10 individually, jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

Law Offices of Kenneth D. Aita, P.C.
Attorney for Plaintiff



Kenneth D. Aita

Dated: July 16, 2014

DEMAND FOR COMPLIANCE WITH RULES 1:5-1(a) AND 4:17-4(c)

TAKE NOTICE that the undersigned attorney, counsel for the Plaintiff, hereby demands, pursuant to the provisions of Rules 1:5-1(a) and 4:17-4(a), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories, and responses thereto upon the undersigned.

NOTICE OF OTHER ACTIONS

Pursuant to the provisions of R. 4:5-1, I hereby certify as follows:

1. The matter in controversy is neither the subject of any other action pending in any other court nor of a pending arbitration proceeding.
2. It is not anticipated that the matter in controversy will become the subject of any other action pending in any other court or of a pending arbitration proceeding.
3. All parties who should have been joined in this action have been so joined.

I hereby certify that the foregoing statements I have made are true. I am aware that if any of the statements I have made are willfully false, I am subject to punishment.

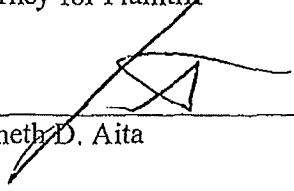
DESIGNATION OF TRIAL ATTORNEY

PLEASE TAKE NOTICE pursuant to the provisions of the Rules Governing the Courts of the State of New Jersey, Kenneth D. Aita, Esquire, is hereby designated as trial counsel.

DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE that plaintiff hereby demands a trial by jury as to all issues.

Law Offices of Kenneth D. Aita, P.C.
Attorney for Plaintiff



Kenneth D. Aita

Dated: July 16, 2014

LAW OFFICES OF
KENNETH D. AITA, P.C.
126 White Horse Pike
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July 17, 2014

Via Hand Delivery

Attention: Civil Processing Clerk
Camden County Superior Court
101 South Fifth Street
Camden, NJ 08103

RE: Gladney v. Cherry Hill Township, et al

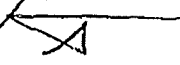
Dear Clerk:

Enclosed please find the following for filing:

1. Complaint and Jury demand
2. Case Information Statement
3. Firm check in the amount of \$200

Please file accordingly and return a stamped copy marked "filed" in the SASE enclosed for your convenience. Thank you for your kind attention to this matter and please contact me with any questions or concerns.

Yours truly,


Kenneth D. Aita

KDA/kd

SETTLEMENT AGREEMENT AND GENERAL RELEASE

THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE (hereinafter "this Agreement") is entered into by and between **STEVEN C. GLADNEY** (hereinafter "PLAINTIFF") and **CHERRY HILL TOWNSHIP, CHERRY HILL POLICE DEPARTMENT, and CHERRY HILL OFFICER C. BODENSCHATZ, CHERRY HILL POLICE OFFICER B. HORT** (hereinafter "DEFENDANTS"); and

WHEREAS, plaintiff filed a Complaint against defendants in the Superior Court of New Jersey entitled Steven C. Gladney v. Cherry Hill Township, et al. bearing Docket No. CAM-L-2841-14 (the "LAWSUIT"), and has asserted claims against the defendants; and

WHEREAS, the parties settled all controversies between them, including plaintiff's claims in the Lawsuit and including any and all related claims which were or could have been asserted as of the effective date of the settlement, whether such claims are presently known or unknown; and

WHEREAS, all parties acknowledge that the merits of the controversy are in dispute and have not been finally adjudicated, and that no party admits any liability to any other, but all have reasons to desire amicable resolution of the matter, including to avoid the costs of litigation; and

NOW, for and in consideration of the agreements, covenants and conditions herein contained, the adequacy and sufficiency of which are hereby expressly acknowledged by the parties hereto, the parties agree as follows:

1. The terms of settlement:

- (a) The defendant, Cherry Hill Township, through its insurance carrier, agrees to pay plaintiff the settlement amount of **\$5,000.00**, made payable to Liebling Malamut, LLC stipulated to be allocated to claims for economic and non-economic damages, attorney's fees and costs, said settlement amount being fully and completely inclusive of all claims of any nature, sort, or variety, including claims for attorney's fees and costs incurred by counsel for plaintiff. No part of the payment represents, or is intended to represent payment for punitive damages. The parties stipulate to this allocation to make it clear that the payment is not intended to represent economic gain to plaintiff. This payment shall be received no later than thirty (30) days of the date this agreement is fully executed by the plaintiff and received by defense counsel.
- (b) The parties understand and agree that an IRS Form 1099 designating the settlement amount as "other income" may be issued. Plaintiff agrees to assume full liability for applicable state, federal and local taxes, if any, that may be required by law to be paid with respect to any settlement payment described herein. Plaintiff further agrees that in the event that the Internal Revenue Service or any other taxing authority deems any tax,

interest, penalties or other amounts to be due from the defendants with respect to his settlement, he will indemnify the defendants for any sums defendants may be required to pay, exclusive of attorney's fees and costs. It is the intent of the parties that the payments described in paragraph (a) herein will be the defendant's total payment to or for the benefit of the plaintiff.

- (c) Plaintiff represents that his allegations against the defendant arise out of the alleged conduct which plaintiff contends resulted in economic and non-economic damages, notwithstanding the fact that the defendants vigorously and wholly deny plaintiff's allegations and are settling this matter for reasons other than the merits of plaintiff's claims, including the avoidance of the cost of litigation. Settlement does not represent an admission of liability by any party.
- (d) Plaintiff agrees that, but for this settlement agreement and general release, he would not be entitled to the aforesaid payments and other terms of settlement described herein.
- (e) Plaintiff and his counsel agree not to disclose the facts, amounts, and terms of this Agreement, and will keep such information confidential and will not disclose it to anyone, except to immediate family or as may be required to consult with legal counsel or for tax or accounting consultation or advice or unless required to do so by court order or subpoena, or as otherwise required by law.

2. **Dismissal of Action:** Plaintiff understands and agrees that counsel for the defendant will file with the Superior Court of New Jersey, the executed original of the Stipulation of Dismissal with Prejudice with regard to the Lawsuit. The parties understand and agree that the terms of the aforesaid dismissals are expressly incorporated by reference within this Settlement Agreement and General Release as if fully set forth herein.

3. **Release in Consideration for the Payment and Other Consideration Provided for in this Agreement:** In consideration of the payment and other consideration provided for in this agreement, plaintiff, personally and for his estate and his heirs, waives, releases and gives up any and all claims, demands, obligations, damages, liabilities, causes of action and rights, in law or in equity, known and unknown, that he may have against all defendants, their agents, representatives and employees (present and former), and their respective successors and assigns, heirs, executors and personal or legal representatives, based upon any act, event or omission occurring before the execution of this Agreement. Plaintiff specifically waives, releases and gives up any and all claims based upon any act, event or omission occurring before the date of execution of this settlement agreement, including but not limited to, any claim that was asserted or could have been asserted under any federal and/or state statutes, regulations and/or common law.

4. **No Claims Permitted/Covenant Not to Sue:** Plaintiff waives his right to file any charge or complaint on his own behalf and/or participate as a complainant, a plaintiff, or charging party in any charge or complaint which may be made by any other person or organization on their behalf, with respect to anything which has happened up to the execution of this Agreement before any federal, state or local court or administrative agency including the EEOC and the DCR, against the defendants, except if such waiver is prohibited by law. Should any charge or complaint be filed, plaintiff agrees that he will not accept any relief or recovery therefrom. Plaintiff confirms that no such charge, complaint or action exists in any forum or form other than the Complaint bearing Docket No. CAM-L-2841-14, and hereby covenants not to file any charge, complaint or action in any forum or form against the defendants based upon anything which is encompassed by the terms of this Agreement. Except as prohibited by law, in the event that any such charge, complaint or action is filed by plaintiff, it shall be dismissed with prejudice upon presentation of this Agreement.

5. **Attorneys Fees and Costs:** Other than referred to in paragraph 1(b), plaintiff agrees that plaintiff will bear his own costs and attorney's fees which have been incurred in connection with the within matter and in connection with the negotiation and preparation of this Agreement and that no amounts other than the payment to be made pursuant to paragraph 1(a) of this Agreement shall be sought by or owed to plaintiff or his attorneys from defendants in connection with this matter; the parties also agree that no monies shall be sought by any defendants from plaintiff.

6. **No Admission of Liability:** It is expressly understood that neither the execution of this agreement nor any other action taken by the defendants in connection with plaintiff's alleged claims or this settlement, constitutes an admission by any of the defendants of any violation of any law, duty or obligation.

7. **Entire Agreement:** This Agreement contains the sole and entire agreement between the parties hereto and fully supersedes any and all prior agreements and understanding pertaining to the subject matter hereof, and is intended to memorialize the settlement of plaintiff's claims. Plaintiff represents and acknowledges that, prior to executing this Agreement, he consulted his attorney, that he had ample time to do so that he obtained the advice of counsel prior to making the decision to execute the Agreement and that he had not relied upon any representation or statement not set forth in this Agreement made by any defendants thereto, or, defendants' counsel or representatives, with regard to the subject matter of this Agreement. No other promises or agreements shall be binding unless in writing, signed by the parties hereto, and expressly stated to represent an amendment to this Agreement.

8. **Severability:** The parties agree that if any court declares any portion of this agreement unenforceable, the remaining portion shall be fully enforceable.

9. **Applicable Law:** This settlement Agreement shall be construed and interpreted in accordance with the laws of the State of New Jersey. The parties agree that any action to enforce or interpret this Agreement shall only be brought in a court of competent jurisdiction in the State of New Jersey, which the parties hereby acknowledge and agree to be the Superior Court of New Jersey.

10. This Settlement Agreement and General Release is not intended to be used and shall not be used as evidence or for any other purpose in any other action or proceeding, other than evidence of the parties' compromise as set forth herein or to enforce the terms of this Settlement Agreement and General Release.

11. Plaintiff understands and acknowledges that he is aware of his legal right to consider the Agreement for a period of 21 DAYS. Plaintiff further understands and acknowledges that, at his option alone, the Agreement may be executed prior to the expiration of the 21 DAY period.

12. Plaintiff understands and acknowledges that he has seven (7) days following the execution of the Agreement to revoke the terms of the Agreement. Any notice of revocation hereunder must be made in writing and delivered within seven (7) days of the execution of the Agreement to DANIEL H. LONG, ESQ., WADE, LONG, WOOD & LONG, LLC, 1250 CHEWS LANDING ROAD, LAUREL SPRINGS, NJ 08021. For the revocation to be effective, written notice must be received by DANIEL H. LONG, ESQ. no later than the close of business on the seventh (7th) day after Plaintiff signs the Agreement. If Plaintiff revokes the Agreement, it shall be null and void, and the obligations or entitlements of both parties under the Agreement shall be eliminated.

13. This Agreement, including but not limited to the Township's obligations hereunder, is not effective until the expiration of seven (7) calendar days following the date the Agreement is signed (the "Effective Date").

14. BY SIGNING THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE, PLAINTIFF ACKNOWLEDGES:

- A. HE HAS READ IT;
- B. HE UNDERSTANDS IT AND KNOWS HE IS GIVING UP IMPORTANT RIGHTS;
- C. HE AGREES WITH EVERYTHING IN IT;
- D. HIS ATTORNEY NEGOTIATED THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH HIS KNOWLEDGE AND CONSENT;
- E. HE HAS BEEN ADVISED TO CONSULT WITH HIS ATTORNEY PRIOR TO EXECUTING THIS SETILEMENT AGREEMENT AND GENERAL RELEASE, AND HAS IN FACT DONE SO; AND

F. HE HAS SIGNED THIS SETTLEMENT AGREEMENT AND
GENERAL RELEASE KNOWINGLY AND
VOLUNTARILY.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

PLAINTIFF


STEVEN C. GLADNEY

STATE OF NEW JERSEY };
 };
COUNTY OF CAUDEN };

I certify that on the 20th day of JUNE, 2016,
Steven C. Gladney personally came before me and acknowledged under oath,
to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his own act and deed.

KELLY A. BELLUCCI
A Notary Public of New Jersey
My Commission Expires October 11, 2010

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
LIEBLING MALAMUT, LLC

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC
☐ C Corporation
☐ S Corporation
☐ Partnership
☐ Trust/estate
☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
1939 ROUTE 70 EAST, SUITE 220

6 City, state, and ZIP code
CHERRY HILL, NJ 08003

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number								
			-					

or

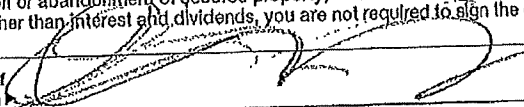
Employer identification number								
2	2	-	3	7	7	2	1	8 6

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here  Date **1/14/16**

Signature of U.S. person

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/irb9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.