

LOUIS CHARLES SHAPIRO, P.A.
By: Louis Charles Shapiro, Esquire (I.D. No. 028201997)
1063 East Landis Avenue
Vineland, New Jersey 08360
(856) 691-6800; FAX No. (856) 794-3326
Attorney for Plaintiff, Troy D. Brooks

SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY

FEB 03 2017

REC'D & FILED
CIVIL CASE
MANAGEMENT OFFICE

TROY D. BROOKS, : SUPERIOR COURT OF NEW JERSEY
Plaintiff, : LAW DIVISION - CUMBERLAND COUNTY
vs. : Docket No.: **L-86-17**
CITY OF MILLVILLE; : CIVIL ACTION
JOHN/JANE DOE(S) I; JOHN/ : **COMPLAINT AND JURY DEMAND**
JANE DOE(S) II; and JOHN/ :
JANE DOE(S) III, :
Defendants. :

Plaintiff, Troy D. Brooks, by way of Complaint against Defendants, City of Millville,
John/Jane Doe(s) I, II, and III, alleges as follows:

FIRST COUNT

The Parties

1. Plaintiff, Troy D. Brooks (hereinafter, "Plaintiff"), at all relevant times, was an adult individual and a resident of Millville, Cumberland County, New Jersey.
2. Defendant, City of Millville, is a municipality located in Cumberland County, New Jersey, which, upon information and belief, employed the unknown law enforcement officer(s) who committed the acts and/or omissions responsible for the injuries alleged by Plaintiff in this action.
3. Upon information and belief, there are persons, duly appointed employees of the Millville Police Department, other law enforcement agencies and/or others, whose true names are unknown

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CLERK OF COURT

to Plaintiff, who are responsible and liable as law enforcement officers who participated and/or acquiesced in the unconstitutional actions complained of herein. Such persons are referred to as John/Jane Doe(s) I.

4. Upon information and belief, there are persons, duly appointed employees of the New Jersey State Police, other law enforcement agencies and/or others, whose true names are unknown to Plaintiff, who are responsible and liable as law enforcement officers who participated and/or acquiesced in the unconstitutional actions complained of herein. Such persons are referred to as John/Jane Doe(s) II.

5. Upon information and belief, there are persons, duly appointed employees of the City of Millville, the New Jersey State Police, other law enforcement agencies and/or others, whose true names are unknown to Plaintiff, who are responsible and liable as law enforcement officers in charge and/or supervisors who participated and/or acquiesced in the unconstitutional actions complained of herein. Such persons are referred to as John/Jane Doe(s) III.

Factual Allegations

7. Plaintiff was arrested on February 6, 2015 upon the execution of a search warrant for his person and the premises of 19 East McNeal Street, Millville, New Jersey, where Plaintiff was then present.

8. Plaintiff was the subject of an investigation into whether Plaintiff was distributing and/or possessing large amounts of controlled dangerous substances ("CDS"). The search on the day in question, however, yielded paraphernalia and a small amount of suspected marijuana. Plaintiff, in this action, does not contest the circumstances of his being charged.

9. However, as a result of being handcuffed at the scene on February 6, 2015 with wire

and/or plastic-type hand restraints behind his back for approximately four hours, Plaintiff sustained personal injury to one and/or both of his wrists and/or hands, and/or aggravated a pre-existing condition, for which he has received treatment.

10. Plaintiff was subjected to excessive force, which was unnecessary under the circumstances to effect his arrest and/or detention, and which excessive force caused him injury.

11. From the discovery made available in Plaintiff's criminal case, it could not be determined which of the Defendants applied the restraints to Plaintiff's hands and/or wrists.

12. As such, Plaintiff names all individuals of the Millville Police Department, the New Jersey State Police, and/or other law enforcement agencies who may have participated in the execution of the search warrant and who may have been responsible for the application of the restraints, and names John/Jane Doe(s) I, II, and III officers who may have been responsible for such action.

13. The City of Millville is responsible by way of *respondeat superior* for the acts and/or omissions of its employees in connection with Plaintiff's arrest.

14. Plaintiff reserves the right to amend this Complaint based on information which may be learned by way of discovery and investigation.

15. Defendants named herein and those as yet unknown violated Plaintiff's rights under Article 1, Paragraph 7 of the New Jersey Constitution by depriving Plaintiff of his freedom from unreasonable searches and seizures and/or for using excessive force in the placement of handcuffs and in such other ways as may be revealed in discovery and investigation.

WHEREFORE, Plaintiff, Troy D. Brooks, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, City of Millville, and John/Jane Doe(s) I, II, and

III, individually, jointly and severally, in an amount that would reasonably and properly compensate him in accordance with the law, together with punitive damages, prejudgment interest, costs of suit, reasonable attorney's fees as may be permitted by law, and such other relief as the Court deems just.

SECOND COUNT

16. Plaintiff incorporates paragraphs 1 through 15 of this Complaint as if set forth at length herein.

17. The actions of Defendants constituted the common law torts of assault and/or battery.

WHEREFORE, Plaintiff, Troy D. Brooks, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, City of Millville, and John/Jane Doe(s) I, II, and III, individually, jointly and severally, in an amount that would reasonably and properly compensate him in accordance with the law, together with punitive damages, prejudgment interest, costs of suit, reasonable attorney's fees as may be permitted by law, and such other relief as the Court deems just.

THIRD COUNT

18. Plaintiff incorporates paragraphs 1 through 17 of this Complaint as if set forth at length herein.

19. Defendants had a duty to act responsibly and in such a way as to not injure Plaintiff.

20. Defendants' actions and/or omissions proximately caused and/or aggravated a pre-existing injury to the Plaintiff and in so doing Defendants breached their duty of care.

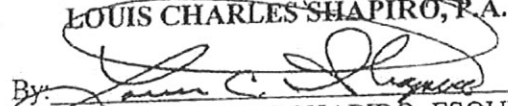
21. As such, as a result of Defendants' negligence, carelessness and/or recklessness, Plaintiff has sustained damages.

WHEREFORE, Plaintiff, Troy D. Brooks, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, City of Millville, and John/Jane Doe(s) I, II, and

III, individually, jointly and severally, in an amount that would reasonably and properly compensate him in accordance with the law, prejudgment interest, costs of suit, reasonable attorney's fees as may be permitted by law, and such other relief as the Court deems just.

NOTICE PURSUANT TO RULES 1:5-1(a) and 4:17-4(c)

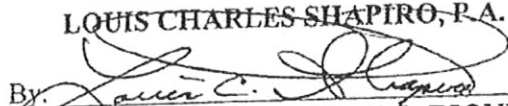
TAKE NOTICE that the undersigned attorney, for the Plaintiff hereby demands pursuant to rules 1:5-1(a) and 4:17-4 (c), that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all such pleadings and answered interrogatories upon the undersigned attorney, and TAKE NOTICE that this is a continuing demand.

LOUIS CHARLES SHAPIRO, P.A.
By: 
LOUIS CHARLES SHAPIRO, ESQUIRE

DATED: February 3, 2017

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Louis Charles Shapiro, Esquire is designated as Trial Counsel in this action.

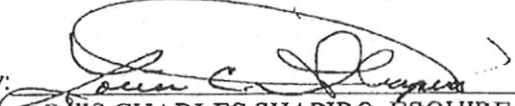
LOUIS CHARLES SHAPIRO, P.A.
By: 
LOUIS CHARLES SHAPIRO, ESQUIRE

DATED: February 3, 2017

DEMAND FOR JURY TRIAL

TAKE NOTICE that the Plaintiff hereby demands a Trial by Jury on all issues in accordance with the Rules of this Court.

LOUIS CHARLES SHAPIRO, P.A.

By: 

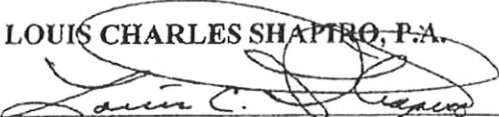
LOUIS CHARLES SHAPIRO, ESQUIRE

DATED: February 3, 2017

DEMAND FOR INTERROGATORIES

TAKE NOTICE that, pursuant to New Jersey Court Rule 4:17-1, as amended effective September 5, 2000, Plaintiff hereby demands that Defendants provide Answers to "Uniform Interrogatories Form C" within the sixty (60) day time period prescribed by the New Jersey Court Rules.

LOUIS CHARLES SHAPIRO, P.A.

By: 

LOUIS CHARLES SHAPIRO, ESQUIRE

DATED: February 3, 2017