

53. Defendants Police Officer Colt Gibson and John and Jane Doe Police Officers 1 through 10 were acting under color of law when thereby failing to protect Edward C. Gandy, Jr. from injury, harm or death.

54. The Defendants City of Millville, Millville Police Department and Police Chief Farabella failed to adequately train or otherwise have and maintain effective policies regarding the proper use of excessive and deadly force by employees and police officers of the City of Millville Police Department and to protect employees, citizens and others safe from injury, harm or death in the City of Millville.

55. Defendants City of Millville, Millville Police Department and Police Chief Farabella failed to use the requisite standard of care, subjecting the Plaintiff, Edward C. Gandy, Jr., to the violation of his constitutional right to be free from cruel and unusual punishment under the Eighth and Fourteenth Amendments.

56. The deliberate indifference of Defendants City of Millville, Millville Police Department and Police Chief Farabella deliberate to Edward C. Gandy, Jr.'s constitutional and civil rights caused the death of Edward C. Gandy, Jr.

57. As a direct and proximate result of Defendants City of Millville, Millville Police Department and Police Chief Farabella's negligence, gross negligence, recklessness and breach of other duties owed to the Plaintiff's decedent, Edward C. Gandy, Jr., the beneficiaries of Edward C. Gandy, Jr. have sustained pecuniary loss, economic damages and loss, mental anguish, emotional pain and suffering, pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of parental care, loss of advice, loss of counsel, loss of training, loss of guidance, loss of education and loss of filial care.

58. The Complaint in this matter has been timely filed pursuant to the applicable laws of the State of New Jersey.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr., hereby demands judgment against Defendants City of Millville, Millville Police Department, Police Chief Farabella, Police Officer Colt Gibson, and John and Jane Doe Police Officers 1 through 10 for the violation of Edward C. Gandy, Jr.'s civil rights and for economic and noneconomic damages, compensatory damages, plus costs, prejudgment interest, post-judgment interest and counsel fees.

FIFTH CLAIM FOR RELIEF LIABILITY OF ALL DEFENDANTS

SURVIVAL ACTION

59. The allegations set forth in the preceding paragraphs are incorporated by reference as if fully set forth herein.

60. Defendants City of Millville, Millville Police Department and Police Chief Farabella owed the decedent, Edward C. Gandy, Jr., a duty to use reasonable care in carrying out the lawful duties associated with and required by the City of Millville and the Millville Police.

61. Defendants CCGC, CCGC-CSMHF and Inspira Mental Health and/or John Doe Corporations 1 through 10, and John Doe Entities 1 through 10, had a duty to provide decedent Edward C. Gandy, Jr. with proper treatment and care for his mental health condition and suicidal tendencies while he was in their care, and to keep Edward C. Gandy, Jr. safe from injury, harm and death.

62. Defendants breached their duties when they failed to use reasonable care, and were negligent, reckless, and grossly negligent, directly and proximately causing the death of the decedent Edward C. Gandy, Jr., on January 22, 2018.

63. As a direct and proximate result of the Defendants' breach of duties owed to decedent Edward C. Gandy, Jr., as described above, Edward C. Gandy, Jr., suffered fright and conscious pain and suffering during the time period that he was alive after being shot by the Millville Police.

64. As a direct and proximate results of the Defendants' breach of duty, as described above, the Estate of Edward C. Gandy, Jr. incurred funeral expenses and medical bills.

65. Plaintiff brings a survivor action pursuant to applicable law against the Defendants for the aforementioned expenses, conscious pain and suffering and fright suffered by decedent, Edward C. Gandy, Jr.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr., hereby demands judgment against all Defendants for the survival claims of the decedent for economic and noneconomic damages, compensatory damages, plus costs, prejudgment interest, and post judgment interest and counsel fees.

SIXTH CLAIM FOR RELIEF

LIABILITY OF THE CITY OF MILLVILLE, MILLVILLE POLICE DEPARTMENT AND DEFENDANT CHIEF FARABELLA

NEGLIGENCE

66. The allegation set forth in the preceding paragraphs are incorporated by reference as if fully set forth herein.

67. Defendants the City of Millville, the Millville Police Department and Chief Farabella had a duty to properly train and supervise Defendant Police Officer Colt Gibson and Jane and John Doe Police Officers 1 through 10 on the proper use of force, including lethal force, when dealing with public, and protecting the public from injury, harm or death.

68. Defendants the City of Millville, the Millville Police Department and Chief Farabella failed to properly train and supervise Defendant Police Officer Colt Gibson and Jane and John Doe Police Officers 1 through 10 on the proper use of force, including lethal force, when dealing with public, and protecting the public from injury, harm or death.

69. As a direct and proximate result of the negligence by the City of Millville, the Millville Police Department and Chief Farabella, Police Officer Colt Gibson and/or John and Jane Does Police Officer 1 through 10, fatally shot Edward C. Gandy, Jr. on January 22, 2018.

70. Plaintiff is entitled to an award of compensatory damages against Defendants City of Millville, Millville Police Department and Chief Farabella in an amount which exceeds \$1,000,000.00.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr. and in his own right, demands judgment against the Defendants City of Millville, Millville Police Department and Chief Farabella for damages, counsel fees and all costs of suit.

**SEVENTH CLAIM FOR RELIEF LIABILITY OF CCGC, CCGC-CSMHF
INSPIRA MENTAL HEALTH, JOHN DOE CORPORATION 1 through 10, AND JOHN
DOE ENTITIES 1 through 10.**

NEGLIGENCE

71. The allegation set forth in the preceding paragraphs are incorporated by reference as if fully set forth herein.

72. Defendants CCGC, CCGC-CSMHF and Inspira Mental Health and/or John Doe Corporations 1 through 10, and John Doe Entities 1 through 10, had a duty to provide Edward C. Gandy, Jr. with proper treatment and care for his mental health condition and suicidal tendencies while he was in their care, and to keep Edward C. Gandy, Jr., safe from injury, harm and death.

73. Defendants CCGC, CCGC-CSMHF and Inspira Mental Health and/or John Doe Corporations 1 through 10, and John Doe Entities 1 through 10 failed to provide Edward C. Gandy, Jr. with proper treatment and care for his mental health condition and suicidal tendencies while he was in their care, and to keep him safe from injury, harm and death.

74. The negligence by the Defendants CCGC, CCGC-CSMHF and Inspira Mental Health and/or John Doe Corporations 1 through 10, and John Doe Entities 1 through 10, directly and proximately led to decedent's death on January 22, 2018.

75. Plaintiff is entitled to an award of compensatory damages against Defendants CCGC, CCGC-CSMHF, Inspira Mental Health John Doe Corporations 1 through 10, and John Doe Entities 1 through 10 in an amount which exceeds \$1,000,000.00.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr. and in his own right, demands judgment against the Defendants CCGC, CCGC-CSMHF, Inspira Mental Health John Doe Corporations 1 through 10, and John Doe Entities 1 through 10 for damages, counsel fees and all costs of suit.

EIGHTH CLAIM FOR RELIEF

**LIABILITY OF CCGC, CCGC-CSMHF AND INSPIRA MENTAL HEALTH,
JOHN DOE CORPORATIONS 1 through 10, AND JOHN DOE ENTITIES 1 through 10**

WRONGFUL DEATH

76. The allegations set forth in the proceeding paragraphs are incorporated by reference as if fully set forth herein.

77. Defendants CCGC, CCGC-CSMHF and Inspira Mental Health, John Doe Corporations 1 through 10, and John Doe Entities 1 through 10, had a duty to provide decedent Edward C. Gandy, Jr. with proper treatment and care for his mental health condition and suicidal tendencies while he was in their care, and to keep Edward C. Gandy, Jr. safe from injury, harm and death.

78. Defendants CCGC, CCGC-CSMHF and Inspira Mental Health, John Doe Corporations 1 through 10, and John Doe Entities 1 through 10, failed to use the requisite standard of care in providing decedent Edward C. Gandy, Jr. with appropriate care for his mental health condition and suicidal tendencies while he was in their care, and to keep Edward C. Gandy, Jr. safe from injury, harm and death.

79. The deliberate indifference of Defendants CCGC, CCGC-CSMHF and Inspira Mental Health, John Doe Corporations 1 through 10, and John Doe Entities 1 through 10 to Edward C. Gandy, Jr.'s rights caused the death of Edward C. Gandy, Jr.

80. As a direct and proximate result of these Defendants' negligence, gross negligence, recklessness and breach of other duties owed to the Plaintiff's decedent, Edward C. Gandy, Jr., the beneficiaries of Edward C. Gandy, Jr. have sustained pecuniary loss, economic damages and loss, mental anguish, emotional pain and suffering, pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of parental care, loss of advice, loss of counsel, loss of training, loss of guidance, loss of education and loss of filial care.

81. The Complaint in this matter has been timely filed pursuant to the applicable laws of the State of New Jersey.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr. and in his own right, demands judgment against the Defendants CCGC, CCGC-CSMHF and Inspira Mental Health, John Doe Corporations 1 through 10, and John Doe Entities 1 through 10 for damages, counsel fees and all costs of suit.

NINTH CLAIM FOR RELIEF

**LIABILITY OF DEFENDANTS CITY OF MILLVILLE, MILLVILLE POLICE
DEPARTMENT, DEFENDANT CHIEF FARABELLA, POLICE OFFICER COLT
GIBSON AND JOHN AND JANE DOE POLICE OFFICERS 1 THROUGH 10**

WRONGFUL DEATH

82. The allegations set forth in the proceeding paragraphs are incorporated by reference as if fully set forth herein.

83. Defendants City of Millville, Millville Police Department, Defendant Chief Farabella, Police Officer Colt Gibson and John and Jane Doe Police Officers 1 through 10 owed the decedent, Edward C. Gandy, Jr., a duty to use reasonable care in carrying out the lawful duties associated with, and required by the City of Millville and the City of Millville Police.

84. Defendants City of Millville, Millville Police Department, Defendant Chief Farabella, Police Officer Colt Gibson and John and Jane Doe Police Officers 1 through 10 failed to use the requisite standard of care, subjecting the decedent, Edward C. Gandy, Jr. to the violation of his constitutional rights.

85. Defendants City of Millville, Millville Police Department, Defendant Chief Farabella, Police Officer Colt Gibson and John and Jane Doe Police Officers 1 through 10's deliberate indifference to Edward C. Gandy, Jr.'s rights resulted in the death of Edward C. Gandy, Jr.

86. As a direct and proximate result of Defendants' negligence, gross negligence, recklessness and breach of other duties owed to the Plaintiff's decedent, Edward C. Gandy, Jr., the beneficiaries of Edward C. Gandy, Jr. have sustained pecuniary loss, economic damages and loss, mental anguish, emotional pain and suffering, pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of parental care, loss of advice, loss of counsel, loss of training, loss of guidance, loss of education and loss of filial care.

87. The Complaint in this matter has been timely filed pursuant to the applicable laws of the State of New Jersey.

WHEREFORE, the Plaintiff, Shane B. Gandy, as Administrator of the Estate of Edward C. Gandy, Jr., and in his own right, demands judgment against the Defendants City of Millville, Millville Police Department, Defendant Chief Farabella, Police Officer Colt Gibson and John and Jane Doe Police Officers 1 through 10 for damages, counsel fees and all costs of suit.

JURY DEMAND

The Plaintiff hereby demands trial by jury.

LAW OFFICES OF CONRAD J. BENEDETTO

S:// Conrad J. Benedetto

Conrad J. Benedetto, Esquire
ID No. 031921981
Attorneys for the Estate of Edward C.
Gandy, Jr., by and through its
Administrator Ad Prosequendum,
Shane B. Gandy, and Shane B. Gandy
in his own right.
1615 S. Broad Street
Philadelphia, PA 19148
Laurel Springs, NJ 08021
(215) 389-1900 (Telephone)
cjbenedetto@benedettolaw.com