

COMPLAINT

Jurisdiction

1. This action is brought pursuant to 42 U.S.C. Section 1983. Jurisdiction is based upon 28 U.S.C. Sections 1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of This Honorable Court pursuant to 28 U.S.C. Section 1367(a) to hear and adjudicate state law claims.

Parties

2. Plaintiff Sharon Williams is a resident of the State of New Jersey.
3. Defendant City of Millville is a municipality of the State of New Jersey and owns, operates, manages, directs, and controls the Millville Police Department which employs Defendant Officer William Stadnick, III.
4. Defendant Officer Doe is an officer for a currently unknown entity acting under color of state law. He is being sued in his individual capacities.
5. Defendant Officer William Stadnick, III, is a police officer for the Millville Police Department acting under color of state law. He is being sued in his individual capacities.
6. Defendant CVS is a business located at 1209 N. High Street, Millville, NJ 08332.
7. Defendant Amanda Mitchem was an employee of CVS at all times herein complained of.
8. Defendant Lauren A. Van Embden, Esq., at all times complained of herein was the Prosecutor for the City of Millville.
9. Defendant Phillip S. Van Embden, P.C., employed Lauren A. Van Embden, Esq., inter alia, to prosecute for the City of Millville.
10. Defendant City of Millville contracted with Phillip S. Van Embden, P.C., to prosecute charges filed by the Millville Police Department.
11. At all relevant times, all defendants were acting in concert and conspiracy and their actions deprived Plaintiff Sharon Williams of her constitutional and statutory rights.

Factual Allegations

12. On or about December 10, 2010, Plaintiff Sharon Williams was on her way to cater a birthday party.
13. Plaintiff Sharon Williams was arrested and detained by Officer Doe.
14. Plaintiff Sharon Williams did not consent to either this arrest or detention.
15. Plaintiff Sharon Williams explained to Officer Doe that she had already been to court for her matters and that she should not have a warrant out for her arrest.
16. Officer Doe explained to Ms. Sharon Williams that there was a warrant out for her arrest.
17. Officer Doe explained that if perhaps the bail amount had been lower, he would not have to arrest her, but, since it was the amount that it was, he would have to arrest her.
18. Officer Doe knew or should have known that the warrant for Sharon Williams was erroneous, inasmuch that she had already been to court to appear for her matter, and had no legal grounds to arrest Sharon Williams.
19. Defendant City of Millville knew that there should not have been a warrant out for the arrest and detention of Sharon Williams, but, did nothing to prevent her unlawful arrest and detention.
20. Defendant Officer William Stadnick, III, knew that there should not have been a warrant out for the arrest and detention of Sharon Williams, but, did nothing to prevent her unlawful arrest and detention.
21. Upon information and belief, Defendant Phillip S. Van Embden, P.C. knew that there should not have been a warrant out for the arrest and detention of Sharon Williams, but, did nothing to prevent her unlawful arrest and detention.
22. Upon information and belief, Defendant Lauren A. Van Embden, Esq. knew that there should not have been a warrant out for the arrest and detention of Sharon Williams, but, did nothing to prevent her unlawful arrest and detention.
23. Prior thereto, Officer William Stadnick, III, filed a complaint and instituted legal process against Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.

24. In addition, Defendant City of Millville, supported, and did not oppose the legal process instituted against now Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.
25. In addition, Defendant Phillip S. Van Embden, P.C. supported, and did not oppose the legal process instituted against now Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.
26. In addition, Defendant Lauren A. Van Embden, Esq. supported, and did not oppose the legal process instituted against now Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.
27. In addition, Defendant CVS supported, and did not oppose the legal process instituted against now Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.
28. In addition, Defendant Amanda Mitchem supported, and did not oppose the legal process instituted against now Plaintiff Sharon Williams, despite actual knowledge that she did not commit the alleged crime.
29. Prior thereto, Officer William Stadnick, III, investigated the case of alleged shoplifting at CVS, as reported by Defendant Amanda Mitchem, and apparently approved by her supervisor.
30. Defendant Officer William Stadnick, III, reported that he reviewed video footage of the alleged shoplifting incidents on August 20, 2010, and August 21, 2010.
31. Defendant Officer William Stadnick, III, reported that he reviewed a DMV photograph of Plaintiff Sharon Williams.
32. Defendant Officer William Stadnick, III, alleged that the DMV photograph and the video footage of the alleged shoplifting incidents and determined that Plaintiff Sharon Williams was the alleged shoplifter.
33. Each and every defendant thus had the opportunity to review the video footage and determine whether now Plaintiff Sharon Williams committed the crime that she was alleged to have committed.
34. Upon information and belief, no defendant acknowledged that now Plaintiff Sharon Williams did not commit the alleged crime.
35. Upon information and belief, no defendant acknowledged that the video footage did not depict now Plaintiff Sharon Williams.

36. The Municipal Court of the City of Millville dismissed the case against Plaintiff Sharon Williams on or about June 24, 2011, upon information and belief, and thus the criminal prosecution was terminated in favor of now Plaintiff Sharon Williams.
37. Defendant Lauren A. Van Embden, Esq., upon information and belief, represented to the Municipal Court that she knew that Plaintiff Sharon Williams committed the crime.
38. Upon information and belief, Defendant Lauren A. Van Embden, Esq., had actual knowledge, or should have had actual knowledge via the video footage, that now Plaintiff Sharon Williams was not the person in the video footage and thus did not commit the alleged crime.
39. Upon information and belief, Defendant Phillip S. Van Embden, P.C., had actual knowledge, or should have had actual knowledge via the video footage, that now Plaintiff Sharon Williams was not the person in the video footage and thus did not commit the alleged crime.
40. Upon information and belief, Defendant City of Millville, had actual knowledge, or should have had actual knowledge via the video footage, that now Plaintiff Sharon Williams was not the person in the video footage and thus did not commit the alleged crime.
41. Upon information and belief, Defendant CVS, had actual knowledge, or should have had actual knowledge via the video footage, that now Plaintiff Sharon Williams was not the person in the video footage and thus did not commit the alleged crime.
42. Upon information and belief, Defendant Amanda Mitchem, had actual knowledge, or should have had actual knowledge via the video footage, that now Plaintiff Sharon Williams was not the person in the video footage and thus did not commit the alleged crime.
43. Plaintiff Sharon Williams was Ordered to attend court, and did attend court, upon information and belief, on or about September 27, 2010.
44. Plaintiff Sharon Williams was Ordered to return to attend court, and did attend court, upon information and belief, on or about October 10, 2010, in deprivation of her liberty.
45. Plaintiff Sharon Williams was Ordered to return to attend court, and did attend court, upon information and belief, on or about January 5, 2011, in deprivation of her liberty.
46. Plaintiff Sharon Williams was Ordered to return to court, and did return to attend court, upon information and belief, on or about May 9, 2011, in deprivation of her liberty.

47. Plaintiff Sharon Williams was Ordered to return to court and did return to attend court, upon information and belief, on or about June 24, 2011, in deprivation of her liberty.
48. Defendant Lauren A. Van Embden, Esq., elected to continue with the prosecution of this matter after having the opportunity to review the video footage, after Plaintiff Sharon Williams requested discovery, and after speaking with now Plaintiff Sharon Williams, and hearing the plaintiff explain that she was not the person that stole from CVS, but, she would be willing to provide the identity of the person if she knew her or him.
49. Thus, Defendant Lauren A. Van Embden, Esq., knew and/or should have known that no probable cause existed to file and/or pursue a charge and/or continue to prosecute a charge against the Plaintiff Sharon Williams.
50. In addition, Defendant Phillip S. Van Embden P.C., by and through Defendant Lauren A. Van Embden, Esq., elected to continue with the prosecution of this matter after having the opportunity to review the video footage, after Plaintiff Sharon Williams requested discovery, and after speaking with now Plaintiff Sharon Williams, and hearing the plaintiff explain that she was not the person that stole from CVS, but, she would be willing to provide the identity of the person if she knew her or him
51. Defendant Phillip S. Van Embden P.C. knew and/or should have known that no probable cause existed to file and/or pursue a charge and/or continue to prosecute a charge against the Plaintiff Sharon Williams.
52. Plaintiff Sharon Williams did not steal from the CVS.
53. Plaintiff Sharon Williams cannot recall ever going to the CVS in question.
54. Plaintiff Sharon Williams resides, and resided during the time that this cause of action arose at 205 W. Buck Street, in Paulsboro, NJ 08066.
55. Plaintiff Sharon Williams was catering a wedding on August 21, 2010, and could not have been at the CVS.
56. Plaintiff Sharon Williams requested discovery from Defendant Lauren A. Van Embden, Esq., in writing, at her office in Millville, New Jersey.
57. Plaintiff Sharon Williams was never provided with the video footage from the CVS, despite her written request for discovery.
58. However, Defendant Officer William Stadnick, III, alleged that he personally reviewed the video footage.
59. Plaintiff Sharon Williams called and spoke with Defendant Officer William Stadnick, III, regarding the above charges.

60. Plaintiff Sharon Williams called the Police Department of Millville and requested that she speak with the supervisor of Defendant Officer William Stadnick, III.
61. Plaintiff Sharon Williams spoke with Defendant Lauren A. Van Embden, Esq., about a possible plea bargain.
62. Plaintiff Sharon Williams informed Defendant Lauren A. Van Embden, Esq., that she was not the person in the video footage.
63. Defendant Lauren A. Van Embden, Esq., threatened to have Plaintiff Sharon Williams arrested after this discussion.
64. Plaintiff Sharon Williams paid money to get herself bailed out.
65. Plaintiff Sharon Williams lost wages from her illegal arrest and detention and the above malicious prosecution.
66. The City of Millville provided only two pages of Incident Report 10-020362 to the Undersigned Counsel.
67. Defendant Lauren A. Van Embden, Esq., refused to provide Plaintiff Sharon Williams with the video footage despite her written request for discovery.
68. Upon information and belief, the video footage was not provided despite knowledge that it would exculpate now Plaintiff Sharon Williams.
69. Defendant Amanda Mitchem reported to Defendant William Stadnick, III, that she discussed the case with her supervisor.
70. Therefore, it is implied, that her supervisor wanted now Plaintiff Williams charged with a crime.
71. Defendant Officer William Stadnick, III, did not recommend to the Municipal Court Prosecutor that the charges be dropped while in Open Court, upon information and belief.
72. Plaintiff Sharon Williams was not able to renew her New Jersey CNA license due to the above charges pending, and thus expects future wage losses from the above.
73. Plaintiff Sharon Williams was greatly embarrassed as a result of the above arrest and prosecution.
74. A nephew of Plaintiff Sharon Williams, D.S., twelve (12) years old at the time of the arrest, a minor, was present during the wrongful arrest and illegal detention of now Plaintiff Sharon Williams.

First Cause of Action

Federal Civil Rights Violations

75. Plaintiff incorporates by reference all prior paragraphs of the instant Complaint as if set forth here at length.
76. As a direct and proximate result of all the Defendant's conduct, committed under color of state law, Ms. Sharon Williams was deprived of her right to be free from an unlawful search and seizure, unlawful arrest, malicious prosecution, wrongful imprisonment, failure to intervene, abuse of process, and to be secure in her person and property and to due process of law. As a result, Ms. Sharon Williams suffered and continues to suffer harm in violation of her rights under the laws and Constitution of the United States, in particular the First, Fourth, and Fourteenth Amendments thereof, and 42 U.S.C. Section 1983.
77. As a direct and proximate result of the acts of all defendants, Ms. Sharon Williams sustained emotional harm, great embarrassment, loss of liberty and financial losses, including, but not limited to lost wages and loss of future earnings, all to her detriment and harm.
78. Defendant City of Millville has encouraged, tolerated, ratified, and has been deliberately indifferent to the following patterns, practices and customs and to the need for more or different training, supervision, investigation or discipline in the areas of:
 - a. Unlawful arrest by police officers;
 - b. The proper exercise of police powers, including but not limited to unlawful arrest, malicious prosecution, wrongful imprisonment, failure to intervene, abuse of process, and violations of citizens' free speech rights, particularly in connection with perceived challenges to police authority;
 - c. The monitoring of officers whom it knew or should have known were suffering from emotional and/or psychological problems that impaired their ability to function as officers;
 - d. The failure to identify and take remedial or disciplinary action against police officers who were the subject of prior civilian or internal complaints of misconduct;
 - e. Police Officers' use of their status as police officers to employ unlawful arrest, or to achieve ends not reasonably related to their police duties; and

- f. The failure of police officers to follow established policies, procedures, directives and instructions regarding arrest powers under such circumstances as presented herein.
79. Defendant City of Millville failed to properly saction or discipline officers who are unaware of and conceal and/or aid and abet violations of constitutional rights by citizens by other Millville Police Officers, thereby causing and encouraging Millville Police, including the defendant officers in this case to violate the rights of citizens such as Ms. Sharon Williams.
80. Defendants have by the above described actions deprived Ms. Sharon Williams of rights secured by the First, Fourth, and Fourteenh Amendments of the United States Constitution in violation of 42 U.S.C. Section 1983.

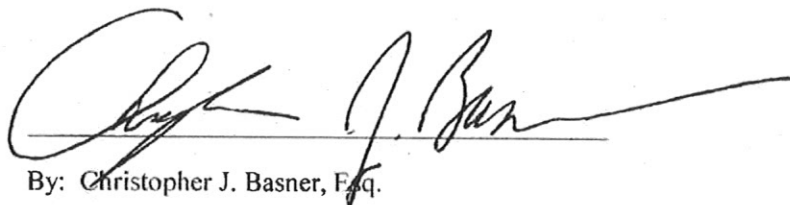
Second Cause of Action

Supplemental State Claims

81. Plaintiff Sharon Williams incorporates by reference all prior paragraphs of the instant Complaint as if set forth here at length.
82. The acts and conduct of the individual defendants in this cause of action constitute assault, battery, false arrest, false imprisonment, malicious prosecution, intentional infliction of emotional distress, abuse of process, failure to intervene under the laws of the State of New Jersey, and this Honorable Court has supplemental jurisdiction to hear and adjudicate these claims.

WHEREFORE, Plaintiff Sharon requests the following relief:

- a. Compensatory damages;
- b. Lost wages and loss of future wages damages;
- c. Punitive damages;
- d. Reasonable Attorney's fees and costs;
- e. Such other and further relief as appears reasonable and just; and
- f. A jury trial as to each Defendant as to each count.

A handwritten signature in black ink, appearing to read "Chris J. Basner", is written over a horizontal line.

By: Christopher J. Basner, Esq.

Christopher J. Basner P.C.

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Counsel for Plaintiff Sharon Williams

Declaration

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: 12-10-12

Name: Sharon Williams

Signature: Sharon Williams