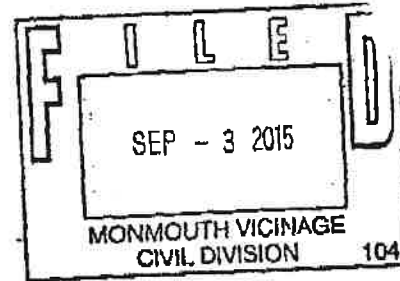


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 Attorneys for Plaintiff(s) Thomas Harris



Thomas J. Harris	:	Superior Court of New Jersey
	:	Law Division: Monmouth County
Plaintiff	:	
	:	Docket No.: MON-L- 33 29 - 15
v.	:	
	:	Civil Action
Borough of Keansburg, Police Officers	:	
James Koempel & James Cocuzza, John Doe	:	COMPLAINT
1 and 2	:	
Defendant(s)	:	

The Plaintiff, Thomas J. Harris, residing at 129 Seeley Avenue, Borough of Keansburg, County of Monmouth, State of New Jersey, by way of complaint against Defendant(s) says:

1. A Notice of Tort Claim was initially filed in this matter on or about July 15, 20015.
2. This action is brought for damages and other appropriate relief under 42 U.S.C.A. 1983 for violation of the Plaintiff's civil rights under color of state law.

PARTIES

3. Plaintiff, Thomas J. Harris, is and was at all times relevant to this complaint, a citizen of the United States.
4. Defendant(s), the Borough of Keansburg, is and was at all times relevant to this complaint, a municipality organized under the laws of the State of New Jersey.
5. Defendant(s), James Koempel and James Cocuzza, were police officers employed by The Department of Police for the Borough of Keansburg, who were at all times relevant to this complaint, officers agents, representatives and/or employees of the defendant, Borough of Keansburg, involved or in any way responsible for the events described in this complaint, sued both individually and in their official capacities.

6. John Does 1 and 2 are fictitious names representing unknown persons who were at all times relevant to this complaint, officers, agents, representatives and/or employees of the Defendant's police department, involved or in any way responsible for the events described in this complaint, sued both individually and in their official capacities.

INTRODUCTION

7. On December 20, 2014, Plaintiff, Thomas J. Harris, was at his residence in the Borough of Keansburg, when he noticed a motor vehicle parked in front of his home, with the rear portion of the vehicle blocking Plaintiff's driveway.
8. Plaintiff telephoned the Keansburg Police Department, and Officer James Koempel responded to the call at Plaintiff's home. The officer did not write a summons or otherwise take any action and left the scene, insisting to Plaintiff that the vehicle was not blocking Plaintiff's means of egress.
9. Later that evening, Officer Koempel returned and accused Plaintiff of damaging the parked vehicle, which Plaintiff affirmatively denied. Minutes later, the officer returned to the residence with six (6) other police officers and handcuffed Plaintiff, without reading him his "Miranda rights" and told Plaintiff they were arresting him for criminal mischief.
10. Police Officer Koempel said to Plaintiff, "now tough guy, you can go around and tell everyone that I am doing my job, see, I'm putting handcuffs on you." This statement and the conduct of the Officer was in retaliation for an incident which had occurred several weeks prior, when Plaintiff and his wife had complained to the Keansburg Chief Police about the slow response time of the police, when the couple was attacked by a pitbull.
11. As the Police led Plaintiff out of his home in handcuffs, in the presence of his neighbors and passers-by, he was verbally taunted by Officer Koempel, who stated; "now your neighbors will know what kind of person you are."
12. Plaintiff was escorted to a municipal jail cell, where the officer told him: "maybe I should call your employer and tell them what kind of person you are." Plaintiff later posted bail and was released. On June 11, 2015, at the conclusion of the municipal court trial, Plaintiff was found "not guilty" of all charges.
13. As a result of the actions of police officer Koempel and the other officers, Plaintiff was wrongfully accused, arrested, incarcerated and subject to verbal abuse and public humiliation.
14. All of the police officers at the time of this incident and violations of Plaintiff's civil and constitutional rights were and are employees of the Defendant(s), Borough of Keansburg.

COUNT I
(False Arrest and Imprisonment)

15. Plaintiff repeats and re-alleges each allegation above as if fully set forth herein.
16. At all times relevant herein, (a) Defendants acted with intention of confining Plaintiff within fixed boundaries (b) the act directly or indirectly resulted in confinement, and (c) Plaintiff was conscious of the confinement.
17. Defendant Officers imposed by force or threats an unlawful restraint upon Plaintiff's freedom of movement, by arresting and handcuffing him, transporting him to the area police station, where he was detained in a cell.
18. At all times relevant herein, the conduct of Defendant were subject to 42 U.S.C. Secs. 1983, 1985, 1986 and 1988.
19. Acting under color of law, Defendants worked a denial of Harris' rights under the Fourth Amendment and Fourteenth Amendment of the United States Constitution.
20. Plaintiff has suffered damages as a result of the false arrest and imprisonment, including humiliation, public ridicule, loss of personal reputation and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severely, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

COUNT II
(Detention and Confinement)

21. Plaintiff repeats and re-alleges each allegation as fully set forth herein.
22. As a result of the concerted unlawful and malicious detention and confinement of Plaintiff, Defendants deprived Thomas J. Harris of both his right to his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. sec 1983.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severely, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

COUNT III
(Conspiracy)

23. Plaintiff repeats and re-alleges each allegation above as if fully set forth herein.
24. As a result of their concerted, unlawful and malicious conspiracy, Plaintiff was deprived of both his liberty without due process of law and his right to equal protection under the law, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. secs. 1983 and 1985.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severely, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

COUNT IV
(Malicious Prosecution)

25. Plaintiff repeats and re-alleges each allegation above as if fully set forth herein.
26. Defendants maliciously instituted a criminal complaint with an absence of any probable cause for the criminal complain. That criminal complaint was later terminated favorably to the Plaintiff. 1

1Lind v. Schmidt, 67 N.J. 255(1975).

27. Defendant police officers knew, or should have known that the complaint initiated was groundless.
28. The Defendant, Borough of Keansburg, knew or should have known that the Complaint initiated by it's police officers was groundless.
29. As a direct and proximate cause of Defendants' actions, Plaintiff suffered damages, including imprisonment, humiliation, public ridicule, loss of personal reputation and emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severely, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

COUNT V
(Intentional Infliction of Emotional Distress)

30. Plaintiff repeats and re-alleges each and every allegation above as if fully set forth herein.
31. Defendants intentionally and deliberately inflicted emotional distress on Plaintiff by falsely arresting him, verbally taunting him before and after the arrest, maliciously prosecuting him and/or abusing the lawful process by unlawful purpose, and/or violating plaintiff's constitutional rights through false imprisonment, conspiracy, threats coercion or intimidation. Defendants knew or should have known that emotional distress was the likely result of their conduct.
32. As a result of Defendants extreme and outrageous conduct, Plaintiff has suffered and will continue to suffer mental pain and anguish, sever emotional trauma, embarrassment and humiliation.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severely, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

COUNT VI
(Municipal and Supervisory Liability)

33. Plaintiff repeats and re-alleges each and every allegation above as if fully set forth herein.
34. Defendant Borough of Keansburg, is the employer and immediate supervisor of Police officers James Koempel, James Coccuzza and "John Does 1 and 2."
35. At all times herein, the Defendant police officers, James Koempel, James Cocuzza and "John Does 1 and 2" were operating as Borough of Keansburg Police Officers and upon information and belief, within the scope of their employment as Keansburg police officers.
36. Defendant, the Borough of Keansburg, owes a duty to the public and to the Plaintiff to properly train, supervise and/or monitor the conduct of it's employees acting under the scope of their employment.
37. Defendant, the Borough of Keansburg, breached it's duty to the Defendants, by failing ti properly train, supervise and/or monitor the conduct of their employees.
38. The Borough of Keansburg were aware of the pattern of outrageous and unlawful conduct used by police officers employed by the borough.

39. The Borough of Keansburg was aware that the Borough's policies regarding the instruction of officers and the discipline of officers were so inadequate that it was obvious that a failure to correct the policies would result in further incidents of misconduct.
40. The Borough's failure to correct the aforesaid policies caused Plaintiff to be subjected to false arrest, and imprisonment, malicious prosecution and other unlawful conduct as set forth above.
41. Acting under color of law and pursuant to official policy, practice or custom, the Borough of Keansburg intentionally, knowingly and recklessly failed to instruct, train, supervise, control, and discipline, on a continuing basis, the individual defendants as to the correct procedure for a police investigation, questioning and arrest and in their duties to refrain from unlawfully and maliciously harassing and arresting citizens or otherwise using unreasonable and excessive procedures before, during and after making an arrest.
42. The Borough of Keansburg knew or should have known by diligent exercise of their duties to instruct, train supervise, control and discipline the officers, that the above described would be committed and had the power to prevent or aid in the prevention of said wrongs and could have done so with reasonable diligence and intentionally, knowingly or recklessly failed to or refused to do so.
43. The Defendant(s) as a matter of policy and practice, have failed to adequately discipline, train or otherwise direct it's police officers concerning the rights of citizens, thereby causing the defendant police officers in this case to engage in the unlawful conduct described above.
44. The actions and practices of the above Defendants created and encouraged an atmosphere wherein such unlawful practices and conduct were condoned.
45. The actions of the Defendant(s) acting under the color of state law, deprived Plaintiff of rights secured by the laws of the United States Constitution, in violation of 42 U.S.C. sec 1983, 1985 and 1988.
46. As a direct and proximate cause of the Defendant's action, plaintiff suffered damages, including arrest, verbal, harassment, imprisonment, humiliation, public ridicule, loss of personal reputation and emotional distress.

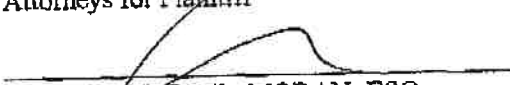
WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, as follows for compensatory and consequential damages; punitive damages; reasonable attorneys fee and consequential damages; punitive damages; reasonable attorneys fees and costs; as such other and further relief as the Court deems reasonable and just.

JURY DEMAND

PLEASE TAKE NOTICE that Plaintiff hereby demands a trial by jury on all issues.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

By:


DONALD R. MORAN, ESQ.

Dated: September 1, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:35-4, Donald R. Moran, Esq. is hereby designated as trial counsel of the within matter.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

By:


DONALD R. MORAN, ESQ.

Dated: September 1, 2015

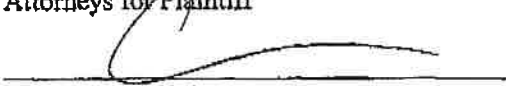
CERTIFICATION

I certify that there is no other action pending before any Court involving or regarding the subject matter in controversy set forth in the within Complaint, nor is there pending before any tribunal any arbitration proceeding involving said subject matter, nor is any such action or arbitration proceeding contemplated. There are no other parties to this action known to us who should or might be joined in this action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

FEINTUCH, PORWICH & FEINTUCH
Attorneys for Plaintiff

By:


DONALD R. MORAN, ESQ.

Dated: September 1, 2015