



Human Resources

P.O. Box 228

Englewood, NJ 07631

(201) 871-6660 Fax (201) 541-5424

Fax

To: Dave Santos From: Joanne

Fax: (732) 791-1729 Pages: 25

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Re: Claim # X46203 CC: _____

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Case 2:14-cv-04610-CCC-JBC Document 2 Filed 07/23/14 Page 1 of 2 PageID: 23

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HUMAN RESOURCES

2014 JUL 29 P 4:18

NELSON PONCE PEREZ,
Plaintiff

V.

SUMMONS IN A CIVIL CASE**CITY OF ENGLEWOOD, ET AL.,**
Defendant

CASE NUMBER: 2:14-CV-04610-CCC-JBC

TO: *(Name and address of Defendant):*City of Englewood
2-10 N. Van Brunt Street
Englewood, NJ 07631RECEIVED IN
CITY CLERKS OFFICE
ENGLEWOOD, N.J.
JUL 29 P 4:07

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

TIMOTHY KELLY

(By) DEPUTY CLERK

ISSUED ON 2014-07-23 11:46:15.0, Clerk
USDC NJD

Case 2:14-cv-04610-CCC-JBC Document 2 Filed 07/23/14 Page 2 of 2 PageID: 24

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**

NELSON PONCE PEREZ

123 Orchard Street
Elizabeth, NJ 07208

Plaintiff,

v.

CITY OF ENGLEWOOD

2-10 N. Van Brunt Street
Englewood, NJ 07631

and

**CITY OF ENGLEWOOD POLICE
DEPARTMENT**

75 South Brunt Street
Englewood, NJ 07632

and

**CITY OF ENGLEWOOD POLICE
OFFICERS – JOHN DOES 1-5**

75 South Brunt Street
Englewood, NJ 07632

and

**CITY OF ENGLEWOOD POLICE
CHIEF LAWRENCE SUFFERN**

75 South Brunt Street
Englewood, NJ 07632

and

LITTLE EGG HARBOR TOWNSHIP

665 Radio Road
Little Egg Harbor, NJ 08087

and

**LITTLE EGG HARBOR POLICE
DEPARTMENT**

665 Radio Road
Little Egg Harbor, NJ 08087

and

**LITTLE EGG HARBOR POLICE
OFFICERS – JOHN DOES 1-5**

665 Radio Road
Little Egg Harbor, NJ 08087

and

**LITTLE EGG HARBOR TOWNSHIP
POLICE CHIEF**

RICHARD J. BUZBY, JR.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

665 Radio Road
Little Egg Harbor, NJ 08087
and
THE STATE OF NEW JERSEY
Attorney General's Office
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080
and
NEW JERSEY STATE POLICE
Attorney General's Office
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080
and
NEW JERSEY STATE TROOPER
BRIAN MURRAY, #7137
State Government Security Bureau
125 West State Street
Trenton, NJ 08618
and
NEW JERSEY STATE TROOPER
JOHN DOES 1- 5
Attorney General's Office
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080
and
NEW JERSEY STATE POLICE
SUPERINTENDENT - COLONEL
RICK FUENTES
Attorney General's Office
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080

Defendants.

COMPLAINT - CIVIL ACTION

Plaintiff Nelson Perez, by and through his attorneys Messa & Associates, P.C. hereby
brings the following Complaint, and in support thereof avers as follows:

1. This case arises under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §1983 and 42 U.S.C. §1985.

2. This Court is an appropriate Venue for this cause of action pursuant to 28 U.S.C. §1391(b). Mr. Perez was arrested in this judicial district and many, or all, of the witnesses reside or are employed within this district.

3. Plaintiff brings this action for damages resulting from his false arrest and false imprisonment at Little Egg Harbor Township Police Station, Englewood Police Station and Bergen County Jail in violation of his civil liberties and constitutionally protected rights.

PARTIES

4. Plaintiff, Nelson Perez is an adult individual residing at 123 Orchard Street, Elizabeth, New Jersey, 07208.

5. City of Englewood is a municipality in Bergen County, New Jersey with governmental offices located at 2-10 N. Van Brunt Street, Englewood, New Jersey 07631.

6. At all times relevant and material hereto, City of Englewood acted through its agents, ostensible agents, officers, police officers, clerks, municipal employees, supervisors, secretaries, court administrators, court staff, file clerks and judicial employees.

7. City of Englewood Police Department's headquarters are located at 75 Brunt Street, Englewood, New Jersey 07632. were at all times

8. At all times relevant and material hereto, the City of Englewood Police Department acted through its agents, ostensible agents, employees, file clerks, officers, supervisors, secretaries, administrators, police officers and police personnel.

9. Englewood City Police Officers – John Does 1-5 are unidentified and unknown police officers headquartered in City of Englewood with an address for service of process at 75 Brunt Street, Englewood, New Jersey 07632.

10. At all times relevant and material hereto, City of Englewood Police Officers – John Does 1-5 acted under color of statutes, ordinances, regulations and/or customs of the State of New Jersey within the scope of their employment and/or appointment as City of Englewood police officers.

11. City of Englewood Police Chief Lawrence Suffern, was and is the Police Chief leading the City of Englewood Police Department at 75 Brunt Street, Englewood, New Jersey 07632 (hereinafter “Police Chief Suffern”).

12. Police Chief Suffern is being sued individually and in his official capacity as the City of Englewood Police Chief.

13. At all relevant and material times, Police Chief Suffern was responsible for the promulgation, review and enforcement of all policies, customs and practices of the City of Englewood Police Department.

14. Little Egg Harbor Township is a municipality in Ocean County, New Jersey with governmental offices located at 665 Radio Road, Little Egg Harbor, New Jersey 08087.

15. At all times relevant and material hereto, Little Egg Harbor Township acted through its agents, ostensible agents, officers, police officers, clerks, municipal employees, supervisors, secretaries, court administrators, court staff, file clerks and judicial employees.

16. Little Egg Harbor Police Department's headquarters are located at 665 Radio Road, Little Egg Harbor, New Jersey 08087.

17. At all times relevant and material hereto, Little Egg Harbor Police Department acted through its agents, ostensible agents, employees, file clerks, officers, supervisors, secretaries, police officers and/or administrators.

18. Little Egg Harbor Police Officers – John Does 1-5 are unknown and unidentified police officers headquartered in Little Egg Harbor Township with an address for service of process at 665 Radio Road, Little Egg Harbor, New Jersey 08087.

19. At all times relevant and material hereto, Little Egg Harbor Police Officers – John Does 1-5 acted under color of statutes, ordinances, regulations and/or customs of the State of New Jersey within the scope of their employment and/or appointment as Little Egg Harbor police officers.

20. Little Egg Harbor Police Chief Richard J. Buzby, Jr., was and is the Police Chief leading the Little Egg Harbor Police Department at 665 Radio Road, Little Egg Harbor, New Jersey 08087 (hereinafter “Police Chief Buzby”).

21. Police Chief Buzby is being sued individually and in his official capacity as the Little Egg Harbor Police Chief.

22. At all relevant and material times, Police Chief Buzby was responsible for the promulgation, review and enforcement of all policies, customs and practices of the Little Egg Harbor Police Department.

23. The State of New Jersey is a governmental organization located for service of process at the Attorney General’s Office RJ Hughes Justice Complex, 25 Market Street, Box 080 Trenton, NJ 08625-0080.

24. At all times relevant and material hereto, the State of New Jersey acted through its agents, ostensible agents, officers, police officers, clerks, municipal employees, supervisors, secretaries, court administrators, court staff, file clerks and judicial employees.

25. New Jersey State Police have an address for service of process at the Attorney General's Office RJ Hughes Justice Complex, 25 Market Street, Box 080 Trenton, NJ 08625-0080.

26. At all times relevant and material hereto, the New Jersey State Police acted through its agents, ostensible agents, employees, file clerks, officers, police officers, troopers, supervisors, secretaries and/or administrators.

27. State Trooper Brian Murray, badge number 7137, is a New Jersey State Trooper currently assigned to the State Government Security Bureau headquartered at 125 West State Street, Trenton, NJ 08618.

28. At all relevant times material hereto Trooper Murray acted under color of statutes, ordinances, regulations and/or customs of the State of New Jersey within the scope of his employment and/or appointment as a New Jersey State Trooper.

29. New Jersey State Police Officers – John Does 1-5 are unidentified and unknown police that have an address for service of process at the Attorney General's Office RJ Hughes Justice Complex, 25 Market Street, Box 080 Trenton, NJ 08625-0080.

30. New Jersey State Police Superintendent, Colonel Rick Fuentes, was and is the Police Superintendent leading the New Jersey State Police with an address for service of process at the Attorney General's Office RJ Hughes Justice Complex, 25 Market Street, Box 080 Trenton, NJ 08625-0080. (hereinafter "Superintendent Fuentes").

31. Superintendent Fuentes is being sued individually and in his official capacity as the Superintendent of the New Jersey State Troopers.

32. At all relevant and material times, Superintendent Fuentes was responsible for the promulgation, review and enforcement of all policies, customs and practices of the New Jersey State Police.

33. At all times relevant and material hereto, Defendants acted under the color of state law.

FACTS

34. On July 9, 1868, the Fourteenth Amendment to the United States Constitution was adopted.

35. The Fourteenth Amendment provides, *inter alia*, that:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

36. On August 24, 2011, Englewood Municipal Court Judge, James Dow Jr. set Mr. Perez' bail at \$35,000.00, ROR, in the matter of State of New Jersey vs. Nelson Perez-Ponce, W-2011-000137-0215.

37. On August 31, 2011, Englewood Municipal Court Judge, James Dow Jr. set Mr. Perez' bail at \$1,500.00 in the matter of State of New Jersey vs. Nelson Perez-Ponce, W-2010-000650-0215.

38. On September 15, 2011, bond was issued on behalf of Mr. Perez in both criminal matters, W-2011-000137-0215 and W-2010-000650-0215, and received by R.T.2 Ellison of the Englewood Municipal Court, with a court date "to be set."

39. Per information and belief, Mr. Perez's bond posted on April 28, 2011.

40. On August 1, 2012, Mr. Perez was driving his work vehicle southbound on Route 9 in Little Egg Harbor Township.

41. At the intersection of Route 9 and Firehouse Drive State Trooper Murray, State Troopers John Does 1-5 and/or Little Egg Harbor Police Officers – John Does 1-5, stopped Mr. Perez's vehicle at 1:22 a.m.

42. State Trooper Murray cited Mr. Perez for Traffic on Marked Lanes - Unsafe Lane Change, New Jersey Statute 39:4-88B.

43. State Trooper Murray, State Troopers John Does 1-5 and/or Little Egg Harbor Police Officers – John Does 1-5, requested Mr. Perez exit his vehicle and without explanation placed him under arrest.

44. State Trooper Murray, State Troopers John Does 1-5 and/or Little Egg Harbor Police Officers – John Does 1-5, transported Mr. Perez either to the Little Egg Harbor Police Station or the State Police Barracks.

45. During the early morning hours of August 1, 2012, State Trooper Murray, State Troopers John Does 1-5 and/or Little Egg Harbor Police Officers – John Does 1-5, drove Mr. Perez northbound on the New Jersey Parkway, stopped at an unknown rest stop and transferred Mr. Perez to John Doe Englewood Police Officers 1-5.

46. John Doe Englewood Police Officers 1-5 took Mr. Perez north to the City of Englewood Police Department.

47. While at the City of Englewood Police Department Mr. Perez was informed that he was arrested due to an arrest warrant pertaining to W-2011-000137-0215 and/or W-2010-000650-0215, despite the fact that the charges had previously been discharged and despite the fact that he had posted bail on April 28, 2011.

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48. Without being arraigned, John Doe Englewood Police Officers 1-5 transported Mr. Perez to Bergen County Jail located in Hackensack, New Jersey.

49. Upon arrival at Bergen County Jail, Mr. Perez was finally permitted to contact his family to inform them of his location.

50. During his imprisonment at Bergen County Jail, Mr. Perez participated twice in video arraignment proceedings where it was never concluded that there was an ongoing criminal matter, or that there was a valid warrant for Mr. Perez's arrest.

51. Upon information and belief, Mr. Perez's bail was set at \$35,000.00 to which he was required to pay a deposit of \$5,000.00 to be freed from Bergen County Jail.

52. On August 4, 2012, Mr. Perez's family member posted bail for Mr. Perez.

53. Immediately upon posting Mr. Perez's bail, the bail money was returned to Mr. Perez family who was told that the officers had made a mistake and there was never an open arrest warrant for Mr. Perez.

54. Mr. Perez was never given any documents pertaining to his incarceration at Bergen County Jail.

55. Mr. Perez was never charged with any offense resulting from the August 1, 2012 traffic stop, besides a minor traffic offense.

56. Mr. Perez was never given a trial date or a date to appear in court for either W-2011-000137-0215 and/or W-2010-000650-0215.

57. Per information and belief, Mr. Perez's bond for cases W-2011-000137-0215 and W-2010-000650-0215 was returned on March 7, 2013.

COUNT I**42 U.S.C. SECTION 1983 FALSE ARREST****PLAINTIFF VS. DEFENDANTS, TROOPER BRIAN MURRAY, NEW JERSEY STATE
POLICE JOHN DOE TROOPERS 1-5, CITY OF ENGLEWOOD JOHN DOE POLICE
OFFICERS 1-5 AND LITTLE EGG HARBOR TOWNSHIP JOHN DOE POLICE
OFFICERS 1-5**

58. Plaintiff hereby incorporates by reference the preceding and succeeding paragraphs of the Complaint as though they were fully set forth at length

59. At all relevant and material times, Trooper Murray, New Jersey State Police John Doe Troopers 1-5, City of Englewood John Doe Police Officers 1-5 and Little Egg Harbor John Doe Police Officers 1-5 were "persons" within the meaning of 42 U.S.C. § 1983.

60. At all relevant and material times, Trooper Murray, New Jersey State Police John Doe Troopers 1-5, City of Englewood John Doe Police Officers 1-5 and Little Egg Harbor John Doe Police Officers 1-5 were acting "under the color of state law" pursuant to 42, U.S.C. § 1983.

61. Defendants Trooper Murray, New Jersey State Police John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 arrested Mr. Perez without probable cause under the Fourth and Fourteenth Amendments of the Constitution of the United States.

62. Trooper Murray, New Jersey State Police John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 arrested Mr. Perez without probable cause under the New Jersey Constitution, Article 1, Paragraph 7.

63. Trooper Murray, New Jersey State Police John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 acted in violation of Mr. Perez's right to be free from unreasonable seizure under the Fourth Amendment

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of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, protected by 42 U.S.C. Section 1983.

64. Defendants, Trooper Murray, New Jersey State Police John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 violated Mr. Perez's constitutional rights by recklessly carelessly and negligently:

- a. Failing to check on the validity of the arrest warrant;
- b. Failing to contact the City of Englewood to ensure that the arrest warrant was valid;
- c. Failing to confirm the validity of the arrest warrant;
- d. Failing to determine whether bond had been posted on Mr. Perez's previous cases;
- e. Failing to determine if the underlying criminal matters were ongoing;
- f. Failing to determine if the underlying criminal matters were discharged, dismissed or expunged;
- g. Failing to permit Mr. Perez from contacting his family;
- h. Failing to provide Mr. Perez with a timely arraignment;
- i. Failing to arraign Mr. Perez on a specific charge;
- j. Failing to provide Mr. Perez with a trial date;
- k. Failing to release Mr. Perez with R.O.R. bail;
- l. Failing to provide Mr. Perez with access to a public defender;
- m. Failing to contact the City of Englewood police to determine the validity of the warrant;
- n. Failing to contact the City of Englewood Municipal Court to determine the validity of the warrant;
- o. Failing to contact the City of Englewood Municipal Court to determine if the underlying criminal cases were still active;

- p. Arranging transport of Mr. Perez without determining the validity of the underlying warrant;
- q. Transporting Mr. Perez without determining the validity of the underlying warrant;
- r. Exchanging Mr. Perez without determining the validity of the underlying warrant;
- s. Arranging transport of Mr. Perez without clarifying the status of the underlying criminal matters;
- t. Transporting Mr. Perez without clarifying the status of the underlying criminal matters; and
- u. Exchanging Mr. Perez without clarifying the status of the underlying criminal matters.

65. At the time of Mr. Perez's arrest, the cases of W-2011-000137-0215 and/or W-2010-000650-0215 were dismissed and any Arrest Warrants were null and void.

66. By reason of the above, Mr. Perez was greatly injured, suffered great mental anguish and was prevented from attending to his business and were deprived of his constitutional rights as described above.

67. As a direct and proximate cause of the malicious and outrageous conduct of Defendants as set forth above, Mr. Perez suffered damages in the form of lost income and may suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff, Nelson Perez demands judgment against Defendants City of Englewood, City of Englewood Police Department, Englewood City Police Officer John Does 1-5, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Little Egg Harbor Police Officer John Does 1-5, Police Chief Buzby, the State of New Jersey, the New Jersey State Police, State Trooper Brian Murray, New Jersey State Troopers John Does

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1-5 and Superintendent Fuentes for compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

COUNT II

42 U.S.C. SECTION 1983 FALSE IMPRISONMENT

**PLAINTIFF VS. DEFENDANTS. TROOPER BRIAN MURRAY, NEW JERSEY STATE
POLICE JOHN DOE TROOPERS 1-5, CITY OF ENGLEWOOD JOHN DOE POLICE
OFFICERS 1-5 AND LITTLE EGG HARBOR TOWNSHIP JOHN DOE POLICE
OFFICERS 1-5**

68. Plaintiff hereby incorporates by reference the preceding and succeeding paragraphs of the Complaint as though they were fully set forth at length

69. The aforementioned acts of Defendants Trooper Murray, New Jersey State John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 imprisoned Mr. Perez without due process of law under the Fourth, Fifth and Fourteenth Amendments of the Constitution of the United States.

70. The aforementioned acts of Defendants Trooper Murray, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 imprisoned Mr. Perez without due process of law under the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq.

71. The aforementioned acts were in violation of Mr. Perez's right to not be imprisoned without due process of law as protected by 42 U.S.C. Section 1983.

72. At the time of Mr. Perez's arrest, bond had been posted in the cases of W-2011-000137-0215 and/or W-2010-000650-0215, the cases have previously been dismissed and any attempt to imprison Mr. Perez and/or set new bail was invalid.

73. Defendants further violated Mr. Perez's constitutionally protected right of freedom by recklessly, carelessly and/or negligently:

- a. Failing to check on the validity of the arrest warrant;
- b. Failing to contact the City of Englewood to ensure that the arrest warrant was valid;
- c. Failing to confirm the validity of the arrest warrant;
- d. Failing to determine whether bond had been posted on Mr. Perez's previous cases;
- e. Failing to determine if the underlying criminal matters were ongoing;
- f. Failing to determine if the underlying criminal matters were discharged, dismissed or expunged;
- g. Failing to permit Mr. Perez from contacting his family;
- h. Failing to provide Mr. Perez with a timely arraignment;
- i. Failing to arraign Mr. Perez on a specific charge;
- j. Failing to provide Mr. Perez with a trial date;
- k. Failing to release Mr. Perez with R.O.R. bail;
- l. Failing to provide Mr. Perez with access to a public defender;
- m. Failing to contact the City of Englewood police to determine the validity of the warrant;
- n. Failing to contact the City of Englewood Municipal Court to determine the validity of the warrant;
- o. Failing to contact the City of Englewood Municipal Court to determine if the underlying criminal cases were still active;
- p. Arranging transport of Mr. Perez without determining the validity of the underlying warrant;
- q. Transporting Mr. Perez without determining the validity of the underlying warrant;
- r. Exchanging Mr. Perez without determining the validity of the underlying warrant;
- s. Arranging transport of Mr. Perez without clarifying the status of the underlying criminal matters;
- t. Transporting Mr. Perez without clarifying the status of the underlying criminal matters; and

u. Exchanging Mr. Perez without clarifying the status of the underlying criminal matters.

74. By reason of the above, Mr. Perez was greatly injured, suffered great mental anguish and was prevented from attending to his business and were deprived of his constitutional rights as described above.

75. As a direct and proximate cause of the malicious and outrageous conduct of Defendants as set forth above, Mr. Perez suffered damages in the form of lost income and may suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff, Nelson Perez demands judgment against Defendants City of Englewood, City of Englewood Police Department, Englewood City Police Officer John Does 1-5, Little Egg Harbor Township, Little Egg Harbor Police Department, Little Egg Harbor Police Officer John Does 1-5, the State of New Jersey, the New Jersey State Police, State Trooper Brian Murray and New Jersey State Troopers John Does 1-5, for compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

COUNT III
42 U.S.C. SECTION 1985 CONSPIRACY
PLAINTIFF VS ALL DEFENDANTS

76. Plaintiff hereby incorporates by reference the preceding and succeeding paragraphs of the Complaint as though they were fully set forth at length

77. At all times relevant and material hereto, Defendants City of Englewood Police Department, John Doe Englewood Police Officers, Little Egg Harbor Police Department, John

Doe Little Egg Harbor Police Officers 1-5, the State Police of New Jersey, Trooper Brian Murray and New Jersey State Troopers John Does 1-5 worked in connection with one another and/or conspired to arrest and/or imprison Mr. Perez without due process of law and in violation of his constitutional rights as protected by the Fourth, Fifth and Fifteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq.

78. Defendants' actions and inactions purposefully deprived, either directly or indirectly, recklessly, carelessly and/or negligently Mr. Perez's due process rights under the Fifth Amendment of United States Constitution and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. through the following actions:

- a. Failing to check on the validity of the arrest warrant;
- b. Failing to contact the City of Englewood to ensure that the arrest warrant was valid;
- c. Failing to confirm the validity of the arrest warrant;
- d. Failing to determine whether bond had been posted on Mr. Perez's previous cases;
- e. Failing to determine if the underlying criminal matters were ongoing;
- f. Failing to determine if the underlying criminal matters were discharged, dismissed or expunged;
- g. Failing to permit Mr. Perez from contacting his family;
- h. Failing to provide Mr. Perez with a timely arraignment;
- i. Failing to arraign Mr. Perez on a specific charge;
- j. Failing to provide Mr. Perez with a trial date;
- k. Failing to release Mr. Perez with R.O.R. bail;
- l. Failing to provide Mr. Perez with access to a public defender;
- m. Failing to contact the City of Englewood police to determine the validity of the warrant;

- n. Failing to contact the City of Englewood Municipal Court to determine the validity of the warrant;
- o. Failing to contact the City of Englewood Municipal Court to determine if the underlying criminal cases were still active;
- p. Arranging transport of Mr. Perez without determining the validity of the underlying warrant;
- q. Transporting Mr. Perez without determining the validity of the underlying warrant;
- r. Exchanging Mr. Perez without determining the validity of the underlying warrant;
- s. Arranging transport of Mr. Perez without clarifying the status of the underlying criminal matters;
- t. Transporting Mr. Perez without clarifying the status of the underlying criminal matters; and
- u. Exchanging Mr. Perez without clarifying the status of the underlying criminal matters.

79. As a direct and proximate result of Defendants actions and inactions, Mr. Perez was deprived of his constitutionally protected right of freedom as enumerated within the United States Constitution and the and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq.

WHEREFORE, Plaintiff, Nelson Perez demands judgment against Defendants City of Englewood, City of Englewood Police Department, Englewood City Police Officer John Does 1-5, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Little Egg Harbor Police Officer John Does 1-5, Police Chief Buzby, the State of New Jersey, the New Jersey State Police, State Trooper Brian Murray, New Jersey State Troopers John Does 1-5 and Superintendent Fuentes for compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

COUNT IV
VIOLATIONS OF 42 U.S.C. § 1983
FAILURE TO TRAIN AND SUPERVISE
PLAINTIFF v. CITY OF ENGLEWOOD, CITY OF ENGLEWOOD POLICE
DEPARTMENT, POLICE CHIEF SUFFERN, LITTLE EGG HARBOR TOWNSHIP,
LITTLE EGG HARBOR POLICE DEPARTMENT, POLICE CHIEF BUZBY, THE
STATE OF NEW JERSEY, NEW JERSEY STATE POLICE, SUPERINTENDENT
RICK FUENTES

80. Plaintiff hereby incorporates by reference the preceding and succeeding paragraphs of the Complaint as though they were fully set forth at length.

81. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The State of New Jersey, the New Jersey State Police and Superintendent Fuentes failed to properly train and supervise Trooper Murray, New Jersey State John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5.

82. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The State of New Jersey, the New Jersey State Police and Superintendent Fuentes failed to properly implement and enforce policies and procedures pertaining to checking the validity of arrest warrants.

83. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The State of New Jersey, the New Jersey State Police and Superintendent Fuentes failed to properly implement and enforce policies and procedures pertaining to transferring individuals that they have arrested without due process of law.

84. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The

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State of New Jersey, the New Jersey State Police and Superintendent Fuentes failed to properly implement and enforce policies and procedures pertaining to checking whether individuals were being arrested on dismissed criminal matters.

85. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The State of New Jersey, the New Jersey State Police and Superintendent Fuentes' failures were of such magnitude that they amount to a deliberate indifference to the rights of persons with whom Trooper Murray, New Jersey State John Doe Troopers 1-5, Little Egg Harbor John Doe Police Officers 1-5 and Englewood John Doe Police Officers 1-5 came into contact.

86. Defendants, City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, The State of New Jersey, the New Jersey State Police and Superintendent Fuentes', failures caused Mr. Perez's harm including:

- a. Pain and suffering
- b. Mental anguish;
- c. Loss of earnings;
- d. Loss of life's pleasures;
- e. Humiliation;
- f. Embarrassment; and
- g. Emotional and psychological trauma.

WHEREFORE, Plaintiff, Nelson Perez demands judgment against Defendants City of Englewood, City of Englewood Police Department, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Police Chief Buzby, the State of New Jersey,

the New Jersey State Police and Superintendent Fuentes for compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

COUNT V
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJCRA)
PLAINTIFF VS ALL DEFENDANTS

87. Plaintiff hereby incorporates by reference the preceding and succeeding paragraphs of the Complaint as though they were fully set forth at length.

88. The false arrest, imprisonment and illegal seizure of Mr. Perez's person by Defendants deprived Mr. Perez of the substantive due process right to be free from unlawful seizure of his person and their fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq.

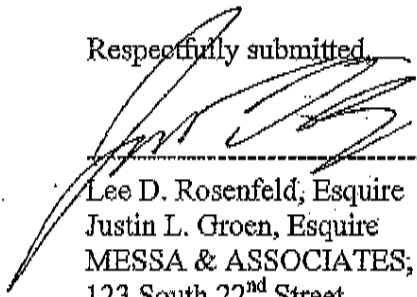
89. ~~all~~ Defendants' acts were committed in the course of their official duties as police officers, New Jersey State Troopers and/or agents, servants and/or employees of the City of Englewood, Little Egg Harbor Township, The State of New Jersey and/or the New Jersey State Police, in their official and/or personal capacities.

90. As a direct and proximate result of the aforesaid acts of Defendants Trooper Murray, Little Egg Harbor John Doe Police Officers 1-5, City of Englewood John Doe Police Officers 1-5 and New Jersey State Troopers John Does 1-5, Mr. Perez suffered mental anguish, anxiety, depression, lost wages and additional special damages in the future in an amount which cannot yet be determined.

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WHEREFORE, Plaintiff, Nelson Perez demands judgment against Defendants City of Englewood, City of Englewood Police Department, Englewood City Police Officer John Does 1-5, Police Chief Suffern, Little Egg Harbor Township, Little Egg Harbor Police Department, Little Egg Harbor Police Officer John Does 1-5, Police Chief Buzby, the State of New Jersey, the New Jersey State Police, State Trooper Brian Murray, New Jersey State Troopers John Does 1-5 and Superintendent Fuentes for compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

Respectfully submitted,



Lee D. Rosenfeld, Esquire
Justin L. Groen, Esquire
MESSA & ASSOCIATES, P.C.
123 South 22nd Street
Philadelphia, PA 19103
Telephone: (215) 568-3500
Facsimile: (215) 568-3501

DATED: July 22, 2014

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JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NELSON PONCE PEREZ, 123 ORCHARD STREET, ELIZABETH NJ

(b) County of Residence of First Listed Plaintiff UNION
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (First Name, Address, Email and Telephone Number)

LEE D. ROSENFELD, ESQUIRE
MESSA & ASSOCIATES, P.C., 123 S. 22ND STREET
PHILA., PA 19123

DEFENDANTSCITY OF ENGLEWOOD, 2-10 N. VAN BRUNT STREET
ENGLEWOOD, NJ 07361, ET AL.

County of Residence of First Listed Defendant BERGEN
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 |
| Citizen of Another State | ☐ 2 | ☐ 2 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 |
| Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical ☐ 368 Asbestos Personal Injury Product Liability ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	☐ 422 Appeal 28 USC 138 ☐ 423 Withdrawal 28 USC 157 ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark ☐ 861 HIA (13950) ☐ 862 Black Lung (923) ☐ 863 DEWC/DIWW (405(g)) ☐ 864 SSD Title XVI ☐ 865 RSI (405(g))	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review of Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	☐ 440 Other Civil Rights ☐ 463 Alien Detainees ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mardanos & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainees - Conditions of Confinement	☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983, 1985

Brief description of cause:
FALSE ARREST AND IMPRISONMENT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/22/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE