

**VAN SYOC CHARTERED
TARA PROFESSIONAL PARK
401 SOUTH KINGS HIGHWAY, BUILDING 1
CHERRY HILL, NEW JERSEY 08034
TELEPHONE: (856) 429-6444
FAX: (856) 429-6499**

Clifford L. Van Syoc, Esquire

Sebastian B. Ionno, Esquire
D. Rebecca Higbee, Esquire

January 25, 2011

VIA FAX: (609) 601-6601

Joseph Youngblood, Esquire
Youngblood, Lafferty & Sampoli
1201 New Road
Linwood, NJ 08221

Re: Carman and Hamilton v. Baker

Dear Mr. Youngblood:

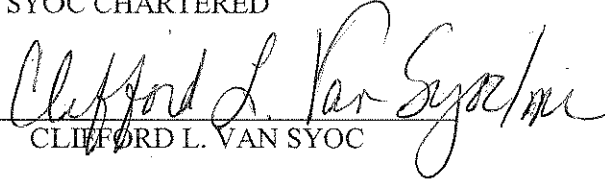
It is my understanding that you are the City Solicitor for the City of Linwood. In that capacity, we are hereby providing you with copies of a Complaint, a Certification verifying that Complaint, and an application for an Order to Show Cause with temporary restraints. Judge Armstrong would like us to participate in a telephone conference with her today at 4:15 p.m. Please let my office know if you are available. We have provided the Prosecutor's Office by fax this afternoon with a copy of the Complaint and the Certification verifying same.

I look forward to speaking with you this afternoon.

Very truly yours,

VAN SYOC CHARTERED

BY:


CLIFFORD L. VAN SYOC

CLV/mc

Enclosures

Cc: Douglas F. Carman
John A. Hamilton

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ATTORNEYS FOR PLAINTIFF

DOUGLAS F. CARMAN, both as an
individual and as Captain of Police in the
City of Linwood, and JOHN A.
A. HAMILTON, both as an individual
and as Detective Sergeant of Police in the
City of Linwood,

Plaintiffs,

v.

JAMES A.E. BAKER, CHIEF OF
POLICE, AND CITY OF LINWOOD,
jointly, severally, and in the alternative,

Defendants.

SUPERIOR COURT OF NEW JERSEY
- LAW DIVISION - ATLANTIC
COUNTY
:

DOCKET NO.

CIVIL ACTION

ORDER TO SHOW CAUSE
IMPOSING TEMPORARY
RESTRAINTS *EX PARTE*

THIS MATTER having been brought before the Court by Clifford L. Van Syoc,
Esquire, of Van Syoc Chartered, counsel for plaintiffs, on a Verified Complaint seeking
imposition of *ex parte* restraints barring the destruction or tampering with evidence, and its
preservation, and further seeking permission of the Court to report alleged misconduct on the
part of the defendant Baker to the Atlantic County Prosecutor's Office and the New Jersey
Attorney General's Office, and the Court having reviewed the Complaint and the Certification
verifying same, and it appearing therefrom that there exists a good faith basis for plaintiffs to
report the conduct of the defendant Baker to the Atlantic County Prosecutor's Office and the
Attorney General's Office, and it further appearing that plaintiffs' application seeks an *ex*

parte injunction barring the destruction or alteration of presently existing evidence within the exclusive possession, custody, and control of the City of Linwood, and further appearing that the evidence sought to be preserved is material and relevant to a potential cause of action under CEPA, and good cause appearing,

IT IS, on this _____ day of January, 2011, Ordered that plaintiffs may, through counsel, provide notice to the Atlantic County Prosecutor's Office and the New Jersey Attorney General's Office of the defendant Baker's non-compliance with certain legal requirements forthwith; a true and accurate copy of the Verified Complaint, the Certification verifying same, and this Order Show Cause shall be served by counsel for plaintiffs on both such entities by fax transmission and by personal delivery, such personal delivery to be effectuated within 24 hours from the date hereof, and the fax transmission to occur forthwith; and

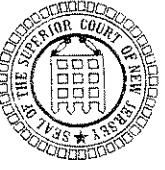
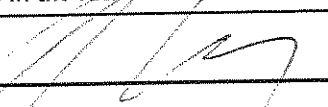
IT IS FURTHER ORDERED that temporary restraints be and hereby are imposed upon the defendant Baker and the City of Linwood requiring them to preserve and precluding them from destroying, concealing, altering, or tampering, with all recordings of taped Police Department lines which reflect communications by Baker relating, regarding, referring to, or reflecting on the plaintiffs or their reputations; these restraints shall continue unless modified by the Court, which modification may be sought upon reasonable written notice of no less than two business days by the said defendants to counsel for the plaintiffs; and

IT IS FURTHER ORDERED that a true and accurate copy of this Order to Show Cause imposing temporary restraints shall be served on the Clerk of the City of Linwood as agent for its governing body, which service shall occur within the same period as cited above for personal service upon the Prosecutor's and Attorney General's Office; and

IT IS FURTHER ORDERED that the defendants City of Linwood and Baker shall file an Answer to the Verified Complaint within 35 days of the service of the said Verified Complaint, Certification verifying same, and this Order to Show Cause by personal delivery; failure to file an Answer or otherwise move within that 35 day period will entitle plaintiffs to seek entry of default in accordance with the Rules of Court.

J.S.C.

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</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), 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 Clifford L. Van Syoc, Esquire		TELEPHONE NUMBER (856) 429-6444		COUNTY OF VENUE Atlantic
FIRM NAME (if applicable) Van Syoc Chartered				DOCKET NUMBER (when available)
OFFICE ADDRESS 401 Kings Highway South, Building 1 Cherry Hill, NJ 08034		DOCUMENT TYPE Complaint		
		JURY DEMAND ☒ Yes ☐ No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Douglas F. Carman and John A. Hamilton, Plaintiffs		CAPTION Carman and Hamilton v. Baker, et al.		
CASE TYPE NUMBER (See reverse side for listing) 616		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</i> 1:38-7(b).				
ATTORNEY SIGNATURE:  1-25-11				

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and as Detective Sergeant of Police in the
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JAMES A.E. BAKER, CHIEF OF
POLICE, AND CITY OF LINWOOD,
jointly, severally, and in the alternative,

Defendants.

SUPERIOR COURT OF NEW JERSEY
- LAW DIVISION - ATLANTIC
COUNTY

DOCKET NO.

CIVIL ACTION

VERIFIED COMPLAINT,
IN SUPPORT OF APPLICATION FOR
TEMPORARY RESTRAINTS AND
ORDER TO SHOW CAUSE, DEMAND
FOR JURY TRIAL, DESIGNATION OF
TRIAL COUNSEL AND DEMAND
PURSUANT TO RULE 1:4-8

Plaintiffs, Douglas F. Carman, both in his capacity as an individual and as Captain of
Police of the City of Linwood, residing in Atlantic County, New Jersey, and John A.
Hamilton, both as an individual and as Detective Sergeant of Police of the City of Linwood,
also residing in the County of Atlantic, by way of Complaint against defendants, say:

FIRST COUNT

1. At all relevant times herein, defendant James A.E. Baker was an individual purporting
to act in his capacity as Chief of Police of the defendant City of Linwood, which defendant
has acted within the scope and course of his employment with the City of Linwood by
establishing and perpetuating a hostile and retaliatory work environment at the City of

Linwood Police Department, defendant Baker having engaged in unlawful retaliatory conduct against the plaintiffs which was caused by and was a direct result of plaintiffs' participation in protected conduct, including that set forth herein.

2. Plaintiffs, by this verified application, seek the protection of the Court pursuant to the Conscientious Employees Protection Act, N.J.S.A. 34:19-2, as a result of plaintiffs' discovery of information reflecting upon the suitability and the propriety of the defendant Baker continuing to serve as Police Chief.

3. Plaintiffs, pursuant to the Rules and Regulations of the Linwood Police Department promulgated on or about January 20, 1997, the Law Enforcement Code of Ethics, the New Jersey Attorney General Guidelines pertaining to qualification of firearms, and the statutes and case law of the State of New Jersey, hereby report to the Superior Court of New Jersey, Law Division, Atlantic County, the misconduct of the defendant Baker set forth in detail in the Certification verifying this Complaint.

4. Pursuant to Departmental Rule 6.1.2, plaintiffs, who are commanding officers or supervisors, have come to be informed of the potential misconduct of another employee, the defendant Baker, which information indicates the need for action by the Atlantic County Prosecutor and/or the New Jersey Attorney General's Office; in light of the fact that Baker is the highest level of management in the Department, that plaintiffs have no established line to report the misconduct set forth in the accompanying Verification in compliance with the Departmental Rules and Regulations, such that plaintiffs seek, by this application, to obtain the permission of the Court to report this information to the Atlantic County Prosecutor forthwith, and to the New Jersey Attorney General's Office, as well as the defendants themselves.

5. In light of the fact that the allegations may require an internal affairs investigation by this Department or the Prosecutor's Office, and under the Attorney General Guidelines pertaining to internal affairs investigations which generally require confidentiality, the specific factual basis of the allegation of misconduct on the part of Baker is set forth in the accompanying Certification verifying this Complaint, in order that the Court may, if it determines it to be appropriate, keep the Verification under seal.

6. The defendant Baker has engaged in an ongoing campaign of retaliatory misconduct in knowing and deliberate violation of the law of the State of New Jersey, which retaliation and hostile retaliatory work environment was created, perpetuated, and fomented by Baker as a result of plaintiffs' participation in protected conduct, including plaintiffs' refusal to falsify records, including firearms qualification and compensatory time records, to violate their duties of confidentiality owed to their union members, in violation of plaintiffs' right to freely petition the representatives of their government in order to obtain redress of their grievances, including grievances asserted on behalf of their collective bargaining unit members, and for other reasons.

7. The conduct of the defendant Baker is especially egregious, has occurred with actual malice and with willful and wanton disregard of plaintiffs' rights and of the statutory prohibition of retaliation imposed upon him and similarly situated law enforcement officers pursuant to CEPA.

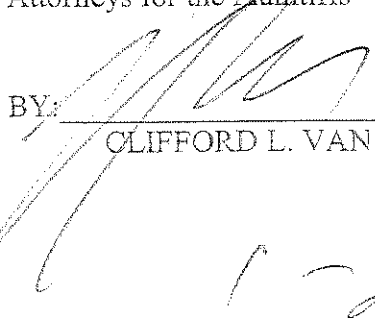
8. As a direct and proximate result of the foregoing, the plaintiffs' rights under CEPA have been violated, and may be further violated by the defendant Baker in retaliation for this protected conduct, such that plaintiffs request, in addition to a jury trial, (1) permission from the Court to serve this Complaint and the accompanying Verification with the Atlantic County Prosecutor's Office, the New Jersey Attorney General's Office, and with the elected

representatives of town government, and (2) further request that the Court enter temporary restraints, *ex parte*, to prevent the destruction of all "writings", as defined by the New Jersey Court Rules of Evidence, pertaining to this matter, including any recordings made on recorded phone lines at the police department, which phone conversations involve the defendant Baker as a participant and which relate, regard, refer to, or reflect his retaliation against the plaintiffs, including a deliberate effort to damage their constitutionally protected interests in their good reputation.

9. As a direct and proximate result of the foregoing, plaintiffs have been damaged.

WHEREFORE, plaintiffs demand judgment against the defendants jointly, severally, and in the alternative, for compensatory damages, punitive damages, interest, attorneys' fees, costs of suit, and such other relief as is just and equitable, including an Order permitting plaintiffs, by fax and personal delivery of a copy of this Complaint, the accompanying Verification, and the accompanying Order to Show Cause imposing temporary restraints to report these alleged violations of the law of the State of New Jersey to the Atlantic County Prosecutor's Office and to the New Jersey Attorney General's Office, as well as upon the governing body of the City of Linwood, together with such other relief as is just and equitable.

VAN SYOC CHARTERED
Attorneys for the Plaintiffs

BY: 

CLIFFORD L. VAN SYOC

Dated:

1-25-2011

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

BY: 

CLIFFORD L. VAN SYOC

DESIGNATION OF TRIAL COUNSEL

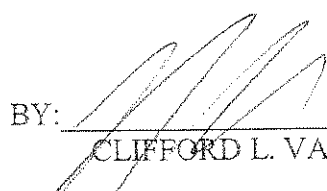
Plaintiffs hereby designate Clifford L. Van Syoc, Esquire as trial counsel in this matter.

BY: 

CLIFFORD L. VAN SYOC

RULE 1:4-8 DEMAND

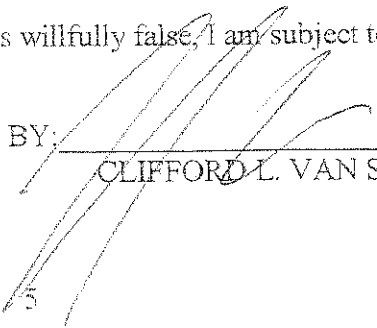
Plaintiffs and their counsel hereby demand, pursuant to Rule 1:4-8, that the defendants or their agents, servants, or employees, or attorneys provide any and all facts and documents upon which they base any contention that this Complaint was instituted or continued in whole or in part for improper reasons, or that the claims are, in whole or in part, frivolous or without basis in law or fact.

BY: 

CLIFFORD L. VAN SYOC

CERTIFICATION

The undersigned counsel certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to the present action at this time. I certify the foregoing to be true. I am aware if the above is willfully false, I am subject to punishment.

BY: 

CLIFFORD L. VAN SYOC

DATED: 1-25-11

EXHIBIT "A"



Division of Criminal Justice

Mandatory In-Service Law Enforcement Training

The in-service training of police officers has always been encouraged. Continued law enforcement education will enable an officer to perform more efficiently and more safely, and is essential in limiting liability in civil actions arising from officer's activities.

Some in-service training is mandated by the county prosecutor, the Attorney General or through various state or federal statutes or rules. This paper identifies those mandated in-service training programs that apply to law enforcement personnel in the state.

There are a limitless number of topics for in-service training including new laws, court decisions, internal policies and procedures and defensive driving. Although there is merit to this training, there are no mandates identified for requiring this additional training. The agency chief must determine what additional training is appropriate for the department in light of availability of resources.

This document has been prepared to assist law enforcement executives in understanding the very complex area of in-service training. If you have any further questions, please call the Law Enforcement Standards Section at (609) 984-7301. The Law Enforcement Standards Section will attempt to answer your questions about in-service training, or refer you to the appropriate agency.

1. Mandatory In-Service Training for All Law Enforcement Officers

All police officers are required to complete the following types of in-service training regardless of their duties or assignment.

a. *Firearms Requalification, Use of Force Policy and Vehicular Pursuit Policy*

Requalification with the agency handgun is mandated annually by N.J.S.A. 2C:39-6j. An Attorney General's Directive issued in December of 1989 requires semi-annual requalification with all agency-authorized firearms that the officer

may be required to use in the course of official duties. The Attorney General has also directed that all police receive semi-annual training on the laws and policies governing the use of force and vehicular pursuit. This training is usually given in conjunction with the firearms requalification. All of this training usually occurs within an eight hour period or less.

b. *Domestic Violence*

N.J.S.A. 2C:25-20 requires annual in-service training of at least four hours on domestic violence. Officers transferring to a new agency must receive training within 90 days from the date of transfer. Initial training now occurs as part of the Basic Course for Police Officers.

2. Mandatory In-service Training Due to a Particular Assignment

Because of particular assignment or particular duties, many police officers will be required to complete one or more of the following types of in-service training:

a. Officers who may respond to calls for service or handle emergency situations

i. *Bloodborne Pathogens*

Under 29 C.F.R. §1910.1030, only those police officers with an occupational exposure or the potential for such exposure are required to complete basic and in-service biohazard training. Training time varies depending on size of class and methodology, but update in-service training should take one to two hours.

ii. *Hazardous Materials*

Under 29 C.F.R. §1910.120 (q) (6), only those police officers who participate or are expected to participate in an emergency response to a hazardous materials situation must receive basic and annual in-service training in hazardous materials. The amount of in-service training that is required will depend on the level of basic hazardous materials training the officer has completed.

iii. *Right to Know*

Under N.J.A.C. 8:59-7.1 (c), only those police officers who are exposed to or have the potential to be exposed to hazardous substances during the course of their work must receive Right to Know training, including annual in-service training. Officers exposed to just one hazardous chemical need

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DOUGLAS F. CARMAN, both as an individual and as Captain of Police in the City of Linwood, and JOHN A. HAMILTON, both as an individual and as Detective Sergeant of Police in the City of Linwood,	:	SUPERIOR COURT OF NEW JERSEY - LAW DIVISION – ATLANTIC COUNTY
Plaintiffs,	:	
v.	:	DOCKET NO.
JAMES A.E. BAKER, CHIEF OF POLICE, AND CITY OF LINWOOD, jointly, severally, and in the alternative,	:	CIVIL ACTION
Defendants.	:	CERTIFICATION VERIFYING COMPLAINT

Douglas F. Carman, a plaintiff herein, hereby certifies as follows:

1. I am a plaintiff in the above captioned matter. This Certification is given in verification of the Complaint. I have reviewed the allegations of that Complaint and they are true of my own personal knowledge. I have set forth herein in greater detail the specifics on which this application is based in order that the Court can determine whether this matter should be sealed or otherwise made confidential, involving as it does allegations of deliberate misconduct by the present Chief of Police, the defendant Baker.

2. I am currently employed by the Linwood Police Department in the capacity of Captain, having joined that department in becoming a patrolman in the year 1995, being promoted to Sergeant in July, 2002, and promoted to Captain, the second highest rank, just

under Chief, in April, 2006. Among my firearms duties have been the following: Firearms instructor, for both handguns and assault weapons; Glock armorer; Internal Affairs investigations; officer training assignments for the entire department; and a variety of other tasks. I am also a member of a Collective Bargaining Unit, which has caused substantial problems in the organization, in light of the defendant Baker's repeated efforts to induce me to breach my obligation to those individuals I represent in the Collective Bargaining Unit, which expressly excludes Baker, the highest level of management. Specifically, I have repeatedly been pressured by the defendant Baker to breach my confidentiality obligations to the members of the collective bargaining unit I represent, and have been repeatedly chastised by him for honoring limitations on the powers of management in the Collective Bargaining Agreement.

3. On or about January 11, 2011, at approximately 9:05 a.m., I was interacting in my office with a subordinate, instructing him to provide me with information necessary for my compliance with the duty to send a yearly firearms qualification reports to the Atlantic County Prosecutor's Office, a task I have performed for a number of years every January. When I advised the subordinate, who is one of the Linwood Firearms Instructor, that I needed the results of everyone's qualifications for the calendar year 2010, I was advised, for the first time ever, that the subordinate could not give me the defendant Baker's results because Baker had not qualified with his firearm since he became Chief, approximately a five year period. A detective was present during that conversation.

4. Annexed hereto as Exhibit "A" is a true and accurate copy of pages 1 and 2, of a publication entitled "Mandatory In-Service Law Enforcement Training" from the New Jersey Division of Criminal Justice, a part of the New Jersey Attorney General's Office. As the

Court will note from the first page of that document in the very bottom paragraph, the law imposes upon all police officers the requirement to complete various types of in-service firearms training, regardless of their duties or assignment, such that the law, N.J.S.A. 2C:39-6(j) requires requalification with the agency hand gun on an annual basis. That document further cites an Attorney General's directive issued December, 1989, which requires semi-annual requalification with all agency authorized firearms that the officer may be required to use in the course of official duties. Defendant Baker appears to have violated these provisions of the law, based upon what I have been told by the individuals responsible for qualifying every officer in the Department from the highest rank, Chief, down to the lowest rank, Patrol Officer.

5. I am familiar with the Attorney General Guidelines, which generally requires that all internal affairs investigations remain confidential. I am the Internal Affairs Investigation Officer for the Linwood Police Department, and would ordinarily conduct all investigations and give a written report to the defendant Baker, in his capacity as Chief, with my findings. In light of the fact that this particular matter involves alleged misconduct on the part of the Chief, the highest ranking person in the Department, I cannot report this to him; in addition, in light of the Chief's recent conduct against me and my co-plaintiff, Detective Sergeant John A. Hamilton, I am concerned that if I were to notify him of this allegation, we both will be the victim of retaliation. The failure over a five year period to obtain qualification is an egregious violation of the requirements of being a police officer, in light of the fact that even the Chief may be involved in a shoot out at any time at any place, which could jeopardize the health and safety of individuals in the vicinity in the event the shots are inaccurate.

6. In addition to the ongoing alleged illegality set forth above, I am particularly troubled and seek protection of the Court by reason of the defendant Baker's apparent effort to tamper with witnesses in connection with an ongoing civil litigation. In that capacity, I have been advised by co-plaintiff Hamilton that he has received complaints of police officers who have felt pressured by the Chief to give false testimony. Specifically, in the week of January 3, 2011, my co-plaintiff Hamilton told me that a sergeant asked him in the presence of a patrolman whether there was going to be a meeting of all officers involved in a homicide case before civil depositions began; he responded to that sergeant's inquiry by asking what he meant, since it has been routine practice to simply go to deposition in response to a subpoena and testify as to the officer's recollections as to what he did or observed and the officer's recollections, and he advised the sergeant there was no need to meet. The sergeant responded that he had been talking to the Chief of Police, defendant Baker, about that issue, and that Baker had stated that everything would be fine as long as everyone involved in the depositions were "on the same page". The sergeant advised him that the defendant Baker stated that he had told everyone that if the person involved in that homicide case needed to go to their own house for any reason, their family was instructed to call the police department and a police escort would be provided. The sergeant further advised him that the defendant Baker stated that he had sent an e-mail to everyone about that matter. Both the sergeant and the patrol officer stated to Hamilton they had never received such an e-mail and had never heard about that instruction before the Chief approached them. On January 6, 2011, another police department employee advised Hamilton that the defendant Baker, in his capacity as Chief of Police, had come into the Detective Bureau and was speaking about the depositions in the same case referred to above, at which time Baker told that individual to testify that he

remembered being told that a family member of the person involved was told to call the police department if they needed to go to the house for any reason, and that if the person were to make that call the police were to escort them to the home. The individual advised Hamilton that he had never received such an oral instruction and never received an e-mail to that effect. Baker stated the very thing to me during the same week, having come in to my office and, while talking about the deposition, stating that I should remember that Baker had told everyone that if the person were to call the police department to go into the house, to make sure that we went there with them. By making these statements, in light of the fact that there is no e-mail corroborating that claim and there was no such statement made in my presence by Chief Baker at any time, I reached the reasonable conclusion that Chief Baker was attempting to tamper with the witnesses in violation of the statute prohibiting same, N.J.S.A. 2C:28-5.

7. The Chief has engaged in hostile and retaliatory conduct against both me and the co-plaintiff, John Hamilton, for our refusal to violate our duties to our union members and for other reasons based on a variety of protected conduct by us, which will be set forth in more detail in an Amended Complaint. However, in light of the urgent need to protect public safety regarding the firearms qualification, I would request, based upon the information set forth herein, that the Court enter an Order permitting me to notify the Atlantic County Prosecutor's Office and the New Jersey Attorney General's Office of this conduct by the defendant Baker. I am seeking to utilize this mechanism in order to obtain the protection of the Court under the Conscientious Employees Protection Act.

8. I have further requested that the Court enter an Order *ex parte* restraining the defendant Baker and any other agent, representative, servant, or employee of the City of

Linwood from altering, destroying, tampering with, or concealing any "writing", including electronic recordings, pertaining to Chief Baker's firearms qualification, and any statements he has made on those telephone lines pertaining to me or my co-plaintiff, John Hamilton. In that connection, I have obtained legal advice from that Assistant Prosecutor advising me that there was no legal impediment to me reviewing and listening to recorded conversations involving the Chief on department recorded lines, having been told by an Assistant Prosecutor that Mr. Baker has no reasonable expectation of privacy since he knew that the lines were recorded. I have personally listened to a number of conversations involving the Chief with members of the governing body, during the course of which, in violation of the Rules and Regulations, Baker has told members of Town Council knowing, deliberate falsehoods, going so far as to laugh and boast that he had lied to me about needing the code for the Detective Bureau arms system, and also going so far as to threaten, on telephone lines, that he will take retaliatory action against me and/or Detective Sergeant Hamilton. In order that these items of evidence in our case be preserved, I respectfully request that the Court enter an injunction *ex parte* barring the destruction or alteration of those tapes and affirmatively ordering their preservation for use in this case.

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

BY: _____
DOUGLAS F. CARMAN

DATED: