

	Town	D/L	Status	Subline	Claimant	Settlement Amount
1	HIGHLAND PARK	09/10/2013	Closed	POLICE PROFESSIONAL PI	TAYLOR, BROOKE	\$ 50,850.00
2	HIGHLAND PARK	11/20/2013	Closed	POLICE PROFESSIONAL BI	MURNIEKS, ANDREW	\$ -
3	HIGHLAND PARK	06/13/2014	Closed	POLICE PROFESSIONAL BI	RILEY, DEBORAH	\$ -
4	HIGHLAND PARK	09/17/2014	Closed	POLICE PROFESSIONAL PI	REINITZ, ELI	\$ 34,000.00
5	HIGHLAND PARK	06/16/2019	Closed	POLICE PROFESSIONAL BI	PEREZ-GAYTAN, JONATHAN	\$ 9,500.00

BRIAN M. DRATCH, ESQ. 018642000
FRANZBLAU DRATCH
A Professional Corporation
Plaza I
354 Eisenhower Parkway
Livingston, New Jersey 07039
(973) 992-3700
Attorneys for Plaintiff

FILED & RECEIVED

2015 JAN -8 A 12:04

MIDDLESEX
DEPUTY CLERK
SUPERIOR COURT

-----X
BROOKE TAYLOR

Plaintiffs,

-against-

HIGHLAND PARK POLICE
DEPARTMENT; OFFICER JOSE L.
CURBBLO; SERGEANT THEODORE
HAAS; DETECTIVE DONALD J. NEWTON;
OFFICER GARY S. PANICHELLA;
OFFICER JOHN A. SACHAU; OFFICER
NICOLE M. YOUNG; OFFICER THOMAS
M. HAMMILL; RUTGERS POLICE
OFFICER MCLAUGHLIN

Defendants.
-----X

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION/MIDDLESEX COUNTY
DOCKET NO. L-116-15

CIVIL ACTION

COMPLAINT AND JURY DEMAND

FRANZBLAU DRATCH, P.C. attorneys for the plaintiff by way of Complaint against
the defendants says:

INTRODUCTORY STATEMENT

1. Plaintiff, Brooke Taylor, (hereinafter "Plaintiff") brings this action under
the New Jersey Civil Rights Statute as well as other State Law claims
seeking compensatory and punitive damages under N.J.S.A. 10:6-1, et seq. for the defendants'
violations of his rights afforded by the New Jersey Constitution, N.J.S.A. 2A:161A-1, the New
Jersey Strip Search Act and under the common law of the State of New Jersey.

2. Plaintiff is a resident of Middlesex County, State of New Jersey

3. Defendant Highland Park Police Department is a police department

within the State of New Jersey with its principal place of business located at 222 S. 5th Avenue, Highland Park, New Jersey 08904

4. Defendant, Officer Jose L. Curbelo is an officer within the defendant Highland Park Police Department.

5. Defendant, Sergeant Theodore Haas, is a sergeant within the defendant Highland Park Police Department.

6. Defendant Detective Donald J. Newton is a detective within the defendant Highland Park Police Department.

7. Defendant, Officer Gary S. Panichella is a an officer within the defendant Highland Park Police Department.

8. Defendant Officer John A. Sachau is an officer within the defendant Highland Park Police Department.

9. Defendant Officer Nicole M. Young is an officer within the defendant Highland Park Police Department.

10. Defendant Officer Thomas M. Hammill is an officer within the defendant Highland Park Police Department.

11. Defendant Rutgers Police Officer McGlaughlin is an officer within the defendant Highland Park Police Department.

FACTUAL ALLEGATIONS

12. On September 10, 2013 plaintiff was walking on the Albany Street Bridge towards her job at Barnes and Noble in the Town of New Brunswick when without warning and without reasonable suspicion or probable cause was stopped by one of the defendants on the bridge in order for a "show-up" to be performed.

13. At the time of the stop, plaintiff was made to wait for a patrol vehicle to arrive with an individual in the back seat of said vehicle to identify plaintiff as the suspect in a robbery and burglary.

14. Plaintiff was made to remove her sunglasses and put her hair up in a pony tail during the "show-up"

15. Upon information and belief, the individual was not positive if plaintiff was the alleged suspect.

16. Without reasonable suspicion or probable cause, the defendants detained, arrested, confined plaintiff and brought her to the defendant Highland Park Police Department.

17. At the time of arrival, plaintiff was subjected to a strip search and kept in a holding cell at the police station for numerous hours.

18. After numerous hours of being kept against her will, plaintiff was allowed to leave the police station and never charged with any crime.

FIRST COUNT
VIOLATION OF CIVIL RIGHTS

19. Plaintiff repeats and reiterates all of the allegations contained in the foregoing paragraphs as set forth herein.

20. As a direct and proximate result of the individual defendants' actions, plaintiff was deprived of rights privileges and immunities secured to her secured under the Constitution of and laws of New Jersey to be secure in their person, to be free from arrest, imprisonment, confinement and detainment at the Highland Park Police Department and subjected to a strip search without due process and to equal protection under the laws.

21. As a result of the aforesaid violations of plaintiff's rights, plaintiff was caused to suffer severe and permanent personal injuries, including but not limited to, extreme

pain and suffering, lost wages, emotional trauma, future pain and suffering, loss of enjoyment of life, incurring of medical expenses, disability and impairment.

WHEREFORE, plaintiff demands judgment against each of the defendants jointly and severally for the following relief:

- (a) damages;
- (b) punitive damages
- (c) attorney's fees
- (d) costs of suit;
- (e) interest; and
- (f) such other relief as the court deems just and proper.

SECOND COUNT
NEGLIGENCE

22. Plaintiff repeats and reiterates all of the allegations contained in foregoing paragraphs as more fully set forth herein.

23. Each of the defendants acted negligently, carelessly and recklessly in arresting, confining, detaining and falsely imprisoning plaintiff as well as making her a subject to a strip search.

24. As a result of the aforesaid, plaintiff sustained the injuries and damages and previously described in the complaint.

25. As a result of the aforesaid carelessness, recklessness and negligence of plaintiff's rights, plaintiff was caused to suffer severe and permanent personal injuries, including but not limited to, extreme pain and suffering, lost wages, emotional trauma, future pain and suffering, loss of enjoyment of life, incurring of medical expenses, disability and impairment.

WHEREFORE, plaintiff demands judgment against each of the defendants jointly and severally for the following relief:

- (a) damages
- (b) costs of suit;
- (c) interest; and
- (d) such other relief as the court deems just and proper.

THIRD COUNT
NEGLIGENT RETENTION AND HIRING

26. Plaintiff repeats and reiterates all of the allegations contained in the foregoing paragraphs as if fully set forth herein.

27. The Defendants, Highland Park Police Department, their agents servants and employees acted negligently, carelessly and recklessly in hiring and/or retaining the individually named defendants in that said individual defendants were or should have been known to be employees who abused or misused their position, who gave false information, or who acted intentionally and/or recklessly toward the citizens of the State of New Jersey

28. As a result of the aforesaid, plaintiff sustained injuries and damages previously described in this complaint.

29. As a result of the aforesaid violations of plaintiff's rights, plaintiff was caused to suffer severe and permanent personal injuries, including but not limited to, extreme pain and suffering, lost wages, emotional trauma, future pain and suffering, loss of enjoyment of life, incurring of medical expenses, disability and impairment.

WHEREFORE, plaintiff demands judgment against each of the defendants jointly and severally for the following relief:

- (a) damages;
- (b) punitive damages
- (c) attorney's fees
- (d) costs of suit;

- (e) interest; and
- (f) such other relief as the court deems just and proper.

FOURTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. Plaintiff repeats and reiterates all of the allegations contained in from the foregoing paragraphs as if fully set forth herein.

31. The actions of the defendants in falsely arresting, confining, detaining, imprisoning and subjecting plaintiff to a strip search plaintiff who they knew or should have known did not commit a crime, was outrageous and beyond any norms acceptable to society.

32. As a result of the aforesaid, plaintiff sustained injuries and damages previously described in this complaint.

33. As a result of the aforesaid violations of plaintiff's rights, plaintiff was caused to suffer severe and permanent personal injuries, including but no limited to, extreme pain and suffering, lost wages, emotional trauma, future pain and suffering, loss of enjoyment of life, incurring of medical expenses, disability and impairment.

WHEREFORE, plaintiff demands judgment against each of the defendants jointly and severally for the following relief:

- (a) damages;
- (b) punitive damages
- (c) attorney's fees
- (d) costs of suit;
- (e) interest; and
- (f) such other relief as the court deems just and proper.

FIFTH COUNT

(VIOLATION OF THE NEW JERSEY STRIP SEARCH ACT AND THE ATTORNEY
GENERAL GUIDELINES ON STRIP SEARCHES)

34. Plaintiff repeats and reiterates all of the allegations contained in from the foregoing paragraphs as if fully set forth herein.

35. On September 10, 2013, plaintiff was subjected to a strip search while at the Highland Park Police Department.

36. Upon information and belief, the conducting of a strip search by the defendants violated plaintiff's rights under the New Jersey Strip Search Act as well as the New Jersey Attorney General's Guidelines on performing strip searches.

37. As a result of the aforesaid violations of plaintiff's rights, plaintiff was caused to suffer severe and permanent personal injuries, including but no limited to, extreme pain and suffering, lost wages, emotional trauma, future pain and suffering, loss of enjoyment of life, incurring of medical expenses, disability and impairment.

WHEREFORE, plaintiff demands judgment against each of the defendants jointly and severally for the following relief:

- (a) damages;
- (b) punitive damages
- (c) attorney's fees
- (d) costs of suit;
- (e) interest; and
- (f) such other relief as the court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues

TRIAL COUNSEL DESIGNATION

Plaintiffs hereby designate Brian M. Dratch, Esq. as their trial counsel in accordance with the Rules of Court.

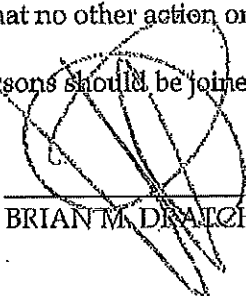
FRANZBLAU DRATCH, P.C.

By: 
BRIAN M. DRATCH

DATED: January 7, 2015

CERTIFICATION

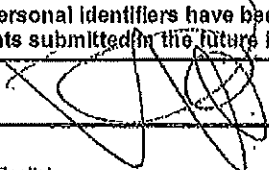
I, Brian M. Dratch, Esq., hereby certify that in accordance with Rule 4:5-1 this is the only action presently pending and that no other action or arbitration is contemplated and that to plaintiffs' knowledge no other persons should be joined as a party in these proceedings.


BRIAN M. DRATCH

DATED: January 7, 2015

FILED & RECEIVED
JAN 8 A.D. 05
JAN 8 - 9 AM
CLERK OF COURT
JAN 8 2005

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY		
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA		
			CHG/CK NO.		
			AMOUNT:		
			OVERPAYMENT:		
		BATCH NUMBER:			
ATTORNEY/PRO SE NAME Brian M. Dratch, Esq.		TELEPHONE NUMBER (973) 992-3700	COUNTY OF VENUE Middlesex		
FIRM NAME (if applicable) Franzblau Dratch, P.C.		DOCKET NUMBER (when available) L-116-15			
OFFICE ADDRESS 354 Eisenhower Parkway Livingston, NJ 07039		DOCUMENT TYPE COMPLAINT			
		JURY DEMAND ☒ Yes ☐ No			
NAME OF PARTY (e.g., John Doe, Plaintiff) Brooke Taylor, Plaintiff		CAPTION Taylor v. Highland Park Police Department			
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN			
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ Yes ☐ No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					

MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 519-3728
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 09, 2015
RE: TAYLOR BROOKE VS HIGHLAND PARK POLICE DEPT
DOCKET: MID L -000116 15

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON PHILLIP L. PALEY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 519-3728 EXT 3728.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: FRANZBLAU DRATCH
FRANZBLAU DRATCH
PLAZA ONE
354 EISENHOWER PARKWAY
LIVINGSTON NJ 07039-1022

JUMPIEO

RICHARD DYTOMASO, ESQ.

Attorney ID: 003811996

A Professional Corporation

900 North Kings Highway, Suite 302

Cherry Hill, NJ 08034

(856) 414-0010

Attorney for Plaintiffs, Deborah Riley and
Christopher Riley

**DEBORAH RILEY and CHRISTOPHER
RILEY, husband and wife,**

Plaintiffs

v.

**ACTION TARGET, INC., LAW
ENFORCEMENT TARGETS, INC.,
RICHARD ABRAMS, HIGHLAND PARK
POLICE DEPARTMENT, BOROUGH OF
HIGHLAND PARK, LEFCOURT
ASSOCIATES, LTD JOHN DOES A-F
(Fictitious Names) and ABC CORPORATIONS 1-
10 (Fictitious Names),**

Defendants

RECEIVED AND FILED #6

2016 MAR -9 A 9:59

NEW JERSEY SUPERIOR COURT
CIVIL DIVISION-MIDDLESEX

NEW JERSEY SUPERIOR COURT
MIDDLESEX COUNTY
LAW DIVISION

DOCKET NO.: MID-L-01507-16

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs, Deborah Riley and Christopher Riley, residing at 7 Sunny Court, Monroe Township, New Jersey, by way of complaint against the Defendants, allege and say:

FACTS COMMON TO ALL COUNTS

1. On or about June 13, 2014, the Plaintiff, Deborah Riley, was lawfully at the premises owned by Defendant, Lefcourt Associates, LTD, located at 19 Crows Mill Road, Keasbey, New Jersey 08832, for a presentation and demonstration of police patrol rifles, at the shooting range located on the premises.
2. On or about June 13, 2014, Defendant, Richard Abrams, was a Sergeant in the Highland Park Police Department located at 222 South Fifth Street, Highland Park, New Jersey 08904, and was present at 19 Crows Mill Road, Keasbey, NJ 08832, to make a presentation and demonstration of police patrol rifles.
3. On or about June 13, 2014, Defendant Richard Abrams was acting as the employee, agent, and/or servant of Defendant, Highland Park Police Department, with a principal place of business located

at 222 South Fifth Street, Highland Park, New Jersey 08904, when he made his presentation and demonstration of police patrol rifles.

4. On or about June 13, 2014, Defendant Richard Abrams was acting as the employee, agent, and/or servant of Defendant, Borough of Highland Park, a municipal corporation organized under the laws of the State of New Jersey, with a principal place of business located at 221 South Fifth Street, Highland Park, New Jersey 08904, when he made his presentation and demonstration of police patrol rifles.
5. On or about June 13, 2014, Defendant, Law Enforcement Targets, Inc., was a corporation organized and existing under the laws of the State of Minnesota, with a principal place of business located at 8802 West 35W Service Drive, NE, Blaine, MN 55449, and distributed the targets and PT Hold Plus Target Holder utilized in the demonstration of police patrol rifles by Defendant Richard Abrams.
6. On or about June 13, 2014, Defendant, Action Target, Inc., was a corporation organized and existing under the laws of the State of Utah, with a principal place of business located at 3411 South Mountain Vista Parkway, Provo, Utah 84606.
7. Defendant, Action Target, Inc., is the developer, manufacturer, distributor, marketer, promoter, supplier and seller of the PT Hold Plus Target Holder, utilized in the demonstration of the police patrol rifles by Defendant Richard Abrams.
8. The Plaintiff, Deborah Riley, was an employee of the Middlesex County Prosecutor's Office, and was at the premises for a presentation and demonstration of police patrol rifles.
9. During the course of the presentation and demonstration the Plaintiff was instructed to stand at the seven yard line from the PT Hold Plus Target Holder for full automatic live fire familiarization with a Colt R0933 Commando rifle.
10. While the Plaintiff fired the rifle, at least one round struck the PT Hold Plus Target Holder, and fragments of the shattered bullet and/or target stand bounced back.
11. At least one fragment of the bullet and/or the PT Hold Plus Target Holder struck the Plaintiff in the head, causing serious personal injuries.

Count 1 - Products Liability - Design and Manufacturing Defect v. Action Target, Inc.

12. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
13. Defendant, Action Target, Inc. is the developer, manufacturer, distributor, marketer, promoter, supplier and seller of PT Hold Plus Target Holder, which was defective and unreasonably dangerous to consumers.
14. The PT Hold Plus Target Holder was defective in its design in that it is not reasonably fit, suitable or safe for its intended purpose and/or its risks exceed the benefits associated with its design.
15. The defective condition of the PT Hold Plus Target Holder rendered it unreasonably dangerous, and this target holder was in a defective condition at the time that it left the hands of Defendant, Action Target, Inc.
16. The PT Hold Plus Target Holder was expected to and did reach consumers, including Plaintiff, Deborah Riley, without substantial change in the condition in which it was designed, manufactured, labeled, sold, distributed, marketed, promoted, supplied, and otherwise released into the stream of commerce.
17. Plaintiff, Deborah Riley, was unaware of the significant hazards and defects in the PT Hold Plus Target Holder. This target holder was unreasonably dangerous in that it was more dangerous than would be reasonably contemplated by the ordinary user.
18. During the period that Plaintiff, Deborah Riley, utilized the PT Hold Plus Target Holder, she utilized it in a manner that was intended by Defendant, Action Target, Inc.
19. At the time that Plaintiff, Deborah Riley, received and utilized the PT Hold Plus Target Holder, it was represented to be safe and free from latent defects.
20. Defendant, Action Target, Inc., is strictly liable to Plaintiff, Deborah Riley, for designing, manufacturing and placing into the stream of commerce a product which was unreasonably dangerous for its foreseeable uses at the time it left the control of Defendant, Action Target, Inc., because of the design defects.

21. Defendant, Action Target, Inc., knew or should have known of the danger associated with the use of the PT Hold Plus Target Holder, as well as the defective nature of the PT Hold Plus Target Holder, but has continued to design, manufacture, sell, distribute, market, promote and/or supply the PT Hold Plus Target Holder so as to maximize sales and profits at the expense of public health and safety, and in conscious disregard of foreseeable harm caused by the PT Hold Plus Target Holder.
22. As a direct and proximate cause of the design defect and Defendant, Action Target Inc.'s, misconduct, as set forth herein, Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and has otherwise been physically, emotionally and economically injured.
23. Defendant, Action Target, Inc., is strictly liable in tort to the Plaintiffs for its wrongful conduct pursuant to the New Jersey Product Liability Act, N.J.S.A. 2A:58C-1, et seq.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 2 - Failure to Warn v. Action Target, Inc.

24. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
25. Defendant, Action Target, Inc., researched, developed, designed, tested, manufactured, inspected, labeled, distributed, marketed, promoted, sold, and otherwise released into the stream of commerce the PT Hold Plus Target Holder, and in the course of same directly advertised or marketed the product to consumers and law enforcement persons responsible for consumers, and had a duty to warn of the risk associated with the use of the PT Hold Plus Target Holder.
26. The PT Hold Plus Target Holder was under the exclusive control of Defendant, Action Target, Inc., and was unaccompanied by appropriate warnings regarding the dangers of ricocheting bullets and

shrapnel, and possible serious personal injury or death with such use.

27. Defendant, Action Target, Inc., failed to timely and reasonably warn of material facts regarding the safety and efficacy of the PT Hold Plus Target Holder such that no consumer or law enforcement agency would have used the PT Hold Plus Target Holder had those facts been made known to such law enforcement agencies or consumers.
28. Defendant, Action Target, Inc., failed to perform or otherwise facilitate adequate testing in that such testing would have shown that PT Hold Plus Target Holder was serious and potentially life threatening hazards with respect to which the full and proper warning reflected the dangers of using the PT Hold Plus Target Holder.
29. The PT Hold Plus Target Holder, which was developed, designed, tested, manufactured, inspected, labeled, distributed, marketed, promoted, sold and otherwise released into the stream of commerce by Defendant, Action Target, Inc., was defective due to inadequate post-marketing warnings and/or instruction and because, after Defendant, Action Target, Inc., knew or should have known of the risk of serious and potential life threatening injury from the use of the PT Hold Plus Target Holder, Defendant, Action Target, Inc., failed to provide adequate warnings to law enforcement or consumers, including Plaintiff, Deborah Riley, and continued to promote the PT Hold Plus Target Holder.
30. As a direct and proximate result of the conduct of Defendant, Action Target, Inc., Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 3 - Negligence v. Action Target, Inc.

31. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
32. Defendant, Action Target, Inc., had a duty to exercise reasonable and ordinary care in the manufacture, design, labeling, instructions, warnings, sale, marketing, and distribution of the PT Hold Plus Target Holder.
33. Defendant, Action Target, Inc., breached its duty of care to the Plaintiffs, as aforesaid, in the manufacture, design, labeling, warnings, instructions, sale, marketing, and distribution of the PT Hold Plus Target Holder.
34. As a direct and proximate result of the conduct of Defendant, Action Target, Inc., Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 4 - Products Liability - Design and Manufacturing Defect v. Law Enforcement Targets, Inc.

35. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
36. Defendant, Law Enforcement Targets, Inc. is the distributor, marketer, promoter, supplier and seller of PT Hold Plus Target Holder, which was defective and unreasonably dangerous to consumers.
37. Defendant, Law Enforcement Targets, Inc. holds itself out as the manufacturer and designer of the PT Hold Plus Target Holder.
38. The PT Hold Plus Target Holder was defective in its design in that it was not reasonably fit, suitable

or safe for its intended purpose and/or its risks exceed the benefits associated with its design.

39. The defective condition of the PT Hold Plus Target Holder rendered it unreasonably dangerous, and this target holder was in a defective condition at the time that it left the hands of Defendant, Law Enforcement Targets, Inc.
40. The PT Hold Plus Target Holder was expected to and did reach consumers, including Plaintiff, Deborah Riley, without substantial change in the condition in which it was designed, manufactured, labeled, sold, distributed, marketed, promoted, supplied, and otherwise released into the stream of commerce.
41. Plaintiff, Deborah Riley, was unaware of the significant hazards and defects in the PT Hold Plus Target Holder. This target holder was unreasonably dangerous in that it was more dangerous than would be reasonably contemplated by the ordinary user.
42. During the period that Plaintiff, Deborah Riley, utilized the PT Hold Plus Target Holder, she utilized it in a manner that was intended by Defendant, Law Enforcement Targets, Inc.
43. At the time that Plaintiff, Deborah Riley, received and utilized the PT Hold Plus Target Holder, it was represented to be safe and free from latent defects.
44. Defendant, Law Enforcement Targets, Inc., is strictly liable to Plaintiff, Deborah Riley, for designing, manufacturing and placing into the stream of commerce a product which was unreasonably dangerous for its foreseeable uses at the time it left the control of Defendant, Law Enforcement Targets, Inc., because of the design defects.
45. Defendant, Law Enforcement Targets, Inc., knew or should have known of the danger associated with the use of the PT Hold Plus Target Holder, as well as the defective nature of the PT Hold Plus Target Holder, but has continued to design, manufacture, sell, distribute, market, promote and/or supply the PT Hold Plus Target Holder so as to maximize sales and profits at the expense of public health and safety, and in conscious disregard of foreseeable harm caused by the PT Hold Plus Target Holder.
46. As a direct and proximate cause of the design defect and Defendant, Law Enforcement Targets,

Inc.'s misconduct, as set forth herein, Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and has otherwise been physically, emotionally and economically injured.

47. Defendant, Law Enforcement Targets, Inc., is strictly liable in tort to the Plaintiffs for its wrongful conduct pursuant to the New Jersey Product Liability Act, N.J.S.A. 2A:58C-1, *et seq.*

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Leftcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 5 - Failure to Warn v. Law Enforcement Targets, Inc.

48. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
49. Defendant, Law Enforcement Targets, Inc., researched, developed, designed, tested, manufactured, inspected, labeled, distributed, marketed, promoted, sold, and otherwise released into the stream of commerce the PT Hold Plus Target Holder, and in the course of same directly advertised or marketed the product to consumers and law enforcement persons responsible for consumers, and had a duty to warn of the risk associated with the use of the PT Hold Plus Target Holder.
50. The PT Hold Plus Target Holder was under the exclusive control of Defendant, Law Enforcement Targets, Inc., and was unaccompanied by appropriate warnings regarding the dangers of ricocheting bullets and shrapnel, and possible serious personal injury or death with such use.
51. Defendant, Law Enforcement Targets, Inc., failed to timely and reasonably warn of material facts regarding the safety and efficacy of the PT Hold Plus Target Holder such that no consumer or law enforcement agency would have used the PT Hold Plus Target Holder had those facts been made known to such law enforcement agencies or consumers.
52. Defendant, Law Enforcement Targets, Inc., failed to perform or otherwise facilitate adequate testing

in that such testing would have shown that PT Hold Plus Target Holder was serious and potentially life threatening hazards with respect to which the full and proper warning reflected the dangers of using the PT Hold Plus Target Holder.

53. The PT Hold Plus Target Holder, which was developed, designed, tested, manufactured, inspected, labeled, distributed, marketed, promoted, sold and otherwise released into the stream of commerce by Defendant, Law Enforcement Targets, Inc., was defective due to inadequate post-marketing warnings and/or instruction and because, after Defendant, Law Enforcement Targets, Inc., knew or should have known of the risk of serious and potential life threatening injury from the use of the PT Hold Plus Target Holder, Defendant, Law Enforcement Targets, Inc., failed to provide adequate warnings to law enforcement or consumers, including Plaintiff, Deborah Riley, and continued to promote the PT Hold Plus Target Holder.
54. As a direct and proximate result of the conduct of Defendant, Law Enforcement Targets, Inc., Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrains, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 6 - Negligence v. Law Enforcement Targets, Inc.

55. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
56. Defendant, Law Enforcement Targets, Inc., had a duty to exercise reasonable and ordinary care in the manufacture, design, labeling, instructions, warnings, sale, marketing, and distribution of the PT Hold Plus Target Holder.

57. Defendant, Law Enforcement Targets, Inc., breached its duty of care to the Plaintiffs, as aforesaid, in the manufacture, design, labeling, warnings, instructions, sale, marketing, and distribution of the PT Hold Plus Target Holder.
58. As a direct and proximate result of the conduct of Defendant, Law Enforcement Targets, Inc., Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 7 - Negligence v. Richard Abrams

59. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
60. On June 13, 2014, while at the premises located at 19 Crows Mill Road, Keasbey, New Jersey, the Plaintiff, participated in a firing demonstration of police patrol rifles at the shooting range located on the premises.
61. On or about June 13, 2014, Defendant, Richard Abrams, was an employee of the Highland Park Police Department, and was the instructor at the training presentation and demonstration of police patrol rifles.
62. Defendant, Richard Abrams was the only certified NJDCJ patrol rifle instructor present during the presentation and demonstration and four shooters, including the Plaintiff, Deborah Riley, were under his supervision while on the shooting range.
63. In the course of a live fire demonstration, the Plaintiff, Deborah Riley fired a police patrol rifle when a bullet struck the metal frame of the PT Hold Plus Target Holder, which was installed at the subject

premises, causing shrapnel to ricochet and strike the Plaintiff's head.

64. The Defendant, Richard Abrams, was negligent, careless and/or reckless in supervising, instructing, and monitoring the Plaintiff, as she fired an automatic weapon, which she was not certified to use, causing the Plaintiff serious and permanent personal injuries.

65. As a direct and proximate result of the negligent, careless and/or reckless conduct of Defendant, Richard Abrams, Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Leftcourt Associates, Ltd. jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 8 - Respondent Superior v. Highland Park Police Department

66. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.

67. At the time and place aforesaid, Defendant, Highland Park Police Department, negligently entrusted training and instruction responsibilities for patrol rifles to Defendant, Richard Abrams.

68. Defendant Richard Abrams carelessly, recklessly and negligently supervised students in the presentation and demonstration of patrol rifles, causing Plaintiff, Deborah Riley, to be struck by shrapnel when a bullet ricocheted from a steel frame on the FT Hold Plus Target Holder.

69. As a direct and proximate result of the negligent, careless and/or reckless conduct of Defendant, Highland Park Police Department, Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 9 - Respondent Superior v. Borough of Highland Park

70. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
71. At the time and place aforesaid, Defendant, Borough of Highland Park, negligently entrusted training and instruction responsibilities for patrol rifles to Defendant, Richard Abrams.
72. Defendant Richard Abrams carelessly, recklessly and negligently supervised students in the presentation and demonstration of patrol rifles, causing Plaintiff, Deborah Riley, to be struck by shrapnel when a bullet ricocheted from a steel frame on the PT Hold Plus Target Holder.
73. As a direct and proximate result of the negligent, careless and/or reckless conduct of Defendant, Borough of Highland Park, Plaintiff, Deborah Riley, suffered and continues to suffer serious and permanent physical and emotional injuries, has expended and will continue to expend large sums of money for medical care and treatment, has suffered and will continue to suffer economic loss, and has otherwise been physically, emotionally and economically injured.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 10 - Negligence v. Borough of Highland Park

74. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
75. On or about June 13, 2014, Plaintiff, Deborah Riley, was employed by the Middlesex County Prosecutor's Office Detective Bureau, and was on the premises of Defendant, Borough of Highland

Park, for training.

76. At the same time and place, the Plaintiff was lawfully on the premises of Defendant, Borough of Highland Park, and was injured during a firearms training exercise when a bullet struck the metal frame of the PT Hold Plus Target Holder, which was installed at the subject premises, causing shrapnel to ricochet and strike the Plaintiff's head.
77. The Defendant, Borough of Highland Park, was negligent in that it failed to keep the premises in a safe condition, did not exercise proper care, caused a dangerous and hazardous condition to exist, allowed a nuisance to exist, failed to warn Plaintiff of the hazardous condition, failed to provide proper safeguards and/or warnings on the property, failed to provide proper, safe and clear access for persons allowed and invited to use the property, and were otherwise negligent.
78. As a result of the negligence of the Defendant, Borough of Highland Park, Plaintiff did suffer and sustain severe and disabling injuries and has been and will in the future be caused to obtain medical treatment and has been and will in the future be caused to lose time from her work as has been and will in the future be caused to refrain from her normal pursuits.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 11 - Negligence v. Lefcourt Associates, Ltd.

79. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
80. On or about June 13, 2014, Plaintiff, Deborah Riley, was employed by the Middlesex County Prosecutor's Office Detective Bureau, and was on the premises of Defendant, Lefcourt Associates, Ltd., for training.
81. At the same time and place, the Plaintiff was lawfully on the premises of Defendant, Lefcourt Associates, Ltd., and was injured during a firearms training exercise when a bullet struck the metal

frame of the PT Hold Plus Target Holder, which was installed at the subject premises, causing shrapnel to ricochet and strike the Plaintiff's head.

82. The Defendant, Lefcourt Associates, Ltd., was negligent in that it failed to keep the premises in a safe condition, did not exercise proper care, caused a dangerous and hazardous condition to exist, allowed a nuisance to exist, failed to warn Plaintiff of the hazardous condition, failed to provide proper safeguards and/or warnings on the property, failed to provide proper, safe and clear access for persons allowed and invited to use the property, and were otherwise negligent.

83. As a result of the negligence of the Defendant, Lefcourt Associates, Ltd., Plaintiff did suffer and sustain severe and disabling injuries and has been and will in the future be caused to obtain medical treatment and has been and will in the future be caused to lose time from her work as has been and will in the future be caused to refrain from her normal pursuits.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc. Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 12 - Per Quod

84. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.

85. The Plaintiff, Christopher Riley, is the husband of Deborah Riley and as such is responsible for her debt and is entitled to her services in society. By reason of the negligence of the Defendants as aforesaid, Plaintiff, Christopher Riley, has in the past and will in the future be required to expend large sums of money for medical, hospital and nursing care for the alleviation of the suffering of the Plaintiff, Deborah Riley, and has in the past and will in the future be deprived of the services of his wife.

86. As a direct and proximate result of the aforesaid, Plaintiff, Christopher Riley, husband of Plaintiff, Deborah Riley, has been deprived of the society, services, advice, comfort, support, companionship,

and consortium of his wife.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demand judgment against Defendants, Action Target, Inc., Law Enforcement Targets, Inc., Richard Abrams, Highland Park Police Department, Borough of Highland Park, and Lefcourt Associates, Ltd., jointly, severally and in the alternative, together with interest, costs of suit and any other relief that the court deems just and proper.

Count 13 - Fictitious Defendants

87. Plaintiffs repeat, reiterate and incorporate by reference all of the above paragraphs as if fully set forth at length herein.
88. The Plaintiffs allege that an insufficient amount of time has passed within which to determine the actual identity of any other individual or entities who may have been responsible for in whole or in part for the causation of the aforesaid injuries and damages. For the purposes of the within Complaint, said individuals and entities have been nominated as JOHN DOES A-F (Fictitious Names) and ABC CORPORATIONS 1-10 (Fictitious Names), jointly, severally and/or in the alternative. The Plaintiffs, pursuant to the rules of court for the State of New Jersey, reserves the right to amend the within Complaint relative to these or other Defendants when, and if, the identity of said individuals or entities become known.

WHEREFORE, Plaintiffs, Deborah Riley and Christopher Riley, demands judgment against the Defendants, JOHN DOES A-F (Fictitious Names) and ABC CORPORATIONS 1-10 (Fictitious Names), jointly, severally and/or in the alternative on this Count for damages, interest, costs of suit and attorney's fees.

JURY DEMAND

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

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10(b), demand is hereby made that Defendants disclose to Plaintiffs' attorney whether there are any insurance agreements or policies under which any person or firm carrying on an

insurance business may be liable to satisfy part or all of a judgment and provide plaintiffs' attorneys with true copies of such insurance agreements or policies including, but not limited to any and all Declaration Sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe and umbrella policies.

DEMAND FOR ANSWERS TO INTERROGATORIES

PLEASE TAKE NOTICE that the Plaintiffs hereby demand of the Defendants written answers to uniform Interrogatories within the time prescribed by the Rules of Court.

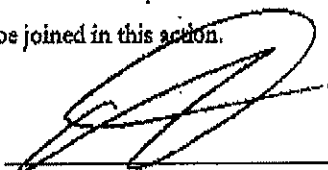
DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Richard DiTomaso, Esquire is hereby designated as trial counsel for Plaintiffs, Deborah Riley and Christopher Riley, in the above-captioned litigation.

CERTIFICATION PURSUANT TO RULE 4:5-1

Richard DiTomaso, Esquire, an attorney at law hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and am Certified by the Supreme Court of New Jersey as a Civil Trial Attorney.
2. This matter is not the subject of any other court or arbitration proceeding nor is one contemplated at this time.
3. I do not know of any other individual, company, or partnership who should be joined in this action.

By: 

Richard DiTomaso, Esquire
Attorney for Plaintiffs, Deborah Riley and
Christopher Riley

Dated: March 4, 2016

Case 2:16-cv-02352-WJM-MF Document 4 Filed 04/29/16 Page 1 of 2 PageID: 42

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELI REINITZ,
Plaintiff

V.

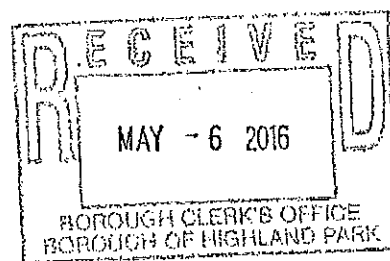
**SUMMONS ON AMENDED
COMPLAINT**

DEREK WENSKOSKI, ET AL.,
Defendant

CASE
NUMBER: 2:16-CV-02352-WJM-MF

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

Borough of Highland Park
221 South Fifth Avenue
Highland Park, NJ 08904



A lawsuit has been filed against you.

Unless otherwise prescribed by rule, 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 amended 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:

Thomas J. Mallon, Esq.
Mallon & Tranger
86 Court Street
Freehold, NJ 07728

If you fail to respond, judgment by default will be entered against you for the relief demanded in the amended complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Christine Melillo
(By) DEPUTY CLERK



ISSUED ON 2016-04-29 10:15:37, Clerk
USDC NJD

Case 2:16-cv-02352-WJM-MF Document 4 Filed 04/29/16 Page 2 of 2 PageID: 43

RETURN OF SERVICE		
Service of the Summons and complaint was made by (use 1)	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 _____		

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 1 of 19 PageID: 22

THOMAS J. MALLON, ESQ.
Attorney-at-Law
86 Court Street
Freshhold, NJ 07728
(732) 780-0230
Attorney for Plaintiff Eli Reinitz

ELI REINITZ,

Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

NEWARK

Civil Action No.: 16-02352 (WJM-MF)

vs.

**BORO OF HIGHLAND PARK;
CHIEF OF POLICE STEPHEN RIZCO;
DEREK WENSKOSKI;
SEAN McGRAW;
JOHN DOES 1-5, Highland Park Police
Officers; CAPTAIN SCOTT GOLDEN;
JOHN DOES 6-10 Personnel
and/or Police Officers of the Highland
Park Police Department in supervisory
capacities, and CHAYA REINITZ,**

Defendants.

**AMENDED
COMPLAINT**

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3). This Court has supplemental jurisdiction over Plaintiff's pendent state law claims pursuant to 28 U.S.C. Section 1367.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 2 of 19 PageID: 23

PARTIES

2. Plaintiff Eli Reinitz, residing at 346 North 5th Avenue, Highland Park, Middlesex County, New Jersey is and was at all times herein relevant, a citizen of the United States and a resident of the State of New Jersey.

3. Defendants Derek Wenskoski, Sean McGraw and/or John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Highland Park Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of Defendant Highland Park and were acting under the color of law. Defendants Sean McGraw and/or John Does 1-5 at all times herein were the subordinates of Defendant Derek Wenskoski.

4. Defendant Chaya Reinitz, residing at 4 Brookfall Road, Edison, Middlesex County, New Jersey, is and was at all times, a citizen of the United States and a resident of the State of New Jersey.

5. Defendant Chaya Reinitz acted under color of state law at all times relevant herein by conspiring with Highland Park police officers Derek Wenskoski, Sean McGraw and/or John Does 1-10 to deprive Plaintiff of his constitutional rights in violation of the Fourth Amendment.

6. Defendants John Does 1-5 at all times relevant herein were private citizens and/or agents, servants and/or employees of Highland Park and were acting under color of state law and/or in their individual capacities.

7. Defendants Chief of Police Stephen Rizco; Captain Scott Golden; Derek Wenskoski, and John Does 6-10 were at all times mentioned herein duly appointed and acting members of the Highland Park Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of Highland Park and were acting under the color of law.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 3 of 19 PageID: 24

8. Defendants Stephen Rizco; Scott Golden; Derek Wenskoski and John Does 6-10 were acting in supervisory capacities over Defendants Golden; Wenskoski; McGraw, and/or John Does 1-5 and responsible by law for the training, supervision and conduct of Defendants Golden; Wenskoski; McGraw, and/or John Does 1-5.

9. Defendant Highland Park is a duly designated municipality of the state of New Jersey, under the laws of the state of New Jersey.

10. At all times relevant hereto, Defendant Highland Park employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct of Defendants Rizco; Golden; Wenskoski; McGraw, and/or John Does 1-10.

11. Suit is brought against all individually named Defendants in their personal and official capacities.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. On 9/17/14, Plaintiff was stopped by Defendant Sean McGraw and advised Plaintiff that a warrant to arrest him had been issued.

2. The arrest warrant had been issued on or about 7/28/14 for his failure to appear in Highland Park Municipal Court on 7/9/14 for motor vehicle summonses issued on 6/23/14.

3. Defendant McGraw took Plaintiff into custody and transported him to Highland Park police department to be processed.

4. Plaintiff received a call from his neighbor while at police headquarters.

5. The neighbor told Plaintiff that his estranged wife, Defendant Chaya Reinitz, had broken into his home while he was in the custody of Highland Park police and had left with Plaintiff's lap top computer and documents.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 4 of 19 PageID: 25

6. Defendant Chaya Reinitz had broken into Plaintiff's home knowing that Plaintiff had been taken into custody by Defendant McGraw in order to obtain information and documentation to gain advantage over Plaintiff in the ongoing divorce proceedings.

7. Plaintiff's arrest was part of a pattern and conspiracy of ongoing harassment orchestrated and conducted by Defendants Chaya Reinitz; Derek Wenskoski; Sean McGraw and/or John Does 1-5 designed to advantage Defendant Chaya Reinitz in divorce proceedings which are ongoing to this day.

8. Specifically, on or about 6/19/13, Plaintiff served Defendant Chaya Reinitz with divorce papers.

9. Defendant Chaya Reinitz left the marital home located at 4 Brookfall Road, Edison, New Jersey, to neighboring Highland Park in order to obtain a Temporary Restraining Order against Plaintiff alleging domestic violence.

10. Defendant Chaya Reinitz was in a dating relationship with Defendant Highland Park police Sergeant Derek Wenskoski.

11. Defendant Derek Wenskoski was a Highland Park supervisor, who reviewed and/or approved the Investigation Report in support of Defendant Chaya Reinitz' Temporary Restraining Order.

12. Plaintiff was forced out of the marital home pursuant to the Temporary Restraining Order and Defendant Wenskoski began spending nights at the residence.

13. On or about 7/30/13, Defendant Wenskoski was present at the Final Restraining Order hearing in uniform.

14. Plaintiff was pressured into paying Defendant Chaya Reinitz approximately \$28,000 a month in exchange for the Restraining Order being lifted against him. Defendant Chaya Reinitz

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 5 of 19 PageID: 26

obtained sole possession of one of their three vehicles, a Chevy Tahoe.

15. On or about that time, Plaintiff learned that Defendant Wenskoski had moved into the marital residence with Defendant Chaya Reinitz.

16. On or about 1/19/14, Defendant Wenskoski initiated a motor vehicle stop of Plaintiff and issued him a summons for having expired registration on one of his three vehicles, a Honda Minivan. Plaintiff is also the owner of a Mazda and the Chevy Tahoe in sole possession of Defendant Chaya Reinitz. Plaintiff paid the summons and renewed the registration on the Honda.

17. Following the incident, Plaintiff spoke with the Mayor of Highland Park and advised him of Defendant Wenskoski's motor vehicle, harassment and relationship with his estranged wife, Defendant Chaya Reinitz.

18. The Mayor referred Plaintiff to Highland Park police Defendant Captain Scott Golden.

19. Plaintiff detailed the facts and circumstances of Defendant Wenskoski's harassment of his person and Wenskoski's relationship with his estranged wife.

20. Defendant Golden conducted an Internal Affairs-Administrative investigation and found Plaintiff's complaint to be unsubstantiated.

21. On or about 5/19/14, Plaintiff was questioned by Edison police in connection with a complaint initiated by Defendant Wenskoski that Plaintiff had been in the area of his marital home. Edison police declined to file any charges against Plaintiff after questioning him.

22. On or about 6/23/14, unbeknownst to Plaintiff, Defendant McGraw, a subordinate of Defendant Wenskoski, issued Plaintiff two motor vehicle summonses.

23. One of the summonses was issued to Plaintiff for operating an unregistered vehicle. The unregistered vehicle was listed as the Chevy Tahoe. The vehicle had been in sole possession of Defendant Chaya Reinitz since the Restraining Order issuance. The summons was

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 6 of 19 PageID: 27

issued to Plaintiff at his marital residence (4 Brook Fall Road, Edison, NJ) and not his current (346 North 5th Avenue, Highland Park, NJ) residence.

24. Defendant Chaya Reinitz had refused to cooperate with Plaintiff in obtaining the requisite documentation necessary to register the vehicle.

25. The other summons was issued to Plaintiff for "Failure to Obey Officer." The summons was also issued to Plaintiff at his marital residence and not his current residence. Defendant McGraw, however, initially wrote "Highland Park" (Plaintiff's current town of residence) before striking the entry out and adding "Edison."

26. Plaintiff was not in Highland Park when the summonses were issued and in fact was not in the State of New Jersey.

27. On or about 7/28/14, unbeknownst to Plaintiff, Highland Park Municipal Court issued an arrest warrant for Plaintiff's failure to appear for the summonses issued to him by Defendant McGraw on 6/23/14.

28. Defendant Chaya Reinitz was not ensuring that Plaintiff received his mail.

29. On or about 8/22/14, 8/25/14 and 8/27/14, respectively, Defendant Wenskoski communicated with Plaintiff's divorce attorney advising that he would not appear for depositions in connection with the divorce proceedings unless Plaintiff registered the Chevy Tahoe in sole possession of Defendant Chaya Reinitz.

30. On 9/17/14, Plaintiff was stopped by Defendant McGraw and advised that a warrant to arrest him had been issued for failure to respond to the summonses issued for operating an unregistered vehicle and Failure to Obey an Officer. The summons for operating an unregistered vehicle had been issued in connection with the Chevy Tahoe, which had been in sole possession of and operated by his estranged wife, Defendant Chaya Reinitz.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 7 of 19 PageID: 28

31. Just prior to being stopped by Defendant McGraw, Plaintiff had spoken with Defendant Chaya Reinitz on the phone and had agreed to pick her up a pack of cigarettes at a local gas station.

32. Defendant McGraw took Plaintiff into custody and transported him to Highland Park police department to be processed.

33. Plaintiff received a call from his neighbor while at police headquarters.

34. The neighbor told Plaintiff that his estranged wife, Defendant Chaya Reinitz, had broken into his home while he was still in the custody of Highland Park police and had left with Plaintiff's lap top computer and documents.

35. Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 knew that: (1) Plaintiff had not operated the vehicle in question; (2) Defendant Chaya Reinitz, not Plaintiff, was in sole possession of the unregistered Chevy Tahoe referenced in the summonses issued by Defendant McGraw; (3) Defendant Chaya Reinitz refused to cooperate with Plaintiff in obtaining the requisite documentation necessary to register the vehicle; (4) Plaintiff would never receive notice of the summonses issued on 6/23/14 requiring his court attendance on 7/9/14 because both summonses were addressed to Plaintiff at his former marital residence now occupied by Defendant Chaya Reinitz and Derek Wenskoski; (5) Defendant Chaya Reinitz was not ensuring that Plaintiff received his mail, and (6) that a warrant would be issued for Plaintiff's arrest when he failed to appear in Court on 7/9/14.

36. Defendant Chaya Reinitz (after being informed by Defendants McGraw, Wenskoski and/or John Does 1-5 that Plaintiff had been taken into Highland Police custody) broke into Plaintiff's home to unlawfully obtain information and documentation in an effort to gain advantage over Plaintiff in the ongoing divorce proceedings.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 8 of 19 PageID: 29

37. Defendant Chaya Reinitz was apprehended and charged with Burglary and Eluding.

38. Following Plaintiff's arrest and the burglary of his home, Plaintiff contacted the Middlesex County Prosecutor's Office to file a complaint seeking an investigations into the actions of Defendants Wenskoski, McGraw and Chaya Reinitz.

39. The Middlesex County Prosecutor's Office advised Plaintiff that Highland Park police Defendant Captain Defendant Scott Golden would be investigating Plaintiff's allegations against Defendants Wenskoski, McGraw and Chaya Reinitz despite Plaintiff's objection that Defendant Golden would not conduct an impartial investigation.

40. Plaintiff subsequently informed Defendant Golden that he was prepared to give him a statement.

41. Defendant Golden advised Plaintiff that a statement from him would not be necessary.

42. Upon information and belief the charges were resolved by way of Defendant Chaya Reinitz pleading guilty to all charges and entering PTL.

43. Plaintiff ultimately appeared in Highland Park municipal court and plead guilty to the charge of Operating an Unregistered Vehicle. The Failure to Obey an Officer charge was dismissed.

COUNT ONE

SECTION 1983 CONSPIRACY TO VIOLATE CIVIL RIGHTS

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. Defendants McGraw; Wenskoski, Chaya Reinitz, and/or John Does 1-5 acting under color of state law, conspired to deprive Plaintiff of his right to be secure in his person, home and effects against unreasonable search and seizure in violation of the Fourth and Fourteenth Amendments of

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 9 of 19 PageID: 30

the Constitution of the United States made actionable through 42 U.S.C. Section 1983.

3. Specifically, Defendants McGraw; Wenskoski; Chaya Reinitz and/or John Does 1-5 conspired to deprive Plaintiff of his constitutional rights by: (1) issuing Plaintiff motor vehicle summonses which they knew Plaintiff would never receive, and (2) having him arrested on an outstanding warrant so that Defendant Chaya Reinitz could unlawfully enter his residence while he was in Highland Park police custody and unlawfully take Plaintiff's property in an effort to gain advantage over Plaintiff in ongoing divorce proceedings.

4. In furtherance of this agreement, Defendant McGraw, under the direction of Defendants Wenskoski; Chaya Reinitz, and/or John Does 1-5 issued Plaintiff motor vehicle summonses and subsequently had Plaintiff arrested for failure to appear on those summonses.

5. Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 knew that:

(1) Plaintiff had not operated the vehicle in question;

(2) Defendant Chaya Reinitz, not Plaintiff, was in sole possession of the unregistered vehicle referenced in the summonses issued by Defendant McGraw;

(3) Defendant Chaya Reinitz refused to cooperate with Plaintiff in obtaining the requisite documentation necessary to register the vehicle;

(4) Plaintiff would never receive notice of the summonses issued on 6/23/14 requiring his court attendance on 7/9/14 because both summonses were addressed to Plaintiff at his former marital residence now occupied by Defendant Chaya Reinitz and Derek Wenskoski;

(5) Defendant Chaya Reinitz was not ensuring that Plaintiff received his mail, and

(6) that a warrant would be issued for Plaintiff's arrest when he failed to appear in Court on 7/9/14.

6. As a direct and proximate cause of Defendants' actions set forth above, Plaintiff was deprived of his Fourth Amendment right to be secure in his person, home, papers and effects against unreasonable search and seizure and/or was deprived of procedural due process and will

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 10 of 19 PageID: 31

suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT TWO
SECTION 1983 ABUSE OF PROCESS

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sean McGraw; Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5 caused process to issued against Plaintiff and after the initial issuance of process against Plaintiff used such process to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.
3. Specifically, on 6/23/14, Defendant Sean McGraw, under the direction of Defendants Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5, issued Plaintiff two motor vehicle summonses for Operating an Unregistered Vehicle and Failure to Obey an Officer, requiring Plaintiff to appear in Highland Park municipal court on 7/9/14.
4. Defendant McGraw did not witness Plaintiff either operating an unregistered vehicle or failing to obey an officer. In fact, Plaintiff was not in Highland Park or the State of New Jersey when Defendant McGraw issued the summonses.
5. Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 knew that:
 - (1) Plaintiff had not operated the vehicle in question;
 - (2) Defendant Chaya Reinitz, not Plaintiff, was in sole possession of the unregistered vehicle referenced in the summonses issued by Defendant McGraw;

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 11 of 19 PageID: 32

(3) Defendant Chaya Reinitz refused to cooperate with Plaintiff in obtaining the requisite documentation necessary to register the vehicle;

(4) Plaintiff would never receive notice of the summonses issued on 6/23/14 requiring his court attendance on 7/9/14 because both summonses were addressed to Plaintiff at his former marital residence now occupied by Defendant Chaya Reinitz and Derek Wenskoski;

(5) Defendant Chaya Reinitz was not ensuring that Plaintiff received his mail, and

(6) that a warrant would be issued for Plaintiff's arrest when he failed to appear in Court on 7/9/14.

6. On 7/28/14 a warrant was issued for Plaintiff's arrest for failure to appear for the motor vehicle summonses issued by Defendant McGraw.

7. On 9/17/14, Defendant Sean McGraw under the direction of Defendants Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5 arrested Plaintiff for failing to appear for the 6/23/14 motor vehicle summonsed, permitting Defendant Chaya Reinitz to commit a burglary of Plaintiff's residence and unlawfully take his property while Plaintiff was in Highland Park police custody.

8. Plaintiff's arrest permitted Defendant Chaya Reinitz to unlawfully enter Plaintiff's residence while he was in police custody and seize Plaintiff's property in an effort to gain advantage over Plaintiff in ongoing divorce proceedings.

9. As a direct and proximate cause of Defendants' actions set forth above, Plaintiff was deprived of his Fourth Amendment right to be secure in his person, home, papers and effects against unreasonable search and seizure and/or was deprived of procedural due process and will suffer additional special damages in the future in an amount which cannot yet be determined.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 12 of 19 PageID: 33

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT THREE
SECTION 1983 SUPERVISORY LIABILITY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Stephen Rizco; Scott Golden, Derek Wenskoski and/or John Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff was issued summonses and at the time Plaintiff was arrested.
3. Defendants Rizco; Golden; Wenskoski, and/or John Does 6-10 had a duty to prevent subordinate officers Defendants Scott Golden; Derek Wenskoski; Sean McGraw, and/or John Does 1-5 from violating the constitutional rights of citizens and/or detainees.
4. Defendants Rizco; Golden; Wenskoski, and/or John Does 6-10 either directed Defendants Golden; Wenskoski; McGraw, and/or John Does 1-5 to violate Plaintiff's constitutional rights or had knowledge of and acquiesced in his/their subordinate's violations.
5. As a direct and proximate cause of Defendants' actions set forth above, Plaintiff was deprived of his Fourth Amendment right to be secure in his person, home, papers and effects against unreasonable search and seizure and/or was deprived of procedural due process and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants Rizco; McGraw; Wenskoski; Golden, and/or John Does 1-5 on this Count together with compensatory and

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 13 of 19 PageID: 34

punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FOUR

SECTION 1983 UNLAWFUL CUSTOM, PRACTICE, POLICY/INADEQUATE TRAINING

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Highland Park's Police Department, Rizco and/or John Does 6-10 are vested by state law with the authority to make policy on : (1) internal affairs investigations and/or administrative reviews pursuant to Highland Park Police Department policies, practices and/or customs and/or the New Jersey Attorney General's Internal Affairs Guidelines; (2) effectuating arrests; (3) police citizen encounters, and/or (4) disciplining officers. Defendants Highland Park; Rizco; Golden, and/or John Does 6- 10 are responsible for the training and conduct of Defendant Highland Park's Police Officers and/or were officers in charge at all relevant times herein.
3. Specifically, Defendant Andrew A. Rizco is the Chief of Police. Defendants Golden and/or John Does 6-10 were the supervisory officers of Defendants Golden; Wenskoski; McGraw, and/or John Does 1-5 at all times mentioned herein.
4. At all times mentioned herein, Defendants Rizco; Golden; Wenskoski; McGraw, and/or John Does 1- 10, as police officers, agents, servants and/or employees of Defendant Highland Park, were acting under the direction and control of Defendant Highland Park and/or its Police Department; Chief of Police Rizco, Captain Golden, and/or John Does 6-10, and were acting pursuant to the official policy, practice or custom of the Highland Park Police Department.
5. Acting under color of law pursuant to official policy, practice, or custom, Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 intentionally, knowingly, recklessly and/or

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 14 of 19 PageID: 35

with deliberate indifference failed to train, instruct, supervise, control, and discipline on a continuing basis, Defendants Rizco; Golden; Wenskoski; McGraw, and/or John Does 1-10 in their duties to refrain from: (1) unlawfully and/or maliciously arresting and/or harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence, and/or (5) violating and/or conspiring to violate the civil rights of citizens.

6. Acting under color of law pursuant to official policy, practice, or custom, Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference implemented and/or conducted superficial and shallow Internal Affairs processes which ignored evidence and patterns of police misconduct on individual and departmental levels. Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 failed to professionally, objectively and/or expeditiously investigate instances and patterns of police misconduct and/or inadequate training in violation of the spirit and substance of the New Jersey Attorney General's Guidelines for Internal Affairs Policy and Procedures and/or Highland Park Police Department Rules and Regulations.

7. Defendants Rizco, Golden and/or John Does 6-10 failed to : (1) adequately train officers in the laws of search and seizure and/or (2) failed to adequately track departmental Internal Affairs complaints and/or administrative complaints in violation of Highland Park Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Guidelines for Internal Affairs Policy and Procedure, and/or (3) failed to discipline and/or retrain officers for such violations.

8. Defendants Highland Park; Stephen Rizco; Scott Golden, and/or John Does 6- 10 were aware of numerous similar police citizen encounters involving, and/or Internal Affairs and/or

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 15 of 19 PageID: 36

Administrative Complaints filed against, Defendants Rizco; Golden; Wenskoski; McGraw; John Does 1-10, and/or other Highland Park Police Officers whereby they customarily and frequently: (1) abused their positions as law enforcement officers; (2) conspired to violate the civil rights of citizens and/or abused process; (3) unlawfully and maliciously harassed citizens; (4) intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; (5) falsified police and/or other official records; (6) made false arrests, and/or (7) mishandled and/or withheld evidence.

9. Defendants Highland Park; Chief of Police Rizco; Captain Golden, and/or John Does 6-10 were aware of at least one civil complaint brought against Defendants Highland Park; Stephen Rizco, and Derek Wenskoski, Hannout v. Boro of Highland Park/ Rizco/Golden/Wenskoski, Docket#: L-5429-14. The Plaintiff in that case alleged that Defendant Golden and other police supervisors ignored complaints that Defendant Wenskoski abused his position as a police supervisor and orchestrated a campaign of harassment with other officers against the Plaintiff.

10. Despite their awareness, Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 failed to employ any type of corrective or disciplinary measures against Defendants Rizco; Golden; Wenskoski; McGraw; John Does 1-10, and/or other Highland Park Police Officers.

11. Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Rizco; Golden; Wenskoski; McGraw, and/or John Does 1-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

12. Defendants Highland Park; Rizco; Golden, and/or John Does 6-10 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 16 of 19 PageID: 37

intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

13. Defendants Highland Park; Rizzo; Golden, and/or John Does 6-10, directly or indirectly, under color of state law, approved and/or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Rizzo; Golden; Wenskoski; McGraw, and/or John Does 1-10 heretofore described.

14. As a direct and proximate cause of Defendants' actions set forth above, Plaintiff was deprived of his Fourth Amendment right to be secure in his person, home, papers and effects against unreasonable search and seizure and/or was deprived of procedural due process and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants Highland Park; Rizzo; McGraw; Wenskoski; Golden, and/or John Does 1-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

SUPPLEMENTAL STATE LAW CLAIMS

COUNT FIVE
ABUSE OF PROCESS

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sean McGraw; Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5 caused process to be issued against Plaintiff and after the initial issuance of process against Plaintiff used such process to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.
3. Specifically, on 6/23/14, Defendant Sean McGraw under the direction of Defendants

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 17 of 19 PageID: 38

Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5, issued Plaintiff two motor vehicle summonses for Operating an Unregistered Vehicle and Failure to Obey an Officer, requiring Plaintiff to appear in Highland Park municipal court on 7/9/14.

4. Defendant McGraw did not witness Plaintiff either operating an unregistered vehicle or failing to obey an officer. In fact, Plaintiff was not in Highland Park or the State of New Jersey when Defendant McGraw issued the summonses.

5. Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-5 knew that:

(1) Plaintiff had not operated the vehicle in question;

(2) Defendant Chaya Reinitz, not Plaintiff, was in sole possession of the unregistered vehicle referenced in the summonses issued by Defendant McGraw;

(3) Defendant Chaya Reinitz refused to cooperate with Plaintiff in obtaining the requisite documentation necessary to register the vehicle;

(4) Plaintiff would never receive notice of the summonses issued on 6/23/14 requiring his court attendance on 7/9/14 because both summonses were addressed to Plaintiff at his former marital residence now occupied by Defendant Chaya Reinitz and Derek Wenskoski;

(5) Defendant Chaya Reinitz was not ensuring that Plaintiff received his mail, and

(6) that a warrant would be issued for Plaintiff's arrest when he failed to appear in Court on 7/9/14.

6. On 7/28/14 a warrant was issued for Plaintiff's arrest for failure to appear for the motor vehicle summonses issued by Defendant McGraw.

7. On 9/17/14, Defendant Sean McGraw under the direction of Defendants Derek Wenskoski; Chaya Reinitz, and/or John Does 1-5 arrested Plaintiff for failing to appear for the 6/23/14 motor vehicle summonsed, permitting Defendant Chaya Reinitz to commit a burglary of Plaintiff's residence and unlawfully take his property while Plaintiff was in Highland Park police custody.

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 18 of 19 PageID: 39

8. Plaintiff's arrest permitted Defendant Chaya Reinitz to unlawfully enter Plaintiff's residence while he was in police custody and seize Plaintiff's property in an effort to gain advantage over Plaintiff in ongoing divorce proceedings.

9. As a direct and proximate cause of Defendants' actions set forth above, Plaintiff was deprived of his Fourth Amendment right to be secure in his person, home, papers and effects against unreasonable search and seizure and/or was deprived of procedural due process and will suffer additional special damages in the future in an amount which cannot yet be determined.

10. Defendants' actions were contrary to the laws of the State of New Jersey and Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants McGraw; Wenskoski; Chaya Reinitz, and/or John Does 1-3 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SIX
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJCR)

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. The abuse of process; failure to supervise and conspiracy to violate Plaintiff's civil rights by Defendants Sean McGraw; Derek Wenskoski, Scott Golden; Chaya Reinitz, and/or John Does 1-10 acting under color of state law, set forth at length above, deprived Plaintiff of his substantive due process right to be free from unlawful seizure of his person, his right to due process and his fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. ("The New Jersey

Case 2:16-cv-02352-WJM-MF Document 3 Filed 04/28/16 Page 19 of 19 PageID: 40

Civil Rights Act").

3. As a direct and proximate result of the aforesaid acts of Defendants' actions set forth above, Plaintiff was deprived of his constitutional rights and will suffer additional special damages in the future in an amount which cannot yet be determined.

4. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

WHEREFORE, Plaintiff Eli Reinitz demands judgment against Defendants Wenskoski; McGraw; Golden; Chaya Reinitz, and/or John Does 1-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

DEMAND FOR TRIAL BY JURY

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

DESIGNATION OF TRIAL COUNSEL

Please be advised that Thomas J. Mallon, Esquire is hereby designated trial counsel in the above captioned matter.

Dated: 4/28/16

/s/ Thomas J. Mallon, Esquire
THOMAS J. MALLON, ESQUIRE

THOMAS J. CHAVES, ESQ.
Attorney ID no. 009841984
54 Grove St., ste 1-B
Somerville, New Jersey 08876
(908) 252-9400
Attorney for plaintiff Jonathan Perez-Gaytan

JONATHAN PEREZ-GAYTAN,	*	SUPERIOR COURT OF NEW JERSEY
	*	LAW DIVISION: MIDDLESEX
	*	COUNTY
Plaintiff,	*	
vs.	*	Docket No. MID-L-000487-20
	*	
BOROUGH OF HIGHLAND PARK,	*	<i>CIVIL ACTION</i>
HIGHLAND PARK POLICE	*	
DEPARTMENT, SGT. JOHN A. SACHAU,	*	
and JOHN DOE POLICE OFFICERS 1-5,	*	COMPLAINT AND JURY DEMAND
	*	
Defendants.	*	
	*	
	*	
	*	

Plaintiff Jonathan Perez-Gaytan ("Jonathan") residing at 155 Delmonico Avenue,
Somerset, New Jersey, by way of complaint against defendants, says:

FIRST COUNT

1. At all times relevant hereto, defendant Borough of Highland Park is a municipality located in the county of Middlesex in the State of New Jersey.
2. At all times relevant hereto, defendant Highland Park Police Department ("Police Dept.") is the police department for the Borough of Highland Park in the county of Middlesex in the State of New Jersey.
3. At all times relevant hereto, defendant John A. Sachau ("Sgt. Sachau") is a police officer employed as a Sargent by the Police Dept.
4. At all times relevant hereto, defendants John Doe Police Officers 1-5 are police

officers employed by the Police Dept. whose identities are unknown.

FACTS COMMON TO ALL COUNTS

5. On June 16, 2019, Jonathan was lawfully present in the parking lot of Dunkin Donuts, 55 Raritan Avenue, Highland Park, New Jersey at about 2:00 a.m.

6. Jonathan was highly intoxicated at that time.

7. Jonathan was lawfully standing next to the car of a friend in the aforementioned lot.

8. Jonathan committed no crimes or disorderly persons offenses as defined under New Jersey law under its Code of Criminal Conduct.

9. On June 16, 2019, Sgt. Sachau was lawfully present in the parking lot of the Dunkin Donuts, 55 Raritan Avenue, Highland Park, New Jersey at about 2:00 a.m. drinking a large ice coffee.

10. Sgt. Sachau yelled at Jonathan for no reason.

11. Jonathan ran away from Sgt. Sachau who chased him.

12. During the chase, Sgt. Sachau drew his service revolver for no reason and pointed it at Jonathan.

13. Sgt. Sachau chased Jonathan for a few minutes and when he caught up with him, discharged Police Dept. issued pepper spray in Jonathan's face.

14. Jonathan put his hands up and offered no resistance.

15. A Police Dept. officer named Giles tackled Jonathan to the ground for no reason.

16. Jonathan was handcuffed.

17. Jonathan was in extreme pain and could not breathe.

18. Jonathan notified Sgt. Sachau that he could not breathe.

19. Jonathan repeatedly requested medical assistance which Sgt. Sachau refused to provide him. Jonathan suffered pain and extreme emotional distress as a result of the failure to provide him medical attention.

20. Sgt. Sachau arrested Jonathan for the disorderly persons offenses of disorderly conduct and resisting arrest.

21. On October 8, 2019, Jonathan pled guilty to a Highland Park Municipal Ordinance in the Highland Park Municipal Court.

22. On October 8, 2019, the aforementioned disorderly persons' offenses were dismissed with prejudice in the Highland Park Municipal Court.

23. On February 28, 2020, an Order was entered granting Jonathan's motion for leave to file a late Notice of Tort Claim against defendants *nunc pro tunc* to its filing with defendants on October 18, 2019.

24. Sgt. Sachau used excessive force in the unlawful arrest of Jonathan causing him to suffer severe and permanent psychological injuries, including, but not limited to post-traumatic stress disorder, depression and anxiety.

25. Sgt. Sachau violated Jonathan's civil rights in violation of 42 U.S.C.A. section 1983.

26. Sgt. Sachau violated Jonathan's civil rights in violation of the United States and New Jersey Constitutions.

27. As a direct and proximate result of Sgt. Sachau's actions, Jonathan suffered severe and permanent physical injuries and psychological injuries, including, but not limited to post-traumatic stress disorder, depression and anxiety.

SECOND COUNT

28. The allegations pled in paragraphs 1 to 27 are repeated and incorporated by reference with the same force and effect as though fully repeated herein word-for-word at length.

29. Defendant Borough of Highland Park and Police Dept. were negligent in their hiring, training and supervision of Sgt. Sachau.

30. As a direct and proximate result of defendants' actions, Jonathan suffered severe and permanent physical injuries and psychological injuries, including, but not limited to post-traumatic stress disorder, depression and anxiety.

THIRD COUNT

31. The allegations pled in paragraphs 1 to 30 are repeated and incorporated by reference with the same force and effect as though fully repeated herein word-for-word at length.

32. Defendants violated Jonathan's rights under 42 U.S.C.A. section 1988, the Fourth and Fourteenth Amendments to the United States Constitution and under the law of the State of New Jersey.

33. As a direct and proximate result of defendants' actions, Jonathan suffered severe and permanent physical injuries and psychological injuries, including, but not limited to post-traumatic stress disorder, depression and anxiety.

FOURTH COUNT

34. The allegations pled in paragraphs 1 to 33 are repeated and incorporated by reference with the same force and effect as though fully repeated herein word-for-word at length.

35. Sgt. Sachau falsely arrested Jonathan.

36. As a direct and proximate result of defendants' actions, Jonathan suffered severe

and permanent physical injuries and psychological injuries, including, but not limited to post-traumatic stress disorder, depression and anxiety.

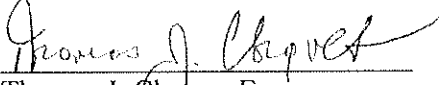
WHEREFORE, plaintiff Jonathan Perez-Gaytan demands judgment against defendants on all Counts for damages, punitive damages, attorneys' fees and costs of suit.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all the triable issues of this Complaint pursuant to New Jersey Rules of Court 1:8-2 (b) and 4:35-1 (a).

CERTIFICATION OF NON-PENDENCY

Pursuant to New Jersey Rules of Court 4:5-1, I hereby certify that to the best of my knowledge, the above captioned matter is not the subject of any other pending action in any Court or of a pending arbitration proceeding. I hereby certify that no other action or arbitration is being contemplated by me. Other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action.


Thomas J. Chaves, Esq.
Attorney for Plaintiff

Dated: Somerville, New Jersey
May 13, 2020

	Civil Case Information Statement (CIS)		For Use by Clerk's Office Only	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		Payment type: ☐ ck ☐ cg ☐ ca Chg/Ck Number:	
			Amount:	
			Overpayment:	
			Batch Number:	
Attorney/Pro Se Name Thomas J. Chaves		Telephone Number (908) 252-9400		County of Venue Middlesex
Firm Name (if applicable) Thomas J. Chaves, Esq.			Docket Number (when available) MID-L-000487-20	
Office Address 54 Grove Street, suite 1-B Somerville, NJ 08876			Document Type complaint	
			Jury Demand ☒ Yes ☐ No	
Name of Party (e.g., John Doe, Plaintiff) Jonathan Perez-Gaytan, plaintiff		Caption Jonathan Perez-Gaytan v. Borough of Highland Park, Highland Park Police Department, Sgt. John A. Sachau, and John Doe Police Officers 1-5.		
Case Type Number (See reverse side for listing) 005	Are sexual abuse claims alleged? ☐ Yes ☒ No	Is this a professional malpractice case? ☐ Yes ☒ No If you have checked "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.		
Related Cases Pending? ☐ Yes ☒ No		If "Yes," list docket numbers		
Do you anticipate adding any parties (arising out of same transaction or occurrence)? ☐ Yes ☒ No		Name of defendant's primary insurance company (if known) Garden State Municipal Joint Insurance Fund ☐ None ☐ Unknown		
The Information Provided on This Form Cannot be Introduced into Evidence.				
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation				
Do parties have a current, past or recurrent relationship? ☐ Yes ☒ No		If "Yes," is that relationship: ☐ Employer/Employee ☐ Friend/Neighbor ☐ Other (explain) ☐ Familial ☐ Business		
Does the statute governing this case provide for payment of fees by the losing party? ☒ Yes ☐ No				
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition				
Do you or your client need any disability accommodations? ☐ Yes ☒ No		If yes, please identify the requested accommodation:		
Will an interpreter be needed? ☐ Yes ☒ No		If yes, for what language?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
Attorney Signature: <i>Thomas J. Chaves, Esq.</i> MAY 18, 2020				