



TOWNSHIP OF DEPTFORD

Gloucester County, New Jersey

Dina L. Zawadski
Registered Municipal Clerk
Certified Municipal Clerk

Municipal Building
1011 Cooper Street
Deptford, New Jersey 08096
(856) 686-2203 phone
(856) 845-8804 fax
OPRA@deptford-nj.org

July 1, 2020

Taeho Kim

Sent via E-Mail to: opra+request-12438-6e86677c@requests.opramachine.com

RE: OPRA Request – “1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any). 2. Please provide copies of the complaint in any lawsuits and cases described above.”

Dear Taeho Kim,

In response to your OPRA Request originally received May 27, 2020 with a thirty (30) day extension until July 20, 2020, we have attached hereto the documents you requested.

By way of this e-mail, which includes the documents responsive to your request, we have marked your OPRA request received May 27, 2020 as satisfied and closed.

If you have any additional questions and/or concerns, or if we can be of further assistance, please do not hesitate to contact our office at (856) 686-2203.

Sincerely,


Christine A. Helder
RMC/CMC

CAH/mld

Attachments

SUMMONS

Attorney(s) Joseph P. Howard, Esquire
Office Address Law Office of Joseph P. Howard, LLC
Town, State, Zip Code 1920 Fairfax Avenue
Cherry Hill, NJ 08003

Telephone Number 856-282-1318

Attorney(s) for Plaintiff Annette, Douglas & Chelsey Chinn

Annette Chinn; Douglas Chinn;

Chelsey Chinn;

Plaintiff(s)

vs.

Denyce Chinn; Donean Parker; et al.

Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

Superior Court of
New Jersey

Gloucester County

Civil Division

Docket No: L-001429-19

CIVIL ACTION
RECEIVED
SUMMONS

DEC 06 2019

TOWNSHIP OF DEPTFORD
TOWNSHIP CLERK'S OFFICE

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith
Clerk of the Superior Court

DATED: 12/04/2019

Name of Defendant to Be Served: Deptford Township

Address of Defendant to Be Served: 1011 Cooper Street, Deptford, New Jersey 08096

LAW OFFICE OF JOSEPH P. HOWARD, LLC

By: Joseph P. Howard, Esquire

1920 Fairfax Avenue

Cherry Hill, NJ 08003

856-282-1318

856-457-8160 (Fax)

Attorney I.D. 040162010

jhoward@jph-law.com

Attorney for Plaintiffs, Annette Chinn, Douglas Chinn, and Chelsey Chinn

ANNETTE CHINN; DOUGLAS CHINN;
CHELSEY CHINN;

Plaintiffs,

vs.

SUPERIOR COURT OF NEW JERSEY
GLOUCESTER COUNTY
LAW DIVISION

DENYCE CHINN; DONEAN PARKER;
DEPTFORD TOWNSHIP; DEPTFORD
TOWNSHIP POLICE DEPARTMENT;
DEPTFORD TOWNSHIP INTERNAL AFFAIRS
DEPARTMENT; POLICE CHIEF KEVIN
PANCOAST; SERGEANT MICHAEL RIGGS;
DETECTIVE MATTHEW J. MASSING; OFFICER
RYAN OSMOLA; GLOUCESTER COUNTY
PROSECUTOR'S OFFICE; PROSECUTOR
CHARLES FIORE; ASSISTANT PROSECUTOR
PAUL COLANGELO; INDIVIDUAL OFFICERS
1-5; INDIVIDUAL ASSISTANT PROSECUTORS
1-5;

Defendants.

CIVIL ACTION

DOCKET No.:

COMPLAINT AND DEMAND FOR
JURY TRIAL

Plaintiffs, Annette Chinn, Douglas Chinn and Chelsey Chinn (collectively "the
Plaintiffs"), by way of Complaint against Defendants state the following:

PRELIMINARY STATEMENT

1. This action is brought to redress intentional violations of the Federal Constitution Fourth
Amendment rights of the Plaintiffs, and under Article I Section 7 of the New Jersey State
Constitution, committed by Deptford Township, its Police Department and the Gloucester
County Prosecutor's Office, and one or more of its agents, servant, employees or officers,
COMPLAINT AND DEMAND FOR JURY TRIAL - 1

1 in effecting an unconstitutional and unreasonable search upon the Plaintiffs and their
2 residence.

3 **PARTIES**

- 4 2. Plaintiff, Annette Chinn (hereinafter "Mrs. Chinn") is an adult resident of New Jersey,
5 currently residing at an address of 1204 Hidden Glen, Deptford, New Jersey 08096.
6 3. Plaintiff, Douglas Chinn (hereinafter "Mr. Chinn") is an adult resident of New Jersey,
7 currently residing at an address of 1204 Hidden Glen, Deptford, New Jersey 08096.
8 4. Plaintiff, Chelsey Chinn (hereinafter "Chelsey") is an adult resident of New Jersey,
9 currently residing at an address of 1204 Hidden Glen, Deptford, New Jersey 08096.
10 5. Defendant, Denyce Chinn (hereinafter "Denyce") upon information and belief, is an adult
11 resident of New Jersey currently residing at an address of 1821 44th Street, Pennsauken,
12 New Jersey 08110.
13 6. Defendant, Donean Parker (hereinafter "Donean") upon information and belief, is an
14 adult resident of New Jersey currently residing at an address of 6501 Henwood Avenue,
15 Pennsauken, New Jersey 08110.
16 7. Defendant, Police Chief Kevin Pancoast (hereinafter "Chief Pancoast") is, upon
17 information and belief, is the final decision maker for the Deptford Township Police
18 Department, and the policy maker for the Deptford Township Police Department.
19 8. Defendant, Sergeant Michael Riggs (hereinafter "Sgt. Riggs") is, upon information and
20 belief, is the direct leader for a troop of officers/detectives who would report to Chief
21 Pancoast on decision making for said officers/detectives for Deptford Township Police
22 Department.
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- 1 9. Defendant, Detective Matthew J. Massing (hereinafter "Det. Massing") is, upon
2 information and belief, the Detective from Deptford Township Police Department who
3 responded to the Plaintiffs' home and wrote up the "Check on Well Being" incident
4 report for May 12, 2018.
- 5 10. Defendant, Officer Ryan Osmola (hereinafter "Ofc. Osmola") is, upon information and
6 belief, the Officer from Deptford Township Police Department who responded to the
7 Plaintiffs' home for a "Wellness Check" with Det. Massing on May 12, 2018.
- 8 11. Defendants, Individual Officers 1-5 (hereinafter the "Officers") are, upon information
9 and belief, the persons responsible for enforcing laws, rules and policies in place for
10 Deptford Township and the State of New Jersey. The Officers are also, upon information
11 and belief, responsible for protecting the citizens of Deptford Township from any harm
12 and/or crimes.
- 13 12. Defendant, Deptford Township (hereinafter "Deptford Twp.") is, upon information and
14 belief, the municipality responsible for the acts/omissions of the Deptford Township
15 Police Department and its employees.
- 16 13. Defendant, Deptford Township Police Department (hereinafter "Deptford PD") is the
17 division of Deptford Township where, upon information and belief, the individual
18 Defendants, Chief Pancoast, Sgt. Riggs, Det. Massing, Ofc. Osmola and the Officers
19 are/were employed.
- 20 14. Defendant, Deptford Township Police Department Internal Affairs (hereinafter "Internal
21 Affairs") is, upon information and belief, the division of Deptford PD responsible for
22 investigations of any/all claims, charges, and/or complaints brought against the Deptford
23 PD or its employees.
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1 15. Defendant, Prosecutor Charles Fiore (hereinafter "Pros. Fiore") is, upon information and
2 belief, the Prosecutor is the final decision maker regarding any and all criminal claims
3 and/or complaints made against individuals, Municipalities and Municipal Departments
4 or their employees for the Gloucester County Prosecutor's Office.

5
6 16. Defendant, Assistant Prosecutor Paul Colangelo (hereinafter "AP Colangelo") is, upon
7 information and belief, the Prosecutor who assists Pros. Fiore with decision making
8 regarding any and all criminal claims and/or complaints made against individuals,
9 Municipalities and Municipal Departments or employees for the Gloucester County
10 Prosecutor's Office.

11
12 17. Defendants, Individual Assistant Prosecutors 1-5 (hereinafter "Asst. Pros.") is, upon
13 information and belief, the person responsible for assisting the Prosecutor's Office with
14 the legal procedures in Court regarding any and all criminal claims and/or complaints
15 made against individuals, Municipalities and Municipal Departments or employees for
16 the Gloucester County Prosecutor's Office.

17
18 18. Defendant, Gloucester County Prosecutor's Office (hereinafter "Pros. Office") is the
19 division of Gloucester County where, upon information and belief, the individual
20 Defendants, Pros. Fiore, AP Colangelo and Asst. Pros. are employed.

21
22 **JURISDICTION**

23
24 19. All parties reside in, at one time resided in, work in/for, at one time worked in/for, and/or
25 have continuous contact with the County of Gloucester, State of New Jersey.

26 20. The occurrences material to this complaint occurred continuously from May of 2018
27 through the spring of 2019.

FACTS

21. Mr. Chinn was diagnosed with Cancer in 2014. He has been battling his Cancer with several visits to doctor's offices and hospitals for treatment of same for the last five years.

22. Mr. Chinn was hospitalized on or about April 10, 2018 and was released on or about April 15, 2018. Mr. Chinn was bed ridden for approximately 34 days prior to this hospital visit.

23. The Plaintiffs have not had any contact with Denyce or Donean for approximately nine months prior to the incident in question in May of 2018.

24. Both Denyce and Donean were disrespectful and constantly requested money from Mr. Chinn on several occasions, which led to him avoiding both parties by phone and in person in 2017.

25. The last contact Mr. Chinn had with Denyce or Donean would have been by phone on or around October of 2017 and in person on or about August of 2017.

26. The last contact Mrs. Chinn and Chelsey had with Denyce would have been in person on or about August of 2014.

27. The last contact Mrs. Chinn and Chelsey had with Donean would have been in person on or about August of 2017.

28. Denyce and Donean never visited the Plaintiffs' home prior to the incident in question in May of 2018.

29. On or about May 12, 2018, Denyce and Donean called police and told them that Mr. and Mrs. Chinn would not answer their phone calls or answer their knocks on the door at their residence. They stated that their reason for contacting the police is that they were concerned for Mr. Chinn's well-being.

1 30. When Det. Massing and Ofc. Osmola from Deptford PD had arrived at Mr. and Mrs.
2 Chinn's residence, located at 1204 Hidden Glen, Deptford, NJ 08096, they knocked on
3 the front door and did not receive a response. When Det. Massing and Ofc Osmola did
4 not receive a response, they attempted to reach the Chinn's by phone and received no
5 response.
6

7 31. According to the Police Report, after receiving no responses by phone or knocking on the
8 door, Det. Massing and Ofc. Osmola contacted maintenance to unlock the door. Even
9 after unlocking the door, they still had trouble getting into the residence. They gained
10 access to the residence by breaking the door down.
11

12 32. During the time of trying to contact Mr. and Mrs. Chinn and trying to gain access to the
13 property, Det. Massing and Ofc. Osmola did not contact the Fire Department or Police
14 Dispatch to have Emergency Services (i.e. Ambulance, EMT, EMS or the Fire
15 Department) on standby at the residence for medical assistance.
16

17 33. Once gaining access to the residence, Det. Massing and Ofc. Osmola proceeded to search
18 the premises for Mr. Chinn to confirm that he was okay.
19

20 34. After confirming Mr. Chinn was alive and well, Det. Massing and Ofc. Osmola continued
21 to search the rest of the residence with no warrant or probable cause to do so. They also
22 did not receive any permission from Mr. or Mrs. Chinn to do so.
23

24 35. Det. Massing and Ofc. Osmola searched Chelsey's bedroom without permission, while
25 she was showering in the bathroom connected to her bedroom.
26

27 36. Det. Massing and Ofc. Osmola then searched the second floor of the residence without
28 permission.
29

1 37. During the search of the residence, Det. Massing and Ofc. Osmola allowed for Denyce
2 and Donean to enter the premises, on the first floor, without permission from Mr. and
3 Mrs. Chinn. This happened prior to them locating Mr. Chinn alive and well on the third
4 floor.

5
6 38. Mrs. Chinn was understandably upset that unwanted visitors were allowed into her home.

7 39. The Plaintiffs went to the Deptford PD twice to file complaints against Denyce and
8 Donean. Both times they were advised that no further action would take place as there
9 was no probable cause for their complaints.

10 40. Mrs. Chinn subsequently called the Pros. Office to try and file charges against Deptford
11 PD, Det Massing, Ofc. Osmola and Denyce and Donean for violating her and her
12 family's rights. She was advised that she had "no rights" regarding this issue and was
13 sent on her way by both Pros. Fiore and AP Colangelo. This happened on several
14 occasions by phone.
15

16 41. Due to the unwanted intrusion and unwarranted search of his home, Mr. Chinn has
17 suffered an unreasonable violation of his federal and state constitutional rights.
18

19 42. Due to the Deptford PD's refusal to investigate their officer's own behavior, Mr. Chinn
20 has suffered violations of his federal and state constitutional rights.

21 43. Due to the Pros. Office's refusal to investigate this matter, Mr. Chinn has suffered
22 violations of his federal and state constitutional rights.
23

24 44. Due to the unwanted intrusion and unwarranted search of her home, Chelsey has suffered
25 an unreasonable violation of his federal and state constitutional rights.

26 45. Due to the Deptford PD's refusal to investigate their officer's own behavior, Chelsey has
27 suffered violations of his federal and state constitutional rights.
28

1 46. Due to the Pros. Office's refusal to investigate this matter, Chelsey has suffered
2 violations of his federal and state constitutional rights.

3 47. Due to the unwanted intrusion and unwarranted search of her home, Mrs. Chinn has
4 suffered an unreasonable violation of his federal and state constitutional rights.

5 48. Due to the Deptford PD's refusal to investigate their officer's own behavior, Mrs. Chinn
6 has suffered violations of his federal and state constitutional rights.

7 49. Due to the Pros. Office's refusal to investigate this matter, Mrs. Chinn has suffered
8 violations of his federal and state constitutional rights.

9 50. As a direct result of the above violations, Mrs. Chinn suffered symptoms akin to PTSD
10 and other anxious/nervous disorders. In the aftermath, Mrs. Chinn suffered from paranoia
11 regarding possible behaviors of authority figures and her husband's relatives.
12
13

14
15 **COUNT I**
16 **VIOLATION OF FOURTH AMENDMENT**
17 **BY ILLEGAL SEARCH**

18 51. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this
19 reference.

20 52. Conduct of Defendants Det. Massing and Ofc. Osmola violated Plaintiffs federal
21 constitutional rights to be free from unlawful and unreasonable searches of their person
22 and property.

23 53. As such, the aforesaid conduct constitutes an intentional violation of Plaintiffs' rights to
24 freedom from unlawful and unreasonable search, and their right to privacy under the
25 Fourth Amendment to the United States Constitution, all in violation of the provision of
26 42 U.S.C. § 1983.
27

1 **WHEREFORE** Plaintiffs demands Judgment against Defendants Det. Massing and Ofc
2 Osmola and an award of compensatory and punitive damages along with attorney's fees and
3 costs of suit pursuant to 42 U.S.C. § 1983, and such other and further relief as the Court deems
4 just.
5

6 **COUNT II**
7 **VIOLATION OF RIGHTS OF PLAINTIFFS UNDER**
8 **ARTICLE I SECTION 7 OF THE NEW JERSEY STATE CONSTITUTION**

9 54. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this
10 reference.

11 55. Conduct of Defendants Det. Massing and Ofc. Osmola violated Plaintiffs state
12 constitutional rights to be free from unlawful and unreasonable searches of their person
13 and property.

14 56. As such, the aforesaid conduct constitutes an intentional violation of Plaintiffs' rights to
15 freedom from unlawful and unreasonable search, and their right to privacy under the New
16 Jersey State Constitution, all in violation of the provision of the New Jersey Civil Rights
17 Act.
18

19 **WHEREFORE** Plaintiffs demands Judgment against Defendants Det. Massing and Ofc
20 Osmola and an award of compensatory and punitive damages, along with attorney's fees and
21 costs of suit pursuant to the New Jersey Civil Rights Act, and such other and further relief as the
22 Court deems just.
23

24 **COUNT III**
25 **VIOLATION OF PLAINTIFFS' FEDERAL AND STATE RIGHTS**
26 **BY CUSTOM, PRACTICE OR POLICY BY DEPTFORD TOWNSHIP**
27 **FOR FAILURE TO SUPERVISE AND TRAIN POLICE (IA REPORT)**

28 57. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this
reference.

1 58. The Defendants, Deptford Twp., Deptford PD and Sgt. Riggs (collectively, "the
2 supervisory defendants") had a non-delegable duty to hire, train and supervise,
3 investigate and discipline or sanction members of the municipal police force and to
4 institute policies, practices and customs so as to ensure that no member municipal police
5 force conducts unreasonable searches upon and of the citizens and residents of the
6 municipality and members of the public generally; the Defendants have a duty to ensure
7 that Deptford PD Officers understand and abide by the requirements of the Federal and
8 State Constitutions and abide by their restrictions on search and their protections of
9 privacy.
10

11
12 59. Upon information and belief, and upon a reasonable belief that discovery will reveal
13 evidence so demonstrating, the supervisory defendants were on actual and/or constructive
14 notice that one or more of Defendants, Det. Massing and Ofc. Osmola, along with other
15 members of the Deptford PD engaged from time to time in the practice or custom of
16 warrantless searching of properties/residences after "well-checks", without probable
17 cause and without warrant, and without any applicable exception to the Constitution's
18 warrant requirement.
19

20 60. Discovery will reveal that at some point, supervisory defendants became aware of the
21 violation of Plaintiffs clear right to be free from improper search without probable cause
22 and acquiesced in the violation.
23

24 61. As of October of 2012, these searches violated clearly established law, and Defendants
25 had an obligation to train and supervise so as to prevent such Fourth Amendment
26 violations, not to acquiesce in them, and to discipline officers who engage in them. The
27 Defendants have knowingly and/or recklessly, with deliberate indifference, failed to
28

1 fulfill said duty and failed to institute policies and/or practices to prevent, penalize and
2 cure such abuses. Upon information and belief, no discipline or corrective action has
3 been taken against the individual Defendants.

4
5 62. Upon information and belief, the Defendants' failure to hire, train and supervise
6 subordinates to refrain from such unconstitutional conduct is a violation of citizens' or
7 suspects' Federal and State constitutional rights, amounts to a pattern, practice and/or
8 policy of lax or no supervision and lax or no correction of subordinates when they engage
9 in conduct that violates the constitutional rights of citizens to be free from such
10 unreasonable searches. The pattern, practice or policy was also exhibited by a failure to
11 adequately train and supervise officers regarding, inter.alia, the requirements to lawfully
12 detain citizens, and to lawfully search their persons and property.

13
14 63. The pattern, practice or policy and failure to supervise amounts, at minimum, to
15 deliberate indifference to the rights of persons such as the Plaintiffs.

16
17 64. The pattern practice or policy and failure to supervise is, upon information and belief,
18 likewise evidence by the supervisory defendants' failure to discipline officers who
19 engage in inappropriate and unlawful activities during their investigative inquiries or
20 encounters with citizens.

21 **WHEREFORE** Plaintiffs seek Judgment against the Defendants Deptford Twp.,
22 Deptford PD and Sgt. Riggs, an award of compensatory and punitive damages along with
23 attorney's fees and costs of suit pursuant to 42 U.S.C. § 1983 and the New Jersey Civil Rights
24 Act, and such other and further relief as the Court deems just.
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COUNT IV
VIOLATION OF PLAINTIFFS' FEDERAL AND STATE RIGHTS
BY CUSTOM, PRACTICE OR POLICY BY PROSECUTOR'S OFFICE
FOR FAILURE TO SUPERVISE AND TRAIN

65. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this reference.

66. The Defendants, Pros. Office, Pros. Fiore and AP Colangelo (collectively, "the supervisory defendants") had a non-delegable duty to hire, train and supervise, investigate and discipline or sanction members of municipalities and their police forces and to institute policies, practices and customs so as to ensure that no member of the municipalities or their police forces conduct unreasonable searches upon and of the citizens and residents of the municipality and members of the public generally; the Defendants have a duty to ensure that Deptford PD Officers understand and abide by the requirements of the Federal and State Constitutions and abide by their restrictions on search and their protections of privacy.

67. Upon information and belief, and upon a reasonable belief that discovery will reveal evidence so demonstrating, the supervisory defendants were on actual and/or constructive notice that one or more of Defendants, Pros. Fiore and AP Colangelo, along with other members of the Pros. Office engaged from time to time in the practice or custom of warrantless searching of properties/residences after "well-checks", without probable cause and without warrant, and without any applicable exception to the Constitution's warrant requirement.

68. Discovery will reveal that at some point, supervisory defendants became aware of the violation of Plaintiffs clear right to be free from improper search without probable cause and acquiesced in the violation.

1 69. As of October of 2012, these searches violated clearly established law, and Defendants
2 had an obligation to train and supervise so as to prevent such Fourth Amendment
3 violations, not to acquiesce in them, and to discipline officers who engage in them. The
4 Defendants have knowingly and/or recklessly, with deliberate indifference, failed to
5 fulfill said duty and failed to institute policies and/or practices to prevent, penalize and
6 cure such abuses. Upon information and belief, no discipline or corrective action has
7 been taken against the individual Defendants.
8

9 70. Upon information and belief, the Defendants' failure to hire, train and supervise
10 subordinates to refrain from such unconstitutional conduct is a violation of citizens' or
11 suspects' Federal and State constitutional rights, amounts to a pattern, practice and/or
12 policy of lax or no supervision and lax or no correction of subordinates when they engage
13 in conduct that violates the constitutional rights of citizens to be free from such
14 unreasonable searches. The pattern, practice or policy was also exhibited by a failure to
15 adequately train and supervise officers regarding, inter alia, the requirements to lawfully
16 detain citizens, and to lawfully search their persons and property.
17
18

19 71. The pattern, practice or policy and failure to supervise amounts, at minimum, to
20 deliberate indifference to the rights of persons such as the Plaintiffs.
21

22 72. The pattern practice or policy and failure to supervise is, upon information and belief,
23 likewise evidence by the supervisory defendants' failure to discipline municipalities who
24 engage in inappropriate and unlawful activities during their investigative inquiries or
25 encounters with citizens.
26

27 **WHEREFORE** Plaintiffs seek Judgment against the Defendants Pros. Office, Pros.
28 Fiore and Ofc. Osmola, an award of compensatory and punitive damages along with attorney's

1 fees and costs of suit pursuant to 42 U.S.C. § 1983 and the New Jersey Civil Rights Act, and
2 such other and further relief as the Court deems just.

3 **COUNT V**
4 **IIED**

5 73. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this
6 reference.

7 74. Defendants, Denyce and Donean, did so intentionally produce emotional distress to the
8 Plaintiffs by contacting the local police.

9 75. Defendants, Det. Massing and Ofc. Osmola, directed extreme and outrageous conduct
10 toward the Plaintiffs by:

- 11
- 12 a. Allowing unwanted visitors into the residence; and
 - 13 b. Searching the Plaintiffs residence without probable cause and without
 - 14 warrant.
 - 15

16 76. Defendants, Det. Massing and Ofc. Osmola, did so intentionally produce emotional
17 distress to the Plaintiffs by:

- 18
- 19 a. Allowing unwanted visitors into the residence; and
 - 20 b. Searching the Plaintiffs residence without probable cause and without
 - 21 warrant.

22 77. Plaintiffs suffered emotional distress of a severe and extreme nature caused by the
23 Defendants actions.

24 **WHEREFORE** Plaintiffs demand damages, special damages, and liquidated damages.
25

COUNT VI
NIED

78. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this reference.

79. Defendants, Denyce and Donean, knew or should have known that contacting the police would inflict emotional distress upon the Plaintiffs.

80. Defendants, Det. Massing and Ofc. Osmola, knew or should have known that allowing unwanted visitors into the Plaintiffs residence would inflict emotional distress upon the Plaintiffs.

81. Defendants, Det. Massing and Ofc. Osmola, knew or should have known that searching the residence without probable cause and without warrant would inflict emotional distress upon the Plaintiffs.

82. Defendants, Det. Massing, Ofc. Osmola, Denyce and Donean, knew or should have known that their actions would inflict emotional distress of a severe and extreme nature to the Plaintiffs.

WHEREFORE Plaintiffs demand damages, special damages, and liquidated damages.

COUNT VII
PRIVACY INVASION

83. Plaintiffs repeat and reallege paragraphs 1 through 50 as if fully set forth herein by this reference.

84. Defendants, Denyce and Donean, intentionally intruded on the Plaintiffs privacy by contacting local police on the Plaintiffs.

85. Defendants, Det. Massing and Ofc. Osmola, intentionally invaded the privacy of the Plaintiffs by allowing unwanted visitors into their residence.

1 86. Defendants, Det. Massing and Ofc. Osmola, intentionally intruded on the Plaintiffs
2 privacy by searching their residence without probable cause and without warrant.

3 87. Defendants, Det. Massing and Ofc. Osmola, intentionally intruded on Chelsey's privacy
4 by searching her bedroom without probable cause and without warrant while she was
5 showering in the bathroom connected to her bedroom.
6

7 **WHEREFORE** Plaintiffs demand damages, special damages, and liquidated damages.
8

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiffs requests that judgment be entered in its favor and against the
11 defendants as follows:
12

- 13 A. Compensatory and punitive damages and such other relief as provided by the federal and
14 state constitutional rights cited herein;
15 B. Pre-judgment and post-judgment interest on such monetary relief;
16 C. The costs of bringing this suit, including reasonable attorneys' fees pursuant to 42 U.S.C.
17 § 1983 and the New Jersey Civil Rights Act; and
18 D. All other relief to which Plaintiffs may be entitled at law or equity.
19
20

21 Dated: December 3, 2019

Respectfully submitted,

23 /s/ Joseph P. Howard, Esquire
24 Joseph P. Howard, Esq., #040162010
25 Attorney for Plaintiffs
26
27
28

DEMAND FOR JURY TRIAL

The Plaintiffs demand a jury trial in this case.

Dated: December 3, 2019

Respectfully submitted,

/s/ Joseph P. Howard, Esquire
Joseph P. Howard, Esq., #040162010
Attorney for Plaintiffs

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designates Joseph P. Howard, Esq. as trial counsel.

Dated: December 3, 2019

Respectfully submitted,

/s/ Joseph P. Howard, Esquire
Joseph P. Howard, Esq., #040162010
Attorney for Plaintiffs

CERTIFICATION PURSUANT TO R. 4:5-1

The undersigned attorney for Plaintiff hereby certifies that the matter in controversy is not the subject of any other action or arbitration proceeding pending or contemplated, nor are there any other parties known to Plaintiff who should be joined in this proceeding.

Dated: December 3, 2019

Respectfully submitted,

/s/ Joseph P. Howard, Esquire
Joseph P. Howard, Esq., #040162010
Attorney for Plaintiffs

Civil Case Information Statement

Case Details: GLOUCESTER Civil Part Docket# L-001429-19

Case Caption: CHINN ANNETTE VS CHINN DENYCE
Case Initiation Date: 12/03/2019
Attorney Name: JOSEPH PETER HOWARD
Firm Name: JOSEPH P. HOWARD
Address: 1920 FAIRFAX AVE
CHERRY HILL NJ 08003
Phone: 8562821318
Name of Party: PLAINTIFF : Chinn, Annette
Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: CIVIL RIGHTS
Document Type: Complaint with Jury Demand
Jury Demand: YES - 12 JURORS
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

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

If yes, is that relationship: Familial

Does the statute governing this case provide for payment of fees by the losing party? YES

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? NO
If yes, please identify the requested accommodation:

Will an interpreter be needed? NO
If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO

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 Rule 1:38-7(b)

12/03/2019
Dated

/s/ JOSEPH PETER HOWARD
Signed

GLOUCESTER COUNTY COURTHOUSE
GLOUCESTER COUNTY CIVIL DIVISION
1 NORTH BROAD ST
WOODBURY NJ 08096

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 878-5050
COURT HOURS 8:30 AM - 4:30 PM

DATE: DECEMBER 03, 2019
RE: CHINN ANNETTE VS CHINN DENYCE
DOCKET: GLO L -001429 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON SAMUEL J. RAGONESE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 101
AT: (856) 878-5050.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JOSEPH P. HOWARD
JOSEPH P. HOWARD
1920 FAIRFAX AVE
CHERRY HILL NJ 08003

ECOURTS

JS-41 (Rev. 12/12)

CIVIL COVER SHEET

The JS-41 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOHN COKOS

(b) Copy of Residence of First Listed Plaintiff Gloucester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney (Print Name, Address, Email and Telephone Number)
Matthew B. Welsberg, Esquire
Welsberg Law, 7 South Morton Avenue, Morton, PA 19070
mwelsberg@welsberglawoffices.com Phone: 610-690-0801

DEFENDANTS DEPTFORD TOWNSHIP d/b/a DEPTFORD TOWNSHIP POLICE DEPARTMENT, et al.

County of Residence of First Listed Defendant Gloucester
(U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | Plf | Def | | Plf | Def |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 160 Medicare Act ☐ 170 Recovery of Damages Student Loans (Excludes Veterans) ☐ 180 Recovery of Overpayment of Veterans' Benefits ☐ 190 Stockholders' Suits ☐ 200 Other Contract ☐ 210 Capital Product Liability ☐ 220 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employees' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 365 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury ☐ 368 Product Liability ☐ 368 Attorney Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	LABOR ☐ 615 Drug Related Seizure of Property 21 USC 881 ☐ 620 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 750 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	BANKRUPTCY ☐ 422 Appellate 28 USC 158 ☐ 423 W/drawal 28 USC 157 PROPERTY RIGHTS ☐ 430 Copyright ☐ 435 Patent ☐ 440 Trademark SUCCESSION ☐ 451 HIA (1995) ☐ 452 Black Lung (923) ☐ 453 DWP/OWB (405(a)) ☐ 454 ERISA Title XVI ☐ 455 RSI (405(a))	OTHER ☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Unpaid And Banking ☐ 430 Consumer ☐ 440 Deposition ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cablecast TV ☐ 530 Securities Commodity Brokerage ☐ 890 Other Statutory Actions ☐ 891 Agricultural Act ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statute
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V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

File the U.S. Civil Statute under which you are filing (Do not file federal statutes which directly):

Brief description of cause:
Excessive Force

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$
140,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE
11/11/2013

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

FILED IN

JUDGE

MAJ. JUDGE

RETURN OF SERVICE	
Service of the Summons and complaint was made by me (I)	DATE
NAME OF SERVER (PRINT)	TITLE
Check one box below to indicate appropriate method of service	
☐ Served personally upon the defendant. Place where served: _____ _____ ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. ☐ Name of person with whom the summons and complaint were left: _____ _____ ☐ Returned unexecuted: _____ _____ ☐ Other (specify): _____ _____ _____	
STATEMENT OF SERVICE FEES	
TRAVEL	SERVICES
TOTAL	
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on _____ Date _____ Signature of Server _____ Address of Server	

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

John Cokos
729 Howard Ave.
Wenonah, NJ 08090

Plaintiff,

v.

Deptford Township d/b/a
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Daniel Murphy, individually and in his
official capacity as Chief of the Deptford
Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Gloucester County d/b/a
Deptford Township Police Department
2 South Broad Street
Woodbury, NJ 08096

And

Matthew Principato, individually and in his
official capacity as Police Officer for the
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Edward Kjermeier, individually and in his
official capacity as Detective for the
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

John Does 1-10

Defendants.

CIVIL ACTION COMPLAINT

I. Introduction

Plaintiff was walking to school with a video camera when he was stopped and interrogated by Defendant Police Officers. Plaintiff tried to record the incident when Defendants retaliated by assaulting Plaintiff and arresting him under the false pretense of possession of crack cocaine, when, in fact, Plaintiff was carrying saltine cracker crumbs. Defendants violated the First, Fourth, and Fourteenth Amendments of the United States Constitution and the New Jersey Civil Rights Act, among other state claims.

II. Jurisdiction and Venue

1. Jurisdiction in this Honorable Court is based on a violation of federal law conferred by 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 USC §1367.
2. Venue lies in this district in that the events giving rise to this claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, and/or does business here, and/or the property which is the subject of this action is situated within this district.

III. Parties

3. Plaintiff, John Cokos, is an adult individual, currently residing at the above captioned address.
4. Defendant, Deptford Township, is a municipality located within Defendant, Gloucester County, upon information and belief, both doing business as Defendant, John Doe, the Deptford Township Police Department.

5. Defendant, Daniel Murphy, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Chief, acting under color of State law.

6. Defendant, Matthew Principato, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Police Officer, acting under color of State law.

7. Defendant, Edward Kiermeier, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Detective, acting under color of State law.

8. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

IV. Statement of Claims

9. On or about November 10, 2011, around 11 a.m., Plaintiff was carrying a video recorder and walking to Gloucester County College when a Deptford Township Police Car made an abrupt u-turn towards Plaintiff.

10. Defendant, Officer Principato, exited the patrol car and asked Plaintiff what his intentions were with the video camera.

11. Plaintiff responded by asking whether he was charged with any offense, and, if not, Plaintiff asked whether he was free to leave.
12. Principato ignored and continued interrogating Plaintiff. Principato stated that there had been burglaries in the area and said the camera made Plaintiff look very suspicious.
13. Plaintiff responded that if Principato was going to continue his line of questions, Plaintiff would like to see his supervisor and have the encounter witnessed.
14. At which point, Defendant contacted Co-Defendant, Detective Kiermeier, who came to the scene.
15. Plaintiff informed Defendants that he was within his rights to record public employees in a public space.
16. Defendants disagreed and demanded that Plaintiff stop recording.
17. A verbal and physical altercation ensued.
18. Plaintiff was forced against a guardrail while the officers searched Plaintiff and his belongings.
19. The officers found saltine cracker crumbs in brown wax paper and asked Plaintiff if it was crack cocaine, which Plaintiff denied.
20. Plaintiff was then told he was under arrest for possession of crack cocaine.
21. Other Defendants Officers, John Does, were then called to the scene and also examined the crackers.
22. Plaintiff was handcuffed, placed in a police car, and taken to the Deptford Police headquarters.

23. Once at the police station, Defendant Kiermeier came to the holding cell and told Plaintiff that after further investigating, the supposed crack cocaine was, in fact, a piece of saltine cracker.

24. Nonetheless, Plaintiff was charged with obstructing administration of law/governmental function.

25. On or about January 11, 2012, Plaintiff was found not guilty by Deptford Township Municipal Court Judge William Golden.

26. The conduct of the Defendants was part of a custom, policy and/or practice and these customs, policies or practices caused the violations of Plaintiff's rights. Specifically, Defendants arrest without probable cause, and retaliate against citizens for exercising their First Amendment rights, as a result of failure to train, supervise or otherwise.

V. Causes of Action

COUNT I
Selective Enforcement

27. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

28. Defendants treated Plaintiff differently from other similarly situated individuals, and used selective treatment to prevent Plaintiff from exercising his First Amendment rights.

29. Defendants caused Plaintiff to suffer selective enforcement by their wrongful conduct all in violation of the Fourth and Fourteenth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT II
Malicious Prosecution

30. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
31. At the time of Defendants' investigation, arrest, charges, imprisonment, and trial, Plaintiff had not committed any infraction to legally justify the incarceration and charges.
32. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly established and well-settled Constitutional and other legal rights.
33. Defendants caused Plaintiff to suffer a malicious prosecution by their wrongful conduct in subjecting Plaintiff to false criminal charges, all in violation of the Fourth and Fourteenth Amendments to the United States Constitution.
34. Defendants instituted criminal action against Plaintiff by way of failing to properly investigate the alleged obstructing administration of law/governmental function.
35. Plaintiff was seized from the time he was arrested through the time he was imprisoned.
36. Defendants did not have probable nor any cause to arrest, charge, and/or accuse Plaintiff of the criminal acts.
37. The criminal action terminated in Plaintiff's favor after Plaintiff was found not guilty of all charges in the Deptford Township Municipal Court by the Honorable Judge William Golden.
38. Defendants deliberately ignored and failed to advise prosecutors of evidence and accounts of the event that exonerated Plaintiff.

COUNT III
First Amendment Violation

39. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
40. Plaintiff engaged in a protected activity; the government responded with retaliation; and the protected activity was the cause of the retaliation.
41. Defendants instituted criminal action to penalize Plaintiff's exercise of his First Amendment rights.
42. Defendants caused Plaintiff to suffer selective enforcement by their wrongful conduct all in violation of the First Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT IV
Excessive Force

43. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
44. At the time of Defendants' conduct, Plaintiff had not committed any infraction or otherwise to legally justify the force used by Defendants.
45. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.
46. Defendants caused Plaintiff to suffer excessive force by their wrongful conduct all in violation of the Fourth and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT V
False Arrest

47. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
48. Defendants lacked probable cause to arrest Plaintiff.
49. Plaintiff had not committed any infraction or otherwise to legally justify his arrest by Defendants.
50. Defendants intentionally arrested Plaintiff for a purpose other than bringing Plaintiff to justice.
51. Defendants caused Plaintiff to suffer false arrest by their wrongful conduct all in violation of the Fourth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT VI
Assault

52. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
53. Defendants used unreasonable and unnecessary force including intentionally shoving Plaintiff against a guardrail.

COUNT VII
False Imprisonment

54. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
55. Defendants lacked probable cause to arrest Plaintiff.
56. Plaintiff had not committed any infraction or otherwise to legally justify his arrest by Defendants.

57. Defendants intentionally deprived Plaintiff of his liberty for a purpose other than bringing Plaintiff to justice.

58. Defendants caused Plaintiff to suffer false imprisonment by their wrongful conduct all in violation of the Fourth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT VIII

N.J.S.A. 10:6-2 – New Jersey Civil Rights Act

59. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

60. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled rights under the New Jersey Civil Rights Act. N.J.S.A. 10:6-2.

61. Plaintiff suffered harm due to Defendants' conduct.

COUNT IX

Monell

62. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

63. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of persons within the geographic and jurisdictional limits of the Township of Deptford and County of Gloucester, which caused violations of Plaintiff's constitutional and other rights.

64. The above described acts or omissions by Defendants, demonstrated a deliberate indifference to the rights of citizens, such as Plaintiff, and were the cause of the violations of Plaintiff's rights as set forth herein.

65. Plaintiff suffered harm due to Defendants' conduct.

VI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of seventy-five thousand dollars (\$75,000), plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Compensatory damages, including;
 - i. Actual damages for financial and physical injuries, including but not limited to wage loss and loss of earning capacity, attorneys fees related to the criminal defense, and emotional distress;
 - ii. Attorneys' fees and expenses, and costs of suit.
- c. Injunctive relief, including;
 - i. Monitoring and training.

WEISBERG LAW

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff

CIVIL COVER SHEET

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Taharqul Dean

(b) County of Residence of First Listed Plaintiff Gloucester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney (Firm Name, Address, Email and Telephone Number)
Matthew B. Weisberg, Esquire
Weisberg Law, P.C., 7 South Marlon Avenue, Marlon, PA 18070
mweisberg@weisberglawoflca.com (610) 690-0801

DEFENDANTS

Dupford Township d/b/a Dupford Township Police Department, et al.

County of Residence of First Listed Defendant Gloucester
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, INDICATE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 |
| Citizen of Another State | ☐ 2 | ☐ 2 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 |
| Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Mediators Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veterans' Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care (Pharmaceutical) ☐ 368 Personal Injury Product Liability ☐ 369 Other Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Theft or Larceny ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 425 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROFESSIONAL FEES ☐ 820 Copyright ☐ 830 Patent ☐ 840 Trademark	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Bank and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 500 Securities/Commodities Exchange
☐ 210 Land Condemnation ☐ 220 Eminent Domain ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 250 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS ☐ 460 Alien Detainees ☐ 510 Habeas Corpus ☐ 515 Habeas Corpus to Vacate Sentence ☐ 520 Criminal ☐ 535 Death Penalty ☐ 540 Habeas Corpus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detention - Conditions of Confinement	☐ 710 Fair Labor Standards Act ☐ 720 Labor Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 750 Other Labor Litigation ☐ 751 Employee Retirement Income Security Act	☐ 601 HIA (1993) ☐ 602 Black Lung (923) ☐ 603 DIWC/DIWP (405(g)) ☐ 604 SSDI Title XVI ☐ 605 HRI (405(g))	☐ 590 Other Statutory Actions ☐ 591 Agricultural Acts ☐ 593 Environmental Matters ☐ 595 Freedom of Information Act ☐ 596 Arbitration ☐ 599 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 550 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (per 129) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983
Brief description of cause:
Excessive Force

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P. DEMAND \$ 140,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions)

JUDGE

DOCKET NUMBER

DATE
08/29/2013

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING

JUDGE

MAJ. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Taharqu Dean
315 S. Delsen Drive, Apt. B-8
Clayton, NJ 08312

Plaintiff,

v.

Deptford Township d/b/a
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Daniel Murphy, individually and in his
official capacity as Chief of the Deptford
Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Gloucester County d/b/a
Deptford Township Police Department
2 South Broad Street
Woodbury, NJ 08096

And

Gloucester County Department of
Correctional Services
2 South Broad Street
Woodbury, NJ 08096

And

Eugene Caldwell, II, individually and in his
official capacity as Warden of the Gloucester
County Department of Correctional Services
2 South Broad Street
Woodbury, NJ 08096

And

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

Brandon Cohen, individually and in his
official capacity as Police Officer for the
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Michael DiVito, individually and in his
official capacity as Police Officer for the
Deptford Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

John Storms, individually and in his official
capacity as Sergeant for the Deptford
Township Police Department
1011 Cooper Street
Deptford, NJ 08096

And

Jesse Yamada, individually and in his
official capacity as Sergeant for
Gloucester County Department of
Correctional Services
2 South Broad Street
Woodbury, NJ 08096

And

John Does 1-10

Defendants.

CIVIL ACTION COMPLAINT

I. Introduction

Plaintiff experienced a severe seizure in a parking lot in Deptford, Gloucester County, New Jersey. Instead of recognizing the medical emergency and providing medical attention, Defendants accused Plaintiff of attempted burglary of a vehicle. Defendants further accused

Plaintiff vis-à-vis Plaintiff's uncontrollable thrashing, of defiant behavior. Defendants arrested Plaintiff using excessive force. Then, Plaintiff was imprisoned and severely beaten for three days without necessary medical treatment. Defendants violated the Fourth and Fourteenth Amendments of the United States Constitution, *Monell*, and the New Jersey Civil Rights Act.

II. Jurisdiction and Venue

1. Jurisdiction in this Honorable Court is based on a violation of federal law conferred by 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 USC §1367.
2. Venue lies in this district in that the events giving rise to this claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, and/or does business here, and/or the property which is the subject of this action is situated within this district.

III. Parties

3. Plaintiff, Taharqu Dean, is an adult individual, currently residing at the above captioned address.
4. Defendant, Deptford Township, is a municipality located within Defendant, Gloucester County, upon information and belief, both doing business as Defendant, John Doe, the Deptford Township Police Department.
5. Defendant, Gloucester County Department of Correctional Services, is an agency of Gloucester County.
6. Defendant, Daniel Murphy, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Chief, acting under color of State law.
7. Defendant, Eugene Caldwell, II, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Gloucester

County Department of Correctional Services, as well as in his official capacity as Warden, acting under color of State law.

8. Defendant, Brandon Cohen, is an adult individual who, at all times material herein, acted

State law.

9. Defendant, Michael DiVito, is an adult individual who, at all times material herein acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Police Officer, acting under color of State law.

10. Defendant, John Storms, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Deptford Township Police Department, as well as in his official capacity as Sergeant, acting under color of State law.

11. Defendant, Jesse Yamada, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Gloucester County Department of Correctional Services, as well as in his official capacity as Sergeant, acting under color of State law.

12. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

IV. Statement of Claims

13. On or about December 27, 2011, Plaintiff was exiting a deli in Deptford, Gloucester County, New Jersey, when he experienced a severe seizure.
14. Defendant, Police Officer Brandon Cohen, observed Plaintiff looking into a white Nissan Murano sitting in the parking lot. Cohen accused Plaintiff of attempting to gain access via the passenger's side door.
15. Cohen, advised Plaintiff that he was under arrest. By this time, Co-Defendants, Police Officer Michael DiVito and Sergeant John Storms arrived and attempted to make Plaintiff sit on the ground while waiting for a patrol vehicle with a prisoner cage to arrive.
16. Per Plaintiff's uncontrollable seizing, Defendants found Plaintiff "very uncooperative" and guilty of "defiant behavior." (Exh. A – Reporting Officer Narrative). Of course, Plaintiff could not obey the officer's commands – so they used a leg sweep, tripping Plaintiff to the ground.
17. Plaintiff was brought to his feet while his entire body continued to thrash uncontrollably. The officers accused Plaintiff of attempting to "break free."
18. Plaintiff was then placed into leg shackles.
19. Plaintiff was unable to be seat-belted because he was still seizing.
20. Plaintiff was driven to the Deptford Police headquarters, and physically carried into the cellblock area, by Defendants, John Doss 1-10.
21. At the police headquarters, Plaintiff explained that he had epilepsy, which causes seizures, and Plaintiff requested medical attention.
22. Officer DiVito accused Plaintiff of "pretending" in order to hinder the booking process. (Exh. A).

23. Plaintiff was processed and charged with Criminal Attempt Burglary, Aggravated Assault on a Law Enforcement Officer, and Disorderly Conduct and Resisting Arrest. Bail was set at \$25,000 -- full cash. (Exh. B -- Criminal Complaints).
24. Upon completion of the booking process, Plaintiff was transported by Defendants, John Does, to Kennedy Hospital. While en route, John Does stated that Plaintiff admitted that he faked a seizure while in custody at police headquarters. In fact, Plaintiff never made such an admission, and Plaintiff suffers from severe focal onset seizures. (Exhs. C and D).
25. Plaintiff was unable to post bail, and was committed to the Gloucester County Correctional Facility for approximately three (3) days.
26. When Plaintiff arrived at the jail, Defendant, Sergeant Jesse Yamada stated, "We've been waiting on you. You like to hit police officers (paraphrasing Yamada)."
27. At that time, Plaintiff again explained that he needed medication to avoid another seizure and asked the correctional facility staff to contact his doctor, Christopher Todd Anderson, M.D., Department of Neurology, University of Pennsylvania.
28. The prison medical staff, Defendants, John Does, told Plaintiff that Doctor Anderson had not prescribed Plaintiff any medications.
29. In fact, Plaintiff's treating doctor had, at the time of the incident, prescribed three anti-seizure medications. (Exh. C -- Prescriptions).
30. The first night in jail, Plaintiff was severely beaten by Defendant Correctional Officers, Defendants, John Does 1-10, in the jail's shower facility.
31. Severely bruised and without medications, Plaintiff suffered multiple seizures over the next several days.

32. Defendants' representatives, Defendants, John Does 1-10, reported Plaintiff's behavior as aggressive and suicidal. Plaintiff was restrained in a "turtle suit" and beaten several more times while in the facility.

33. As a direct result of the aforesaid beatings, Plaintiff suffered sustained, serious, severe and long-term (potentially permanent) injuries, including, but not limited to his shoulder, rotator cuff, back, and face, extreme and continuing pain, together with various other injuries the exact extent of which are unknown at this time, including shock to Plaintiff's nerves and nervous system with emotional distress.

34. On or about August 6, 2012, Plaintiff's case was dismissed with prejudice. (Exh. E).

35. The conduct of the Defendants was part of a custom, policy and/or practice and these customs, policies or practices caused the violations of Plaintiff's rights. Specifically, Defendants retaliate against suspect police assailants, ignore medical emergencies, fail to treat medical emergencies, and instead, arrest without probable cause, as a result of failure to train, supervise or otherwise.

36. Plaintiff has suffered and continues to suffer severe physical and psychological stress as a result.

V. Causes of Action

COUNT I
Excessive Force

37. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

38. At the time of Defendants' conduct, Plaintiff had not committed any infraction or otherwise to legally justify the force used by Defendants.

39. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

40. Defendants caused Plaintiff to suffer excessive force by their wrongful conduct all in violation of the Fourth and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

COUNT II
Monell

41. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

42. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of persons within the geographic and jurisdictional limits of the Township of Deptford and County of Gloucester, which caused violations of Plaintiff's constitutional and other rights.

43. The above described acts or omissions by Defendants, demonstrated a deliberate indifference to the rights of citizens, such as Plaintiff, and were the cause of the violations of Plaintiff's rights as set forth herein.

44. Plaintiff suffered harm due to Defendants' conduct.

COUNT III
N.J.S.A. 10:6-2 – New Jersey Civil Rights Act

45. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

46. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled rights under the New Jersey Civil Rights Act. N.J.S.A. 10:6-2.

47. Plaintiff suffered harm due to Defendants' conduct.

VI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of seventy-five thousand dollars (\$75,000), plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Compensatory damages, including;
 - i. Actual damages for financial and physical injuries, including but not limited to wage loss and loss of earning capacity, attorneys fees related to the criminal defense, and emotional distress;
 - ii. Attorneys' fees and expenses, and costs of suit.
- c. Injunctive relief, including;
 - i. Monitoring and training.

WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
Matthew B. Weisberg, Esquire
Attorney for Plaintiff

Law Offices of
DANIEL B. ZONIES
1011 Eveham Road, Suite A
Voorhees, NJ 08043
(856) 429-3999
Attorney for Plaintiff

Superior Court of New Jersey
Gloucester

SEP 10 2012

FINANCE DEPARTMENT
RECEIVED-NOT FILED

CRYSTAL GARLAND,

Plaintiff,

vs.

**GLOUCESTER COUNTY, GLOUCESTER
COUNTY SHERIFF'S DEPARTMENT,
GLOUCESTER COUNTY JAIL,
TOWNSHIP OF DEPTFORD, DEPTFORD
TOWNSHIP POLICE DEPARTMENT,
JOHN DOES,**

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

GLOUCESTER COUNTY

DOCKET NO. L-1343-12

Civil Action

COMPLAINT

Plaintiff, by and through his attorney Daniel B. Zonies, says:

COUNT I

(Fourth and Fourteenth Amendment Violations)

1. Plaintiff Crystal Garland is an adult individual, residing at 130 Carver Drive, Wenonah, New Jersey.
2. Defendant Gloucester County is a governmental entity organized under the laws of the State of New Jersey, with offices at 2 South Broad Street, Woodbury, New Jersey.
3. Defendant Gloucester County Sheriff's Department is a subdivision of Gloucester County specifically charged with the maintenance and operation of the Gloucester County Correctional Center and the Sheriff's Office at 70 Hunter Street, Woodbury, New Jersey.
4. Defendant Gloucester County Jail is a subdivision of Gloucester County specifically charged with providing for the safety of the citizens of Gloucester County by removing the repetitive,

Revised 1

violent and dangerous offenders from the community and holding them within a secure detention facility at 70 Hunter Street, Woodbury, New Jersey.

5. Defendant Township of Deptford is a governmental entity organized under the laws of the State of New Jersey, with offices at 1011 Cooper Street, Deptford, New Jersey.

6. Defendant Deptford Township Police Department is a subdivision of Deptford Township specifically charged with providing professional police services with headquarters located at 1011 Cooper Street, Deptford, New Jersey.

7. Defendants John Does are officers or employees of the Gloucester County, Gloucester County Sheriff's Department, Gloucester County Jail, Township Of Deptford and/or Deptford Township Police Department, precise identities currently unknown, who collaborated with defendants as set forth below. They are sued in their individual and official capacities.

8. On or about September 12, 2010, Ms. Garland, a twenty-six year old African-American female, was arrested by the Deptford Township Police at approximately 10:15 a.m. at her residence located at 130 Carver Drive, Wenonah, NJ.

9. Following her arrest plaintiff was taken by the Deptford Police to the Deptford Police Station.

10. At the Deptford Police Station plaintiff was placed in a cell and made to strip naked by male Deptford police personnel.

11. Plaintiff was forced to remain naked in the cell, under observation of male Deptford police personnel and other persons present until Gloucester County Sheriff's officers arrived.

12. Upon their arrival, male Gloucester County Sheriff's officers ordered plaintiff out of the cell, still naked, pushed plaintiff up against the wall, and handcuffed and shackled her.

13. The Sheriff's officers then placed Plaintiff in a vehicle and drove her, naked, to the Gloucester County Jail in Woodbury, NJ.

14. Once at the prison, Plaintiff was led inside, still naked, cuffed, and shackled, to the reception area in the prison where approximately ten male Sheriff's officers were standing around.

15. Plaintiff was then made to stand there for some time in the presence of the male officers until finally some female corrections officers brought her some prison clothes.

16. Plaintiff remained incarcerated continuously from September 12, 2010 until bail was posted for her on January 14, 2011.

17. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

18. Plaintiff has rights, protected by the Fourth and Fourteenth amendments, against false, baseless and arbitrary arrest, detention, and prosecution on criminal charges, and against

arbitrary deprivations of her liberty and property, including the right to be arrested only on probable cause.

19. The actions of the defendants in this matter, in falsely and maliciously arresting plaintiff and charging her with criminal offenses, violated those rights, in that those actions were baseless, and were undertaken in a misbegotten attempt to conceal their unwarranted violation of the sanctity of plaintiff's home.

20. The actions of the defendants were taken under color of state law.

21. The actions of defendants were willful, deliberate and malicious.

22. The actions of defendants deprived plaintiff of her rights under the fourth amendment to the Constitution, and her rights under the procedural and substantive due process components of the fourteenth amendment to the Constitution.

23. As a proximate result of defendants' conduct, plaintiff has been injured in that she was deprived of those rights, was falsely arrested, charged and prosecuted without adequate basis, and was caused to suffer physical, mental and emotional distress.

24. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT II

(State Constitutional Violation under Article I, par. 7)

25. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

26. Plaintiff has rights, protected by Article I, paragraph 7 of the New Jersey state constitution, against false, baseless and arbitrary arrest, detention, and prosecution on criminal charges, and against arbitrary deprivations of her liberty and property.

27. The actions of the defendants in this matter, in falsely and maliciously charging Plaintiff with criminal offenses, violated those rights, in that those actions were baseless, and were undertaken in a misbegotten attempt to conceal their unwarranted violation of the sanctity of Plaintiff's home. Defendants' actions further interfered with Plaintiff's enjoyment of these rights by threat, interference and coercion.

28. These actions were taken under color of law.

29. As a proximate result of defendants' actions, Plaintiff was deprived of her rights under the state constitution, as set forth above, and has suffered physical, mental and emotional injury.

30. Plaintiff brings these claims directly under the New Jersey Constitution and also pursuant to N.J.S.A. 10:6-2(c).

31. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT III
(State Law - False Arrest)

32. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

33. Plaintiff was arrested, detained and charged against her will.

34. Plaintiff's arrest was without legal authority or legal justification. The charges against her were ultimately dismissed.

35. Defendants' actions in subjecting Plaintiff to arrest, detention and charge were deliberate, willful and malicious.

36. The individual defendants' actions in falsely arresting Plaintiff were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.

37. As a proximate result of defendants' actions, Plaintiff was injured in that she was subjected to false arrest and improper detention and suffered physical, mental and emotional injury.

38. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT IV
(State Law - Malicious Prosecution)

39. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

40. The criminal proceedings against Plaintiff were initiated by defendants.

41. Defendants' initiation of criminal proceedings against plaintiff was actuated by malice.

42. The criminal charges against, and prosecution of, Plaintiff were brought against her without probable cause.

43. The criminal prosecution of Plaintiff terminated favorably to Plaintiff, with a dismissal of all charges.

44. Defendants' actions in subjecting Plaintiff to arrest, detention and charge were deliberate, willful and malicious.

45. The individual defendants' actions in falsely arresting Plaintiff were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.

46. As a proximate result of defendants' actions, Plaintiff was injured in that she was subjected to false arrest and improper detention and suffered physical, mental and emotional injury.

47. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT V
(Intentional Infliction of Emotional Distress)

48. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

49. The actions of the Gloucester County Sheriff Officers and Deptford Township Police Officers in arresting Plaintiff and subjecting her to a demoralizing and unnecessary strip search, in front of several male officers and other onlookers, and subsequent transportation to Gloucester County Jail while plaintiff was still naked, were so outrageous as to shock the conscience.

50. The individual defendants' actions were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.

51. As a proximate result of defendants' actions, Plaintiff suffered serious physical, mental and emotional injury.

52. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT VI
(Battery)

53. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

54. The actions of Gloucester County Sheriff Officers and Deptford Township Police Officers in stripping, shackling and transporting plaintiff all while still naked without probable cause constituted an intentional offensive touching.

55. The individual defendants' actions were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.

56. Plaintiff suffered serious physical, mental and emotional injury as a direct result of the offensive touching.

57. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT VII (False Imprisonment)

58. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.

59. Plaintiff was restrained against her will by the unjustified and illegal actions of Gloucester County Sheriff Officers and Deptford Township Police Officers

60. Plaintiff had no reasonable means of escape from this illegal detention.

61. The individual defendants' actions were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.

62. Plaintiff suffered serious physical, mental and emotional injury as a direct result of the illegal detention.

63. WHEREFORE, plaintiff demands judgment against defendants, and each of them, for compensatory damages, costs of suit, attorney's fees, punitive damages, and such other relief as allowed by law and/or as the Court otherwise deems appropriate.

COUNT VIII (Action under 42 U.S.C. § 1983, N.J.S.A. 10:6-2, and state common law)

64. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.
65. The defendants agreed in some manner to perform acts that would deprive Plaintiff of her Federal & State constitutional rights.
66. The defendants agreed to falsely arrest, falsely imprison, maliciously prosecute, and to perform other unlawful acts.
67. The members of this conspiracy came to a mutual agreement, either express or implied, to perform acts which violated Plaintiff's constitutional rights.
68. The members of this conspiracy took step(s) in furtherance of this agreement.
69. The conspiracy was developed to deprive Plaintiff of her Federal & State constitutional Rights.
70. The actions of the individual defendants, as described above, violated Plaintiff's rights.
71. The individual defendants' actions were taken in their capacities as officials or employees of the Gloucester County Sheriff's Department and the Deptford Township Police Department, and are thereby attributable to the County and Township respectively.
72. As a proximately result of that violation, Plaintiff was injured as set forth above.
73. WHEREFORE, plaintiff demands judgment in her favor and against defendants as follows:
- a. Compensatory damages;
 - b. Punitive damages;
 - c. Attorney's fees and costs pursuant to 42 U.S.C. § 1988 & N.J.S.A. 10:6-2(f)
 - d. For all other appropriate relief.

COUNT IX
(Negligent Hiring, Retention, Training, and Supervision under 42 U.S.C. § 1983, N.J.S.A. 10:6-2, and state common law)

74. Plaintiff repeats all the preceding allegations as if fully set forth at length herein.
75. Defendants Gloucester County, Gloucester County Sheriff's Department, Gloucester County Jail, Township of Deptford, Deptford Township Police Department, had a duty to oversee the hiring, retention, supervision, and training of their employees, including the individual defendants.
-

76. The defendants negligently, or willfully and wantonly, failed to properly hire, train, and oversee the individual defendants.

77. As a proximately result of this failure, Plaintiff was injured as set forth above.

WHEREFORE, plaintiff demands judgment in her favor and against defendants as follows:

- a. Compensatory damages;
- b. Punitive damages;
- c. Attorney's fees and costs pursuant to 42 U.S.C. § 1988 & N.J.S.A. 10:6-2(f)
- d. For all other appropriate relief.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of six members as to all issues.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that DANIEL B. ZONIES, ESQUIRE, is hereby designated as trial counsel to Rule 4:25-4.

CERTIFICATION PURSUANT TO R.4:5-1

I hereby certify that to the best of my knowledge the matter in controversy is not the subject of any pending arbitration proceeding or the subject of any contemplated arbitration. I further certify that I know of no other party who should be joined in this action.

Date: 7-7-12


DANIEL B. ZONIES
Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Bonita Miranda

(b) County of Residence of First Listed Plaintiff Gloucester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

George R. Szymanski, 1370 Chews Landing Road,
Laurel Springs, NJ 08021 856-232-9828

DEFENDANTS

Kevin Clements

County of Residence of First Listed Defendant Gloucester
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	
			☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1982

VI. CAUSE OF ACTION

Brief description of cause:

Use of excessive force by police.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8/18/15

SIGNATURE OF ATTORNEY OF RECORD

George R. Szymanski

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

BONITA MIRANDA
Plaintiff,

vs.

KEVIN CLEMENTS
Defendant

Civil Action No.

COMPLAINT

Plaintiff, Bonita Miranda, by and through her attorney, George R. Szymanski, brings this civil action against the defendant and alleges as follows:

JURISDICTION AND VENUE

1. This is a federal civil rights action brought pursuant to 42 U.S.C. §§1981, 1983, 1985, 1986, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 42 U.S.C. §1988 and 28 U.S.C. §§ 1331 and 1334 (3).

2. Venue is appropriately laid in the United States Court for the District of New Jersey, Camden Vicinage, pursuant to 28 U.S.C. §1391(b), as it is the judicial district in which the claims asserted herein arose, and because all the defendants reside in this district.

PARTIES

3. The plaintiff, Bonita Miranda, is an adult individual and citizen who resides within Gloucester County at 15B East Center Street, Clayton, New Jersey 08302.

4. The defendant, Kevin Clements, is an adult individual and citizen of the State of New Jersey. He is a police officer in the Deptford Police Department and an employee of the Township of Deptford. His work address is 1011 County Road 706, Woodbury, New Jersey.

5. On August 18, 2013, the plaintiff, Bonita Miranda, was driving her motor vehicle on Clements Bridge Road in Deptford Township, New Jersey, when the defendant, Kevin Clements, a sergeant in the Deptford Township Police Department, pulled Ms. Miranda and her vehicle over to the side of the road for allegedly making an illegal lane change.

6. The plaintiff, Bonita Miranda, was seventy (70) years old at that time and a diabetic, who does not drink alcoholic beverages.

7. The defendant suspected that the plaintiff's ability to drive had been impaired due to drinking alcoholic beverages, and he ordered the plaintiff out of her car, and conducted field sobriety tests.

8. The defendant then told the plaintiff to bend over like she was diving into a pool of water.

9. The defendant then slammed her into the ground onto rocks, and continued to rough up the plaintiff and to handcuff her.

10. After she had been thrown to the ground, the plaintiff's watch was broken. Also broken was a bracelet that her husband, who had died 15 years ago, had given her.

11. The plaintiff was terrified and became hysterical. She was taken by ambulance to Inspira Medical Center in Woodbury, where she was treated for a laceration on her left knee and for extreme emotional anxiety.

12. The plaintiff was accompanied to the hospital by a friend, who had been a passenger in the plaintiff's vehicle at the time it was stopped by the defendant.

13. The plaintiff's friend demanded that the nursing staff perform a blood alcohol test on the plaintiff to prove her innocence of driving while impaired. The hospital administered this blood test, and it showed that there was no alcohol in the plaintiff's system.

14. At all times relevant hereto, the defendant acted under the color of state law and within the course of his employment as a police officer for Deptford Township.

15. The actions of the defendant constituted the use of excessive force, which was a violation of the plaintiff's constitutional and civil rights and 42 U.S.C. §1983.

WHEREFORE, the plaintiff, Bonita Miranda, demands judgment against the defendant for such damages as will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as interest, attorney fees and costs of suit.

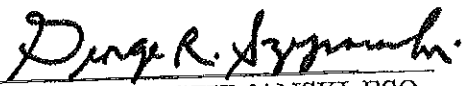
DEMAND FOR JURY TRIAL

The plaintiff demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

George R. Szymanski is designated as trial counsel for the plaintiff.

LAW OFFICES OF GEORGE R. SZYMANSKI

BY: 
GEORGE R. SZYMANSKI, ESQ.
1370 Chews Landing Road
Laurel Springs, NJ 08021
856-232-9828 – phone
856-232-9830 – fax
szymanskilaw@comcast.net - email
Attorney for Plaintiff

Dated: August 18, 2015

LAW OFFICES OF GEORGE R. SZYMANSKI
BY: George R. Szymanski, Esquire
1370 Chews Landing Road
Laurel Springs, New Jersey 08021
(856) 232-9828
Attorney for Plaintiff

CC
St. J. J. J.
H. J. J.
Chief
Clerk

JEFFREY POPIOLEK

Plaintiff,

vs.

TOWNSHIP OF DEPTFORD,
OFFICER SANDRA REID,
OFFICER TODD GRAVES,
OFFICER IAN MCSHANE,
OFFICER FRANK NEWKIRK,
OFFICER DANIEL MURPHY,
JAMES STEFFEN,
STEPHANIE GUTHRIE-KLINE,
ERIC COYLE,
CHRISTOPHER BROOMALL

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY

DOCKET NO.: L-1761-14

SUMMONS

FROM THE STATE OF NEW JERSEY
TO THE DEFENDANT(S) NAMED ABOVE: TOWNSHIP OF DEPTFORD

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. If you dispute this Complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you receive this Summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the Complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee of \$175.00 for Law or Chancery Division payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to the plaintiff's attorney whose name address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with filing fee of \$175.00 for Law Division and \$175.00 for

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attus Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALAM COUNTY:
Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-3882
LEGAL SERVICES
(973) 383-7400

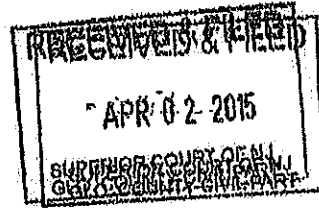
UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

LAW OFFICES OF GEORGE R. SZYMANSKI
BY: George R. Szymanski, Esquire
1370 Chews Landing Road
Laurel Springs, New Jersey 08021
(856) 232-9828
Attorney for Plaintiff



JEFFREY POPIOLEK

Plaintiff,

vs.

TOWNSHIP OF DEPTFORD,
OFFICER SANDRA REID,
OFFICER TODD GRAVES,
OFFICER IAN MCSHANE,
OFFICER FRANK NEWKIRK,
OFFICER DANIEL MURPHY,
JAMES STEFFEN,
STEPHANIE GUTHRIE-KLINE,
ERIC COYLE,
CHRISTOPHER BROOMALL

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY

DOCKET NO.: L-1761-14

AMENDED COMPLAINT

1. The plaintiff, Jeffrey Popiolek, is an adult individual and a citizen of the state of New Jersey, who resides within Gloucester County at 741 Maple Road, Deptford, New Jersey 08096.

2. The defendant, Township of Deptford, is a municipal entity and a government subdivision of the State of New Jersey, located within Gloucester County, with its principal office located at 1011 County Road 706, Woodbury, New Jersey.

3. The defendant, Officer Sandra Reid (#5191), is an adult individual and a citizen of the State of New Jersey. She is a police officer in the Deptford Police Department, and an employee of the Township of Deptford. Her work address is 1011

10. The defendant, Eric Coyle, is an adult individual and a citizen of the State of New Jersey, residing within Salem County at 10 Zane Street, Pennsville, New Jersey 08070.

11. The defendant, Christopher Broomall, is an adult individual and a citizen of the State of New Jersey, residing within Gloucester County at 402 Redbud Lane, Mantua, New Jersey 08051.

12. On December 15, 2012, at approximately 11:00 p.m., the defendant, Christopher Broomall, drove the defendants, James Steffen, Stephanie Guthrie-Kline and Eric Coyle, to the home of the plaintiff, Jeffrey Popiolek, located at 741 Maple Road, Deptford, New Jersey 08096.

13. The defendants, James Steffen, Stephanie Guthrie-Kline and Eric Coyle, entered the home of Jeffrey Popiolek without permission, and they proceeded to beat up the plaintiff, Jeffrey Popiolek, and destroy and vandalize property in his house.

14. The Deptford Township Police Department was contacted about this home invasion, and Officer Sandra Reid and Sergeant Ian McShane arrived at the scene of the crime, which was at the house of Jeffrey Popiolek.

15. Officer Reid and Sergeant McShane observed the injuries of Jeffrey Popiolek and the extensive damage to his house, and even though they interviewed Louise Steffen, an eyewitness to the beating of Jeffrey Popiolek and to the damage to his home, Officer Reid and Sergeant McShane did not arrest the defendants, James Steffen, Stephanie Guthrie-Kline, Eric Coyle and Christopher Broomall ("non-police defendants") for the criminal burglary, vandalism, and assault of Jeffrey Popiolek in his house. In fact, the aforesaid Deptford police defendants never arrested or charged the non-police defendants

for the crimes which the non-police defendants had committed at the home of Jeffrey Popiolek.

16. The other Deptford police defendants, Detective Todd Graves, Detective Sergeant Frank Newkirk and Police Chief Daniel Murphy, all had information concerning the invasion of the home of Jeffrey Popiolek and the beating of Jeffrey Popiolek by the non-police defendants, and yet, they also did not arrest or charge the non-police defendants with any crimes.

COUNT ONE

17. The defendants, James Steffen, Stephanie Guthrie-Kline, Eric Coyle, and Christopher Broomall, conspired to assault and batter the plaintiff, Jeffrey Popiolek, and to damage the interior of the plaintiff's home.

18. The defendants, James Steffen, Stephanie Guthrie-Kline, and Eric Coyle, committed civil assault and battery upon the body of the plaintiff, Jeffrey Popiolek, and they damaged portions of the interior of the plaintiff's home.

COUNT TWO

19. The Deptford Township Police Department defendants, Roid, McShane, Graves, Murphy, and Newkirk, violated the civil and constitutional rights of the plaintiff, Jeffrey Popiolek, by depriving Mr. Popiolek of the equal protection of the law and by violating the plaintiff's substantive and procedural due process rights, by refusing to arrest the non-police defendants and by failing to charge them with the crimes they perpetrated against the plaintiff, thus creating a cause of action for Jeffrey Popiolek against the said defendants for violation of 42 U.S.C. §1983.

20. The police defendants were recklessly indifferent to the rights and safety of the plaintiff, Jeffrey Popiolek.

21. The non-police defendants, James Steffen, Stephanie Guthrie-Kline, Eric Coyle, and Christopher Broomall, knew that if they invaded the home of Jeffrey Popiolek and battered Mr. Popiolek, they would not be arrested by the Deptford Township Police Department.

22. The confidence of the said non-police defendants in their belief that they could invade the home of Jeffrey Popiolek and beat up Mr. Popiolek without being arrested or charged with crimes by the Deptford Township Police Department created a zone of danger for Mr. Popiolek, which was a proximate cause of Mr. Popiolek's injuries and the damage to Mr. Popiolek's house at the hands of the non-police defendants. This constituted a violation of the plaintiff's constitutional and civil rights and 42 U.S.C. §1983.

COUNT THREE

23. The police department of Gloucester Township had a practice of tacitly approving the use of excessive force against members of the public that was so widespread and well-settled that it constituted a standard operating procedure of Gloucester Township.

24. This practice of tacitly approving the use of excessive force came about to a substantial degree as a result of the defendant, Township of Gloucester, inadequately training and supervising its police officers with regard to the use of force against members of the public.

25. The failure of the Gloucester Township Police Department and of the Township of Gloucester to adequately train and adequately supervise its police officers in the use of force against members of the public amounted to deliberate indifference to the

rights and safety of the plaintiff herein, as the Gloucester Township Police Department and the Township of Gloucester knew that its police officers would confront the situation wherein its police officers might have to use adequate force for a legitimate reason against a member of the public; that this situation involved a difficult choice for its police officers and that its officers had a history of mishandling this situation; and that a wrong choice by a Gloucester Township police officer in that situation would only cause a deprivation of a person's rights.

WHEREFORE, the plaintiff, Jeffrey Popiolek, demands judgment against the defendants for such damages as will reasonably and properly compensate him in accordance with the laws of the State of New Jersey, including punitive damages, together with interest and costs of suit.

DESIGNATION OF TRIAL COUNSEL

George R. Szymanski is designated as trial counsel for the plaintiff.

JURY TRIAL DEMAND

Plaintiffs request a trial by a jury.

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned hereby certifies that the above action is not the subject of any other pending lawsuit or arbitration proceeding. There are no other persons interested in the above action who have not been made a party to said action.

LAW OFFICES OF GEORGE R. SZYMANSKI

BY: *George R. Szymanski*
GEORGE R. SZYMANSKI, ESQ.
Attorney for Plaintiff

Dated: February 13, 2015

Chancery Division and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling 856-482-0618, the Lawyer Referral Service.

DATED: April 8, 2015

Jennifer M. Perez

Jennifer M. Perez

ACTING CLERK OF THE SUPERIOR
COURT

Name of Defendant to be served:
Address of the Defendant to be Served:

Township of Deptford
c/o Dina Zawadski
1011 Cooper Street
Deptford, NJ 08096

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 343-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862

LEGAL SERVICES

(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 482-0618

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 696-5550

LEGAL SERVICES

(856) 691-0494

ESSEX COUNTY:

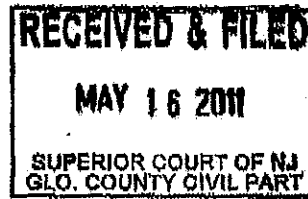
Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204

LEGAL SERVICES

(973) 624-4500



John Postlewait
Name

725d Rutland St.
Address

Phila. p.d. 19149
Telephone Number

John Postlewait
Plaintiff

v.

DAVID HURBERT
Defendant (s)

Superior Court of New Jersey
Law Division Gloucester County
Docket No L-891-11
(to be filled in by the court)

CIVIL ACTION
Complaint

Plaintiff, John Postlewait, residing at
(your name)
725d Rutland St City of Philadelphia
(your address) 19149 (your city or town)
County of _____
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On 2/11, 2011, DAVID HURBERT, Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

I was falsely charged on 2/11/2011 By Dept Ford
Police officer (Because of these FALSE charges I
am unable to find work in my chosen profession the
charges are on a NIS DMV Report (Suspended suspension
He also Assulted me it was unprovoked.
(It resulted in my Being Incarcerated)

Address unknown

The defendant in this action resides at Deptford Police Station Cooper St
Deptford N.J.
(defendant's address)

In the County of 0, State Of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:

(list each item of damage and injury).

1. Filed False charges (Because David Hubert is a police officer I feel that unless a jury hear my case it won't be a fair hearing)
2. Assault Assault
3. When An Employer pull's my D.M.V. Report (He Reads) The D.M.V. Has suspended suspension for the False charges DAVID Hubert filed, He Knowingly Lied on a Report (He Has Lied Repeatedly).

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 5/9/2011

Signature: John Patterson

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BRITTANY STARZI

Plaintiff,

v.

DEPTFORD TOWNSHIP

and

DEPTFORD
TOWNSHIP POLICE DEPARTMENT

and

SGT. KEVIN CLEMENTS

Defendants.

CIVIL ACTION NO.

CIVIL ACTION

COMPLAINT AND JURY DEMAND

COMPLAINT

Plaintiff Brittany Starzi, by and through her attorney, Emeka Igwe, Esq., brings this civil action against Defendants, Deptford Township, Deptford Township Police Department, and Sgt. Kevin Clements, individually and in his official capacity as Police Officer in Deptford Township.

JURISDICTION AND VENUE

1. This is a federal civil rights action brought pursuant to 42 U.S.C. §§1981, 1983, 1985, 1986, 1988 and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§1331 and 1343.
2. Venue is appropriately laid in the United States Court for the District of New Jersey pursuant to 28 U.S.C. §1391(b).

PARTIES

3. Plaintiff Brittany Starzi ("Plaintiff"), is an adult individual and citizen of the State of New Jersey who resides within Deptford Township at 10 Moore Avenue, Westville, New Jersey 08093.
4. Defendant Deptford Township ("Township"), is a municipal corporation duly incorporated and authorized under the laws of the State of New Jersey.
5. Defendant Deptford Township Police Department ("Police Department"), is a police department in Deptford Township, New Jersey, which acts as the agent of Township in the area of law enforcement and for which it is ultimately responsible. The Township assumes the risks incidental to the maintenance of its Police Officers and the employment of its police officers.
6. Defendant Sgt. Kevin Clements ("Sgt. Clements"), is an adult individual and citizen of the State of New Jersey. Defendant Clements is a police officer in the Deptford Police Department and an employee of Deptford Township.

FACTS

7. On March 8, 2018, at approximately 2:17 a.m., Plaintiff was a patron of Nipper's Pub, when Sgt. Clements entered the bar with another uniformed officer to remove unwanted bar patrons.
8. Sgt. Clements approached Plaintiff, yelled at her to exit the bar, and pushed her toward the exit.
9. Sgt. Clements without provocation or justification, brutally assaulted Plaintiff by punching Plaintiff in her face.

10. Plaintiff was knocked to the ground by the force of Sgt. Clements' punch and sustained severe and permanent injuries from both the initial punch and the subsequent fall to the ground.

11. Following the assault, Sgt. Clements unlawfully arrested Plaintiff and transported Plaintiff to Deptford Township Police Department where she was processed and charged with aggravated assault of an officer and other related charges.

12. Upon Plaintiff's release, she was transported from Deptford Township Police Department to a nearby hospital.

13. Plaintiff was treated for multiple severe and permanent injuries including, but not limited to several facial contusions, a broken nose, deviated septum, and concussion.

14. Plaintiff has had to undergo surgery for the damage to her nose and will have to undergo further surgery on her nose due to the severe damage.

15. On April 3, 2019, all charges against Plaintiff stemming from her arrest on March 18, 2018 were dismissed.

COUNT I
SECTION 1983 CLAIM
UNREASONABLE AND EXCESSIVE FORCE

16. Plaintiff incorporates the allegations contained in Paragraphs 1-15 of the Complaint as if more fully set forth herein.

17. Sgt. Clements' unlawful, careless, negligent, and reckless acts of assault and the use of unreasonable and excessive force showed deliberate indifference to the safety and well-being of Plaintiff.

18. By his conduct, Sgt. Clements deprived Plaintiff of her right to be free from excessive and unreasonable use of force under the Fourth and Fourteenth Amendment of the United States Constitution.

19. As a direct and proximate result of Sgt. Clements' misconduct and abuse of authority detailed herein, Plaintiff sustained severe and permanent physical and psychological injuries.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as punitive damages, attorney's fees, interest and costs of suit, and any other relief as the Court deems just and equitable.

COUNT II
ASSAULT AND BATTERY

20. Plaintiff incorporates the allegations contained in Paragraphs 1-19 of the Complaint as if more fully set forth herein.

21. Sgt. Clements without provocation or justification, punched Plaintiff causing her to sustain several facial contusions, a concussion, broken nose, and deviated septum.

22. Plaintiff was punched with such force that she was knocked to the ground sustaining further injury.

23. Sgt. Clements was acting in his individual and official capacity as a Deptford Township Police Officer and, within the scope of his employment, committed an unlawful and unwarranted assault and battery upon Plaintiff.

24. The unjustified attack on Plaintiff caused her to sustain serious and permanent injuries and was the direct and proximate result of Sgt. Clements' misconduct.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as punitive damages, attorney's fees, interest and costs of suit, and any other relief as the Court deems just and equitable.

COUNT III
NEGLIGENT AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

25. Plaintiff incorporates the allegations contained in Paragraphs 1-24 of the Complaint as if more fully set forth herein.

26. Defendants negligently caused severe emotional distress to the Plaintiff by their extremely negligent actions and breach of their duty of care, including but not limited to engaging in and/or allowing a senseless physical attack upon the person of the Plaintiff which lead to severe physical injuries.

27. Defendants acted unlawfully and recklessly with deliberate disregard of a high degree of probability that emotional distress would follow. Defendants' conduct was extreme and so outrageous in character and degree as to go beyond all bounds of decency.

28. As a direct and proximate result of the Defendants' extremely negligent, reckless, and indifferent conduct, Plaintiff suffered severe pain, emotional distress, and mental anguish as the result of being assaulted.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as punitive damages, attorney's fees, interest and costs of suit, and any other relief as the Court deems just and equitable.

COUNT IV
NEGLIGENT HIRING, TRAINING, AND SUPERVISION

29. Plaintiff incorporates the allegations contained in Paragraphs 1-28 of the Complaint as if more fully set forth herein.
30. The use of excessive force used on Plaintiff by Sgt. Clements was not an isolated incident. It was the direct result of systemic deficiencies in the training, supervision, and discipline of Defendants Deptford Township and Police Department's employees, including Sgt. Clements.
31. Defendants Township and Police Department developed, implemented, enforced, and sanctioned a pattern, practice, and/or policy of the use of unreasonable and excessive force on individuals.
32. Officers, including Sgt. Clements, have a systematic and documented history of aggressive police practices, including the use of excessive force against the public, unlawful arrests, and malicious prosecution.
33. In the past ten (10) years there have been numerous complaints of civil rights violations, including the use of excessive force, filed against Defendant Township through its Police Department, including Sgt. Clements.
34. Defendants Township and Police Department engaged in a policy, custom, and practice of inadequate screening, hiring, retaining, training, and supervising its employees, which was the moving force behind the violation of Plaintiff's rights described herein.
35. Defendants Township and Police Department failure to properly screen, hire, retain, supervise its employees, and remedy constitutional violations by its officers, including Sgt. Clements, was the moving force behind the violation of Plaintiff's rights described herein.

36. Defendants Township and Police Department authorized and condoned Sgt. Clements' conduct and have been indifferent to the illegal conduct complained of herein.

37. The foregoing pattern, practice, and/or policy of the use of unreasonable and excessive force constitute deliberate indifference to the safety, well-being, and constitutional rights of Plaintiff and was the direct and proximate cause of the constitutional violations suffered by Plaintiff.

38. Defendants Township and Police Department failed to impose discipline or investigate misconduct on the part of its Police Officers, including Sgt. Clements, prior to and including in this case, despite actual and constructive notice that Sgt. Clements engaged in a habit and pattern of using excessive force.

39. Defendants Township and Police Department were negligent and/or reckless in its hiring and retention of Police Officers, including Sgt. Clements.

40. All of the acts herein committed by Sgt. Clements for which liability is claimed were conducted in his individual capacities and were done unlawfully, maliciously, wantonly, recklessly, with deliberate indifference, negligently, and/or with bad faith.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as punitive damages, attorney's fees, interest and costs of suit, and any other relief as the Court deems just and equitable.

COUNT V
VIOLATIONS OF NEW JERSEY CIVIL RIGHTS ACT

41. Plaintiff incorporates the allegations contained in Paragraphs 1-40 of the Complaint as if more fully set forth herein.

42. Defendants are "persons" within the definition of the New Jersey Civil Rights Act N.J.S.A. 10:6-2 et. seq. and required to act pursuant to the requirements expressed herein.

43. Defendants acted unconstitutionally in their attack upon Plaintiff. Defendants policies were established by the municipality and/or officials appointed by the municipality and delegated with express authority to make, adopt, and enforce policies, rules, orders, and regulations.

44. By attacking Plaintiff, Defendants deprived Plaintiff of her rights, privileges, or immunities secured by the United States Constitution and violated Plaintiff's Equal Protection rights, N.J.S.A 10:6-2, and clear established law in the State of New Jersey.

45. Defendants, acting under the color of statute, ordinance, reputation, custom, and usage have deprived and caused Plaintiff to be subjected to the deprivations of her rights, privileges, and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including her right to liberty, her right to be secure as a person against excessive use of force, and her right to freedom or association secured to her by the New Jersey State Constitution.

46. Defendants, acting under the color of law, unlawfully deprived Plaintiff of her civil rights by, inter alia, seizing her, using excessive force against her, failing to intervene to prevent the unlawful acts against her, and failing to properly hire, train, retain, and supervise police officers.

47. Defendants' acts were done in knowing violation of Plaintiff's legal and constitutional rights and have caused Plaintiff injuries, including physical injury, humiliation, mental pain and suffering, and emotional distress.

48. Defendants' deprivation of Plaintiff's civil rights violates the New Jersey Constitution and gives rise to Plaintiff's claims for redress under N.J.S.A. 10:6-1 et. seq.

49. Defendant Township is directly liable for the acts of its Police Officers in the performance of their duties under the color of state, county, and municipal law.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will reasonably and properly compensate her in accordance with the laws of the State of New Jersey, as well as punitive damages, attorney's fees, interest and costs of suit, and any other relief as the Court deems just and equitable.

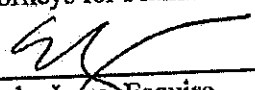
DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE Plaintiff demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE attorney Emeka Igwe is hereby designated as trial counsel in the above-captioned litigation for the Igwe Firm.

THE IGWE FIRM
Attorneys for Plaintiff



Emeka Igwe Esquire

DATED: October 24, 2019

cc
4/27
mfw
Chif
P. J. Lane
G. Jones

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: November 22, 2016

/s/ Michelle M. Smith

Michelle M. Smith,
Clerk of the Superior Court

Name of Defendant to Be Served: **Deptford Township Police Department**

Address of Defendant to Be Served: **1011 Cooper Street
Deptford, NJ 08096**

GLOUCESTER COUNTY COURTHOUSE
GLOUCESTER COUNTY CIVIL DIVISION
1 NORTH BROAD ST
WOODBURY NJ 08096

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 853-3232
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 23, 2016
RE: THOMAS VS EMMONS
DOCKET: GLO L -001452 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON DAVID W. MORGAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 102
AT: (856) 853-3454.

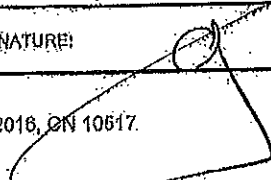
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ANTHONY GRANATO
JARVE KAPLAN GRANATO STARR LLC
SUITE 204
401 ROUTE 73 NORTH
MARLTON NJ 08053-3426

JUHHEWO

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		Use for Initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i> , if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ OK ☐ CG ☐ OA CHG/OK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME Anthony Granato, Esq.		TELEPHONE NUMBER (856) 236-9500		COUNTY OF VENUE Gloucester
	FIRM NAME (if applicable) Jarve Kaplan Granato Starr, LLC		RECEIVED & FILED		DOCKET NUMBER (when available) <i>CGL-1-1452-16</i>
	OFFICE ADDRESS 10 Lake Center Executive Park 401 Rt. 78 North, Suite 204 Marlton NJ 08053		NOV 29 2016		DOCUMENT TYPE Complaint
NAME OF PARTY (e.g., John Doe, Plaintiff) Shamara Thomas		CAPTION SHAMARA THOMAS v. DANIELLE L. EMMONS, et. al.			
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A -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 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 508 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 610 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 166 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 509 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLIMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

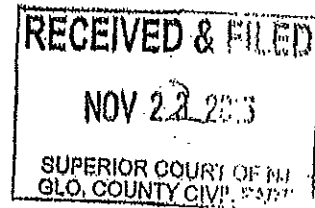
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

JARVE KAPLAN GRANATO STARR, LLC
ANTHONY GRANATO, ESQUIRE
ATTY ID#043631987
10 Lake Center Executive Park
401 Route 73 North, Suite 204
Marlton, NJ 08053
(856) 235-9500/Fax (856) 235-1620
Attorneys for Plaintiff



SHAMARA L. THOMAS

Plaintiff,

v,

OFFICER DANIELLE L. EMMONS;
DEPTFORD TOWNSHIP; DEPTFORD
TOWNSHIP POLICE DEPARTMENT,
and JOHN DOE and/or JOHN DOE
CORPORATION 1-10 (John Doe and/or
John Doe Corporation 1-10 being
fictitious names), i/j/s/a.

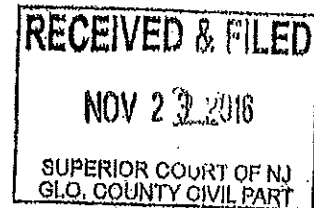
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
GLOUCESTER COUNTY

DOCKET NO.: GLO-L-145-16

CIVIL ACTION

COMPLAINT AND
JURY TRIAL DEMAND



Plaintiff, Shamara L. Thomas, is an adult individual and citizen of the State of New Jersey herein avers as follows:

1. Plaintiff, Shamara L. Thomas (hereinafter, "Plaintiff Thomas") at all times relevant hereto was/is an adult individual, citizen and resident of the State of New Jersey, residing at residing at 220 West Branch Avenue, Apartment 1720, Pine Hill, New Jersey.
2. Defendant, Officer Danielle L. Emmons (hereinafter, "Defendant Emmons"), is a police officer who was at the time of the incident herein alleged, employed by Defendants Deptford Township and Deptford Township Police Department.
3. Defendant Deptford Township Police Department (hereinafter "Defendant Deptford Police") is a public entity owned and operated by Deptford Township which provides

police services to the community, and which maintains its principal place of business at 1011 Cooper Street, Deptford, New Jersey.

4. Defendant, Deptford Township is a local governmental body which owns, operates, and/or is responsible for the oversight and operation of Defendant Deptford Police and its employees, including the Defendant Emmons, which maintains its principal place of business at 1011 Cooper Street, Deptford, New Jersey.
5. At all times relevant hereto, Defendant John Doe and/or John Doe Corporation 1-10 (John Doe and/or John Doe Corporation 1-10 being fictitious names), were individuals who were associated with and/or participated in the investigation and charging of the Plaintiff of the crime that is the basis of this complaint.
6. On November 28, 2014, Plaintiff Thomas was charged by the Defendants Emmons, and Deptford Police with volunteering false information to a law enforcement officer.
7. Plaintiff Thomas was not the individual who allegedly provided false information to the Deptford Township Police.
8. The arrest was based solely upon a false address given to Defendant Emmons and Deptford Township Police by another individual, who advised that her name was "Karen Johnson."
9. The individual who allegedly provided false information to the police identified herself as "Karen Johnson," with a date of birth of 9/15/1983, residing at 220 W. Branch, Apt. 1720, Pinehill, New Jersey, which is Plaintiff Thomas' address; but not Plaintiff Thomas' date of birth. Charges were made against Plaintiff Thomas based solely on the address registered with the Department of Motor Vehicles.
10. Despite the fact that a face-to-face interview with Plaintiff Thomas would have shown

that Plaintiff was not the person who provided false information to Defendants Emmons and Deptford Police, the Defendant's failed to conduct an investigation and the charge of volunteering false information to a law enforcement officer was made.

11. All charges were dismissed, because they were baseless.
12. As a result of the failure of Defendants to properly investigate the matter, Plaintiff Thomas was wrongfully charged and subject to prosecution, and was caused to incur substantial costs, expenses, and inconveniences, and to suffer emotional and psychological trauma as a result of the wrongful charge.

COUNT I

PLAINTIFF SHAMARA THOMAS V. ALL DEFENDANTS

NEGLIGENCE

13. The allegations set forth above are hereby incorporated herein as though fully set forth at length.
14. Defendants Emmons, Deptford Township, and Deptford Police Department acted in a careless and negligent fashion by not properly investigating the claims and following up with the individual residing at the address provided by Karen Johnson, namely, Plaintiff Thomas.
15. As above, despite the fact that a simple interview with the Plaintiff would have revealed that Plaintiff was not the person who provided false information to Defendants Emmons and Deptford Police an adequate investigation was not performed.
16. In fact, no investigation was conducted and the charge for volunteering false information to a law enforcement officer was made.

17. Defendants Emmons, Deptford Township, and Deptford Police acted in a careless and negligent fashion by requesting that a complaint be signed and by signing a complaint against Plaintiff Thomas without sufficient evidence, information, or belief that Plaintiff Thomas was the individual who provided false information to a law enforcement officer.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Emmons, Deptford Township, and Deptford Police the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

COUNT II

PLAINTIFF SHAMARA L. THOMAS V. ALL DEFENDANTS

VIOLATION OF THE NEW JERSEY STATE CONSTITUTION AND THE NEW JERSEY CIVIL RIGHTS ACT

18. All of the allegations set forth above are hereby incorporated herein by reference as though fully set forth at length.

19. Defendant Deptford Police, by and through its agents, servants, and/or employees including Defendant Emmons were responsible for the charge and/or prosecution of Plaintiff Thomas in the criminal matter as indicated.

20. The defendants failed to properly investigate the charge.

21. As noted above, despite the fact that a simple face-to-face interview with Plaintiff Thomas would have shown that Plaintiff was not the person who provided false information to Defendants Emmons and Deptford Police, no further investigation was conducted and the charge for volunteering false information to a law enforcement officer was made.

22. Defendant Deptford Township was responsible, in whole or in part, for the actions/inactions of Defendant Deptford Police, Defendant Emmons, and in particular, with regard to the charge and prosecution of Plaintiff Thomas.

23. The Defendant Emmons initiated the allegations against Plaintiff and swore out complaint against Plaintiff Thomas. The Defendants acted in concert to charge and prosecute the Plaintiff.

24. The unjustified charge and prosecution of Plaintiff Thomas violated the rights of the Plaintiffs guaranteed by the New Jersey Civil Rights Act and the Constitution of the State of New Jersey.

25. As a result of Defendants' actions/inactions, Plaintiff Thomas was unjustly charged and prosecuted, and was caused to incur substantial costs, expenses, and inconveniences, suffer damage to her character and reputation, and endure emotional and psychological trauma for which she has required treatment and counseling.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Emmons, Deptford Township, and Deptford Police the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

COUNT III

PLAINTIFF SHAMARA L. THOMAS v. DEFENDANTS DEPTFORD POLICE DEPARTMENT AND DEPTFORD TOWNSHIP

VICARIOUS LIABILITY AND RESPONDEAT SUPERIOR UNDER THE NEW JERSEY CONSTITUTION AND THE NEW JERSEY CIVIL RIGHTS ACT

26. All of the allegations set forth above are hereby incorporated herein by reference as though fully set forth at length.

27. The agents, servants, and/or employees of Defendants Deptford Police and Deptford Township, acted to deprive Plaintiff of her rights under the New Jersey Constitution and the New Jersey Civil Rights Act, in that they had her charged and prosecuted without reasonable and probable cause, and such actions/inactions are imputed to the Defendants Deptford Police and Deptford Township, who are therefore vicariously responsible for the actions of their servants, agents, workmen and employees.

28. Plaintiff Thomas was caused to incur substantial costs, expenses, and inconveniences, suffer damage to her character and reputation, and endure emotional and psychological trauma for which the Defendants are responsible based on vicarious liability and *Respondeat Superior* pursuant to the New Jersey Constitution and the New Jersey Civil Rights Act.

WHEREFORE, the Plaintiff Demands a money judgment against Defendants Deptford Township, and Deptford Police the John Doe Defendant jointly, and/or severally, for damages, punitive damages, costs, and interest and attorney fees and all other appropriate relief.

JARVE KAPLAN GRANATO STARR, LLC

Dated: November 22, 2016

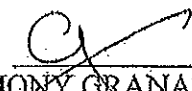
By: 
ANTHONY GRANATO
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

JARVE KAPLAN GRANATO STARR, LLC

Dated: November 22, 2016

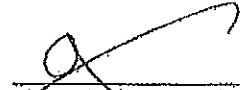
By: 
ANTHONY GRANATO
Attorney for Plaintiff

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Anthony Granato, Esquire is hereby designated as trial counsel in the above matter.

JARVE KAPLAN GRANATO STARR, LLC

Dated: November 22, 2016

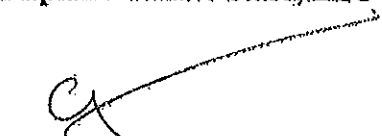
By: 
ANTHONY GRANATO
Attorney for Plaintiff

NOTICE PURSUANT TO RULE 1:7-1a (b)

PLEASE TAKE NOTICE that, to the extent applicable, Plaintiff(s) may, at the time of closing argument, suggest to the trier of the fact with respect to any element of damages, that unliquidated damages be calculated on a time-unit basis, without reference to the specific sum.

Jarve Kaplan Granato Starr, LLC

Dated: November 22, 2016

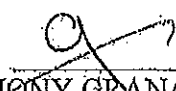
By: 
ANTHONY GRANATO
Attorney for Plaintiff

DEMAND FOR COMPLIANCE WITH NEW JERSEY
COURT RULES 1:5-1(a) and 4:17-4(c)

PLEASE TAKE NOTICE that the undersigned attorney, counsel for Plaintiff(s), hereby demands, pursuant to the provisions of R. 1:5 (a) and R. 4:17-4 (c), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories and responses thereto the undersigned.

Jarve Kaplan Granato Starr, LLC

Dated: November 22, 2016

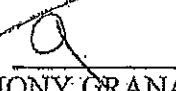
By: 
ANTHONY GRANATO
Attorney for Plaintiff

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1 and R. 4:10-2, Plaintiff(s) demand(s) of Defendant(s) Answers to Interrogatories prescribed by Form "C", Form "C1" and all other relevant forms in the Appendix to the New Jersey Court Rules.

Jarve Kaplan Granato Starr, LLC

Dated: November 22, 2016

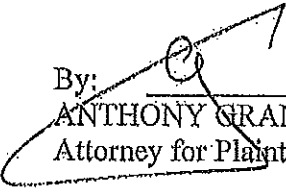
By: 
ANTHONY GRANATO
Attorney for Plaintiff

CERTIFICATION PURSUANT TO RULE 4:5-1

The matter in controversy is not the subject of any other known pending action in any Court or of a known pending arbitration proceeding. There are no other parties known who should be joined in this action.

JARVE KAPLAN GRANATO STARR, LLC

Dated: November 22, 2016

By: 

ANTHONY GRANATO
Attorney for Plaintiff