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TO: Mr. John Markel, Bergen Risk Managers

FAX NO: (201) 825-2230

FROM: Joseph C. Zisa, Jr., Esq.

DATE: June 7, 2013

RE: New Complaint -- Milberg v. Hackensack, et al.

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REMARKS/COMMENTS:

Thank you.

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Andrew Milberg and Liza Echeverria

RECEIVED
JUN 06 2013
SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
FINANCE DIVISION

ANDREW MILBERG

And

LIZA ECHEVERRIA,
PLAINTIFFS

V

The CITY OF HACKENSACK, NEW
JERSEY, a municipal
corporation of the State of
New Jersey, County of Bergen
Its Officials, employees
and/or agents;

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION BERGEN COUNTY

Docket No.

CIVIL ACTION

COMPLAINT and JURY DEMAND
Designation of Trial
Pursuant to R. 4:25-4

Certification of Non-Action
R. 4:5-1(b)(2) and R. 1:38-7

Karen Sasso,
Individually and as Mayor;

City Council Members, of the
City of Hackensack,

Tomas Padilla, Individually
and in his Official capacity
as Acting CHIEF Of POLICE of
the Hackensack Police
Department;

Anthony Ferraioli, Individually
And in his former official
capacity as an officer of the
Hackensack Police Department;

Alberto Gutierrez, Individually
And in his official capacity
as an officer of the
Hackensack Police Department;

Richard Sellitto, Individually
And in his former official
capacity as an officer of the
Hackensack Police Department;

Dana Sellitto, Individually;

John Doe(s)1 through 10
(fictitious names for uniden-
tified police officers,
Individually and in their
official capacity as officers
of Hackensack Police Depart-
ment;

John Doe(s)11 and 12
(fictitious names for uniden-
tified individuals)referred to
and named as "Witness" on com-
plaint (0246 W 2011
000751)individually and/or as
public officials, employees or
agents of the City of
Hackensack;

John Doe(s)13 through 30
(fictitious names for uniden-
tified individuals)
individually and as public
officials, employees or agents
of the City of Hackensack;

DEFENDANTS

The plaintiffs, Andrew Milberg and Liza Echeverria, at all
times material, residents of 281 Park Street Apt. 3-I
Hackensack, New Jersey, County of Bergen, State of New Jersey
file this Complaint against named and unknown Defendants and

unknown individuals are plead herein. This action also brings forward a violation for Federal and State Constitutional violations because Defendants, named and unnamed, under color of State Law, jointly and severally deprived Andrew Milberg and Liza Echeverria of their federally protected rights under the Fourth and Fourteenth Amendments to the United States Constitution 42 U.S.C. Sec. 1983. Attorney fees are sought pursuant to 42 U.S.C. Sec. 1988. This action also brings forward violations pursuant to the New Jersey Constitution and violations of New Jersey State Civil Rights pursuant to N.J.S.A. 10:6-1 to 2. Attorney fees are sought pursuant to N.J.S.A. 10:6-1 (f). Punitive damages are specifically plead pursuant to N.J.S.A. 2A:15-5.9.

THE PARTIES

1. Plaintiff, Andrew Milberg was at all material times a resident of Hackensack, New Jersey.
2. Plaintiff, Liza Echeverria was at all material times a resident of Hackensack, New Jersey.
3. The City of Hackensack, New Jersey, a municipal corporation, The Mayor and Council, Individually and or as Final Policy Maker, Officials, employees and/or agents of the City of Hackensack.
4. Karen Sasso, Individually and as Mayor of the City of

Hackensack and or Final Policy Maker.

5. City Council Members, of the City of Hackensack, those individuals elected to the positions as members of the City County of the City of Hackensack, individually and or as Final Policy Maker.

6. All Officers, named or unnamed, were at all times relevant to this complaint duly appointed and acting officers of the police department of the City of Hackensack, Bergen County, New Jersey, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of New Jersey and or the City of Hackensack.

7. Unknown Defendants, including John Doe(s) 1-10 (said names being fictitious and presently unknown individuals), .. individually and or as public officials, employees and or agents of the City of Hackensack, who were present on the June 7, 2011 at the Hackensack apartment of Plaintiffs.

8. Unknown Defendants, including John Doe 11 and John Doe 12 (said names being fictitious and presently unknown individuals), individually and or as public officials, employees and or agents of the City of Hackensack referred to and named as "Witness" in complaint (0246 W 2011 000751)

9. Unknown Defendants, including John Doe(s) 13-30 (said names being fictitious and presently unknown individuals),

individually and or as public officials, employees and or agents of the City of Hackensack.

10. Tomas Padilla, individually and in His Official capacity as Acting CHIEF Of POLICE of the City of Hackensack and or Final Policy Maker.

11. Alberto Gutierrez, as Police Officer of the City of Hackensack and/or Individually, at all material times to this Complaint residing in the City of Hackensack, New Jersey.

12. Anthony Ferraiolli, as Police Officer of the City of Hackensack and/or Individually, at all times material to this Complaint residing at 27 Bluebell Court, Borough of Paramus, New Jersey.

13. Robert T. Sellitto (also known as Robert T. Sellitto Jr.), as Police Officer of the City of Hackensack and/or Individually, at all times material to this Complaint residing at 42 East Central Avenue, Apt. A, Borough of Maywood, New Jersey.

14. Dana Sellitto, at all material times to this complaint, residing at 42 East Central Avenue, Apartment A, Borough of Maywood, New Jersey;

FACTS

15. During the early morning hours of June 7, 2011, plaintiffs Milberg and Echeverria were asleep in bed in

apartment 3I, of 281 Park Street, Hackensack, New Jersey.

16. Andrew Milberg was twenty one (21) years old and in good physical health with the exception of her need for anti seizure medication, Liza Echeverria was twenty four (24) years old and in good physical health.

17. At approximately 2:30 a.m. in the morning of June 7, 2011, both plaintiffs were awakened by the loud banging on the apartment door. Milberg arose from bed and responded to the banging. He looked out of the security hole in the door and there was no one in view. He opened the door to investigate and two unknown and yet unidentified uniformed police officers pushed in through the door and demanded to know who else was in the apartment.

~~18. Said entry was without probable cause, warrant and or~~
other lawful justification into both the apartment building which had a security fence and entrance system and the apartment of Andrew Milberg located at 281 Park Street Apt 3-1 Hackensack, New Jersey.

19. Milberg responded that (plaintiff) Liza Echeverria, his girlfriend, was in the bedroom. The officers demanded that she come into the living room. Once she was in the living room the Officers started questioning both Milberg and Echeverria about a fight at Houlihan's Restaurant on Route 4 in Paramus New Jersey. The officers stated that they "had him

on video there." Milberg denied having been to Houlihan's Restaurant. Echeverria stated that she and Milberg had been asleep in bed.

20. Milberg was asked where he had parked his vehicle and he told the officers that he was driving an Audi and it was parked in a designated parking space in the lower portion of the apartment building.

21. By 3:00 a.m. five additional uniformed officers arrived and entered the apartment. Unidentified defendant officers began to search the apartment without warrant or permission. Upon information and belief defendant Officer Alberto Gutierrez was among those officers. Alberto Gutierrez opened and searched the refrigerator. He located anti-seizure medication in the apartment refrigerator and was told by Echeverria that she needed that medication. Said medication Valpoic Acid was clearly labeled as a prescription medication. Gutierrez denied her access to her prescription medication and stated that it was probably illegal drugs and she was lucky that he was not charging her with another offense.

22. At approximately 3:15 a.m. former Sergeant Anthony Ferraioli entered the apartment and immediately started striking Milberg about the head and body. Milberg was thrown around the small apartment by former Sergeant Anthony Ferraioli and knocked to the ground. Former Sergeant

Ferraioli then stood Milberg up and ordered the police officers present to take Echeverria to the bedroom to get changed because they were both going to jail.

23. During this unlawful entry and unlawful search of her apartment, Liza Echeverria witnessed her co-habitant Andrew Milberg, being knocked to the ground, thrown around and beaten about the face and head by Sgt. Anthony Ferraioli, while other Defendant Officers, named and unnamed stood by and failed to intervene and stop the beating.

24. Plaintiff Andrew Milberg did not resist, assault or evade the defendants in any way, and the force used against him was unnecessary, unreasonable and excessive.

25. Plaintiff Andrew Milberg, although forced to endure an ~~unlawful entry into his apartment and subsequent illegal~~ search of his apartment and arrest did not protest or resist, because he was placed in fear not only for his own personal safety but that of his girlfriend and cohabitant, Liza Echeverria, who was also present and surrounded by the named and unnamed defendants and subsequently arrested without legal cause.

26. Plaintiff Liza Echeverria was surrounded by the named and unnamed defendants and subsequently arrested without legal cause. She was physically constrained but did not resist, assault or evade the defendants in any way while a illegal

search of her apartment was conducted. She did not resist her arrest or protest or resist, because she was placed in fear not only for her own personal safety but that of her boyfriend and cohabitant, Andrew Milberg.

27. Plaintiff Andrew Milberg incurred property damage to his residence due to the illegal entry and search of the premises.

28. Plaintiff Liza Echeverria incurred property damage to her residence due to the illegal entry and search of the premises.

29. Milberg insisted that he had not been to Houlihan's Restaurant that evening and repeatedly told the officers that his was in bed. Former Sergeant Ferrioli stated that two of his officers were in the hospital because of Milberg's actions at Houlihan's and he (Milberg) was not going to get away with that.

30. Additional questioning continued and Milberg and Echeverria continued to maintain that Milberg was at home and not at Houlihan's.

31. Any allegation of Defendants' good faith or mistaken identity does not provide justification and or a defense.

32. Milberg was handcuffed and pushed up against the kitchen appliances. Echeverria changed and was also handcuffed.

33. Both Milberg and Echeverria were placed in marked Hackensack Police patrol cars and taken to the Hackensack Police Department and charged with various 3d and 4th degree CDS offenses.

34. Plaintiffs, Milberg and Echeverria were handcuffed, verbally abused and physically assaulted and transported to the Hackensack Police Department for further processing and detention. The defendant police officers had no warrant for the arrest of Andrew Milberg or Liza Echeverria and no legal cause or excuse to seize the person of the Plaintiff Andrew Milberg or Liza Echeverria.

35. Plaintiff Andrew Milberg did not receive any medical assistance during his period of custody at the Hackensack Police Department although he had been physically assaulted by _____ Anthony Ferraioli and this was known to all Defendant Police Officers present in the apartment.

36. Bail was set and by late afternoon on the 7th bail was posted on the 7th. Milberg was released that day from the Bergen County Jail and Echeverria was detained for an additional day being released on June 8th 2011 at 5 pm. During this time she had no access to her anti seizure medication.

37. On or about June 7, 2011, after having posted bail due to his false arrest and imprisonment, Andrew Milberg was

admitted to Hackensack University Medical Center and was treated for a ruptured ear drum which is a permanent injury resulting in a permanent loss of a bodily function that was caused by the unprovoked and illegal assault of Anthony Ferraioli upon his person and the failure of named and unnamed police officers presents at that time to protect and or intervene.

38. At all times during the events described above, the defendant police officers were engaged in a joint venture under color of law. The individual officers assisted each other in performing the various actions described and lent their physical presence and support and the authority of their office to each other during the said events.

39. Anthony Ferraioli, at a date and time unknown, acting under color of law, filed false and misleading police reports regarding the events that occurred on or about June 6-7 2011. His actions resulted in the continued malicious prosecution and illegal abuse of process to institute and maintain and justify the illegal search and seizure, assault and battery, intentional infliction of emotional distress upon the Plaintiff Andrew Milberg and Plaintiff Liza Echeverria. This caused Andrew Milberg and Liza Echeverria to be denied their constitutionally protected rights under both federal and state law, to be falsely imprisoned, be caused pain and

suffering, and otherwise endure mental and emotional stress and monetary damages.

40. At a date and time unknown, Defendant Alberto Gutierrez, an officer of the police department of the City of Hackensack, Bergen County, New Jersey, acting under color of law, attempted to use the authority of his office to impede the proper investigation of any alleged incident that may or may not have occurred on or about the late evening hours of June 6-7, 2011. His actions resulted in the continued malicious prosecution and illegal abuse of process to institute and maintain and justify the illegal search and seizure, assault and battery, intentional infliction of emotional distress upon the Plaintiff Andrew Milberg and Plaintiff Liza Echeverria. This caused Andrew Milberg and Liza Echeverria to be denied their constitutionally protected rights under both federal and state law; to be falsely imprisoned; be caused pain and suffering; and otherwise endure mental and emotional stress and monetary damages.

41. Both Andrew Milberg and Liza Echeverria have been found to be without fault and any and all prosecutions arising from the events of June 6-7, 2011 complaints have been subjected to dismissal as unfounded and unwarranted.

42. As a direct and proximate cause of the said acts of the named and unnamed defendant Officers, individually,

jointly and severally, The City of Hackensack, New Jersey, a municipal corporation, The Mayor and Council, Individually and/or as Final Policy Maker, Tomas Padilla, individually and in His Official capacity as Acting CHIEF OF POLICE; and other Officials, employees and/or agents of the City of Hackensack, individually and/or as Final Policy Maker, the plaintiff Liza Echeverria suffered the following injuries and damages:

- Violation of her Federal and State constitutional, statutory and common law right to be free of unreasonable searches and seizures;
- Loss of her physical liberty
- Pain and suffering
- invasion of privacy
- monetary damages
- Malicious prosecution and or subject to an abuse of process
- psychological damage and emotional distress, including but limited to humiliation caused by the trauma created by the unfounded arrest of her and her cohabitant
- Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.
- Violation of New Jersey State Civil Rights pursuant to N.J.S.A. 10:6-1 to 2. Attorney fees are requested pursuant to N.J.S.A. 10:6-1(f).
- Violation of 42 U.S.C. 1983.
- Attorney fees are sought pursuant to 42 U.S.C. Sec. 1988.

43. On or about July 12, 2011 a subsequent arrest warrant, Complaint No.: 0246 W 2011 000751, was issued against Andrew Milberg by the Borough of Paramus Police Department, Paramus, New Jersey with false and misleading information supplied by Hackensack Police Officer Richard Sellitto and/or other unknown Officers or Individuals in an unjustified attempt to

validate the unlawful entry, assault, search and arrest which occurred on or about June 6-7, 2011.

44. Hackensack Police Officer Richard Sellitto and/or other unknown Officers or Individuals provided this false and misleading information knowing or having reason to know that Andrew Milberg had been previously subject to an illegal search and seizure, assault and battery and arrested without legal cause on or about June 6-7, 2011 and that this false and misleading information would have the natural and probable effect of the issuance of a criminal complaint and subsequent arrest and false imprisonment Andrew Milberg resulting in a denial of his constitutionally protected rights under both federal and state law, to be falsely imprisoned, be caused pain loss of liberty, pain and suffering, emotional distress and monetary damages.

45. On or about July 15, 2011 a subsequent arrest warrant, Complaint No.: 0246 W 2011 000751, was issued against Andrew Milberg by the Borough of Police Department, Paramus, New Jersey with false and misleading information supplied by Dana Sellitto in an unjustified attempt to validate the unlawful entry, search, assault and arrest which occurred on June 6-7, 2011.

46. Based upon information and belief defendant Dawn Sellitto provided this false and misleading information

knowing or having reason to know that Andrew Milberg had been previously subject to an illegal search and seizure, assault and battery and arrested without legal cause on or about June 6-7, 2011 and that this false and misleading information would have the natural and probable effect of the issuance of a criminal complaint and subsequent arrest and false imprisonment of Andrew Milberg, causing loss of liberty, pain and suffering, emotional distress and monetary damages.

47. On or about July 15, 2011 a subsequent arrest warrant, Complaint No.: 0246 W2011, was issued against Andrew Milberg by the Borough of Paramus Police Department, Paramus, New Jersey with false and misleading information supplied by Defendants John Doe #11 and John Doe #12.

48. Defendants John Doe #11 and John Doe #12 provided this false and misleading information knowing or having reason to know this information would have the natural and probable effect of the issuance of a criminal complaint and subsequent arrest and false imprisonment Andrew Milberg causing loss of liberty, pain and suffering, emotional distress and monetary damages.

49. On or about July 15, 2011, Andrew Milberg voluntarily submitted himself to the Paramus Police Department, Paramus, New Jersey, despite the fact that he knew he was falsely accused by Complaint No. 0246 W 2011 000751, he was arrested

and subjected to incarceration and loss of liberty was required to make bail.

50. Andrew Milberg has been found to be without fault and any and all prosecutions arising from the events of June 6, 2011 through July 15, 2011 have been subjected to dismissal as unfounded and unwarranted. The charge of the aggravated assault was dismissed against Andrew Milberg as he was not present at the time but was home and asleep on the night of the alleged aggravated assault contained in the Paramus Police Complaint No. 0246 W 2011 000751 which was said to have occurred on or about June 6-7, 2011.

51. As a direct and proximate cause of the said acts of the named and unnamed defendant Officers, individually,

~~jointly and severally, The City of Hackensack, New Jersey, a~~
municipal corporation, The Mayor and Council, Individually and or/as Final Policy Maker, Tomas Padilla, individually and in His Official capacity as Acting CHIEF Of POLICE; and other Officials, employees and/or agents of the City of Hackensack, individually and or as Final Policy Maker, the plaintiff Andrew Milberg suffered and demands compensation for the following injuries and damages:

- Violation of his Federal and State constitutional, statutory and common law right to be free of unreasonable searches and seizures;
- Loss of his physical liberty
- Assault and battery resulting in permanent loss and injury

- Pain and suffering
- invasion of privacy
- monetary damages including lost wages
- Malicious prosecution and/or subjected to an abuse of process
- psychological damage and emotional distress, including but limited to humiliation caused by the trauma created by the original incident and subsequent arrests
- Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.
- Violation of New Jersey State Civil Rights pursuant to N.J.S.A. 10:6-1 to 2. Attorney fees are requested pursuant to N.J.S.A. 10:6-1(f).
- Violation of 42 U.S.C. 1983.
- Attorney fees are sought pursuant to 42 U.S.C. Sec.1988

52. As a direct and proximate cause of the aforementioned said acts, Defendants Dana Sellitto, Richard Sellitto and John Doe #11 and John Doe #12 individually, jointly and severally, caused the plaintiff Andrew Milberg to suffer the following injuries and damages:

- Loss of his physical liberty
- Pain and suffering
- Malicious prosecution and or subject to an abuse of process
- psychological damage and emotional distress, including but not limited to humiliation caused by the trauma created by the original incident and subsequent arrests
- invasion of privacy
- monetary damages including lost wages

COUNT I

Assault and Battery Upon Andrew Milberg

53. Plaintiff Andrew Milberg repeats and incorporated Paragraphs 1-52 herein by reference as though fully set forth.

54. Defendant, Anthony Ferraioli Individually, and in his

Official capacity, under color of state law, assaulted and battered Andrew Milberg.

55. Defendants, Alberto Gutierrez and John Doe(s) 1 through 10 in their Official capacity stood by and failed to intervene and stop the beating. This was a ministerial act and a violation of their duties to maintain and uphold statutory and constitutionally imposed duties. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by plaintiff, Andrew Milberg.

56. Defendants' actions as maintained and plead in Count VII (Negligent Hiring/Retention/Supervision) was a concurrent cause of the harm proximately caused by the assault and

~~battery and the failure to intervene and protect the Plaintiff~~

Andrew Milberg. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by plaintiff, Andrew Milberg.

57. As a proximate result of the actions of the defendants in the assault and battery, Plaintiff Andrew Milberg suffered damages as aforesaid.

WHEREFORE, Andrew Milberg demands compensation for injuries as outlined in paragraphs 51 and 52 as set forth in full as a result of the personal injury resulting from the assault and

battery inflicted upon him. A demand for judgment against all named and unnamed Defendants, Individually and in their official capacity, including John Doe(s) 1-10, (said names being fictitious and presently unknown) jointly, severally in an amount sufficient to compensate for his injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants, Individually and or in their Official Capacity acted wantonly, in disregard of their duty to ensure the safety of Andrew Milberg or with reckless disregard Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.

Plaintiff demands such other relief as this Court deems just and proper under the circumstances.

COUNT II
False arrest and Imprisonment

58. Paragraphs 1-57 are incorporated herein by reference as thought fully set forth.

59. Defendants, Anthony Ferriaoli, Alberto Gutierrez and John Doe(s) 1-10 named and unnamed, Individually, and in their Official capacity, illegally arrested and illegally imprisoned Andrew Milberg and Liza Echeverria. Defendants' are liable for false imprisonment if he or she authorizes, encourages, directs, or assists an officer to do an unlawful

act, or procures an unlawful arrest, without process, or participates in the unlawful arrest.

60. There was no legal authority or justification for the false arrest and imprisonment of Plaintiffs Milberg and Echeverria. Mistake of identify is not a defense. In the alternative, the detention and physical assault of Andrew Milberg and Liza Echeverria exceeded the length and breadth reasonably necessary to effectuate any law enforcement purpose.

61. Defendants, Alberto Gutierrez and John Doe(s) 1-10 named and unnamed in their official capacity stood by and failed to intervene and stop the illegal search and subsequent unjustified false arrest and imprisonment. This was a ministerial act and a violation of their duties to

maintain and uphold statutory and constitutionally imposed duties. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by plaintiffs, Andrew Milberg and Liza Echeverria.

62. Defendants' actions as maintained and plead in Count VII (Negligent Hiring/Retention/Supervision) was a concurrent cause of the harm of false arrest and Imprisonment and the failure to intervene and protect the Plaintiffs Andrew Milberg and Liza Echeverria. Defendants' action or lack of

action was a substantial factor that brought about the injury, loss and harm claimed by plaintiff, Andrew Milberg and Liza Echeverria.

63. Defendants, Anthony Ferrioli, Alberto Gutierrez John Doe(s) 1-10 named and unnamed, jointly and severally if acting outside the course of their employment or agency as Officers of the Hackensack Police Department created the harm and are liable in their individual capacity. A public employee is not exonerated from liability for false arrest or false imprisonment.

64. As a direct and proximate cause of the actions of the named and unnamed Defendants, Plaintiffs, Andrew Milberg and Liza Echeverria suffered physical injuries, humiliation as well as mental and emotional stress from the indignity to which he was subjected and other damages aforesaid.

WHEREFORE, Plaintiffs Andrew Milberg and Liza Echeverria demand compensation for injuries as outlined in paragraphs 42, 51 and 52 as if set forth in full as a result of the personal injuries resulting from their False arrest and Imprisonment and seek compensation for their personal injuries resulting from the wrongful arrest, and imprisonment of Andrew Milberg for arrests and imprisonments (June 7, 2011 and on or about July 15, 2011) and Liza Echeverria for arrest and imprisonment June 7, 2011. A demand for judgment against

all named Defendants, Individually and in their official capacity, including John Doe(s) #1-10, jointly, severally in an amount sufficient to compensate for their injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants, Individually and or in their Official Capacity acted wantonly, in disregard of their duty to ensure the safety of Andrew Milberg and Liza Echeverria or with reckless disregard of the truth, Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.

Plaintiff demands such other relief as this Court deems just and proper under the circumstances.

COUNT III

Malicious Prosecution and or Abuse of Process

Richard Sellitto, Alberto Gutierrez, Anthony Ferraioli and John Doe(s) 11 and 12

65. Paragraphs 1-64 are incorporated herein by reference as thought fully set forth.

66. At all times material to this Complaint Hackensack Police Officers Richard Sellitto, Alberto Gutierrez, Anthony Ferraioli and Unknown Defendants, including John Doe(s) 11 and 12, made an improper, illegal and perverted used of the legal procedure and had an ulterior motive in initiating the legal process to accomplish an unlawful end.

67. At all times material to this Complaint Hackensack

Police Officers Richard Sellitto, Alberto Gutierrez, Anthony Ferraioli and Unknown Defendants, including John Does 1-10, John Does 11 and 12 (said names being fictitious and presently unknown) provided false and misleading information and or tampered with witnesses which resulted in the false imprisonment and or subsequent false imprisonment of Andrew Milberg. Criminal action was instituted by the Defendants (against Andrew Milberg, that it was actuated with reckless disregard of the truth and there was an absence of probable cause of the proceeding and that all actions were terminated in favor of Plaintiff, Andrew Milberg.

68. At all times material to this Count, Defendants, named and unnamed, Individually and in their Official capacity were employed and or engaged as Officers of the Hackensack Police Department, City of Hackensack, Bergen County, New Jersey. Defendants' actions as maintained and plead in Count VII were concurrent causes of the harm of the malicious prosecution and abuse of process caused to be initiated against Andrew Milberg. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by plaintiff, Andrew Milberg.

69. In the alternative, all named or unnamed Defendants, if acting outside the course of their employment or agency as Officers of the Hackensack Police Department created the harm

and are liable in their individual capacity.

70. As direct and proximate result of Malicious Prosecution and or Abuse of Process, the plaintiff Andrew Milberg suffered the damages as aforesaid.

71. To the extent that the actions of the named and unnamed Defendants, Individually and or in their Official Capacity, jointly and severally acted wantonly in disregard of the rights of Andrew Milberg to be free of false and misleading actions and statements resulting in said harm Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED. WHEREFORE, Plaintiff Andrew Milberg demands compensation for injuries as outlined in paragraphs 51 and 52 as if set forth in full. Plaintiffs seek compensation for injuries as a

~~result of the personal injury resulting from the malicious~~
prosecution and abuse of process which resulted in the wrongful assault, arrest, and imprisonment of the Plaintiff Andrew Milberg. A demand for judgment against all named Defendants, Individually and in their official capacity, including, John Doe(s) 11 and 12, jointly and severally in an amount sufficient to compensate for his injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants including John Does, Individually and or in their Official Capacity acted wantonly and or in

disregard of their duty to ensure the safety of Andrew Milberg, Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.

Plaintiff demands such other relief as this Court deems just and proper under the circumstances.

COUNT IV
Malicious Prosecution and or Abuse of Prosecution
Dana Sellitto and John Doe(s) 11 and 12

72. Paragraphs 1-71 are incorporated herein by reference as though fully set forth.

73. The allegations contained in paragraphs of Count III are incorporated herein by reference as though fully set forth, to wit; criminal action was instituted by the Defendants including Dana Sellitto and John Doe 11 and John Doe 12, against Andrew Milberg, that it was actuated reckless disregard of the truth and there was an absence of probable cause of the proceeding and that all actions were terminated in favor of Plaintiff, Andrew Milberg.

74. At all times material to this Complaint named Defendants Dana Sellitto and John Doe 11 and John Doe 12 made an improper, illegal and perverted use of the legal procedure and had an ulterior motive in initiating the legal process to accomplish an unlawful end.

75. As a result of Malicious Prosecution and or Abuse of

Process, the plaintiff Andrew Milberg suffered the damages as aforesaid.

76. To the extent that the actions of the named and unnamed Defendants, Individually, jointly and severally acted wantonly in disregard of the right of Andrew Milberg to be free of false and misleading actions and statements resulting in said harm punitive damages are demanded.

WHEREFORE, Andrew Milberg demands compensation for injuries as outlined in paragraph 52 as if set forth in full and seeks compensation for injuries as a result of the personal injury resulting from the malicious prosecution and abuse of process which resulted in the wrongful assault, arrest, and imprisonment of the Plaintiff, Andrew Milberg. A demand for judgment against Dana Sellitto and John Doe(s) 11 and 12, Individually, jointly and severally in an amount sufficient to compensate for the Andrew Milberg's injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.

Plaintiff demands such other relief as this Court deems just and proper under the circumstances.

COUNT V

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS by defendants
Richard Sellitto, Alberto Gutierrez, Anthony Ferraioli,
Unknown Defendants John Doe(s) 1-10, John Does 11 and 12

77. Paragraphs 1-76 are incorporated herein by reference as thought fully set forth.

78. Defendants Richard Sellitto, Alberto Gutierrez, Anthony Ferraioli, unknown Defendants John Doe(s) 1-10, John Does 11 and 12 intentionally inflicted emotional distress upon and Andrew Milberg and Liza Echeverria,

79. At all times material to this Complaint Defendants, named and unnamed, Individually and in their Official capacity were employed and or engaged as Officers of the Hackensack Police Department, City of Hackensack, Bergen County, New Jersey.

80. On or about July 12, 2011, a criminal action was instituted (0246 W 2011 000751) against Andrew Milberg. Probable cause for the institution of the complaint was "Identification of defendant by Witness." Upon information and belief the "Witness" who provided the false information is/are defendants Officer Richard Sellitto, and John Does 11 and 12, said action was actuated by reckless disregard of the truth and there was an absence of probable cause of the proceeding and that all actions were terminated in favor of Plaintiff, Andrew Milberg.

81. The actions of the defendants to wit, supplying intentionally false information to Detective R. Von Schalscha of the Paramus Police Department to support the filing of the July 12, 2011 criminal complaint (0246 W 2011 000751) was the proximate cause of the additional harm suffered by Plaintiff Andrew Milberg on July 15 2011.

82. Defendants' actions as maintained and plead in Count VII (Negligent Hiring/Retention/Supervision) was a concurrent cause all harms and injuries to Plaintiffs including emotional distress endured by Andrew Milberg and Liza Echeverria as to the lack of effective training, supervision, retention and failure to intervene and protect the plaintiffs Andrew Milberg and Liza Echeverria. Defendants' action or lack of action was ~~a substantial factor that brought about the injury, loss and~~ harm claimed by plaintiff, Andrew Milberg and Liza Echeverria.

83. At all times material to this complaint Defendants acted intentionally and or recklessly as described herein. Their actions acted in deliberate disregard of a high degree of probability that emotional distress would follow.

84. Defendant's actions were the proximate cause of Andrew Milberg's and Liza Echeverria's emotional distress.

85. Plaintiffs Andrew Milberg and Liza Echeverria suffered more than mere insults, indignities, threats, annoyances, petty oppressions or other trivialities.

86. Andrew Milberg's and Liza Echeverria's emotional distress is genuine and substantial judged by the average person similarly situated. No reasonable person could be expected to endure such distress which was a direct and proximate result of Defendants' wrongful conduct.

87. In the alternative, all named or unnamed Defendants, if acting outside the course of their employment or agency as Officers of the Hackensack Police Department created the harm and are liable in their individual capacity.

WHEREFORE, Plaintiffs Andrew Milberg and Liza Echeverria demand compensation for injuries as outlined in paragraphs 42, and 51 as if set forth in full. Plaintiffs seek compensation for injuries as a result of the personal injury resulting from the intentional infliction of emotional distress of the Plaintiffs Andrew Milberg and Liza Echeverria. A demand for judgment against all named Defendants, Individually and in their official capacity, including John Doe(s) 1-10, John Does 11 and 12, jointly, severally in an amount sufficient to compensate for their injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants including John Does, Individually and or in their Official Capacity acted wantonly and or in disregard of their duty to ensure the safety of Andrew Milberg and Liza Echeverria,

Punitive Damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED.
Plaintiff demands such other relief as this Court deems just
and proper under the circumstances.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
Richard Sellitto, Dana Sellitto and John Does 11 and 12

88. Paragraphs 1-84 are incorporated herein by reference
as thought fully set forth.

89. On or about July 12, 2011, a criminal action was
instituted (0246 W 2011 000751) against Andrew Milberg.
Probable cause for the institution of the complaint was
"Identification of defendant by Witness." Upon information and
belief the "Witness" who provided the false information is/are

~~defendants Richard Sellitto, Dana Sellitto and John Does 11~~

and 12, said action was actuated by reckless disregard of the
truth and there was an absence of probable cause of the
proceeding and that all actions were terminated in favor of
Plaintiff, Andrew Milberg.

90. The actions of the defendants to wit, supplying
intentionally false information to Detective R. Von Schalscha
of the Paramus Police Department to support the filing of the
July 12, 2011 criminal complaint (0246 W 2011 000751) was the
proximate cause of the harm suffered by Plaintiff Andrew
Milberg. Said action was an improper, illegal and perverted

used of the legal procedure and had an ulterior motive in initiating the legal process to accomplish an unlawful end.

91. At all times material to this complaint Defendants acted intentionally and or recklessly as described herein. Their actions acted in deliberate disregard of a high degree of probability that emotional distress will follow.

92. Plaintiff Andrew Milberg suffered more than mere insults, indignities, threats, annoyances, petty oppressions or other trivialities.

93. Andrew Milberg's emotional distress is genuine and substantial judged by the average person similarly situated. No reasonable person could be expected to endure such distress which was a direct and proximate result of Defendants' wrongful conduct.

WHEREFORE, Plaintiffs Andrew Milberg demands compensation for injuries as outlined in paragraphs 51 and 52 as if set forth in full. Plaintiff seeks compensation for injuries as a result of the personal injury resulting from the intentional infliction of emotional distress of the Plaintiff Andrew Milberg in connection with the July 2011 filing of a criminal complaint against him. A demand for judgment against all named Defendants, Individually, including John Doe(s) 1-10, John Doe(s) 11 and 12 (said names being fictitious and presently unknown) jointly, severally in an amount sufficient to

compensate for their injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants including John Doe(s), Individually acted wantonly and in deliberate disregard of a high degree of probability that emotional distress would follow. Punitive Damages pursuant to N.J.S.A.2A:15-5,9 is DEMANDED. Plaintiff demands such other relief as this Court deems just and proper under the circumstances.

Count VII
Negligent Hiring, Supervision and Retention

94. Paragraphs 1-93 are incorporated herein by reference as though fully set forth.

95. Defendants, specifically referred to in prior paragraphs 3 through 9 and incorporated herein by reference as though fully set forth, City of Hackensack, and its Officers, Mayor and Council, employees and/or agents, Chief of Police and final policy maker, individually and or in their official capacities, did so negligently, carelessly and recklessly select, hire or retain incompetent, unskillful and improper persons for the management and or operation of the Hackensack City Police Department that they knew or should have ascertained that the persons were not properly qualified to undertake the work in such a manner as to prevent a hazardous

and reasonably foreseeable risk of injury which was incurred by Andrew Milberg and Liza Echeverria.

96. Defendants, City of Hackensack, and its Officers, Mayor and Council, employees and/or agents, Chief of Police and final policy maker, individually and or in their official capacities, so negligently, give poor and or inadequate instructions and or formulation of policy and or failed in its duty to review the decision of the City of Hackensack Police Department and by said negligence, wrongful act or omission to correct a known improper action;

- a. Defendants failed to screen or adequately screen;
- b. Defendants failed to train or adequately train;
- c. Defendants failed to supervise or adequately supervise;
- d. Defendants negligently retained Officers, even though Defendants knew, or should have known the Officers posed a danger to their community.

97. The negligent hiring, supervising and retention of the named and unnamed police officers were the proximate cause of the harm to the Plaintiffs as outlined in the preceding counts and set forth at length in paragraphs 1 through 96.

98. The negligent hiring and retention of the named and unnamed police officers were the proximate cause of the harm to the Plaintiffs Andrew Milberg and Liza Echeverria as stated in the aforementioned facts and following Counts alleging

violations of Federal and State Constitutional rights and causes of actions.

99. Negligent hiring, supervising and retention of the police officers, named and unnamed, creates liability regardless if the acts committed where outside the scope of employment.

WHEREFORE, Plaintiffs Andrew Milberg and Liza Echeverria seek compensation as outlined in paragraphs 42, 51 and 52 as if set forth in full for injuries as a result of the personal injuries resulting from the wrongful assault, search, arrest, and imprisonment, malicious prosecution and/or abuse of process and the intention infliction of emotional distress to the plaintiffs Andrew Milberg and Liza Echeverria. A demand

~~for judgment against all named Defendants, Individually and in~~
their official capacity, including John Doe(s) 1-10 John Does 11 and 12 and John Doe(s) 13 to 30 (said names being fictitious and presently unknown) jointly, severally in an amount sufficient to compensate for their injuries, defense counsel fees, and for plaintiff counsel fees, interest and costs of suit. To the extent that the actions of the named and unnamed Defendants, Individually and or in their Official Capacity acted wantonly, with reckless disregard for the truth and or in disregard of their duty to ensure the safety of Andrew Milberg and Liza Echeverria, Punitive Damages pursuant

to N.J.S.A. 2A:15-5.9 is DEMANDED.

Plaintiffs demand such other relief as this Court deems just and proper under the circumstances.

COUNT VIII
NEW JERSEY STATE TORT CLAIMS
N.J.S.A 59:1-1 et. seq.

100. Paragraphs 1-99 are incorporated herein by reference as thought fully set forth.

101. The allegations contained in all previous Counts of this complaint are incorporated herein by reference, with the exception of counts IV and VI, as though fully set forth, to wit; assault and battery; false arrest and imprisonment; malicious prosecution and abuse of process and the infliction of emotional distress.

102. All City and State Entities and Employees have received timely Notice of Tort Claim Action pursuant to N.J.S.A 59-1-1 et. seq. Six (6) months have elapsed since the giving of notice and the filing of this suit.

103. Threshold as set forth in N.J.S.A. 59:9-2(d) has been met as to all parties including but not limited to the permanent loss of a bodily function without residual physical injury.

104. Plaintiffs Andrew Milberg and Liza Echeverria have plead sufficient evidence of aggravating circumstances that

demonstrate that their psychological injuries were permanent and substantial and were of a level sufficient to cross the threshold of the New Jersey Tort Claims Act.

105. Plaintiffs Andrew Milberg and Liza Echeverria have plead sufficient evidence of public employees' action which constitute willful misconduct and therefore need not satisfy the verbal threshold N.J.S.A. 59:3-14(a), Toto v. Ensuar, 196 N.J. 134 (2008).

106. At all times relevant named Defendants Tomas Padilla, Individually and as Acting Chief of Police, Karen Sasso, Individually and as Mayor of the City of Hackensack, City Council, John Doe(s) 13-18 and all final policy makers and others, were at the relevant time acting as officers, ~~employees or agents of the City of Hackensack and or the~~ Hackensack Police Department.

107. At all times relevant, the Defendants, its officers, employees or agents, named and unnamed were acting within the scope of their agency or employment. A principal or employer is legally responsible for the negligence of an officer, agent, or employee while the officer, agent, or employee acts within the scope of his/her employment.

108. Defendants, its Officers, employees and/or agents, named and unnamed, actions and or omissions were so negligent, careless and reckless to cause and create a dangerous

condition and unreasonable risk of harm to the person, resulting in serious injury described herein to plaintiffs, Andrew Milberg and Liza Echeverria, N.J.S.A.59:4-2a., or

109. Defendants, its Officers, employees and/or agents, named or unnamed, actions and or omissions were so negligent, careless and reckless that it breached the public interest in protecting the safety of those under its care and protection and had a legal duty to duty so.

110. Plaintiff Andrew Milberg did not receive necessary medical assistance during his period of custody at the Hackensack Police Department although he had been physically assaulted by Anthony Ferraioli and this was known to all Defendant Police Officers. Plaintiff Liza Echeverria was denied access to a known prescribed anti-seizure medication. Failure to receive prompt medical care resulted in the unnecessary and pointless infliction of pain and suffering.

111. The negligence of the Defendants was the proximate cause of the harm suffered by the Plaintiffs.

112. Plaintiffs Andrew Milberg and Liza Echeverria rely on their additional cause of action which is not governed by the Tort Claims Act and has been previously plead in Count VII. Plaintiffs, Andrew Milberg and Liza Echeverria, furthermore in the following Counts IX-XI, plead allegations regarding state and federal constitutional claims and claims brought under the

New Jersey Civil Rights Act.

WHEREFORE, Andrew Milberg and Liza Echeverria demand judgment against all named and unnamed defendants, individually, jointly and severally including John Doe(s) 1-10 and John Doe(s)13-30 (said names being fictitious and presently unknown) jointly, severally in an amount against defendants, in an amount sufficient to compensate their injuries, defense counsel fees, interest and costs of suit. Plaintiffs demand such other relief as this Court deems just and proper under the circumstances.

COUNT IX

**NEW JERSEY CONSTITUTION, ARTICLE I PARAGRAPH 7
NEW JERSEY CIVIL RIGHTS ACT. N.J.S.A.10:6-1. Et seq.**

113. The allegations of each preceding paragraphs 1 though 112 of this complaint and facts contained herein are hereby re-alleged and incorporated as if fully set forth herein. Specific instances of the deprivation of substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State have been alleged and plead in the foregoing Counts within this Complaint and are restated as if set forth at length herein.

114. Plaintiffs, Andrew Milberg and Liza Echeverria bring this action specifically under the New Jersey Constitution because Defendants, named and unnamed, under color of State

Law, jointly and severally deprived them of their right to due process of law and their right to be free of unreasonable search and seizures. New Jersey Constitution. Article I,

115. Furthermore, as a direct and proximate cause of the actions of Defendants, Individually, and or its Officers, employees and/or agents, servants and employees, Andrew Milberg and Liza Echeverria were deprived of substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State. Their exercise or enjoyment of those substantive rights, privileges or immunities have been interfered with or attempted to be interfered with, by threats, intimidation or coercion by Defendants acting under color of law. N.J.S.A. 10:6-1 et seq.

116. Defendants, Individually and or its Officers, employees and/or agents did and or through its agents, servants, employees committed such acts and or omissions to constitute the most egregious governmental abuses against liberty or property rights, said abuse shocked the conscience or otherwise offended judicial notions of fairness and are offensive to human dignity. Andrew Milberg and Liza Echeverria suffered personal injury, had their civil rights violated by use of unreasonable and excessive force, improper search and seizure, and false imprisonment without legal justification as a direct and proximate cause of the acts of the Defendants.

The allegations contained in the following Count regarding 42 U.S.C. Sec. 1983 are plead as if set forth at length herein.

WHEREFORE, Trial by jury is demanded pursuant to N.J.S.A.10:6-4d. Andrew Milberg and Liza Echeverria demand a civil penalty for each violation to be determined by either the court or just as the case may be pursuant to N.J.S.A.10:6-2(e). Plaintiffs demand judgment against defendants, in an amount sufficient to compensate for their injuries, defense counsel fees, and for counsel fees, interest and costs of suit. Attorney fees are requested pursuant to N.J.S.A. 10:6-1(f). Punitive damages pursuant to N.J.S.A.2A:15-5.9 is DEMANDED. Plaintiffs demand such other relief as this Court deems just and proper under the circumstances.

COUNT X

42 U.S.C. Sec. 1983

Against Individual Defendants

117. Paragraphs 1-116 are incorporated herein by reference as though full set forth. The foregoing Counts within this Complaint are restated as if set forth at length herein.

118. Plaintiffs, Andrew Milberg and Liza Echeverria bring this action for Federal and State Constitutional violations because named or unnamed Defendants, under color of State Law, jointly and severally deprived them of federally protected rights under the Fourth and Fourteenth Amendments to the United States Constitution. 42 U.S.C. Sec. 1983. Andrew

Milberg and Liza Echeverria were denied their liberty and property interests protected by the Due Process Clause as a direct and proximate consequence of the acts and omissions of Defendants. Defendants acted with deliberate indifference to a substantial risk of harm to plaintiffs, said action was the direct and proximate cause of the harm to Andrew Milberg and Liza Echeverria.

119. As a direct and proximate cause of the acts/omissions of the defendants, Plaintiffs Andrew Milberg and Liza Echeverria were denied protection from the arbitrary exercise of the powers of government and were subjected to governmental power which was used for purposes of oppression. U.S. Const. Amend. XIV, § 1, and N.J. Const. art. I, § 1.

120. The action of the named and unnamed Defendants, acting under color of law shocked the conscience or otherwise offended judicial notions of fairness and are offensive to human dignity. The actions of the named and unnamed Defendants abused their official position and directly and proximately caused harm to Plaintiffs.

121. The acts and omissions of all Defendants acting "under color of State Law" where the direct and proximate cause of the harm to Plaintiffs Andrew Milberg and Liza Echeverria.

122. Attorney fees are sought pursuant to 42 U.S.C. Sec. 1988.

123. Named and unnamed defendants acted with callous or reckless indifference to the constitutional rights of the plaintiffs, Andrew Milberg and Liza Echeverria and therefore punitive damages are required.

WHEREFORE, Andrew Milberg and Liza Echeverria demand judgment against all named and unnamed defendants, acting under color of state law, individually, jointly and severally including John Does 1-30 (said names being fictitious and presently unknown) jointly, severally in an amount against defendants, in an amount sufficient to compensate them for their injuries, defense counsel fees, counsel fees, interest and costs of suit. Plaintiffs demand such other relief as this Court deems just and proper under the circumstances.

COUNT XI

42 U.S.C. Sec. 1983

Against City of Hackensack

124. Paragraphs 1-123 are incorporated herein by reference as though full set forth. The foregoing Counts within this Complaint are restated as if set forth at length herein.

125. The City of Hackensack, New Jersey, a municipal corporation, The Mayor and Council, Officials, employees and/or agents of the City of Hackensack, acted as final policy maker at all times material to this complaint.

126. Tomas Padilla, individually and in His Official Capacity as acting Chief of Police of the City of Hackensack, acted as final policy maker at all time material to this complaint.

127. Defendants, its Officers, employees and/or agents were acting under color of State Law. Defendants acted with deliberate indifference to a substantial risk of harm to plaintiffs, Andrew Milberg and Liza Echeverria.

128. Andrew Milberg and Liza Echeverria did not receive medical care in violation their constitutional rights: all named or unnamed defendants acted with deliberate indifference to Andrew Milberg's and Liza Echeverria's serious medical needs. Andrew Milberg and Liza Echeverria were taken into custody and therefore a duty to protect under the Fourteenth Amendment was violated.

129. Prior to June 6, 2011, the City of Hackensack, through it Mayor, Officers, City Council, employees and/or agents or other final policy makers, developed and maintained policies or custom exhibiting deliberate indifference to the constitutional rights of persons in the City Of Hackensack, which caused the violation of Andrew Milberg's and Liza Echeverria's rights.

130. It was the policy and or custom of the City of Hackensack to inadequately and improperly investigate citizen

complaints of police misconduct, and acts of misconduct were instead tolerated by the City of Hackensack, including, but not limited to the events of June 6 through July 15, 2011.

131. It was the policy and or custom of the City of Hackensack to inadequately supervise and train its police officers, including the defendant officers, thereby failing to adequately discourage further constitutional violations on the part of its police officers. The City did not require appropriate training or re-training of officers who were known to have engaged in police misconduct.

132. As a result of the above described policies, customs and lack of specified lack of accountability, police officers of the City of Hackensack, including the defendant officers

~~believed that their actions would not be properly monitored by~~
supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

133. The above described policies, customs and specified lack of accountability demonstrated a deliberate indifference on the part of the policy makers of the City of Hackensack to the constitutional right of the persons within the City, and were the cause of the violations of Andrew Milberg's and Liza Echeverria's rights alleged herein.

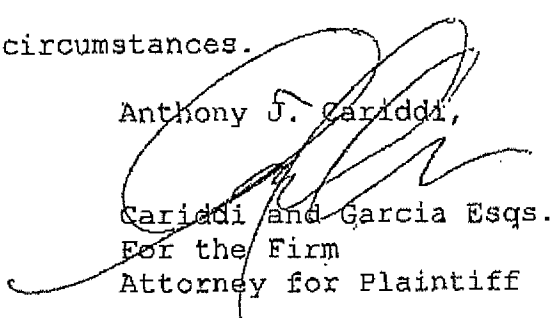
134. As a direct and proximate cause of the acts and omissions of the named and unnamed Defendants, Andrew Milberg

and Liza Echeverria where injured, harmed and otherwise denied constitutional rights and protections.

135. Named and unnamed defendants acted with callous or reckless indifference to the constitutional rights of the plaintiffs, proximately causing harm to Plaintiffs Andrew Milberg and Liza Echeverria and therefore punitive damages are required. Attorney fees are sought pursuant to 42 U.S.C. Sec. 1988.

WHEREFORE, Andrew Milberg and Liza Echeverria demand judgment against all named and unnamed defendants, acting under color of state law, individual, jointly and severally including John Doe(s) 1-30 (said names being fictitious and presently unknown) jointly, severally in an amount against defendants, in an amount sufficient to compensate their injuries, defense counsel fees, counsel fees, interest and costs of suit. Plaintiffs demand such other relief as this Court deems just and proper under the circumstances.

Anthony J. Cariddi,


Cariddi and Garcia Esqs.
For the Firm
Attorney for Plaintiff

JURY DEMAND

Demand is hereby made by Plaintiff for trial by jury in this matter.

Anthony J. Cariddi, Esq.

Cariddi and Garcia Esqs.
For the Firm

DESIGNATION OF TRIAL ATTORNEY

Pursuant to R.4:25-4, Anthony J. Cariddi is hereby designated trial attorney.

Dated: May 6, 2013

CERTIFICATION PURSUANT TO:

R. 1:4-8; R.4:5-1(b)(2) and R. 1:38-7c

Pursuant to R. 1:4-8, I, Anthony J. Cariddi, state that I have read this pleading and it to the best of my knowledge information and belief formed after an inquiry reasonable under the circumstances. I further certify that there is no other matter in controversy pending in any court or arbitration proceeding. R.4:5-1(b)(2) and that personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7c.

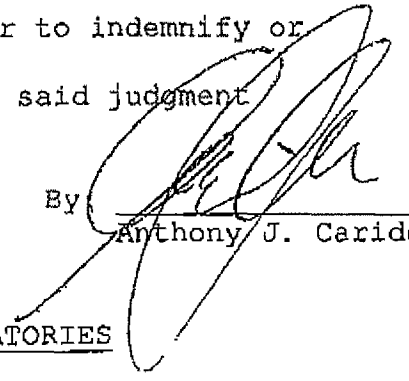
Anthony J. Cariddi

Dated: May 6, 2013

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R.4:10-2(b), the plaintiffs requests discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance

person may be liable to satisfy part or all of a judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy said judgment.

By 
Anthony J. Cariddi

DEMAND FOR INTERROGATORIES

Pursuant to R. 4:17-2, plaintiff hereby request answers to Form C Interrogatories as set forth in Appendix II of the New Jersey Court Rules.