

Case 2:16-cv-08927-KM-JBC Document 2 Filed 12/02/16 Page 1 of 2 PageID: 27

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUIS ZAPATA,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

CITY OF ENGLEWOOD, NEW JERSEY,
ET AL.,
Defendant

CASE NUMBER: 2:16-CV-08927-KM-JBC

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

CITY OF ENGLEWOOD
Municipal Building
2-10 N. Van Brunt Street
Englewood, NJ 07631

RECEIVED IN
CITY CLERK'S OFFICE
ENGLEWOOD, N.J.
DEC 5 2016 4:57 PM

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

STEPHEN BOND

(By) DEPUTY CLERK



ISSUED ON 2016-12-02 14:42:19, Clerk
USDC NJD

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service:</i>		
☐ 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 _____		

DEMETRIOS K. STRATIS, ESQ. (022391991)
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
(201) 794-6200/ (201) 794-6300 Fax
Email: dstratis@stratislaw.com
Attorney for Plaintiff Luis Zapata

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

LUIS ZAPATA,

Plaintiff,

v.

**CITY OF ENGLEWOOD, NEW
JERSEY; ENGLEWOOD CITY
COUNCIL; THE ENGLEWOOD
POLICE DEPARTMENT; CHIEF
LAWRENCE SUFFERN (in his official
and individual capacities); DEPUTY
CHIEF THOMAS LOSCHIAVO (in his
official and individual capacities);
OFFICER ADOLFO GUTIERREZ (in
his official and individual capacities);
and JOHN DOES 1-4 OF THE
ENGLEWOOD POLICE
DEPARTMENT (unidentified
Englewood Police Officers, in their
official and individual capacities),**

Defendants.

CASE NO.

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF, AND
COMPENSATORY AND PUNITIVE
DAMAGES**

Plaintiff Luis Zapata who resides at 128 East Brinkerhoff Avenue – Floor 1,
Palisades Park, New Jersey 0765 by and through counsel file this civil action to

respectfully request this Court to issue Injunctive and Declaratory Relief and award Damages for constitutional violations and other causes of action described below. In support, Plaintiff avers unto the Court as follows:

I. PRELIMINARY STATEMENT

1. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 for redress of the deprivation under color of state law of the fundamental and historical rights secured to him by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey, Art. I, §§ 3 and 8.

2. Plaintiff seeks a temporary restraining order, preliminary injunctive relief, declaratory judgment, nominal damages as well as compensatory and punitive damages for the actions of Defendants that violated his fundamental constitutional rights.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 1343(a)(3), (4), which confers original jurisdiction on federal district courts in suit to redress the deprivation of rights, privileges and immunities as set forth in paragraph one (1). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1367(a), which confers supplemental jurisdiction over state claims on federal district courts. This action is also authorized by 42 U.S.C. § 1983, because Defendants are state actors that have abridged Plaintiffs'

constitutional rights. The Court may address declaratory relief requested pursuant to 28 U.S.C. § 2201 and 2202 and 42 U.S.C. § 1983.

4. Venue is proper in the District of New Jersey, pursuant to 28 U.S.C. § 1391(b), because the claims arose in the district.

III. IDENTIFICATION OF PARTIES

5. Plaintiff Luis Zapata is an adult citizen and is a resident of the State of New Jersey.

6. Defendant City of Englewood, New Jersey is a municipal corporation existing under the laws and Constitution of the State of New Jersey, and is a corporate entity capable of suing and being sued. In all respects set forth in this Complaint, Defendant City of Englewood acted under color of the law of the State of New Jersey.

7. Defendant Englewood City Council is the legislative branch of government, whereby, deciding public policy, creating city ordinances and resolutions, passing the city budget, appropriating funds for city services, and hiring the City Manager.

8. Defendant Englewood Police Department is operated and maintained by Defendant City of Englewood. In all respects set forth in this Complaint, Defendant Englewood Police Department acted under color of law of the law of the State of New Jersey.

9. Defendant Chief Lawrence Suffern is the Chief of the Englewood Police Department. He is sued in his official and individual capacities. In all respects set forth in this Complaint, Defendant Chief Lawrence Suffern acted under the color of the law of the State of New Jersey.

10. Defendant Deputy Chief Thomas Loschiavo is the Deputy Chief of the Englewood Police Department. He is sued in his official and individual capacities. In all respects set forth in this Complaint, Defendant Chief Lawrence Suffern acted under the color of the law of the State of New Jersey.

11. Defendant Officer Adolfo Gutierrez is employed by the Englewood Police Department. He is being sued in his official and individual capacities. In all respects set forth in this Complaint, Defendant Officer Adolfo Gutierrez acted under color of the law of the State of New Jersey.

12. Defendant John Does 1-4 of the Englewood Police Department are employed by the City of Englewood. They are being sued in their official and individual capacities. In all respects set forth in this Complaint, Defendant John Does 1-4 of the Englewood Police Department acted under color of the law of the State of New Jersey.

IV. STATEMENTS OF FACT

13. Plaintiff is a devout Christian and active evangelist.

14. Plaintiffs' sincerely-held religious beliefs compel him to proclaim the

word of God and Gospel of Jesus Christ through the spoken and written word to as many people as possible.

15. As part of Plaintiffs' evangelistic work, Plaintiff regularly engages in constitutionally-protected activities, such as open-air preaching, holding Scripture-based banners and signs, and distributing Gospel literature on public streets and sidewalks, in parks, on boardwalks and in other public venues in cities across America.

16. Street preaching, also known as open-air preaching, is a historical form of free speech that involves lifting up one's voice to deliver a public message of repentance and faith in the Lord Jesus Christ. Open air-preaching is integral and essential to Plaintiffs' free expression and free exercise of religion as they believe that they have a Biblical mandate to "preach the Gospel to every creature" (Mark 16:15). Romans 10:14 asks, "How will they hear without a preacher? So then faith comes by hearing, and hearing by the word of God."

17. Due to modern technology and industrialism and the noise it creates in urban areas, Plaintiffs often use signs and banners in order to effectively communicate in noisy environments.

18. Because of the practice, policy and custom of Defendants, Plaintiffs' constitutional rights to engage in effective free speech activities have suffered, are suffering and will continue to suffer without immediate relief by this court.

19. Ordinance 380-32 entitled Temporary Permits for Advertising on Vehicles is part of Article V of the City Ordinances which governs advertising in general and states: "No person shall operate or park on any street any vehicle for the purpose of displaying advertising; provided, however, that the Council may issue temporary permits for such advertising display on vehicles for public, charitable, benevolent and religious undertakings. The Council may impose limitations and restrictions as may be conducive to the public welfare upon the issuance of temporary permits."

20. On August 2, 2014, Plaintiff Luis F. Zapata, along with others, assembled on the city street in Englewood near the abortion clinic Metropolitan Medical Associates at 40 Engle Street, Englewood, New Jersey in order to exercise his First Amendment Right to Free Speech and engage in dialogue with passersby about life in Jesus Christ and that abortion was the killing of babies.

21. The area is known to have a constant stream of pedestrian traffic as well as a variety of other entertainment and commercial activity. Moreover, it is the area outside of the abortion clinic which retains a buffer zone and Plaintiff Luis Zapata was located outside of that buffer zone. The buffer zone existed because Free Speech activity is frequently exercised in that area.

22. Plaintiff chose this location since it is located near the abortion clinic and he wanted to reach as many people as possible.

23. Plaintiff lawfully parked his motor vehicle on the street in a lawful parking space. His motor vehicle had signs on it which had written Bible verses on it and the message of Salvation.

24. These officers state that Plaintiff could not display the signs on his motor vehicle and ordered Plaintiff to remove them.

25. Plaintiff explained to Defendant Officer Adolfo Gutierrez that he was engaging in his constitutionally protected freedom of expression and speech. When Plaintiff Luis F. Zapata expressed Plaintiffs' need to use the signs to communicate effectively, Defendant Officer Adolfo Gutierrez stated that the placement and display of signs on motor vehicles was illegal in the City of Englewood.

26. Plaintiff Luis F. Zapata again explained why the use of signs is necessary.

27. Defendant Officer Adolfo Gutierrez threatened to write Plaintiff a ticket and asserted that Plaintiff was in violation of a City of Englewood ordinance.

28. In a final attempt to reason with Defendant Officer Adolfo Gutierrez, Plaintiff explained that he was not in violation of any ordinance and noted that he was not engaging in any commercial activity.

29. Nonetheless, the Police charged the Plaintiff with a summonses under City Ordinance 380-32 entitled Temporary Permits for Advertising on Vehicles.

(Attached as Exhibit B is a copy of the Summonses). That Ordinance is part of Article V of the City Ordinances which governs advertising in general.

30. At no time was the Plaintiff advertising any goods or services. He was engaging in his First Amendment Right to Free Speech and Free Exercise of Religion by street preaching. As such, the Plaintiff's action was not intended harm of the ordinance because he was not advertising.

31. Plaintiff submitted to the authority of the municipal court and prosecutor which prosecuted the violations against the Plaintiff. He was forced to retain legal counsel, forced to appear on at least ten (10) occasions in municipal court, and forced to defend the charges against him for many months until July 7, 2016, when the municipal court, on motion of the prosecutor, dismissed the charges against the Plaintiff.

V. ALLEGATIONS OF LAW

COUNT 1: THE ORDINANCE, AS APPLIED, VIOLATES PLAINTIFF'S CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1983 (FIRST AMENDMENT FREEDOM OF SPEECH, EXPRESSION AND ASSOCIATION)

32. Plaintiff re-alleges and incorporates herein the foregoing paragraphs of this Complaint as if repeated verbatim.

33. On August 2, 2014, Plaintiff assembled on the city street in Englewood near the abortion clinic Metropolitan Medical Associates at 40 Engle Street, Englewood, New Jersey in order to exercise his First Amendment Right to

Free Speech and engage in dialogue with passersby about life in Jesus Christ and that abortion was the killing of babies.

34. Plaintiff lawfully parked his motor vehicle on the street in a lawful parking space. His motor vehicle had signs on it which had written Bible verses on it and the message of Salvation. Plaintiff used the banners and signs in order to effectively communicate his message.

35. The First Amendment's Freedom of Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits censorship of religious expression.

36. Defendants violated Plaintiff's First Amendment right to freedom of speech by instruction him to cease and desist from advocacy through the display of his banners and his street preaching in the public sidewalk and issuing him a violation because of the religious content of his speech.

37. Defendant Officer Adolfo Gutierrez, under the color of law, censored Plaintiff's ability to exercise his First Amendment rights, particularly Free Speech, Free Exercise, and Freedom of Association, by enforcing Ordinance 380-32 entitled Temporary Permits for Advertising on Vehicles against the Plaintiff and directing him to remove his vehicle and stop his street preaching.

38. Under the threat of criminal prosecution, Plaintiff engaged in obedient debate with Defendant, regarding the apparent violation of Plaintiff's First and

Fourteenth Amendment rights and the violation of the Ordinance 380-32.

39. The censored banners and signs were not used for the purpose of displaying advertising.

40. Plaintiff has a federally protected right and privilege to be free from deprivation his freedom of speech, expression and association under the First Amendment to the United States Constitution as incorporated and applicable to the state by the Fourteenth Amendment to the United States Constitution.

41. The Defendants knew or should have known that Plaintiff has a federally protected right and privilege to be free from deprivation his freedom of speech, expression and association under the First Amendment to the United States Constitution as incorporated and applicable to the state by the Fourteenth Amendment to the United States Constitution.

42. Defendants acted in a manner of deliberate indifference to the rights of Plaintiff, when he ordered Plaintiff to conceal and censor the banners and signs on his motor vehicle and under color of law, deprived Plaintiff of certain civil rights secured under the First and Fourteenth Amendment of the United States Constitution, by wrongfully censoring Plaintiffs freedom of speech, expression and association.

43. Defendants' policies and practice allow officials to exercise unbridled discretion to discriminate against public expression outside and in a public forum

on the basis of content or viewpoint.

44. The very existence of unbridled discretion is a form of viewpoint discrimination.

45. Defendants exercised their unbridled discretion to effectively ban Plaintiff's expression.

46. Defendants' policies and practice chill the speech of third parties who might seek to make a public religious expression.

47. Defendants' policies are vague and overbroad

48. Defendants' policies and practice are content-based restrictions on Plaintiff's expression.

49. Defendants' policies and practice are viewpoint-based restrictions on Viki's expression.

50. Defendants have denied Plaintiff's right to freedom of speech by discriminating against him on the basis of the religious viewpoint of his expression.

51. No compelling state interest exists to justify the effective ban on Plaintiff's expression. Moreover, Defendant's interest in efficiently fulfilling their responsibilities to the public were hampered by their unconstitutional actions against Plaintiff's freedom of religious expression.

52. Defendants' policies and practice are not the least restrictive means to

accomplish any permissible government purpose sought to be served by the actions.

53. Defendants' policies and practice do not leave open ample alternative channels of communication for Plaintiff.

54. Defendants' policies and practice unconstitutionally chill and abridge Plaintiff's right to freely express himself in a public forum.

55. Defendants' violation of Plaintiff's right of free speech have caused him to suffer irreparable injury. As a direct result of the Defendants' violation of Plaintiff's constitutional rights, Plaintiff has suffered and continues to suffer harm, including but not limited to: humiliation, embarrassment, emotion distress, and damage to his reputation. Plaintiff has had to incur reasonable attorney fees and expenses.

56. Plaintiff has no adequate remedy at law to correct the continuing deprivations of his most cherished constitutional liberties.

57. As a direct result of the Defendants violation of Plaintiffs civil rights, Plaintiff suffered damages including but not limited to, the chilling his First Amendment Rights, emotional damages, embarrassment, humiliation, stress and/or mental anguish and all other damages directly and or consequentially associated with the deprivation of one's civil rights.

58. As a direct result of the Defendants actions, Plaintiff suffered

damages, including attorney's fees and costs associated with vindicating his civil rights.

59. By reason of the described conduct of Defendants, Defendants, and each of them, are liable to Plaintiff under 42 U.S.C.A. § 1983 for injuries suffered by Plaintiff, in that their conduct deprived Plaintiff of rights, privileges and immunities given Plaintiff by the United States Constitution and the New Jersey Constitution.

WHEREFORE, Plaintiff respectfully requests that the Court grant the relief set forth hereinafter in the prayer for relief.

**COUNT 2: VIOLATION OF PLAINTIFF'S CIVIL RIGHTS
PURSUANT TO 42 UNITED STATES CODE §1983
(EQUAL PROTECTION)**

60. Plaintiff hereby incorporates and realleges all preceding paragraphs.

61. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution mandates that government shall not "deny to any person within its jurisdiction the equal protection of the laws."

62. The Defendants knew or should have known that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution mandates that government shall not "deny to any person within its jurisdiction the equal protection of the laws."

63. The Defendants actions in failing to adhere to their own procedural and/or substantive rules, procedures and policies was arbitrary and capricious.

64. The Defendants actions on August 2, 2014, constitutes the Defendants inconsistent application of procedures to members of the public.

65. The Defendants actions in failing to adhere to their own procedural and/or substantive rules, procedures and policies arbitrarily singled JM out for disparate treatment.

66. The Defendants actions in failing to adhere to their own procedural and/or substantive rules, procedures and policies placed Plaintiff in a special class, to which he is treated differently than other similarly situated individuals or groups.

67. The Defendants actions in failing to adhere to their own procedural and/or substantive rules, procedures and policies constitutes a gross abuse of governmental power.

68. The Defendants actions in failing to adhere to their own procedural and/or substantive rules, procedures and policies constitutes a personal and knowing disregard and/or deliberate indifference for Plaintiff's legal rights.

69. As a direct and proximate result of their actions, the Defendants, under the color of law, deprived the Plaintiff of equal protection rights secured under the 14th Amendment of the United States Constitution, by their utter

disregard for the equal application of law and procedure and written policies to Plaintiff.

70. As a direct and proximate result of their actions, the Defendants, under color of law, deprived Plaintiff of certain civil rights secured under the 14th Amendment of the United States Constitution, by arbitrarily taking action in contradiction of written policies in violation of Plaintiff's right to equal protection under the law.

71. As a direct and proximate result of the Defendants actions in violating the civil rights of Plaintiff, Plaintiff suffered damages, including but not limited to the chilling of his constitutional rights, emotional damages, embarrassment, stress and/or mental anguish and all other damages directly and or consequentially associated with the deprivation of one's civil rights.

COUNT 3: VIOLATION OF FREE EXERCISE CLAUSE

72. Plaintiff hereby incorporates and realleges all preceding paragraphs.

73. Defendants' policies and practice of effectively banning Plaintiff's freedom to express a religious viewpoint on a matter of public concern in a traditional public forum is neither facially neutral nor generally applicable in respect to religion.

74. Defendants' policies and practice of restricting Plaintiffs speech on its

religious content and viewpoint selectively impose a burden on expression based upon its religious nature.

75. Defendants have no compelling reason that would justify banning Plaintiff's religious speech on a matter of public concern in a traditional public forum.

76. Defendants' policies and practice therefore violate the Free Exercise Clause of the First Amendment to the United States Constitution as incorporated and applied to the states under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

COUNT 4: VIOLATION OF ESTABLISHMENT CLAUSE

77. Plaintiff's hereby incorporates and realleges all preceding paragraphs.

78. The First Amendment's Establishment Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits the disparagement of religion.

79. Defendants' policies and practice of effectively banning Plaintiffs religious expression on a matter of public concern in a traditional public forum are not neutral, but are invidious and disparaging of religion.

80. No compelling state interest exists to justify the censorship of

Plaintiffs religious expression on a matter of public concern in a traditional public forum.

81. Defendants' policies and practice therefore violate the Establishment Clause of the First Amendment to the United States Constitution as incorporated and applied to the states under the Fourteenth Amendment.

WHEREFORE, Plaintiff respectfully request that the Court grant the relief set forth hereinafter in the prayer for relief.

COUNT 5: DEFENDANT'S CONDUCT VIOLATES PLAINTIFFS' RIGHT TO FREE EXERCISE AND ENJOYMENT OF RELIGION UNDER ARTICLE I, §§ 3 AND 5 OF THE NEW JERSEY CONSTITUTION

82. Plaintiff repeats the allegations in the preceding paragraphs as if set forth herein at length.

83. Article I, § 3 of the New Jersey Constitution states, "No person shall be denied the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience."

84. Article I, § 5 of the New Jersey Constitution states, "No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

85. Plaintiff has sincerely held religious beliefs that mandate the sharing of his faith with others around him including those on the public street and other members of the public and he seeks exercise the tenets of his faith.

86. Defendants' policy of refusing Plaintiff the right to express his faith, on its face and as applied, targets the Plaintiff and has impermissibly burdened Plaintiffs' sincerely held religious beliefs and compels him to both change those religious beliefs and to act in contradiction to them.

87. Defendants' policy of refusing Plaintiff the right to express his faith, on its face and as applied, on Plaintiffs is neither neutral nor generally applicable, but rather specifically and discriminatorily targets the religious speech, beliefs, and viewpoint of those individuals who believe in the Bible, and thus expressly on its face and as applied constitutes a substantial burden on sincerely held religious beliefs that are contrary to other viewpoints on abortion, right to life and salvation.

88. Defendants' policy of refusing Plaintiff the right to express his faith, on its face and as applied, has unconstitutionally conditioned expression by requiring him to compromise his clearly established right to free exercise of religion and belief.

89. No compelling state interest justifies the burdens Defendants imposed upon Plaintiff and his rights to the free exercise of religion.

90. Even if the Defendant's policy mentioned herein were supported by a

compelling state interest, they are not the least restrictive means to accomplish any permissible government purpose the policy seeks to serve.

91. On its face and as applied, Defendants' policy of refusing Plaintiff the right to express his faith is in violation of Plaintiff's rights to free exercise of religion has caused, is causing, and will continue to cause Plaintiff to suffer undue and actual hardship and irreparable injury.

92. Plaintiff has no adequate remedy at law to correct the continuing deprivation of their most cherished constitutional liberties.

WHEREFORE, Plaintiff respectfully prays for relief against Defendants as hereinafter set forth in their prayer for relief.

COUNT 6: PUNITIVE DAMAGES

93. Plaintiff repeats, reiterates, and realleges as part of this cause of action each and every allegation contained in Paragraphs above with the same force and effect as if fully set forth herein.

94. On or about August 2, 2014, while acting under color of law, Defendants named in this complaint knowingly and intentionally took action to violate and/or chill the First Amendment United States Constitutional Right to freedom of speech, expression and association of the Plaintiff and the New Jersey State Constitution Right to freedom of speech, expression and association of

Plaintiff and did so with a reckless, malicious, deliberate, willful, and intentional disregard for Plaintiff's rights thereunder.

95. Defendants did so with a knowing and intentional, reckless and/or callous and/or deliberate and/or willful and/or malicious disregard for the civil rights of Plaintiff and others.

96. As a direct and proximate result of the Defendants knowing and intentional, reckless and/or callous and/or deliberate and/or willful and/or malicious disregard for the civil rights of JM, JM suffered direct, indirect, consequential and all other applicable damages.

97. To deter others from acting in a knowing and intentional, reckless and/or callous and/or deliberate and/or willful and/or malicious disregard for the civil rights of JM and/or others, punitive damages are appropriate in this matter

COUNT 7: COSTS AND ATTORNEY FEES UNDER 42 UNITED STATES CODE §1988

98. Plaintiff repeats, reiterates, and realleges as part of this cause of action each and every allegation contained in Paragraphs above with the same force and effect as if fully set forth herein.

99. Plaintiff has brought a claim for relief in the form of proceedings to enforce the provisions of 42 U.S.C. §1983.

100. Pursuant to 42 U.S.C. §1988 (b), this Court has the discretion to allow the prevailing plaintiff, reasonable attorney fees as part of the costs of this litigation.

101. Pursuant to 42 U.S.C. §1988 (c), this Court has the discretion to allow the prevailing Plaintiff reasonable expert fees as part of the costs of this litigation.

102. As a direct and proximate result of the Defendants illegal, oppressive and unconstitutional acts, omissions and conduct, Plaintiff has been compelled to institute litigation to vindicate his civil rights.

103. As a direct and proximate result of the Defendants illegal, oppressive and unconstitutional acts, omissions and conduct, Plaintiff has been compelled to employ counsel and/or experts to prosecute these proceedings, resulting in his incurring costs, reasonable attorney fees and/or expert fees for their services

COUNT 8: INJUNCTIVE RELIEF

104. Plaintiff, repeats, reiterates, and realleges as part of this cause of action each and every allegation contained in Paragraphs above with the same force and effect as if fully set forth herein.

105. The continued enforcement or threatened enforcement of the overly broad, arbitrary, capricious, and unnecessary restriction on Plaintiff right to use banners and signs in the advocacy of his sincerely held religious beliefs chills

Plaintiff's First Amendment Constitutional Right to speech, expression and association, and if not enjoined will continue to cause irreparable loss and damages to Plaintiff with no adequate remedy at law.

WHEREFORE, Plaintiff requests that this Court grant the following relief as to each and every separate count set forth above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Award actual compensatory damages, consequential damages and special damages including but not limited to: compensation for embarrassment and humiliation, mental distress, and for damages related to the indignities visited upon him by the violation of his State and Federal Civil Rights, against each of the Defendants, individually and in their official capacity, jointly and severally, in the amount of \$200,000.00 (Two-Hundred-Thousand Dollars) or such other amount deemed appropriate to adequately compensate Plaintiff for his damages.
- b. Award punitive damages against the Defendants, jointly and severally, in the amount of \$250,000.00 (Two-Hundred-Fifty- Thousand Dollars) or such other amount deemed appropriate to vindicate the public interest in deterring the abuse of authority and in deterring intentional, willful and

callous disregard for the civil rights of citizens.

- c. Award fees and costs of this action including attorneys and expert fees, and litigation expenses, incurred in vindicating Plaintiff's Civil Rights pursuant to the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. §1988.
- d. Award interest on the claims from the date of filing until Judgment, and then from Judgment until satisfied in full.
- e. Plaintiff demands that the Defendants and their agents, contractors, employees, servants and all others acting at their direction be forever permanently enjoined and restrained from enforcing the alleged ordinance in a manner that infringes upon the Constitutional rights set forth herein.
- f. Based on the actual case and controversy set forth above, Plaintiff seeks the Court to enter a Declaratory Judgment declaring the Ordinance as applied is unconstitutional.
- g. Such other and further relief as the court deems just and proper.

Dated: November 30, 2016

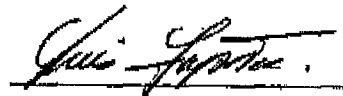
Respectfully submitted,

By:

DEMETRIOS K. STRATIS ESQ.
RUTA, SOULIOS & STRATIS, LLP
10-04 River Road
Fair Lawn, New Jersey 07410
Phone: (201) 794-6200
Facsimile: (201) 794-6300

- ⁸
1. I, LUIS ZAPATA, am the Plaintiff herein and have read the foregoing Verified Complaint and do hereby certify the truth of the contents and statements contained therein.
 2. I hereby 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.

Date: 11-30-16



LUIS ZAPATA