

Eric S. Pennington (011551992)
James A. Lewis, V (045722010)
ERIC S. PENNINGTON, P.C.
A Professional Corporation
One Gateway Center, Suite 105
Newark, NJ 07102
(973) 639-0600, Facsimile (973) 642-8613
Attorneys for Plaintiff City of Newark
eric@epenningtonlaw.com

RUSSELL STEWART,

Plaintiff,

v.

BOROUGH OF CARTERET, and
KATHLEEN M. BARNEY, in her official
capacity as Municipal Clerk and custodian of
records for the Borough of Carteret,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CIVIL ACTION

DOCKET NO. MID-L-

VERIFIED COMPLAINT

Plaintiff, Russell Stewart, through his attorneys Eric S. Pennington, P.C., by way of verified complaint against Kathleen M. Barney in her official capacity as Municipal Clerk and custodian of records, says:

This is an action alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. ("OPRA") and the common law right of access seeking a copy of the USE OF FORCE REPORTS prepared in connection with the arrest, apprehension and detention of Monte Stewart on May 31, 2017.

THE PARTIES

1. Plaintiff Russell Stewart is a citizen of the State of New Jersey and resides at 11B Somerset Street, Carteret, New Jersey 07008.

2. Defendant Kathleen M. Barney is the Municipal Clerk for the Borough of Carteret and is the custodian of government records as that term is defined by OPRA, N.J.S.A. 47:1A-1.1.

3. The Borough of Carteret is a governmental entity which has the duty to maintain and make available to the public certain government records pursuant to OPRA and the common law right of access.

JURISDICTION AND VENUE

4. The court has subject matter jurisdiction of this action pursuant to N.J.S.A. 47:1A-6 and the common law.

5. Venue is proper in this court pursuant to R. 4:3-2(a)(2) because all of the relevant events occurred in Middlesex County, the Defendants are located within this County.

FACTUAL ALLEGATIONS

6. In his Verified Complaint, Plaintiff's interactions with the agents of the Defendant will be attributed to the Defendant herself in her official capacity.

7. On July 27, 2017 Plaintiff submitted a written OPRA request to Defendant via overnight mail and email addressed to barneyk@carteret.net. In that OPRA request, Plaintiff asked for "all use of force reports filed in connection with the arrest, apprehension, and detention of Monte Stewart on may 31, 2017.

8. By email to Carmela Pogorzelski at pogorzelskic@carteret.net, dated 8/15/17, the Office of Eric S. Pennington, P.C. requested an update on the status of the July 27, 2015 OPRA request, and provided a copy of the prior transmittal letter and a copy of the OPRA request.

9. By email from Carmela Pogorzelski, dated August 15, 2017, she advised that the matter was being reviewed by the Borough Attorney who would provide a response by the end of the week.

10. By email dated 8/18/17, Eric S. Pennington, P.C. advised that it had not received a response to the subject OPRA request, and would file suit if we did not receive the documents by close of business on 8/18/17.

11. To date, Plaintiff has not received the requested documents.

12. Plaintiff has a strong public interest and legitimate private interest in obtaining the requested documents.

13. Defendants' interest in non-disclosure does not outweigh Plaintiff's interest in disclosure.

COUNT I: VIOLATION OF OPRA

14. The Plaintiff repeats and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth at length herein.

15. The Defendants have violated OPRA by not providing to Plaintiff a copy of the requested Use of Force Reports.

COUNT II: VIOLATION OF THE COMMON LAW RIGHT OF ACCESS

16. The Plaintiff repeats and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth at length herein.

17. Plaintiff has a common law right of access to a copy of the Use of Force Reports requested by him.

18. Plaintiff has a legitimate private interest and wholesome public interest in the requested records.

19. Defendant has no legitimate interest in maintaining the secrecy of the Use of Force Reports. Therefore the Defendants have violated Plaintiff's common law right of access.

WHEREFORE, plaintiff demands judgment against the defendants, as follows:

- A. ORDERING Defendants to produce all Use of Force Reports related to the arrest, apprehension, and detention of Monte Stewart on May 31, 2017;
- B. Awarding Plaintiff costs and reasonable attorneys' fees; and
- C. For such other and further relief as this Court deems just and equitable.

ERIC S. PENNINGTON, P.C.

Attorneys for Plaintiff

City of Newark

By:


ERIC S. PENNINGTON, ESQ.
JAMES A. LEWIS, V, ESQ.

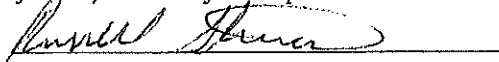
Dated: August 23, 2017

VERIFICATION TO COMPLAINT

I, RUSSELL STEWART, of full age, certifies as follows:

1. I am the Plaintiff in the within action.
2. I have read the foregoing Verified Complaint and know the contents thereof. The facts set forth in the Verified Complaint are true to the best of my own knowledge, information and belief.

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



RUSSELL STEWART

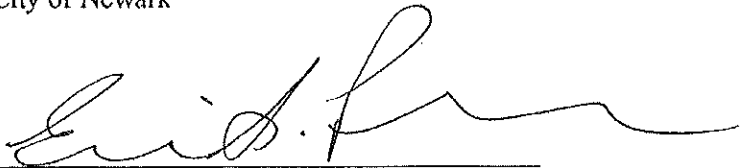
Dated: August 23, 2017

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that to the best of my knowledge, information and belief that the matter in controversy is otherwise not the subject of any other action pending in any Court or of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated. I further certify that I am not aware of any other parties who should be joined in this action at this time.

Eric S. Pennington, P.C.
1 Gateway Center, Suite 105
Newark, New Jersey 07102
(973) 639-0600
Attorneys for Plaintiff
City of Newark

By:



ERIC S. PENNINGTON
JAMES A. LEWIS, V

Dated: August 23, 2017

Eric S. Pennington is designated as trial counsel in this matter for Plaintiff City of Newark.

Eric S. Pennington, P.C.
1 Gateway Center, Suite 105
Newark, New Jersey 07102
(973) 639-0600

Attorneys for Plaintiff

City of Newark

By: _____



ERIC S. PENNINGTON
JAMES A. LEWIS, V

Dated: August 23, 2017

ERIC S. PENNINGTON, P.C.
Eric S. Pennington, Esq. (ESP4416)
One Gateway Center, Suite 105
Newark, New Jersey 07102
Phone (973) 639-0600 Facsimile (973) 642-8613
epenningtonlaw@aol.com
Attorneys for Plaintiff

Law Office of Hassen Ibn Abdellah
570 North Broad Street, Suite 13
Elizabeth, New Jersey
(908) 965-2010
Hassen_Abdellah@hotmail.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RUSSELL STEWART, as Guardian ad
Litem for his minor son, MONTE
STEWART,

Plaintiff,

vs.

JOSEPH REIMAN, sued in his
individual and official capacity, THE
BOROUGH OF CARTERET, JOHN
DOES I – X, sued in their individual and
official capacities; JANE ROES I-X,
sued in their individual and official
capacities; ABC CORP. I –X, (all
individual defendants whose identities
are unknown at this time),
Defendants.

CIVIL ACTION NO.

Hon. _____

COMPLAINT
AND JURY TRIAL DEMAND

I. Preliminary Statement

1. This case involves the needless and savage beating of Monte Stewart, a 16-year-old African-American boy. On or about May 31, 2017, Carteret Police Officer Joseph Reiman apprehended Monte. After Monte surrendered and posed no threat to Officer Reiman or anyone else, Officer Reiman beat Monte about the head, face and

body, causing serious and permanent injury. Reiman punched Monte more than a dozen times until Monte's face was an unrecognizable, bloody pulp. At least one other officer participated in the beating by kicking Monte in the face/head while Monte was prone and compliant. Several other officers stood by and watched the vicious assault.

II. Nature of Action, Jurisdiction, and Venue

2. Plaintiff, a New Jersey resident, brings this lawsuit seeking monetary and injunctive relief to redress the injuries he suffered as a result of the actions of defendants the Borough of Carteret (the "City" or "Carteret") and certain of its police officers, including Officer Joseph Reiman, which resulted in serious injury to Monte Stewart. In the manner detailed herein, the Defendants (certain of whom were acting under color of state, county or municipal law), committed acts, which deprived Plaintiff of rights secured under the Constitution and laws of the United States and the Constitution and laws of the State of New Jersey.

3. In addition, certain Carteret Police Officers, as detailed herein, conspired with each other to deprive Plaintiff of his Constitutional Rights in violation of 42 U.S.C. §1983 and 42 U.S.C. §1985, and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, et seq. (the "NJCRA"), and common law.

4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

5. Venue is appropriate in this district because all claims arose in this district.

III. The Parties

6. Plaintiff, an African-American male, is a resident of the State of New Jersey, and is a minor.

7. Defendant Joseph Reiman, sued herein in his individual and official capacities, at all times relevant, was a police officer with the Carteret Police Department (the “CPD”), and is the brother of the Borough’s Mayor, the Hon. Daniel J. Reiman.

8. Defendant Borough of Carteret is a municipal corporate body politic, which provides a number of services to its residents and those visiting within its borders, including the provision of police protection, and is a person within the meaning of the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, et seq. (the “NJCRA”) and within the meaning of 42 U.S.C. § 1983, and has its principal place of business located at 61 Cooke Avenue, Carteret, New Jersey 07008.

9. Defendant John Doe I, sued herein in his individual and official capacity, was at all times relevant, upon information and belief, a sworn member of the CPD, and participated in the arrest of Monte Stewart. All actions taken by John Doe I while working as a CPD police officer were taken under color of state law and municipal law.

10. Upon information and belief, John Doe I engaged in negligent and illegal conduct that contributed to the violation of Monte Stewart’s rights, and caused him injury.

11. Defendants John Does II - X, sued herein in their individual and official capacities, were at all times relevant, upon information and belief, sworn members of the CPD, and participated in the arrest of Monte Stewart.

12. John Does II – X engaged in negligent and illegal conduct that contributed to the violation of Monte Stewart’s civil rights.

13. Defendants Jane Roes I - X, sued herein in their individual and official capacities, were at all times relevant, upon information and belief, sworn members of the CPD, and participated in the arrest of Monte Stewart.

14. Jane Roes I – X engaged in negligent and illegal conduct that contributed to the violation of Monte Stewart’s civil rights.

15. ABC Corp. I – X, are fictitious defendant entities, whose identities are unknown, and who at all times relevant, assisted, aided and abetted the named defendants in the violation of Plaintiff’s Constitutional rights, civil rights, and other unlawful conduct.

16. All defendants are individually subject to the statutes referenced herein.

17. At all times referred to in this Complaint, employees of the CPD, who are referred to herein, were acting within the scope of their employment at the workplace during working hours, or the corporate and/or municipal defendant ratified, embraced and condoned their conduct to the extent that their actions went beyond the scope of their employment.

IV. Factual Allegations

18. On or about May 31, 2017, Monte Stewart, was apprehended by CPD Officer Joseph Reiman in the vicinity of Edwin and Bergen Streets in Carteret, New Jersey.

19. Officer Reiman was on duty at the time he engaged with Plaintiff Monte Stewart on May 31, 2017.

20. Officer Reiman was in his CPD patrol car at the time he encountered Monte Stewart on May 31, 2017.

21. Officer Reiman's patrol car was equipped with a working dash cam video at the time he encountered Monte Stewart.

22. Officer Reiman also had a functioning body camera at the time he encountered Monte Stewart.

23. Either Officer Reiman's dash-cam video recorder, or the dash cam video recorder of another CPD patrol car, captured Monte exit his vehicle after the vehicle crashed into the guide wire of a utility pole, and upon information and belief captured Officer Reiman's assault of Monte.

24. Officer Reiman exited his vehicle and approached Monte.

25. Officer Reiman's body camera did not capture the interaction, because Officer Reiman neglected to turn on his fully operational body camera.

26. Upon information and belief, Officer Reiman failed to activate his body camera in violation of the policies and procedures of the CPD.

27. Upon information and belief, Officer Reiman failed to activate his body camera so that his actions would not be recorded.

28. Upon information and belief, Officer Reiman had previously failed to follow the CPD body camera policy.

29. Officer Reiman engaged with Monte by punching him in the face; throwing him to the ground on his face; rolled him over and continued to pummel him with more than a dozen punches to the face and head.

30. Monte was within ten (10) feet of his vehicle when Reiman punched him and threw him to the ground.

31. The force used by Officer Reiman to subdue and arrest Monte was unreasonable and excessive.

32. Monte did not resist arrest, and surrendered to the police.

33. After Monte surrendered and was subdued by Officer Reiman and was prone, another officer kicked Monte in the area of his face and head.

34. The assault on Monte by the two officers caused serious injuries to his face, neck and head.

35. Upon information and belief, Monte suffered a concussion as a result of the beating by officers of the CPD.

36. Several officers arrived on scene while Reiman was arresting and beating Monte, and while the unidentified officer kicked Monte in the face.

37. Several officers, John Does II-X, observed Reiman and the other officer assault Monte.

38. All of the CPD Officers who witnessed the assault on Monte by Officer Reiman, and at least one other CPD Officer, had the opportunity to intervene, yet none intervened.

39. None of the arresting officers or other officers on scene, including supervisory officers, called for paramedics or an ambulance to render medical aid to Monte.

40. Monte was transported to CPD headquarters by CPD police officers rather than being transported to the hospital.

41. Officers who witness the use of excessive force on a detainee have a duty to intervene.

42. The use of excessive force by the CPD Officers was a violation of Monte's civil rights.

43. The failure to intervene was a violation of Monte's civil rights.

44. The failure to render immediate and necessary medical aid to Monte was a violation of his civil rights.

45. Several CPD officers, including supervisors, witnessed the injuries to Monte at CPD headquarters.

46. None of the officers who witnessed Monte's injuries called to have Monte taken to the hospital until after Monte's father, Russell Stewart, arrived at Police Headquarters and demanded medical attention for his son.

47. Within 24-48 hours after Monte Stewart was brought into CPD headquarters, several CPD officers viewed the video footage of Officer Reiman's interaction with Monte Stewart.

48. None of the CPD officers who viewed the video footage of Officer Reiman's interaction with Monte sought to arrest Officer Reiman for his illegal assault on Monte Stewart.

49. Upon information and belief, none of the CPD officers, including supervisors, wrote a report detailing the illegal conduct of Officer Reiman in connection with his interaction with Monte Stewart.

50. As a result of the assault and battery on Monte by Officer Reiman and others, Monte has suffered permanent injury and severe emotional trauma.

51. Monte Stewart has incurred medical treatment the value of which exceeds \$5,000.00, and will continue to incur additional costs for medical treatment.

52. Upon information and belief, in or about 2015 the Borough of Carteret hired Officer Reiman as a police officer.

53. At the time of Reiman's hire, his brother was the Mayor of Carteret.

54. Upon information and belief, Mayor Reiman played a role in having his brother, Joseph Reiman, hired as a Carteret police officer.

55. Upon information and belief, Mayor Reiman was aware of his brother, Joseph Reiman's violent tendencies.

56. Upon information and belief, Carteret knew or should have known that Joseph Reiman was unfit to be a police officer for the Carteret Police Department.

57. Upon information and belief, Joseph Reiman and other CPD officers were not properly trained with respect to not abrogating the civil rights of detainees and others.

58. Upon information and belief, Officer Reiman was the recipient of complaints of excessive force prior to the incident with Monte Stewart.

59. Upon information and belief, Officer Reiman was not disciplined for any of his prior excessive force complaints.

60. Upon information and belief, Reiman's supervisors and superiors were influenced as to the manner in which they supervised Officer Reiman because of his relationship with Mayor Reiman.

61. Upon information and belief, Joseph Reiman was allowed to engage in behavior that violated the policies and procedures of the CPD because of his relationship with Mayor Reiman.

62. Upon information and belief, Joseph Reiman was retained as a CPD police officer, despite his violations of CPD policy and procedure, in part because of his relationship with Mayor Reiman.

63. Upon information and belief, prior to the incident between Officer Reiman and Monte Stewart, the Internal Affairs unit of the CPD failed to properly investigate complaints of excessive force against its officers.

64. Senior officers and civilian personnel, and their subordinates, knew or should have known of the failure of the CPD IA department to properly investigate and prosecute claims of excessive force.

65. Senior officers knew or should have known that Joseph Reiman was not properly supervised and disciplined for his prior violations of CPD policy and procedure.

66. The failure of IA to properly investigate complaints of excessive force was a cause of the injuries to Monte Stewart.

67. The failure to properly supervise Joseph Reiman was a cause of the injuries to Monte Stewart.

68. The failure to properly train Joseph Reiman was a cause of the injuries to Monte Stewart.

69. The negligent retention of Joseph Reiman was a cause of the injuries to Monte Stewart.

70. On or about June 9, 2017, Joseph Reiman was charged with, inter alia, assault on Monte Stewart, and official misconduct.

COUNT I
Violation of 42 U.S.C. § 1983
(Excessive Force)

71. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

72. Defendants individually and collectively violated Plaintiff's constitutional rights as set forth in the United States Constitution by denying him the rights and protections conveyed by the Constitution in violation of 42 U.S.C. § 1983, by engaging in the use of excessive force on Plaintiff.

73. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

74. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

75. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

Count II
Violation of 42 U.S.C. § 1985

76. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

77. Defendants conspired to violate Plaintiff's constitutional rights as set forth in the United States Constitution by denying him the rights and protections conveyed by the Constitution in violation of 42 U.S.C. § 1985.

78. As a direct and proximate result of Defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment. Furthermore, Plaintiff has suffered a diminished capacity to enjoy Plaintiff's life. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

79. Further, Plaintiff has been required to retain an attorney to assist him in asserting his claims and protecting his rights.

COUNT III
Violation of 42 U.S.C. § 1983
(Failure to Intervene)

80. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

81. Defendants individually and collectively violated Plaintiff's constitutional rights as set forth in the United States Constitution by denying him the rights and protections conveyed by the Constitution in violation of 42 U.S.C. § 1983, by failing to intervene in the use of excessive force by officers of the CPD.

82. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

83. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

84. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

COUNT IV
Violation of 42 U.S.C. § 1983
(Deliberate Indifference)

85. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

86. Defendants individually and collectively violated Plaintiff's constitutional rights as set forth in the United States Constitution by denying him the rights and protections conveyed by the Constitution in violation of 42 U.S.C. § 1983, by failing to provide immediate medical treatment.

87. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

88. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

89. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

COUNT V
Violation of 42 U.S.C. § 1983
(Monell Claim)

90. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

91. Defendant Borough of Carteret violated Plaintiff's constitutional rights by engaging in a policy, practice or custom that was a cause of the injuries to Plaintiff in violation of the United States Constitution by denying him the rights and protections conveyed by the Constitution in violation of 42 U.S.C. § 1983.

92. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

93. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

94. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

Count VI
Violation of State Civil Rights—NJSA 10:6-1, et seq.
(Excessive Force)

95. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

96. Defendants, under color of statute, ordinance, reputation, custom and usage have subjected and caused Plaintiff to be subjected to the deprivation of rights, privileges and immunities secured by the New Jersey Constitution and laws of the State of New Jersey, in the following particulars:

- (a) his right to liberty protected by the New Jersey Constitution, Art. I, Paragraph 1;
- (b) his right to be secure as a person against unreasonable searches and seizures, secured to them by the New Jersey Constitution, Art. I, Paragraph 7;

(c) his right to be secure in their property against unreasonable searches and seizures, secured to them by the New Jersey Constitution, Art. I, Paragraph 7; and

(d) his right to be free from unlawful detention and imprisonment as secured by the New Jersey Constitution; and

(e) his right to equal protection and due process.

97. At no time was there probable cause, or any ground to believe that a crime had been committed by Plaintiff.

98. Defendants, acting under color of law, intentionally deprived Plaintiff of his civil rights.

99. Defendant Borough of Carteret is vicariously liable for the actions of its employees, who are acting in their official capacities.

100. Defendants' acts were done in knowing violation of Plaintiff's legal and constitutional rights and have directly and proximately caused Plaintiff's injury, including permanent physical injury, humiliation, mental pain and suffering, and severe emotional distress.

101. Defendants' deprivation of Plaintiff's civil rights violates the New Jersey Constitution, and gives rise to Plaintiff's claims for redress under the NJCRA, N.J.S.A. 10:6-1 et seq.

102. Defendants are directly and vicariously liable for the acts of the Police Officers while they are performing their official duties under the color of state, county and municipal law.

COUNT VII
Violation of NJCRA
(Failure to Intervene)

103. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

104. Defendants individually and collectively violated Plaintiff's constitutional rights in violation of the NJCRA, by failing to intervene in the use of excessive force by officers of the CPD.

105. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

106. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

107. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

COUNT VIII
Violation of NJCRA
(Deliberate Indifference)

108. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

109. Defendants individually and collectively violated Plaintiff's constitutional rights as set forth in the United States Constitution and New Jersey Constitution in violation of the NJCRA, by failing to provide obviously needed medical treatment.

110. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

111. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

112. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

COUNT IX
Violation of NJCRA
(Monell Claim)

113. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

114. Defendant Borough of Carteret violated Plaintiff's constitutional rights by engaging in a policy, practice or custom that was a cause of the injuries to Plaintiff in violation of the New Jersey Constitution and United States Constitution in violation of the NJCRA.

115. As a direct and proximate result of defendants' actions, Plaintiff has suffered the deprivation of precious Constitutional rights, mental anguish, physical discomfort, pain and suffering, shame and embarrassment.

116. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

117. Further, Plaintiff has been required to retain an attorney to assist Plaintiffs in asserting Plaintiff's claims and protecting Plaintiff's rights.

COUNT X
(Civil Bias Claim – 2A:53A-21)

118. Plaintiff hereby realleges the foregoing Paragraphs and incorporates them herein by reference.

119. Defendants Joseph Reiman and other officers were motivated by racial bias in connection with the unlawful actions they took, individually and collectively, against Plaintiff.

120. Defendants' actions, as set forth herein, are in violation of New Jersey's Bias Crime Laws, as set forth in N.J.S.A. 2A:53A-21. Plaintiff is a bias crime victim, as that term is defined in the statute.

121. As a result of the actions taken by Defendants because of Plaintiff's race, ethnicity and color, Plaintiff was harmed and continues to suffer damage.

WHEREFORE, Plaintiff requests that this Court;

- (a) Award the named Plaintiff compensatory and consequential damages in an amount to be determined at trial, against all Defendants, jointly and severally;
- (b) Award Plaintiff punitive damages in an amount to be determined at trial against each Defendant;
- (c) Enjoin defendant Carteret from failing to conduct prompt, thorough and efficient Internal Affairs investigations, and to impose the appropriate discipline flowing from such investigations;
- (d) Issue an injunction to Carteret compelling it to render immediate medical aid to those in need without regard to the individual's race, ethnicity, or status as a detainee, suspect, or otherwise;
- (e) Issue an injunction to Carteret compelling it to train its officers on i) the proper interaction with suspects and detainees; ii) the proper

use of body cameras; iii) treating all citizens and others equally regardless of race, color, ethnicity, or national origin;

- (f) Enjoin Carteret from engaging in conduct that violates N.J.S.A. 2A:53A-21, by engaging in “racial profiling,” or otherwise;
- (g) Award Plaintiff attorneys’ fees and costs incurred in bringing this action against all Defendants, jointly and severally;
- (h) Award pre-judgment and post-judgment interest against all Defendants, jointly and severally; and
- (i) Grant such other and further relief as the Court may deem just and proper.

JURY DEMAND

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

DESIGNATION OF TRIAL COUNSEL

Eric S. Pennington, Esquire, Hassen Ibn Abdellah, Esq., and Alan Dexter Bowman, Esq., are hereby designated as trial co-counsel.

Respectfully Submitted,

ERIC S. PENNINGTON, PC
Attorneys for Plaintiff

s/ Eric s. Pennington
Eric S. Pennington

Dated: June 14, 2017

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other court, arbitration or administrative proceeding.

I further 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.

s/Eric S. Pennington

Eric S. Pennington

Dated: June 14, 2017

KOCHANSKI, BARON & GALFY, P.C.
Attorneys at Law
1275 Westfield Avenue
Rahway, New Jersey 07065
Office: (732) 382-7373
Fax: (732) 382-5914
Attorney for Plaintiff(s), Carolyn Bell

CIVIL RECORDS
N.J. SUPERIOR COURT
MIDDLESEX VICINAGE
2017 JAN 13 P 12:41
FILED & RECEIVED #4

CAROLYN BELL

-v-

BOROUGH OF CARTERET
CARTERET POLICE DEPARTMENT
JOHN DOES I-X, JOHN DOE CORPS
I-X, JOHN DOE GOV'T EMPLOYEES
CARTERET MUNICIPAL PROSECUTOR

: SUPERIOR COURT OF NEW JERSEY
: MIDDLESEX COUNTY-LAW DIVISION
: DOCKET NO.:

: CIVIL ACTION

MID-L- 00317-17

: COMPLAINT AND JURY DEMAND

Plaintiff, Carolyn Bell, by way of Complaint against
defendants says:

FACTS COMMON TO ALL COUNTS

1. At all times relevant herein, plaintiff was a resident of the Town of Carteret, Middlesex County, New Jersey.
2. At all times relevant herein defendant, Town of Carteret, was a municipality located in Middlesex County, New Jersey.
3. At all times relevant herein, defendant, Carteret Police Department was an agency of the Town of Carteret charged with enforcing the laws and keeping the peace throughout the municipality.
4. At all times relevant herein, defendants John Does I-X, John Doe Corps I-X and John Does Government Agencies & Police Officers I-X are potential defendants whose identities are unknown to plaintiff at this time.
5. A Notice of Tort Claim was timely filed within ninety (90) days of the fining of not guilty against plaintiff.

RECEIVED

JAN 25 2017

KOCHANSKI, BARON
and GALFY, P.C.

COUNT I - FALSE ARREST

6. Plaintiff repeats and restates the allegations in the Facts Common to All Counts as if set forth at length herein.
7. On January 2, 2015, plaintiff's home was wrongfully entered by the Borough of Carteret Police Department, and plaintiff was wrongfully arrested without due process or probable cause.
8. Plaintiff was wrongfully detained, arrested, and humiliated as a result of the wrongful acts of the members of the Carteret Police Department.
9. The case against her was ultimately dismissed with prejudice following a trial on June 17, 2015.
10. As a direct and proximate result of the improper acts and false arrest against plaintiff, she has and will continue to suffer damages.

WHEREFORE, plaintiff demands judgment be entered against the defendants for compensatory damages together with costs and counsel fees.

COUNT II- WRONGFUL IMPRISONMENT

11. Plaintiff repeats and restates the allegations in the Facts Common to All Counts and Count I as if set forth at length herein.
12. As a result of the wrongful acts of the Carteret Police Department on January 2, 2015, plaintiff was wrongfully imprisoned.
13. The case against her was ultimately tried on June 17, 2015, at which time she was found not guilty.
14. As a direct and proximate result of the negligent acts and omissions of the defendants, plaintiff has and will continue to suffer damages.

WHEREFORE, plaintiff demands judgment be entered against the defendants for compensatory damages together with costs and counsel fees.

COUNT III

15. Plaintiff repeats and restates the allegations in the Facts Common to All Counts and Counts I & II as if set forth at length herein.
16. The Carteret Police officers, who arrested plaintiff on June 2, 2015, were negligently supervised leading to improper actions, which resulted in the False Arrest and Wrongful Imprisonment of plaintiff.
17. As a direct and proximate result of the negligent supervisor of these officers, plaintiff has and will continue to suffer damages.

WHEREFORE, plaintiff demands judgment be entered against the defendants for compensatory damages together with costs and counsel fees.

COUNT IV- MALICIOUS PROSECUTION

18. Plaintiff repeats and restates the allegations in the Facts Common to All counts, Counts I, II & III as if set forth at length herein.
19. Following the wrongful arrest and improper detention and imprisonment of plaintiff, defendant Borough of Carteret, by its Municipal Prosecutor, failed to drop the charges against plaintiff before trial and moved forward with a trial against her.
20. On June 17, 2015, following a trial, plaintiff was

found not guilty.

20. By its failure to properly review the charges and lack of proofs against plaintiff, the Borough of Carteret, through its employees and Municipal Prosecutor committed malicious prosecution.

21. As a direct and proximate result of the negligence of the Borough of Carteret employees, and Municipal Prosecutor, plaintiff has and will continue to suffer damages.

WHEREFORE, plaintiff demands judgment be entered against the defendants for compensatory damages together with costs and counsel fees.

CERTIFICATION PURSUANT TO R.4:5-1

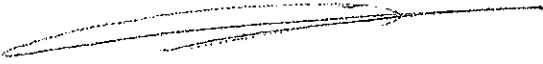
I certify that the matter in controversy is not the subject of any other action pending in any other court or any pending arbitration proceeding, and that no other judicial or arbitration proceeding is contemplated to the best of my knowledge and belief. I reserve the right to amend the Complaint as may be necessary, warranted by discovery and in accordance with the Rules of the Court.

DESIGNATION OF TRIAL COUNSEL

Andrew M. Baron is hereby designated to serve as counsel of record.

KOCHANSKI, BARON & GALFY, P.C.:

Date: December 30, 2016



ANDREW M. BARON, ESQ.
Attorney for Plaintiff,
Carolyn Bell

LAW OFFICE OF KEVIN T. FLOOD, ESQ., LLC
204 Towne Centre Dr.
Hillsborough, N.J. 08844
Phone: (908) 705-2623
Fax: (866) 900-9305
Attorneys for Plaintiff, Jamaal Merritt, Jr.
I.D. No. 005662003

Jamaal Merritt, Jr. Plaintiff, v. Officer Joseph Reiman, Officer Thomas Kaminsky, Detective Sergeant Marcus Rosario, Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargoeki, Borough of Carteret, Carteret Police Department, JOHN DOES 1- 30 (Fictitious individuals), ABC CORPS 1- 30 (Fictitious Corps), Jointly and Severally, Official and Individual Capacities. Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY DOCKET NO: CIVIL ACTION COMPLAINT AND JURY DEMAND
---	--

Plaintiff Jamaal Merritt, Jr. presently residing in Carteret, who did reside at 81 Willow Street, Carteret, New Jersey, 07008, at the time this incident occurred, by way of complaint against the Defendants says:

STATEMENT OF PRELIMINARY FACTS

1. Plaintiff Jamaal Merritt, Jr. (hereinafter "Plaintiff Merritt") is a citizen of the United States and was a resident of the Borough of Carteret, Middlesex County, State of New Jersey, at the time of this incident.
2. This is an action brought for the violation of Plaintiff Merritt's civil rights under New Jersey law and based upon the excessive, unjustified and unreasonable use of force inflicted on Plaintiff Merritt's person during his unlawful seizure and arrest by

Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario of the Carteret Police Department, County of Middlesex, State of new Jersey.

3. Plaintiff Merritt brings this civil rights action for compensatory and punitive damages, attorney fees, as well as declaratory and injunctive relief, for injuries suffered as a consequence of the grossly excessive, unjustified and unreasonable use of force inflicted on Plaintiff Merritt's person during an unlawful stop, seizure and arrest by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario during the unlawful seizure and arrest of Plaintiff Merritt.

4. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Sergeant Marcus Rosario and/or John Does 1-20, were at all times mentioned herein duly appointed and acting police officers of the Borough of Carteret/Carteret Police Department and were at all times herein acting in such capacity as the agents, servants and/or employees of the Borough of Carteret and the Carteret Police Department while acting under the color of law.

5. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki were at all times herein acting in such capacity as the agents, servants and/or employees of the Borough of Carteret and/or the Carteret Police Department while acting under the color of law.

6. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough

of Carteret, Carteret Police Department, and/or John Does 21-30 were acting in supervisory capacities over Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20 while acting under color of law.

7. Defendant Borough of Carteret is a duly designated municipality of the state of New Jersey, under the laws of the State of New Jersey.

8. At all times relevant hereto, Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 21-30, employed and/or supervised Defendant(s) Joseph Reiman, Thomas Kaminsky, Marcus Rosario and/or John Does 1-20.

9. At all times relevant hereto, Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 21-30 were responsible for the training, supervision, conduct and discipline of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20.

10. Suit is brought against all individually named Defendant(s) in their personal and/or individual and/or official capacities.

11. At all relevant times hereto, all named Defendant(s) herein were acting under color of law, pursuant to statutes, constitutions, ordinances, regulations, polices and customs of the State of New Jersey.

12. On October 23, 2015, Defendant Joseph Reiman unlawfully stopped and seized Plaintiff Merritt, put him up against his police vehicle, and began to unlawfully search his person without any probable cause to do so.

13. Even though no illegal contraband or weapons were found on Plaintiff Merritt's person, Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario began to unlawfully arrest Plaintiff Merritt.

14. During and/or prior to the unlawful arrest of Plaintiff Merritt, he was sprayed in the eyes with a chemical agent by Defendant Joseph Reiman causing Plaintiff severe pain and blindness.

15. During the unlawful arrest, Defendant(s) Joseph Reiman, Thomas Kaminsky, and ~~Marcus Rosario assaulted Plaintiff Merritt while Plaintiff was on the ground with his~~ eyes still burning from the chemical agent.

16. Plaintiff Merritt was eventually handcuffed, put in the back of Defendant Joseph Reiman's police vehicle, and transported to Carteret Police Department.

17. Neither Defendant(s) Joseph Reiman, Thomas Kaminsky, nor Marcus Rosario rendered any aid to Plaintiff Merritt while his eyes continued to burn from the chemical agent, while he was driven to the Carteret Police Department and then placed in a cell.

18. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario caused serious harm to Plaintiff Merritt by not rendering aid to Plaintiff while his eyes continued to burn while they drove him to the Carteret Police Department and thereafter placed him in a cell.

19. It was not until Plaintiff Merritt was placed in a cell at the Carteret Police Department that Plaintiff Merritt was able to wash his face and eyes of the chemical agent that was causing his eyes to burn and be blinded.

20. There were approximately seven to eight police vehicles on scene during the alleged incident, and approximately six police vehicles were equipped with motor Vehicle Recorders (MVRs).

21. Of these six approximate police vehicles with MVRs, only one MVR was recovered from one police vehicle.

22. All other MVRs have never been recovered or have gone missing.

23. The one MVR that was recovered does not show any part of the incident or the arrest of Plaintiff Merritt.

24. Plaintiff Merritt sustained numerous injuries as a result of being sprayed in the eyes with a chemical agent by Defendant Joseph Reiman, and the assault on his person by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario during said incident.

Count One
NJCRA: Unlawful Stop, Unlawful Seizure, Unlawful Search, Unlawful Arrest, and
False Imprisonment.

25. Plaintiff Merritt incorporates herein by reference hereto the allegations above as if set forth herein at length.

26. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario deprived Plaintiff of various rights and privileges set forth in the New Jersey State Constitution ("N.J. Constitution"), which deprivations are actionable pursuant to the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. ("NJCR").

27. Plaintiff Merritt was unlawfully stopped and/or unlawfully seized and/or unlawfully searched and/or unlawfully arrested and/or falsely imprisoned without probable cause. The facts and circumstances within the knowledge of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario were NOT sufficient to warrant a reasonable person to believe that Plaintiff had committed or was about to commit a crime or any unlawful act.

28. Plaintiff Merritt was deprived of procedural and substantive due process, deprivation of liberty, and was subjected to being unlawfully stopped and/or unlawfully seized and/or unlawfully searched and/or unlawfully arrested and/or falsely imprisoned by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario in violation of Article 1, Paragraphs 1 and 7 of the New Jersey Constitution, which violations are actionable pursuant to the N.J.C.R.A.

29. Plaintiff Merritt did not use physical force, nor did he obstruct, impair or pervert the administration of the law prior to his arrest. Further, Plaintiff Merritt did not attempt to flee, prevent his arrest, or take any action consistent with an attempt to resist arrest.

30. Plaintiff Merritt was wrongfully seized by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and suffered a lengthy loss of liberty and freedom of movement as a result of said Defendants' wrongful conduct.

31. As a result of the wrongful conduct of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario, Plaintiff Merritt has been injured.

WHEREFORE, the answering parties demand judgment against all defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies

provided for under the common law and/or any state and/or federal statutes pled herein;
(4) Any other applicable contractual or statutory penalties or consequential, incidental,
nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court
costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; and (7)
Such other and further relief as the court shall deem equitable and just.

Count Two
Malicious Prosecution

32. Plaintiff Merritt repeats the allegations above as if set forth at length herein.

33. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario initiated
criminal proceedings against Plaintiff Merritt without probable cause, as set forth above,
and subjected Plaintiff to malicious prosecution.

34. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario acted
maliciously and for a purpose other than bringing Plaintiff Merritt to justice.

35. Further, during the course of the proceedings, as set forth above, Plaintiff Merritt
was deprived of liberty and other constitutional rights.

36. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario falsely
charged Plaintiff Merritt with numerous criminal offenses in a retaliatory attempt to
justify their excessive and unreasonable use of force upon Plaintiff Merritt.

37. As a result of the wrongful criminal charges initiated by Defendant(s) Joseph
Reiman, Thomas Kaminsky, and Marcus Rosario, Plaintiff Merritt was forced to retain
counsel and incur significant expense to defend himself in a Court of Law.

38. Further, as set forth above, Plaintiff Merritt was unlawfully seized and subjected
to a loss of liberty and freedom of movement.

39. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario deprived Plaintiff Merritt of procedural and substantive due process, rights to liberty, freedom from unreasonable searches and seizures and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution, made actionable by the N.J.C.R.A.

40. As a result of wrongful conduct of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario, Plaintiff Merritt has been injured.

WHEREFORE, the answering parties demand judgment against all Defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; and (7) Such other and further relief as the court shall deem equitable and just.

Count Three
(Excessive Force)

41. Plaintiff incorporates herein by reference hereto the allegations above as if set forth herein at length.

42. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario utilized excessive, unjustified and unreasonable force upon Plaintiff Merritt's person.

43. Under the circumstances, the conduct of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario was unreasonable.

44. The aforementioned conduct of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario is in violation of Plaintiff Merritt's right to liberty, freedom from unreasonable searches and seizures, excessive and unreasonable use of force, procedural and substantive due process, and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

45. As a direct and proximate result of the excessive, unjustified and unreasonable use of force by Defendant(s) as set forth herein, Plaintiff Merritt suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights set forth above.

WHEREFORE, the answering parties demand judgment against all Defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; (7) Injunctive relief, and (8) such other and further relief as the court shall deem equitable and just.

Count Four
(Supervisory Liability)

46. Plaintiff Merritt incorporates herein by reference hereto the allegations above as if set forth herein at length.

47. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 21-30 were supervisory officials and/or officers in charge at the time Plaintiff Merritt was harmed.

48. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 21-30 had a duty to prevent subordinate officers from violating the constitutional rights of Plaintiff Merritt.

~~49. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director~~
Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 21-30 had knowledge of and acquiesced in his/her subordinate's violation of Plaintiff Merritt's constitutional rights.

50. As a direct and proximate result of the acts and/or omissions as set forth herein, Plaintiff Merritt suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights to liberty, freedom from unreasonable searches and seizures, excessive and unreasonable use of force, procedural and substantive due process and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

WHEREFORE, the answering parties demand judgment against all Defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; (7) Injunctive relief, and (8) such other and further relief as the court shall deem equitable and just.

Count Five
(Unlawful Policy, Custom, Practice, Inadequate Training, Failure to Discipline.)

51. Plaintiff Merritt incorporates herein by reference hereto the allegations above as if set forth herein at length.

52. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargoeki, Borough of Carteret, Carteret Police Department and/or John Does 21-30 are vested with the authority to make policy on the use of force, effectuating arrests, police citizen encounters, training and discipline.

53. At all times mentioned herein, Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20, as police officers, agents, servants and/or employees of defendants Borough of Carteret and Carteret Police Department, were acting under the direction and control of Defendant(s) Sergeant David Polmales, Mayor

Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, and/or John Does 21-30, and were acting pursuant to the official policy, practice or custom of the Borough of Carteret and the Carteret Police Department.

54. Acting under color of law pursuant to official policy, practice, or custom, Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, the Carteret Police Department and/or John Does 21-30 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and/or discipline, on a continuing basis Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20 in their duties to refrain from: (1) unlawfully and maliciously assaulting, arresting and harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive use of force.

55. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret and the Carteret Police Department and/or John Does 21-30 were aware of numerous similar police citizen encounters involving Defendant(s) Joseph Reiman,

Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20 whereby they customarily and frequently subjected citizens held in custody to physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed citizens; intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or official records; made false arrests, mishandled and/or withheld evidence and/or used unreasonable and excessive force on citizens/arrestees.

56. Despite their awareness, Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret and the Carteret Police Department and/or John

Does 21-30 failed to employ any type of corrective or disciplinary measures against Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20.

57. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret and the Carteret Police Department and/or John Does 21-30 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore, were about to be committed.

58. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret and the Carteret Police Department and/or John Does 21-30 had the power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

59. Defendant(s) Sergeant David Polmales, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret and the Carteret Police Department and/or John Does 21-30, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and/or John Does 1-20 heretofore described.

60. As a direct and proximate result of the acts and/or omissions of Defendant(s) as set forth herein, Plaintiff Merritt suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights to liberty, freedom from unreasonable searches and seizures, procedural and substantive due process and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

WHEREFORE, the answering parties demand judgment against all defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or

severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; (7) Injunctive relief, and (8) such other and further relief as the court shall deem equitable and just.

Count Six
Failure to Intervene

61. Plaintiff Merritt incorporates herein by reference hereto the allegations above as if set forth herein at length.

62. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario were officers for the Borough of Carteret and at all times mentioned herein were acting under color of state law.

63. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario had a duty to intervene in the unlawful stop, unlawful search, unlawful seizure, unlawful arrest, unjustified assault, unlawful use of force and/or the false imprisonment of Plaintiff Merritt by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario.

64. The unlawful stop, unlawful search, unlawful seizure, unlawful arrest, unjustified assault, unlawful use of force and/or the false imprisonment of Plaintiff Merritt by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario deprived Plaintiff of his right to be secure in his person against unreasonable seizure in violation of his constitutional rights to liberty, freedom from unreasonable searches and seizures,

procedural and substantive due process and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

65. Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario had a reasonable opportunity to intervene in the unlawful stop, unlawful search, unlawful seizure, unlawful arrest, unjustified assault, unlawful use of force and/or the false imprisonment of Plaintiff Merritt by Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosario and failed to intervene.

66. As a direct and proximate cause of Defendant(s) Joseph Reiman, Thomas Kaminsky, and Marcus Rosarios' failure to intervene, Plaintiff Merritt suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights to liberty, freedom from unreasonable searches and seizures, procedural and substantive due process and other rights guaranteed by Article 1, Paragraphs 1 and 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

WHEREFORE, the answering parties demand judgment against all Defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; and (7) Such other and further relief as the court shall deem equitable and just.

Count Seven
Punitive Damages

67. Plaintiff Merritt incorporates herein by reference hereto the allegations above as if set forth herein at length.

WHEREFORE, Plaintiff demands judgment against Defendants, including JOHN DOES 1-30, and ABC CORPS 1-30, for punitive damages, together with attorneys' fees, interests and costs of suit.

JURY DEMAND

PLEASE TAKE NOTICE that Plaintiff hereby demands a trial by jury of six (6) persons on all triable issues within the Complaint, pursuant to Rule 1:8-2(b) and Rule 4:35-1(a).

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, plaintiffs designate Kevin T. Flood, Esq., as trial counsel in this case.

DEMAND FOR INTERROGATORIES

DEMAND is hereby made of Defendants for certified answers to interrogatories which shall be served upon Defendants upon each Defendant answering.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those

insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

CERTIFICATION PURSUANT TO RULE 4:5-1

KEVIN T. FLOOD certifies as follows:

The matter in controversy is not the subject of any other action pending in any other CIVIL Court or of a pending arbitration, and no such other action or arbitration proceeding is contemplated.

I further certify that I am not aware of any non-party who should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b).

The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICE OF KEVIN T. FLOOD, LLC
Attorneys for Plaintiffs,

By: S/ Kevin T. Flood
KEVIN T. FLOOD, ESQ.

Dated: October 23, 2017

MID-L-000561-18 01/26/2018 1:03:11 PM Pg 1 of 4 Trans ID: LCV2018164829

SCHILLER, PITTENGER & GALVIN, P.C.
Robert B. Woodruff, Esq.
N.J. Attorney Identification No. 017891976
1771 Front Street
Scotch Plains, NJ 07076
Telephone: 908-490-0444
Facsimile: 908-490-0425
Attorneys for Plaintiff

ARAMIS ROSARIO,

Plaintiff,

v.

JOSEPH REIMAN, individually and in his
capacity as a Police Officer with the Borough
of Carteret Police Department; BOROUGH
OF CARTERET; BOROUGH OF
CARTERET POLICE DEPARTMENT;
JOHN DOES 1-5, individually and in their
official capacity as members of the Carteret
Borough Police Department,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-000561-18

COMPLAINT AND JURY DEMAND

Plaintiff, Aramis Rosario, a resident of Middlesex County, New Jersey, by way of
Complaint against Defendants, says:

PARTIES

1. Plaintiff, Aramis Rosario, is a resident of Middlesex County and a citizen of the United States of America.
2. Defendant, Joseph Reiman, at all times relevant herein, was employed as a Police Officer by the Carteret Borough Police Department. As such, he is charged with the obligation and responsibility to protect the citizens of the State of New Jersey and to abide by the laws of the State of New Jersey and those of the United States in the lawful exercise of his duties. He is being sued individually and in his capacity as a Police Officer.

MID-L-000561-18 01/26/2018 1:03:11 PM Pg 2 of 4 Trans ID: LCV2018164829

3. The Borough of Carteret (hereafter "the Borough") is a body politic whose obligations, responsibilities, and duties include *inter alia* the creation, maintenance, and supervision over the Carteret Police Department. The Borough has an obligation to require and confirm that the Borough of Carteret Police Department abides by laws, statutes, and regulations of the State of New Jersey.
4. The Borough of Carteret Police Department (hereafter "CPD") is a department organized within the Borough. It is the responsibility and obligation of the CPD to properly serve and protect both the people of Carteret and those who come within their jurisdiction. It is further the duty of the CPD to properly train, educate, and supervise its individual officers as to enable them to properly serve and protect all members of the public. They have an affirmative duty to monitor the officers' conduct and to take the appropriate proactive measures to ensure the officers properly discharge their duties and to otherwise discipline, seek corrective action, or discharge any officer who fails to abide by established laws, statutes, and regulations.
5. Defendants John Does 1-5 were, at all times relevant herein, employed as Police Officers by the Carteret Borough Police Department. As such, they are charged with the obligation and responsibility to protect the citizens of the State of New Jersey and to abide by the laws of the State of New Jersey and those of the United States in the lawful exercise of their duties. They are sued individually and in their official capacity as Police Officers.
6. All Defendants referenced herein acted under Color of Law.
7. In or about May 9, 2016, Plaintiff had gone to the Carteret Police Department to complain about harassment from various Carteret Police Officers. Plaintiff specifically made this Complaint to Lt. McFadden.
8. Thereafter, Plaintiff drove his vehicle to the area of Pershing and Union Avenues to pick up a previously ordered sandwich from a bodega located in or about the intersection.

MID-L-000561-18 01/26/2018 1:03:11 PM Pg 4 of 4 Trans ID: LCV2018164829

therein and as codified in the New Jersey Civil Rights Law, *N.J.S.A. 6:10-1, et seq.*, to be free from the use of excessive force.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally or in the alternative for the following damages:

- a) Compensatory damages;
- b) Punitive damages;
- c) Attorneys' fees and costs of suit pursuant as set forth in the respective statutes noted herein; and
- d) Such other relief as the Court may deem appropriate.

JURY DEMAND

Plaintiff, Aramis Rosario, demands a trial by jury on all issues of the within Complaint.

DESIGNATION OF TRIAL COUNSEL

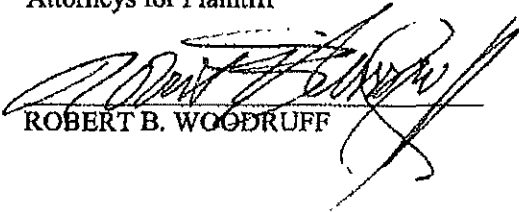
Plaintiff, Aramis Rosario, hereby designates Robert B. Woodruff as trial counsel in the above matter.

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending and/or contemplated action or pending and/or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

SCHILLER, PITTINGER & GALVIN, P.C.
Attorneys for Plaintiff

Dated: January 26, 2018


ROBERT B. WOODRUFF

LAW OFFICE OF KEVIN T. FLOOD, ESQ., LLC
204 Towne Centre Dr.
Hillsborough, N.J. 08844
Phone: (908) 705-2623
Fax: (866) 900-9305
Attorneys for Plaintiff, Ycien Henderson
I.D. No. 005662003

Ycien Henderson, Plaintiffs, v. Officer Joseph Reiman, Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department, JOHN DOES 1-30 (Fictitious individuals), ABC CORPS 1-30 (Fictitious Corps), Jointly and Severally, Official and Individual Capacities. Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY DOCKET NO: CIVIL ACTION COMPLAINT AND JURY DEMAND
---	---

Plaintiffs, YCIEN HENDERSON, presently residing in Texas, who did reside at 7 Healy Place, Carteret, New Jersey, 07008, at the time this incident occurred, by way of complaint against the defendants says:

STATEMENT OF PRELIMINARY FACTS

1. Plaintiff Ycien Henderson (hereinafter "Plaintiff Henderson") is a citizen of the United States and was a resident of the Borough of Carteret, Middlesex County, State of New Jersey, at the time of this incident.
2. This is an action brought for the violation of Plaintiff Henderson's civil rights under New Jersey law and based upon the grossly excessive, unjustified and unreasonable use of force inflicted on Plaintiff Henderson's person during his arrest by

defendant Officer Joseph Reiman of the Carteret Police Department, County of Middlesex, State of new Jersey.

3. Plaintiff Henderson brings this civil rights action for compensatory and punitive damages, as well as declaratory and injunctive relief, for injuries suffered as a consequence of the grossly excessive, unjustified and unreasonable use of force inflicted on Plaintiff Henderson's person by defendant Officer Joseph Reiman.

4. Defendant Officer Joseph Reiman, and/or John Does 1-20, were at all times mentioned herein duly appointed and acting police officers of the Borough of Carteret/Carteret Police Department and were at all times herein acting in such capacity as the agents, servants and/or employees of the Borough of Carteret and the Carteret Police Department while acting under the color of law.

5. Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department, and/or John Does 20-30 were acting in supervisory capacities over defendant Officer Joseph Reiman, and/or John Does 1-20.

6. Defendant Borough of Carteret is a duly designated municipality of the state of New Jersey, under the laws of the State of New Jersey.

7. At all times relevant hereto, defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki,

Borough of Carteret, Carteret Police Department and/or John Does 20-30, employed and/or supervised defendant Officer Joseph Reiman, and/or John Does 1-20.

8. At all times relevant hereto, defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 20-30 were responsible for the training, supervision, conduct and discipline of defendant Officer Joseph Reiman, and/or John Does 1-20.

9. Suit is brought against all individually named defendants in their personal and official capacities.

10. At all relevant times hereto, defendants herein were acting under color of law, pursuant to statutes, constitutions, ordinances, regulations, policies and customs of the State of New Jersey.

11. On August 30, 2015, defendant Officer Joseph Reiman came upon Plaintiff Henderson and a few of his friends while they were play fighting.

12. Defendant Officer Joseph Reiman tackled Plaintiff Henderson and threw him to the ground in an aggressive manner.

13. Defendant Officer Joseph Reiman ordered Plaintiff Henderson and his friends to get face down on the ground; they complied.

14. Plaintiff Henderson, while lying face down on the ground, tried to explain to defendant Officer Joseph Reiman what was going on but he was unwilling to listen.

15. While Plaintiff Henderson was still lying face down on the ground, defendant Officer Joseph Reiman sprayed Plaintiff Henderson in the face and eyes with pepper spray/mace and started to beat and scratch Plaintiff Henderson about his forehead, eyes, cheeks, lips, chin, mouth, ears, arms, elbows, hands, knees, torso and other parts of his body.

16. Plaintiff Henderson sustained numerous injuries as a result of the beating he received from Defendant Officer Joseph Reiman during said incident.

FIRST COUNT
(Excessive Force)

17. Plaintiff incorporates herein by reference hereto the allegations above as if set forth herein at length.

18. Defendant Officer Joseph Reiman utilized grossly excessive, unjustified and unreasonable force upon Plaintiff Henderson.

19. Under the circumstances, defendant Officer Joseph Reiman's conduct was unreasonable.

20. Defendant Officer Joseph Reiman's aforementioned conduct is in violation of Plaintiff Henderson's right to liberty, freedom from unreasonable searches and seizures, procedural and substantive due process, and other rights guaranteed by Article 1, Paragraph 1 and Article 1, Paragraph 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

21. As a direct and proximate result of the grossly excessive, unjustified and unreasonable use of force as set forth herein, Plaintiff Henderson suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights set forth above.

WHEREFORE, the answering parties demand judgment against all defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6) Punitive damages as to any non-statutory tort claims pled herein only; (7) Injunctive relief, and (8) such other and further relief as the court shall deem equitable and just.

SECOND COUNT
(Supervisory Liability)

22. Plaintiff Henderson incorporates herein by reference hereto the allegations above as if set forth herein at length.

23. Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 20-30 were supervisory officials and/or officers in charge at the time Plaintiff Henderson was harmed.

24. Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 20-30 had a duty to prevent subordinate officers from violating the constitutional rights of Plaintiff Henderson.

25. Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 20-30 had knowledge of and acquiesced in his/her subordinate's violation of Plaintiff Henderson's constitutional rights.

26. As a direct and proximate result of the acts and/or omissions as set forth herein, Plaintiff Henderson suffered physical injury, medical expenses and mental anguish in connection with the deprivation of his constitutional rights to liberty, freedom from unreasonable searches and seizures, procedural and substantive due process and other rights guaranteed by Article 1, Paragraph 1 and Article 1, Paragraph 7 of the New Jersey Constitution which violations are made actionable by the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et. seq.*

WHEREFORE, the answering parties demand judgment against all defendant(s) named herein, including JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) General damages, (2) Compensatory damages; (3) The remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) Any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) Lawful interest, attorney's fees, filing fees/court costs; (6)

Punitive damages as to any non-statutory tort claims pled herein only; (7) Injunctive relief, and (8) such other and further relief as the court shall deem equitable and just.

THIRD COUNT

(Unlawful Policy, Custom, Practice, Inadequate Training, Failure to Discipline.)

27. Plaintiff Henderson incorporates herein by reference hereto the allegations above as if set forth herein at length.

28. Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, Borough of Carteret, Carteret Police Department and/or John Does 20-30 are vested with the authority to make policy on the use of force, effectuating arrests and police citizen encounters.

29. At all times mentioned herein, defendant Officer Joseph Reiman and/or John Does 1-30, as police officers, agents, servants and/or employees of defendants Borough of Carteret and Carteret Police Department, were acting under the direction and control of defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt. Michael Dammann, Lt. Robert Wargocki, and/or John Does 20-30, and were acting pursuant to the official policy, practice or custom of the Borough of Carteret and the Carteret Police Department.

30. Acting under color of law pursuant to official policy, practice, or custom, Defendants Mayor Daniel Reiman, Law Director Robert Bergen, Civilian Police Commissioner Susan Naples, Chief John Pieczski, Deputy Chief Dennis McFadden, Lt.