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SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY

NOV 09 2015

REC'D & FILED
CIVIL CASE
MANAGEMENT OFFICE

JARIUS PERNELL, EZRA PERNELL
and TIFFANY DAVIS,

Plaintiffs,

vs.

JASON VINZINSKI, in his official and
personal capacity; ANGEL LOPEZ, in
his official and personal capacity;
DANIEL AYARS, in his official and
personal capacity; CITY OF
MILLVILLE POLICE
DEPARTMENT and CITY OF
MILLVILLE,

Defendants.

) SUPERIOR COURT OF NEW JERSEY
) CUMBERLAND COUNTY

) LAW DIVISION

) DOCKET NO.

Civil Action

COMPLAINT

005- Civil Rights

PLAINTIFFS JARIUS PERNELL, EZRA PERNELL and TIFFANY DAVIS at all

relevant times with respect to the allegations of this Complaint, were residing at 135 West Broad
Street, in the City of Millville, State of New Jersey and by way of Complaint say:

INTRODUCTORY ALLEGATIONS

1. Plaintiff Jarius Pernell is an individual who was residing at 135 West Broad Street,
Millville, New Jersey and has resided at that location for all times relevant herein.
2. Plaintiff Ezra Pernell is an individual who was residing at 135 West Broad Street,
Millville, New Jersey and has resided at that location for all times relevant herein.
3. Plaintiff Tiffany Davis is an individual who was residing at 135 West Broad Street,
Millville, New Jersey and has resided at that location for all times relevant herein.

4. Jason Vinzinski, sued in his personal capacity and official capacity, is employed by the City of Millville Police Department and was serving in that capacity as well as his personal capacity at all times relevant hereto.
5. Angel Lopez, sued in his personal capacity and official capacity, is employed by the City of Millville Police Department and was serving in that capacity as well as his personal capacity at all times relevant hereto.
6. Daniel Ayars, sued in his personal capacity and official capacity, is employed by the City of Millville Police Department and was serving in that capacity as well as his personal capacity at all times relevant hereto
7. The Police Department of the City of Millville in an entity subsumed within the governmental unit of the City of Millville.
8. The City of Millville is a municipality in the State of New Jersey and governs the Millville Police Department and the officers employed therein.
9. Defendant Police Officers Vinzinski, Lopez and Ayars were involved in the execution of a search warrant at 135 West Broad Street as well as another search warrant for 700 West Buck Street, both in the City of Millville.
10. Each search warrant authorized as well only the search of Jarius Pernell. No other person was identified in the underlying affidavit seeking the search warrant nor was any other person identified in the search warrant as being subject to search or seizure.
11. On November 7, 2013, the above named Millville Police Officers executed a search at 135 West Broad Street and, among other things, patted down plaintiff Tiffany Davis and plaintiff Ezra Pernell and additionally handcuffed Ezra Pernell, in contravention of the command of the search warrants which they claimed to be executing.

12. Plaintiff Jarius Pernell was also subjected to a pat down over her clothing in front of all others while downstairs and then handcuffed and taken upstairs to be further searched by a female police officer.
13. The female police officer summoned to the scene at 135 West Broad Street questioned her authority to conduct a strip search but was directed by the other defendant police officers to conduct a strip search on plaintiff Jarius Pernell.
14. Plaintiff Jarius Pernell was taken upstairs where she was subjected to a strip-search by the female police officer even though that female police officer stated that she did not know whether she was allowed to do so.
15. Upon information and belief, the Station House Commander did not give authorization to conduct a strip search of plaintiff Jarius Pernell nor was such authorization sought by any of the 3 male defendant police officers.
16. No controled dangerous substances were found at 135 West Broad Street or on the person of any of the plaintiffs with the result that the police then, without any authorization or authority, continued to have plaintiff Jarius Pernell handcuffed and then placed in a police vehicle and drove that plaintiff to 700 Buck Street where another search ensued at that residence.
17. At the conclusion of the search at 700 Buck Street, which likewise disclosed no controlled dangerous substances, the handcuffs were taken off Jarius Pernell and she was abandoned there by the police. She then had to find her way back to her residence at 135 West Broad Street.
18. No criminal charges were filed against plaintiff Jarius Pernell.
19. No criminal charges were filed against plaintiff Ezra Pernell.

20. No criminal charges were filed against plaintiff Tiffany Davis.

COUNT ONE

1. The allegations of Paragraphs 1 through 20 are incorporated herein as if specifically set forth herein.

21. The conduct of Defendant police officers violated plaintiff Tiffany Davis' rights, which include a right not to be subjected to unreasonable searches and seizures and is protected by the United States Constitution, 42 U.S.C. §1983 et seq, Article One, Section 7 of the New Jersey Constitution and the Civil Rights Act as found at N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff Tiffany Davis seeks judgment against those Defendants in thier personal capacity and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and Laws.

COUNT TWO

1. The allegations of Paragraphs 1 through 21 are incorporated herein as if specifically set forth herein.

22. The conduct of Defendant police officers violated plaintiff Ezra Pernell's rights, which include a right not to be subjected to unreasonable searches and seizures and is protected by the United States Constitution, 42 U.S.C. §1983 et seq., Article One, Section 7 of the New Jersey Constitution and the Civil Rights Act as found at N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff Ezra Pernell seeks judgment against Defendants in their personal capacity and official capacity for violation of his civil rights as guaranteed by the Federal and State Constitutions and Laws.

COUNT THREE

1. The allegations of Paragraphs 1 through 22 are incorporated as if specifically set forth herein.
23. The conduct of Defendant police officers violated plaintiff Jarius Pernell's rights, which include a right not to be subjected to unreasonable searches and seizures as protected by the United States Constitution, 42 U.S.C. §1983 et seq, Article One, Section 7 of the New Jersey Constitution and the Civil Rights Act as found at N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff Jarius Pernell seeks judgment against Defendants in their personal capacity and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and Laws.

COUNT FOUR

1. The allegations of Paragraphs 1 through 23 are incorporated as if specifically set forth herein.
24. Plaintiff Jarius Pernell was subjected to a strip search in violation of the Attorney General Guidelines of New Jersey as well as in violation of Federal and State Constitutional principles and laws.
25. Plaintiff Jarius Pernell was falsely imprisoned and handcuffed and transported (seized), without lawful authority, to 700 Buck Street where she continued to be restrained improperly and unconstitutionally and in violation of, inter alia, Attorney General Guidelines.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against all Defendants.

COUNT FIVE

1. The allegations of Paragraphs 1 through 25 are incorporated herein as if specifically set forth herein.

26. Plaintiff Tiffany Davis was subjected to assault, improper touching, false imprisonment, harassment, invasion of privacy and violation of her due process and other rights in addition to her rights to be free from unreasonable searches and seizures.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against all Defendants.

COUNT SIX

1. The allegations of Paragraphs 1 through 26 are incorporated as if specifically set forth herein.

27 Plaintiff Ezra Pernell was subjected to assault, improper touching, false imprisonment, harassment, invasion of privacy and violation of his due process and other rights in addition to his rights to be free from unreasonable searches and seizures.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against all Defendants.

COUNT SEVEN

2. The allegations of Paragraphs 1 through 27 are incorporated as if specifically set forth herein.

28. The conduct of the Millville Police Officer Defendants was in violation of Federal and State Constitutional Principles as well as the Attorney General Guidelines on strip searches and, thus far, those officers have not received adequate training or instruction as to the proper contours of those restrictions upon their conduct.

WHEREFORE, equitable relief is sought compelling the City of Millville and the Millville Police Department to conduct training sessions for its police officers as to proper search and seizure protocols in executing search warrants and in conducting searches and strip searches.

NOTICE PURSUANT TO THE RULES

TAKE NOTICE that the undersigned attorney, counsel for the Plaintiffs does hereby demand, pursuant to Rules 1:5-1(a) and 4:17(c) that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all pleadings, answered interrogatories and other discovery materials received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and

TAKE NOTICE that this is a continuing demand.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury as to all issues so triable.

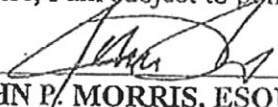
DESIGNATION OF TRIAL COUNSEL

It is hereby stated pursuant to R. 4:5-1(c) and 4:25-4 that John P. Morris, Esquire is designated as trial counsel for the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding at this time. I also certify that Notice under New Jersey's Tort Claims Act was effected in compliance with N.J.S.A. 59:8-1 et seq.

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.


JOHN P. MORRIS, ESQUIRE

Attorney for Plaintiffs Jarius Pernell, Ezra Pernell and Tiffany Davis

Dated: November 9, 2015