

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DENNIS SHUMAN,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

RARITAN TOWNSHIP, ET AL.,
Defendant

CASE NUMBER: 3:14-CV-03658-FLW-LHG

TO: (Name and address of Defendant):

*Officer Robert Godown
Flemington Borough Police Dept.
100 Main Street
Flemington, NJ 08822*

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:

SHELLEY L. STANGLER, P.C.
155 MORRIS AVENUE
SPRINGFIELD, NJ 07081

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 *WS*
CLERK

Marlene Kalbach
(By) DEPUTY CLERK



ISSUED ON 2014-06-09 10:56:27.0, Clerk
USDC NJD

*dismissed
11/30/2016
based by
qualified
immunity*

3/12/15
C. B Goodman
PAGE 04/29
C. Insurance
3/24/15

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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 _____		

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

**SHELLEY L. STANGLER, P.C.
ATTORNEYS FOR PLAINTIFF
155 MORRIS AVENUE, 2ND FLOOR
SPRINGFIELD, NEW JERSEY 07081
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ATTORNEYS FOR PLAINTIFFS**

DENNIS SHUMAN,

Plaintiffs

vs.

**RARITAN TOWNSHIP, RARITAN
TOWNSHIP POLICE DEPARTMENT,
POLICE OFFICER AAORN ROTH #57,
POLICE OFFICER D.S. CARSON #48,
POLICE OFFICER NICKLAS BUCK #27,
POLICE OFFICER SCOTT LESSIG,
POLICE CHIEF GLENN TABASKO, ,
OFFICER ROBERT GODOWN, OFFICER
L. CEVASCO, JOHN DOES 1-5 and ABC
ENTITIES 1-5 (as yet unknown and
unidentified jail officials, supervisors, agents
or employees or entities,**

Defendants.

CIVIL ACTION

**FIRST AMENDED COMPLAINT
AND JURY DEMAND**

**I
PARTIES**

1. At all relevant times herein plaintiffs **DENNIS SHUMAN** was and is a domiciliary of Highland Beach, in the State of Florida.

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2. At all relevant times herein the defendant **RARITAN TOWNSHIP** was and still is a municipal entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at 2 Municipal Drive, Flemington, New Jersey.

3. At all relevant times herein, upon information and belief, the defendant **RARITAN TOWNSHIP POLICE DEPARTMENT** was and is an agency, department and/or subdivision of the **RARITAN TOWNSHIP** organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training and supervision of law enforcement officers, with a place of business at 2 Municipal Drive, Flemington, New Jersey.

4. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER AARON ROTH #57** (hereinafter "**ROTH**") is a police officer employed by the defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP POLICE DEPARTMENT**, acting in his official capacity as a police officer under color of law.

5. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER D.S. CARSON #48** (hereinafter "**CARSON**") is a police officer employed by the defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP POLICE DEPARTMENT**, acting in his official capacity as a police officer under color of law.

6. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER NIKLAS BUCK #27** (hereinafter "**BUCK**") was a police officer employed by the defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP POLICE DEPARTMENT**, acting in his official capacity as a police officer under color of law.

7. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER SCOTT LESSIG** (hereinafter "**LESSIG**") was a police officer employed by the defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP**

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POLICE DEPARTMENT, acting in his official capacity as a police officer under color of law.

8. At all relevant times herein, upon information and belief, defendant **CHIEF OF POLICE GLENN TABASKO** (hereinafter "**CHIEF TABASKO**"), was the Chief of Police of the **RARITAN TOWNSHIP POLICE DEPARTMENT**, responsible for the supervision and oversight of the Department, including the development, promulgation, and implementation of policies, procedures and standards for the police department and more specifically policies, procedures and standards relating to the use of force, arrest procedures, internal affairs investigations, discipline and overall conduct of police officers.

9. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER ROBERT GODOWN** (hereinafter "**GODOWN**") was a police officer employed by the Flemington Borough Police Department, with a place of business at 100 Main Street, Flemington, NJ 08822, acting in his official capacity as a police officer under color of law.

10. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER L. CEVASCO** (hereinafter "**CEVASCO**") is retired from the Flemington Borough Police Department, with a place of business at 100 Main Street, Flemington, NJ 08822, who was then acting in his official capacity as a police officer under color of law.

11. At all relevant times herein defendants **ABC ENTITIES 1-5** were as yet unidentified departments, agencies or subdivisions of the **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT**, and/or municipal entities responsible for supervision, management and control over defendant police officers **ROTH, CARSON, BUCK, and LESSIG**.

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12. At all relevant times herein defendants **JOHN DOES 1 -5** (as yet **unidentified individuals**) were duly appointed police officers and/or supervisors of defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP POLICE DEPARTMENT**.

II.
NATURE OF ACTION

13. On August 5, 2012, plaintiff **DENNIS SHUMAN** (hereinafter "**SHUMAN**") while aiding his daughter Alexa Shuman (hereinafter "Alexa") at a traffic stop initiated by **OFFICERS CARSON** and assisted by **OFFICERS ROTH, BUCK, LESSIG, GODOWN, and CEVASCO** occurring on Main Street, Flemington, New Jersey, was subject to the unlawful use of excessive and unnecessary force by defendant officers **ROTH, CARSON, BUCK, LESSIG, GODOWN, CEVASCO** and **JOHN DOES 1-5** without justification or cause.

14. Thereafter plaintiff **SHUMAN** was subjected to the abuse of process and authority without justification or cause.

15. On August 5, 2012 and continuing thereafter, plaintiff **SHUMAN** was subjected to unlawful emotional distress without justification or cause.

16. Plaintiff **SHUMAN** was caused to suffer severe and permanent injuries by reason of the assault and use of unlawful force by defendant officers **ROTH, CARSON, BUCK, LESSIG, GODOWN, CEVASCO** and **JOHN DOES 1-5** (Collecting the "**OFFICER DEFENDANTS**"), and/or the failure of defendants **GODOWN, CEVASCO** and **JOHN DOES 1-5** to intervene and prevent the use of excessive force.

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17. Plaintiff **SHUMAN** institutes this action for compensatory and punitive damages arising out of the unlawful actions and conduct of the defendants, officers **ROTH, CARSON, BUCK, LESSIG, GODOWN, CEVASCO** and **JOHN DOES 1-5**, who, acting under color of state law and under authority, custom and usage of the defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT**, the Flemington Borough Police Department and Flemington Borough and **ABC ENTITIES 1-5**, violated the civil rights of plaintiff protected by and secured under the provisions of the First, Fourth, Eighth, and Fourteenth amendments to the United States Constitution and under the laws of the United States, particularly under the Civil Rights Act, Title 42 of the United States Code, Sections 1983.

18. At all relevant times herein, defendants **ROTH, CARSON, BUCK, LESSIG, GODOWN**, and **CEVASCO** were acting under color of state law and within the scope of their authority as employees and/or officers of defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT**, Flemington Borough, The Flemington Borough Police Department and **ABC ENTITIES 1-5**; defendants **ROTH, CARSON, BUCK** and **LESSIG** were acting under the direct supervision of **CHIEF TABASKO**.

III. JURISDICTION

19. This Court has jurisdiction pursuant to Title 28 of the United States Code, Sections 1331, 1332, 1343 (2), 1343 (3), 1343 (4), and Title 42 of the United States Code, Section 1983, as well as pendent jurisdiction to adjudicate plaintiffs' causes of action on the state and common law claims.

20. Venue is properly laid in the United States District Court of the District of New Jersey pursuant to Title 28 United States Code Section 1391 (b) in that all of the acts complained of herein occurred in the district and that the defendants are citizens of, reside in or are public entities of the State of New Jersey and domiciled within this district.

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21. The matter in controversy herein involves, exclusive of interest, an amount in excess of \$75,000.

IV.
NOTICES OF CLAIMS

22. Plaintiff served Notice of Claims for damages in the form prescribed by New Jersey Statutes Title 59:8-4 and signed by plaintiff's representative upon the **PUBLIC ENTITY** defendants within the statutorily prescribed period.

23. More than six (6) months have elapsed since service of plaintiff's Notices of Claims and the claims remain unresolved.

24. This action is commenced within two (2) years from the date of the occurrence.

V.
FACTUAL ALLEGATIONS

25. Plaintiff repeats and realleges each and every allegation contained in paragraphs one (1) through thirty (30) of the Complaint and incorporates same by reference.

26. On the 5th day of August, 2012 plaintiff **SHUMAN**, arrived the scene of a traffic stop involving his daughter Alexa Shuman on Main Street in Flemington, New Jersey. The stop was initiated by **OFFICER CARSON**.

27. This stop was predated by a history of harassment and intimidation of Alex by members of the **RARITAN TOWNSHIP POLICE DEPARTMENT**. That is, for the months of April through the date of the stop at issue, **OFFICERS CARSON** and **ROTH** and other officers were in the practice of harassing and intimidating Plaintiff's daughter Alexa Shuman.

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28. During the relevant time period, April through August 2012 Alexa Shuman was stopped for real or possible contrived offenses. Members of the **RARITAN TOWNSHIP POLICE DEPARTMENT** would often make u-turns and follow Alexa Shuman without stopping her. Additionally, on approximately six (6) occasions members of the **RARITAN TOWNSHIP DEPARTMENT** passed the driveway of Alexa Shuman's home with flashing lights and sirens activated.

29. For example, on June 12, 2012 Alexa was stopped by **OFFICERS CARSON** and/or **ROTH** for making a "too quick right turn" out of the commuter lot in Liberty Village. Investigation during the traffic stop resulted in the arrest of one of Alex Shuman's companions for the possession of drugs.

30. Thereafter, on June 14, 2012 **OFFICER CARSON** stopped Alexa for obstruction of her windshield.

31. On August 3, 2012 **OFFICER ROTH**, about to turn into police headquarters, made a u-turn, followed Alexa for about one half of a mile and then pulled her over. During the stop he asserted that she had "touched a white line". During the stop he attempted to intimidate Alexa into permitting a search of the vehicle. However, she refused and no ticket was issued nor arrest made.

32. As a result of this pattern of behavior and this last incident, **PLAINTIFF SHUMAN** had intended to speak with **CHIEF OF POLICE GLENN TABASKO** about the harassment and intimidation.

33. However, before he had the conversation, on August 5, 2012 Alexa was yet again followed and stopped by **OFFICER CARSON** for allegedly turning without the appropriate turn signal.

34. Prior to the stop, Alexa Shuman telephoned **PLAINTIFF SHUMAN** to advise that she was being followed by the officer and then stopped. She left the phone on during the proceeding.

35. Due to the history of harassment and intimidation by the **RARITAN**

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TOWNSHIP POLICE DEPARTMENT officers including but not limited to **OFFICERS CARSON** and **ROTH**, **PLAINTIFF SHUMAN**, who was at his father's home in Flemington, New Jersey, was concerned for the safety of his daughter. Therefore, he travelled by car several minutes to the scene of the traffic stop.

36. Through the phone, **PLAINTIFF SHUMAN** heard the conversation between **OFFICER CARSON** and his daughter Alexa. **OFFICER CARSON** stated that he was stopping Alexa as she turned without engaging her signal. She denied the allegation. Additionally, **PLAINTIFF SHUMAN** knew the allegation was false as he heard, through the phone, the traffic signal engage.

37. Upon arrival at the scene, **PLAINTIFF SHUMAN** parked his car across the street and facing the opposite way from Alexa vehicle. He then exited the car and began to cross the street towards his daughter and **OFFICER CARSON**. At the same time, **PLAINTIFF SHUMAN** identified himself as Alexa's father and began to inquire into the harassment of Alexa by **OFFICER CARSON**.

38. **OFFICER CARSON** ordered **PLAINTIFF SHUMAN** to return to his vehicle. **PLAINTIFF SHUMAN** then repeated his inquiry regarding the harassing behavior. **OFFICER CARSON** again ordered **PLAINTIFF SHUMAN** to return to his vehicle as he was "in an active roadway."

39. **PLAINTIFF SHUMAN** again repeated his inquiry about harassment and was ignored. **PLAINTIFF SHUMAN** then asked to speak with the **CHIEF OF THE RARITAN TOWNSHIP POLICE DEPARTMENT**.

40. **OFFICER CARSON** repeated the order to return to his vehicle. **PLAINTIFF SHUMAN** began to obey and was walking back across the street to his vehicle. At the same time, via cell phone, **PLAINTIFF SHUMAN** began to initiate a call to the **CHIEF OF THE RARTAN TOWNSHIP POLICE DEPARTMENT**.

41. Suddenly and without warning, **OFFICER CARSON** attacked **PLAINTIFF SHUMAN** and yelled "You are under arrest!" He then violently grabbed

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PLAINTIFF SHUMAN'S right arm, swung him around and through **PLAINTIFF SHUMAN** to the hood of the police car with great force.

42. At the same time, **OFFICER CARSON** screamed several times "Stop resisting!" **PLAINTIFF SHUMAN** was not resisting arrest and to that end, replied "I am not resisting!" He also stated "Stop, you are hurting me."

43. Alexa was terrified by the course of events, jumped out of her vehicle and screamed "What are you doing to my Dad? Get off of him!" **OFFICER CARSON** ordered her back into the car and threatened her arrest. Alexa then phoned 911.

44. **OFFICER CARSON** then handcuffed **PLAINTIFF SHUMAN'S** right hand, picked **PLAINTIFF** up from the car and violently through **PLAINTIFF** to the ground. Consequently, the left side of **PLAINTIFF'S** head struck the curb with full force. **PLAINTIFF** suffered an open wound to the head that began to bleed.

45. Then **OFFICER CARSON** jumped on **PLAINTIFF'S** back and fully extended **PLAINTIFF'S** left arm back and fastened the hand cuffs.

46. During the encounter **OFFICER CARSON** continuously admonished **PLAINTIFF** to "Stop resisting!" **PLAINTIFF** replied throughout that he was not resisting and asked **OFFICER CARSON** to "Stop hurting me!" **PLAINTIFF** was now lying prone, face down on the ground with his hands cuffed behind him.

47. Eventually other officers, including **OFFICERS ROTH, LESSIG, BUCK, GODOWN** and **CEVASCO** arrived at the scene. Several officers, including but not limited to **OFFICER LESSIG** pinned **PLAINTIFF'S** elbow back with their knee. At that juncture, **PLAINTIFF** stated that he could not breathe. The Officer advised to the effect that if he could speak he could breathe. Despite the officer's statement, **PLAINTIFF** was gasping for air and could not breathe due to the weight of the officer or officers on his back.

48. **OFFICERS GODOWN** and **CEVASCO** came to the scene to assist in the arrest by **OFFICERS CARSON** and **LESSIG**. **OFFICERS GODOWN** and

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CEVESCO were either directly involved in the use of force, or observed it, condoned it and failed to intervene to stop it.

49. **PLAINTIFF** asked **OFFICER LESSIG** to loosen the handcuffs as they were too tight. He did not. Consequently, **PLAINTIFF** suffered severe and permanent injury to his hands and elbow.

50. Due to the severity of the injuries, but despite **PLAINTIFF'S** refusal, **OFFICER LESSIG** ordered **OFFICER CARSON** to transport **PLAINTIFF** to Hunterdon Medical Center in the police car. **OFFICER CARSON** accompanied **PLAINTIFF** to the emergency room. During the transport and while at the emergency room, **OFFICER CARSON'S** anger towards **PLAINTIFF** was palpable.

51. Upon arrival at the Medical Center, **OFFICER CARSON** delayed taking **PLAINTIFF** into the Emergency Room for a few minutes. Based upon the recent events and **OFFICER CARSON'S** extreme animosity, **PLAINTIFF** was afraid that he would be subject to an additional attack by **OFFICER CARSON**. Despite fear of reprisal, due to the extreme pain, **PLAINTIFF** asked to be taken inside.

52. While in the car, **PLAINTIFF** asked **OFFICER CARSON** several times why he said that he did not know him, when **PLAINTIFF'S** identity was known to the officer. **OFFICER CARSON** ignored the inquiry.

53. **PLAINTIFF** entered the emergency room bleeding from the head, disoriented, handcuffed and embarrassed. He was eventually placed in an examination room. **PLAINTIFF** is a third generation resident of Hunterdon County and was very embarrassed by his situation.

54. **PLAINTIFF'S** father came to the emergency room. He requested but was denied access to the **PLAINTIFF**.

55. While in the emergency room, **PLAINTIFF SHUMAN** spoke with **OFFICER ROTH** about his harassing and intimidating behavior towards Alexa Shuman. **OFFICER ROTH** admitted that it was his practice to make over one hundred

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(100) traffic stops per night, even for the most minor offenses, in the hopes of yielding a drug or alcohol related arrest.

56. At that time, **OFFICER LESSIG** said that he had his knee in **PLAINTIFF SHUMAN'S** back.

57. **PLAINTIFF SHUMAN** was charged with obstruction of administration of law and resisting arrest.

58. Defendant officers knew or should have known that they were violating plaintiff's constitutional and common law rights at the time they used excessive force, falsely arrested and accused him.

59. The defendants officers knew or should have known that they were violating protocol and procedure as well as violating the rights of plaintiff in the manner in which they handled the subject event, in their use of excessive and unjustified force, and by their abuse of process and authority, including conspiring to file false and inaccurate police reports.

60. As a direct and proximate result of the aforesaid occurrence and use of excessive force **SHUMAN** suffered serious, severe and permanent injuries to his body, including but not limited to a detached retina, chipped fracture of the left elbow and nerve damage to the left hand.

61. The use of force used was far in excess of that necessary to effectuate the arrest.

62. Defendants maliciously and with deliberate indifference and without cause deprived plaintiff of his liberty and the rights, privileges and immunities granted to him under the United States Constitution by the use of excess force in making an arrest.

63. The conduct of the defendant officers constituted an abuse of process which deprived plaintiff of his liberty and the rights, privileges and immunities granted to him under the United States and New Jersey Constitutions.

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64. At all relevant times herein, defendants **ROTH, CARSON, BUCK, LESSIG, GODOWN, CEVASCO, CHIEF TABASKO, ABC ENTITIES 1-5** and **JOHN DOES 1-5** were acting under color of state law and within the scope of their authority as employees, agents and/or officers of defendants **RARITAN TOWNSHIP** and the **RARITAN TOWNSHIP POLICE DEPARTMENT**, or the Borough of Flemington an the Flemington Borough Police Department.

65. During all relevant times herein the defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFICER SCOTT LESSIG, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO, POLICE CHIEF GLENN TABASKO** and **JOHN DOES 1-5**, their agents servants, and/or employees acted under color of law, under the color of the constitution, statutes, laws, charter, ordinances, rules, regulations, customs, usages, and practices of the said police departments, agencies and entities.

66. During all relevant times defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT** and **CHIEF TABASKO** and ratified and maintained a practice, custom and/or policy of failing to train, discipline and/or supervise defendants **ROTH, CARSON, BUCK** and **LESSIG**, in conformity with clearly established constitutional principles which govern their conduct, including proscriptions against the use of excessive force in effecting seizures and arrest of unarmed persons.

67. During all relevant times herein the defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT** and **CHIEF TABASKO** and were responsible for the conduct of said officers as well as instruction, supervision and implementation of proper law enforcement procedures and oversight over the **RARITAN TOWNSHIP POLICE DEPARTMENT**.

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68. During all relevant times herein the aforementioned defendants acted jointly and in concert with each other, and conspired and agreed between and amongst themselves to commit unlawful assault, battery engaged in racial discrimination, filed false police reports and violations of civil rights upon **PLAINTIFF SHUMAN**.

69. At all relevant times herein the defendants acted with deliberate and conscious indifference to **PLAINTIFF SHUMAN's** constitutional rights which violations arise out of a pattern of custom, policy and practice by and of defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, ABC ENTITIES 1-5 and CHIEF TABASKO** in allowing the use of excessive force, permitting and condoning the use of excessive force and violation of police procedures as well as the failure to properly hire, train and supervise police officers in the proper conduct of their duties and in the use of force, the proper method of arrest and filing of police reports.

FIRST CAUSE OF ACTION
(42 USC Section 1983)

70. Plaintiff repeats and realleges each and every allegation contained in paragraphs one (1) through seventy-three (73) of the Complaint and incorporates same by reference.

71. By reason of the foregoing unlawful and excessive use of force, defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO, JOHN DOES 1-5, and**

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ABC ENTITIES 1-5 through and by the acts of the individual police officers willfully, wantonly, and recklessly violated the civil rights of plaintiff.

72. The foregoing acts of assault and excessive force, abuse of process and authority violated plaintiff's right under the Fourth Amendment to be secure in his person from unreasonable seizures, and deprived plaintiff **SHUMAN** of his rights, privileges and immunities secured by the Constitution and laws of the United States.

73. The foregoing acts of assault and excessive force, and abuse of process and authority violated plaintiff's right under the Fourth Amendment to be secure in his person from unreasonable seizures, and deprived plaintiff **SHUMAN** of his rights, privileges and immunities secured by the Constitution and laws of the United States.

74. The foregoing acts of assault and excessive force, abuse of process and authority violated plaintiff's right under the First and Fourteenth Amendments to due process, equal protection and his rights of privacy and deprived plaintiff **SHUMAN** of his rights, privileges and immunities secured by the Constitution and laws of the United States.

75. Defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5**, their agents, servants and/or employees by reason of their acts, omissions, deliberate and conscious indifference to the rights of **SHUMAN**, failure and refusal to properly supervise or otherwise correct improper conduct, in allowing and permitting a pattern of improper violation of police procedures and protocol to persist, failure to properly hire, train and supervise law enforcement officers, and permitting a pattern of abuse of process and authority, deprived plaintiff of his rights, privileges and immunities

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secured by the Constitution and laws of the United States, and are liable to plaintiffs pursuant to Title 42 Sections 1983 of the United States Code and under state law.

76. The aforescribed acts of **DEFENDANT OFFICERS, ROTH, CARSON, BUCK, LESSIG, GODOWN, CEVASCO, CHIEF TABASKO, DIRECTOR BROWN** and **JOHN DOES 1-5** were committed under the color of law and within their authority as police officers and employees of the **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT** and **ABC ENTITIES 1-5** and were acting within the scope of their employment and pursuant to the authority vested in them by said defendants.

77. The aforescribed acts of **DEFENDANT OFFICERS, ROTH, CARSON, BUCK, LESSIG, GODOWN** and **CEVASCO** were committed while under the directive and supervision of defendants **CHIEF TABASKO, DIRECTOR BROWN,** and **ABC ENTITIES 1-5** and others in the chain of command.

78. Defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO** and **JOHN DOES 1-5,** deprived plaintiff his constitutional rights, acting under color of statute, ordinance, regulation, custom or usage and misused the power they possessed.

79. Defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO,** and **JOHN DOES 1-5,**

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acted pursuant to official or unofficial policy and/or governmental custom, and deprived plaintiff's decedent of his constitutional rights secured by 42 U.S. Code Sections 1983.

80. As a direct and proximate result of the practices, customs and usages of the defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5,** plaintiff was deprived of his right to due process of law guaranteed under the First, Fourth and Fourteenth Amendments to the Constitution of the United States.

81. As a direct and proximate result of defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5,** constitutional violations, plaintiff sustained serious, severe and permanent injuries, as well as other damages.

82. As a direct and proximate result of the violation of constitutional rights as aforescribed, plaintiff was caused to suffer severe, painful and permanent personal injuries, mental anguish and great physical pain, was compelled to undergo hospital and medical aid and treatment and was prevented from engaging in his usual activities, all to his damage.

83. By reason of the foregoing plaintiff has been damaged.

84. WHEREFORE plaintiff SHUMAN demands judgment against Defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER**

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SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5, jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

SECOND CAUSE OF ACTION
(Assault and Battery)

85. Plaintiff repeats and realleges each and every allegation contained in paragraphs one (1) through eighty-eight (88) of the Complaint and incorporates same by reference.

86. On August 5, 2012 defendants **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5,** without cause or justification or consent did place plaintiff **SHUMAN** in fear of imminent physical harm and intentionally assaulted him.

87. As a direct and proximate result of the assault and battery plaintiff was caused to be placed in fear of physical harm, suffered severe physical injury, emotional anguish and has otherwise been damaged.

88. The aforescribed damages and injuries were caused solely and wholly by the intentional and willful assault and battery of the defendants without any fault of plaintiff contributing thereto.

89. As a direct and proximate result of the assault and battery as aforescribed, plaintiff was caused to suffer severe, painful and permanent injuries, sustained severe nervous shock, mental anguish and great physical pain, was compelled

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to undergo hospital and medical aid and treatment and was prevented from engaging in his usual activities.

90. By reason of the foregoing plaintiff SHUMAN has been damaged.

91. WHEREFORE plaintiff SHUMAN demands judgment against defendants RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5, jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

THIRD CAUSE OF ACTION
(New Jersey Constitution)

92. Plaintiffs repeat and reallege each and every allegation contained in paragraphs one (1) through ninety-five (95) of the Complaint as set forth herein at length.

93. Defendants, RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT and TABASKO, through their agents, servants and employees, and the OFFICER DEFENDANTS, by their deliberate indifference to the civil rights of plaintiff as previously detailed, deprived plaintiff SHUMAN of his rights, privileges and immunities secured under the New Jersey State Constitution.

94. The RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, TABASKO and BROWN, through their agents, servants and employees and the defendant OFFICERS DEFENDANTS acted pursuant to official or

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unofficial policy and/or custom and to deprive plaintiff his constitutional rights under Title 10 of the New Jersey statutes, known as the New Jersey Civil Rights Act.

95. By reason of the foregoing, defendants violated the civil rights of **SHUMAN**.

96. By reason of the foregoing, and as a direct and proximate result of defendant's negligence and constitutional violations, plaintiff **SHUMAN** sustained serious and severe injuries.

97. As a direct and proximate result of the violation of constitutional rights as aforescribed, plaintiff **SHUMAN** was caused to suffer severe, painful and permanent personal injuries, emotional anguish and great physical pain.

98. WHEREFORE plaintiffs **DENNIS SHUMAN** demands judgment against defendants, **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5**, jointly and severally for compensatory and punitive damages, together with interest, costs of suit and attorneys fees.

FOURTH CAUSE OF ACTION
(Negligence)

99. Plaintiffs repeat and reallege each and every paragraph contained in paragraphs one (1) through one hundred two (102) of the Complaint as if set forth fully herein at length.

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100. At all relevant times herein defendants were under a duty to act reasonably in the performance of their duties as police officers and supervisors in the handling of the subject police pursuit and stop.

101. At all relevant times herein defendants were under a duty to act reasonably in following and maintaining proper protocol, procedures, policy, rules and guidelines enacted and propounded with respect to their duties.

102. Defendants were negligent in their failure to properly hire, retain, train and supervise officers with respect to the handling of the subject police pursuit and stop and in their use of force and failure to properly implement, enact, enforce, follow and maintain proper protocol, procedures, policies, rules and guidelines and were otherwise negligent under the circumstances.

103. Defendants were negligent and careless in failing to properly discipline police officers despite knowledge of their failure to take proper action in the handling of pursuits, traffic infractions, effectuate arrest, the use of excessive force and in particular to avoid and prevent the acts complained of herein.

104. The personal injuries and damages suffered by plaintiff SHUMAN were caused solely as a result of the negligence and carelessness of the defendants.

105. The acts and omissions of the defendants, each and every one of them constituting negligence included the failure to have proper policies and procedures in place for the handling of police pursuits, stops and the use of force; the failure to intervene and/or prevent the subject occurrence and, failure to properly hire, train and supervise staff, and the failure to prevent the subject occurrence among other acts of negligence.

106. By reason of the foregoing, and as a direct and proximate result of defendant's negligence, plaintiff SHUMAN sustained serious and severe injuries.

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107. As a direct and proximate result of the negligence as aforescribed, **SHUMAN** was caused to suffer severe, painful and permanent personal injuries, sustained severe nervous shock, mental anguish and great physical pain.

108. By reason of the foregoing plaintiff has been damaged.

109. **WHEREFORE** plaintiff **DENNIS SHUMAN** demands judgment against defendants, **RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5,** jointly and severally for compensatory and punitive damages, together with interest, costs of suit and attorneys fees.

EIGHTH CAUSE OF ACTION
(Emotional Distress)

110. Plaintiff repeats and realleges each and every allegation contained in paragraphs one (1) through one hundred thirteen (113) of the Complaint and incorporated same by reference.

111. On the 5th day of August, 2012 defendants collectively and individually, by their agents, servants and their employees and each of them individually engaged in actions intended to inflict severe emotional trauma upon plaintiff **SHUMAN**.

112. The trauma was so shocking that no reasonable person could withstand it.

113. By reason of the foregoing plaintiff has suffered emotional trauma and has

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been damaged.

114. WHEREFORE plaintiff DENNIS SHUMAN demands judgment against defendants, RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5, jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorneys fees.

NINTH CAUSE OF ACTION
(Abuse of Process and Authority)

115. Plaintiff repeats and realleges each allegation contained in paragraphs one (1) through one hundred nineteen (119) of the Complaint and incorporates same by reference.

116. Defendants' unlawful acts constitute abuse of process and authority.

117. By reason of the foregoing plaintiff SHUMAN was caused to suffer severe emotional distress, humiliation, embarrassment, ridicule and scorn in violation of his civil rights and due process of law.

118. By reason of the foregoing plaintiff has been damaged.

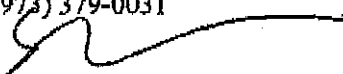
119. WHEREFORE plaintiff DENNIS SHUMAN demands judgment against defendants, RARITAN TOWNSHIP, RARITAN TOWNSHIP POLICE DEPARTMENT, POLICE OFFICER AAORN ROTH #57, POLICE OFFICER D.S. CARSON #48, POLICE OFFICER NICKLAS BUCK #27, POLICE OFFICER SCOTT LESSIG, POLICE CHIEF GLENN TABASKO, POLICE OFFICER ROBERT GODOWN, POLICE OFFICER L. CEVASCO and JOHN DOES 1-5,

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jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorneys fees.

Dated: February 3, 2015

SHELLEY L. STANGLER, P.C.
Attorney for the Plaintiffs
155 Morris Avenue
Springfield, New Jersey 07081
Phone: (973) 379-2500
Fax (973) 379-0031

BY: 
SHELLEY L. STANGLER, ESQ.

JURY DEMAND

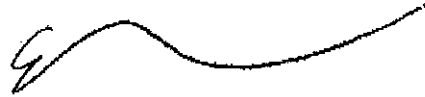
Pursuant to Rule 38B of the Federal Rules of Civil Procedure plaintiff demands that trial by jury in these actions for all issues triable by a jury.

Dated: February 3, 2015

DESIGNATION OF TRIAL COUNSEL

Shelley L. Stangler, Esq. is hereby designated as trial counsel on behalf of the plaintiff in the within matter.

Dated: February 3, 2015

By: 
SHELLEY L. STANGLER, ESQ.

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CERTIFICATION

I, **SHELLEY L. STANGLER, ESQ.**, of full age, certify:

1. I have been retained to represent Plaintiffs **DENNIS SHUMAN** and **ELIDA SHUMAN**, in connection with the within matter.

2. The matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated by plaintiffs.

3. There are no other parties of whom I am presently aware who should be joined in this action.

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.

BY: 

SHELLEY L. STANGLER, ESQ.
Attorney for Plaintiffs

Dated: February 3, 2015