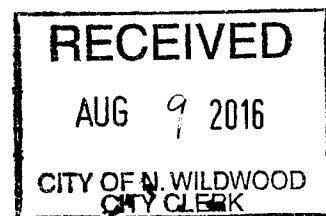


UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**CASEY J JANOWSKI,**
Plaintiff

V.

SUMMONS IN A CIVIL CASE**CITY OF NORTH WILDWOOD, ET AL.,**
Defendant

CASE NUMBER: 1:16-CV-04464-RMB-JS

TO: *(Name and address of Defendant):*City Clerk
City of North Wildwood
901 Atlantic Avenue
North Wildwood, New Jersey 08260

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK**Ryan Merrigan**
(By) DEPUTY CLERKISSUED ON 2016-07-25 09:20:59, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(1)	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 _____		

Case 1:16-cv-04464-RMB-JS Document 1-2 Filed 07/22/16 Page 1 of 2 PageID: 25

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Attorneys for Plaintiff, Casey J. Janowski

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CASEY J. JANOWSKI,

Plaintiff,

v.

CITY OF NORTH WILDWOOD; NORTH
WILDWOOD POLICE CHIEF MATTHEW
GALLAGHER, in his official and individual
capacity; NORTH WILDWOOD SERGEANT
KEITH MCGEE, in his official and individual
capacity; JOHN DOES 1-10, UNKNOWN NAMED
SUPERVISORS, DECISION-MAKERS, AGENTS,
OR EMPLOYEES OF CITY OF NORTH
WILDWOOD, in their official and individual
capacities,

Defendants.

Civil Action No.:

**LOCAL CIVIL RULE 11.2
CERTIFICATION**

Pursuant to Local Civil Rule 11.2, Plaintiff Casey J. Janowski, through his undersigned counsel, hereby certifies that the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding and that no such action, arbitration, or proceeding is presently contemplated.

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Respectfully submitted,
**MCÉLROY, DEUTSCH, MULVANEY & CARPENTER,
LLP**

By: /s/ Robert C. Scrivo

Dated: July 22, 2016

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CASEY J. JANOWSKI,

Plaintiff,

v.

CITY OF NORTH WILDWOOD; NORTH
WILDWOOD POLICE CHIEF MATTHEW
GALLAGHER, in his official and individual
capacity; NORTH WILDWOOD SERGEANT
KEITH MCGEE, in his official and individual
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SUPERVISORS, DECISION-MAKERS, AGENTS,
OR EMPLOYEES OF CITY OF NORTH
WILDWOOD, in their official and individual
capacities,

Defendants.

Civil Action No.:

**LOCAL CIVIL RULE 201.1(d)
CERTIFICATION**

ROBERT C. SCRIVO, of full age, certifies and states as follows:

The damages recoverable in this action exceed the sum of \$150,000, exclusive of interest and costs and any claim for punitive damages.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct.

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Respectfully submitted,
**MCÉLROY, DEUTSCH, MULVANEY & CARPENTER,
LLP**

By: /s/ Robert C. Scrivo

Dated: July 22, 2016

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CASEY J. JANOWSKI,

Plaintiff,

v.

CITY OF NORTH WILDWOOD; NORTH
WILDWOOD POLICE CHIEF MATTHEW
GALLAGHER, in his official and individual
capacity; NORTH WILDWOOD SERGEANT
KEITH MCGEE, in his official and individual
capacity; JOHN DOES 1-10, UNKNOWN NAMED
SUPERVISORS, DECISION-MAKERS, AGENTS,
OR EMPLOYEES OF CITY OF NORTH
WILDWOOD, in their official and individual
capacities,

Defendants.

Civil Action No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Plaintiff, CASEY J. JANOWSKI, by and through his attorneys, McElroy, Deutsch, Mulvaney & Carpenter, LLP, hereby brings this action under 42 U.S.C. § 1983 to redress his civil and legal rights, and alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action in which the plaintiff Casey J. Janowski seeks relief for the defendants' violations of his rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, by the United States Constitution, including its Fourth and Fourteenth Amendments, and

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by the Constitution of the State of New Jersey. Plaintiff seeks compensatory and punitive damages, an award of costs, interest and attorneys' fees, and such other relief as this Court deems just and proper.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343, this being an action seeking redress for the violation of Plaintiff's constitutional and civil rights.

3. Plaintiff further invokes this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over any and all state law claims and as against all parties that are so related to the claims in this action within the original jurisdiction of this Court that they form part of the same case or controversy.

4. Venue in this District is proper under 28 U.S.C. § 1391(b) and (c) in that the events or omissions giving rise to this claim occurred within the boundaries of the District of New Jersey and all of the defendants reside or are located in the District of New Jersey.

PARTIES

5. At all times relevant to this action, Plaintiff Casey J. Janowski was a resident of Onondaga County, New York and was attending college at Saint Joseph's University in Philadelphia, Pennsylvania.

6. Defendant City of North Wildwood ("City") is a political subdivision of the State of New Jersey, a New Jersey municipal corporation, and at all times relevant hereto, acted through its agents, employees, and servants, including but not limited to Defendants Chief Matthew Gallagher and Sergeant Keith McGee.

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7. Defendant Chief Matthew Gallagher was at all relevant times acting under color of state law as the active and duly appointed Chief of the City of North Wildwood Police Department, and in such capacity, as the agent, servant, and employee of Defendant City of North Wildwood.

8. Defendant Sergeant Keith McGee was at all relevant times acting under color of state law as an active and duly appointed Sergeant of the City of North Wildwood Police Department, and in such capacity, as the agent, servant, and employee of Defendant City of North Wildwood.

9. Defendants John Does 1-10 are fictitious names for persons unknown at this time but will be substituted when known as associated, affiliated, or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties is incorporated as a defendant in each and every count listed below. John Does are supervisors, employees, managers, agents, assigns, and heirs of the City of North Wildwood, who at all relevant times acted under color of state law and who supervised, assisted, coordinated, controlled, or participated in any conduct concerning the violations of Plaintiff Casey J. Janowski's civil and constitutional rights.

FACTS AND ALLEGATION COMMON TO ALL COUNTS

A. Casey's Background

10. Plaintiff Casey J. Janowski ("Casey") was born in Baldwinsville, New York, approximately twenty minutes from Syracuse, New York, and began his life facing significant medical obstacles.

11. Casey was born without a pulmonary artery and with an aortic valve that leaked. He has endured four open heart surgeries, the first of which occurred six days after he was born. That surgery temporarily repaired an enlarged aortic valve that was leaking. Casey's second

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corrective surgery took place when he was two years old, and his third corrective heart surgery took place at age seven. His most recent (4th) open heart surgery took place in the spring of 2014, replacing his aortic valve as well as a new pulmonary valve.

12. Despite these obstacles, Casey graduated from Christian Brothers Academy ("CBA"), a college preparatory high school in Syracuse, New York, in 2012 with a stellar academic record, and he played on the varsity golf team during all four years of high school and was awarded the Coaches Award for Excellence his senior year, as well as playing lacrosse and basketball.

13. After graduating from CBA, Casey enrolled at Saint Joseph's University in Philadelphia, Pennsylvania in the fall of 2012, where he pursued a degree in Sports Marketing, with a minor in Economics.

14. Throughout his college years, Casey completed several prestigious internships, including internships with the Philadelphia 76ers, Sports Radio 97.5 The Fanatic, the South Jersey Giants, and Fifth Realty.

15. Casey graduated from Saint Joseph's University in the spring of 2016.

B. Unlawful Arrest of Casey Without a Warrant or Probable Cause

16. Prior to July 16, 2015, Casey had never been arrested as a juvenile or adult, nor did Casey have any incidents involving law enforcement at any time in his life, in any jurisdiction.

17. On the night of July 16, 2015, Casey, who at that time was twenty-one years old, went to Wildwood Crest with friends from elementary school.

18. At approximately 12:30 a.m., Casey attempted to enter Keenan's Bar ("Keenan's") after his friends entered ahead of him.

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19. At the door to Keenan's, Casey was greeted by two bouncers and was asked for identification.

20. Casey handed the bouncer his valid New York-issued driver's license, which correctly listed his birthday as November 24, 1993, demonstrating that Casey was over twenty-one years old.

21. The bouncer apparently did not believe that Casey was twenty-one years old or that his driver's license was valid and asked Casey to write his address, giving Casey a sheet of paper and a pen.

22. Casey complied and accurately wrote his address as asked by the bouncer.

23. Despite passing this test, the bouncer apparently still did not believe that the driver's license was valid or belonged to Casey, remarking that he did not believe the license belonged to Casey and commenting that Casey is not 6' 3" tall as indicated on Casey's driver's license.

24. Casey, who stands 5' 6" tall, explained to the bouncer that his driver's license was valid and that he was twenty-one years old, and he explained to the bouncer that New York State incorrectly printed his height on his driver's license.

25. The bouncer ignored Casey's explanation, stating for a second time "this isn't you," and the bouncer informed Casey that he was confiscating his driver's license and that if he wanted his driver's license back Casey had to call the police.

26. Based on what the bouncer said to him, and knowing the license was valid, Casey dialed 9-1-1 and remained at the location until two police officers arrived.

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27. The bouncer gave Casey's driver's license to the officers, and Casey explained to the policemen that he was twenty-one years of age and that there was a typographical error regarding his height on his driver's license.

28. Casey also told the officers that he had other identification in his wallet, which would confirm his identity and age, and that all he wanted was his license back.

29. The officers told Casey that they were waiting for a scanner that could determine the authenticity of Casey's driver's license.

30. While still standing outside Keenan's waiting for the scanner to arrive, Casey was asked to fill out answers to questions relating to details on his license, all of which he answered correctly.

31. Throughout his interactions with the bouncers and the police officers who first arrived on scene, Casey was respectful, courteous, and calm.

32. Shortly thereafter, Defendant Sergeant Keith McGee ("Sgt. McGee") arrived on the scene, and Casey calmly and respectfully explained to Sgt. McGee that his driver's license improperly listed his height, but that the license was genuine and he was twenty-one year's old as listed on his driver's license.

33. Despite Casey's explanation and without any additional inquiries, investigation, or requests for additional identification, Sgt. McGee was emphatic that it wasn't Casey and that his teeth looked different, and Sgt. McGee immediately ordered his subordinates to arrest Casey.

34. The officers aggressively pulled Casey's arms behind his back, pushed his face into the outside wall of the bar, and tightly handcuffed Casey. The public and physically aggressive manner in which Casey was arrested was done for the sole purpose of humiliating him.

C. Unlawful Imprisonment of Casey as a Result of his Unlawful Arrest

35. Casey was nervous, shocked, humiliated, violated, and scared because he had not broken any law and was being treated like a common criminal.

36. Casey did not resist, he remained calm throughout the ordeal, and he was placed in a patrol car and taken to the North Wildwood Police Station where he was detained against his will.

37. Soon after he arrived at the police station, Casey's possessions were removed from his pockets.

38. Among Casey's possessions were the following forms of identification, all of which matched his name on his driver's license:

- St. Joseph's University identification card;
- Health insurance card;
- AAA card;
- Gas card;
- Debit MasterCard;
- Credit MasterCard;
- PNC Bank debit card; and
- Travel Leaders card.

39. Ignoring all of the back-up identification that Casey possessed, Sgt. McGee told Casey to smile, and he did.

40. Looking at Casey while he was smiling and then the photograph on Casey's driver's license, Sgt. McGee remarked: "Your teeth look different."

41. In shock and disbelief, Casey asked Sgt. McGee if he could make a phone call to his mother, (who is an attorney licensed to practice law in the State of New York). Sgt. McGee declined the request, stating: "Stop you're making my head hurt."

42. While in custody at the police station, Casey overheard a call that came in regarding his arrest.

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43. Casey learned that his childhood friend's mother, Darlene O'Kane, who owns the home in Wildwood Crest where Casey and his friends were visiting and is a licensed attorney in Pennsylvania and New York, called to inquire about Casey's arrest and to represent him and to advise the police that he is twenty-one years old.

44. Disregarding the call from Ms. O'Kane—who indeed is a licensed attorney—one of the officers present stated to Casey: “How many more girls are you going to have pretend to be your lawyer?”

45. Casey tried to explain that it was his friend's mother and that she was a lawyer. The officer, however, flippantly responded: “Yeah right.”

46. Casey, again, requested to be allowed to call his mother; that request, again, was denied. In essence, Casey's multiple pleas were disregarded, as were the pleas of his attorney to save him from this nightmare.

47. Thereafter, one of the police officers apparently accessed Casey's Facebook account. Attempting to discredit Casey, the officer asked why Casey's Facebook account listed Philadelphia as where he lives, apparently trying to draw a discrepancy between his driver's license, which lists his residence as Baldwinsville, New York, and his Facebook page.

48. Casey explained that his account listed Philadelphia as where he lives simply: “I go to Saint Joseph's University.”

49. While all of this was happening, a young police officer was in the room. He asked: “Did you call his parents?” The young officer shook his head, apparently in disbelief that Casey was arrested in the first instance.

50. At that point, the officers handed Casey his belongings, apologized, and released him from custody.

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51. The following day, Casey's mother, Susan Basile Janowski, Esq., called and spoke at length with Defendant Chief Matthew Gallagher ("Chief Gallagher").

52. Chief Gallagher informed Mrs. Janowski that he reviewed the dashboard camera tape of the arrest and acknowledged the arrest was improper and that he was "appalled" at what he saw. Chief Gallagher was apologetic for Casey's unlawful arrest and unlawful detention.

53. Chief Gallagher vowed "to get to the bottom of this" incident. He informed Mrs. Janowski that this was not the first incident concerning Sgt. McGee, and because of that fact, he advised Mrs. Janowski that same day that he would immediately commence an Internal Affairs Investigation, and he did.

54. Chief Gallagher thus directed, participated in, had actual knowledge of, and acquiesced in his subordinates' violations of Casey's constitutional rights as detailed in this Complaint.

55. Chief Gallagher's actions in this matter, including his failure to prevent his subordinates' violations of Casey's constitutional rights as set forth in this Complaint, amounts to a callous, reckless, knowing, and deliberate indifference to those rights.

56. Chief Gallagher's direction of, participation in, knowledge of, and acquiescence in his subordinates' violations of Casey's constitutional rights was a breach of his sworn duty to the City of North Wildwood, the North Wildwood Police Department, and the people of North Wildwood.

57. An Internal Affairs investigation was commenced, and Casey testified in the disciplinary hearing against Sgt. McGee on March 2, 2016.

58. By ordering the arrest of Casey, the Internal Affairs investigation found that Sgt. McGee violated the North Wildwood Police Department policies and procedures.

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59. On information and belief, disciplinary action has been taken against Sgt. McGee.

FIRST COUNT

**CLAIM UNDER 42 U.S.C. § 1983 FOR VIOLATION OF CASEY'S
FOURTH AND FOURTEENTH AMENDMENT RIGHTS BASED ON
FALSE ARREST AND FALSE IMPRISONMENT
(Against Chief Gallagher, Sgt. McGee, and John Does 1-10)**

60. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 59 of this Complaint as through set forth fully herein.

61. Chief Gallagher, Sgt. McGee, and John Does 1-10, acting in their personal capacities and by their own individual acts, and at all times under color of state law, each actively participated in, directed and/or knew of, and acquiesced in the false arrest and false imprisonment of Casey for possession of false identification on the night of July 16, 2015, without conducting any meaningful investigation and with the knowledge that Casey contacted the police in order to retrieve his driver's license after it was confiscated by the bouncer as detailed in this Complaint.

62. Chief Gallagher, Sgt. McGee, and John Does 1-10, acting in their personal capacities and by their own individual acts, and at all times under color of state law, falsely arrested and imprisoned Casey on the night of July 16, 2015, for possession of false identification without probable cause to believe that he had committed that or any offense and, in fact, despite the numerous forms of backup identification carried by Casey as detailed in this Complaint.

63. Casey suffered the deprivation of liberty and property consistent with the concept of seizure in violation of the Fourth and Fourteenth Amendments to the United States Constitution as a result of his improper arrest and detention on the night of July 16, 2015, as detailed in this Complaint.

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64. The false arrest and imprisonment of Casey based solely on mere suspicion without any meaningful investigation or attempt to corroborate those suspicions by requesting backup identification, which would have provided clear evidence that Casey did not possess false identification, as set forth in this Complaint, violated his clearly established right to be free from unreasonable searches and seizures guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

65. As a direct and proximate result of the violation of his Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures as alleged in this Complaint, Casey has suffered and will continue to suffer severe and permanent damages.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-10 on the First Count of the Complaint for compensatory and punitive damages in an amount to be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just.

SECOND COUNT
CLAIM UNDER 42 U.S.C. § 1983 FOR SUPERVISORY LIABILITY
(Against Chief Gallagher and John Does 1-10)

66. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 65 of this Complaint as through set forth fully herein.

67. Chief Gallagher and John Does 1-10 were on the night of July 16, 2015, and at all other relevant times to the Complaint, supervisors of Sgt. McGee and John Does 1-10.

68. As set forth in this Complaint, Chief Gallagher and John Does 1-10 actively participated in, directed and/or knew of, encouraged, or acquiesced in their subordinates' violation of Casey's constitutional rights.

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69. Furthermore, Chief Gallagher and John Does 1-10 knowingly failed to take actions within their supervisory authority and responsibility that would have prevented the violation of Casey's rights as set forth in this Complaint.

70. The wrongful conduct and failure of Chief Gallagher and John Does 1-10 to supervise their subordinates involved reckless, callous, and deliberate indifference to Casey's federal protected rights, including his Fourth and Fourteenth Amendment rights to be free of unlawful searches and seizures.

71. The violation of Casey's constitutional rights, including those under the Fourth and Fourteenth Amendments to the United States Constitution, and the damage he has suffered as a result of those violations, were directly and proximately caused by the participation, direction, encouragement, and/or knowledge and acquiescence of Chief Gallagher and John Does 1-10 as set forth above.

72. As a direct and proximate result of the violation of his Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures as alleged in this Complaint, Casey has suffered and will continue to suffer severe and permanent damages.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-10 on the First Count of the Complaint for compensatory and punitive damages in an amount to be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just.

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THIRD COUNT
CLAIM UNDER 42 U.S.C. § 1983 FOR MUNICIPAL LIABILITY
(Against City of North Wildwood)

73. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 72 of this Complaint as through set forth fully herein.

74. The City of North Wildwood Police Department ("Police Department") is a division or department of the City of North Wildwood ("City"). At all times relevant to this Complaint, the City was acting through the Police Department and its personnel, including Chief Gallagher and John Does 1-10.

75. Chief Gallagher and John Does 1-10 are and at all relevant times to this Complaint were decision-makers for the City and the Police Department with final authority to establish municipal policy regarding police conduct and actions, and their edicts and acts or omissions represent and represented the official policy of the City and the Police Department.

76. Chief Gallagher and John Does 1-10, as decision-makers with final authority to establish municipal policy for the City and the Police Department, authorized official policies that led to or caused the violations of Casey's constitutional rights and/or permitted practices and actions that were permanent and well-settled as to establish acquiescence in the violation of Casey's rights.

77. At all times relevant to this Complaint, the City and the Police Department, acting by and through Chief Gallagher in his capacity as Chief of the Police Department and John Does 1-10, in their capacities as decision-makers with final authority to establish municipal policy for the City and the Police Department, has in effect express, official policies, and/or practices and customs, that were the direct and proximate cause of the violations of Casey's constitutional and civil rights as set forth in this Complaint.

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78. In particular, Chief Gallagher, John Does 1-10, the City, and the Police Department at all times relevant to this Complaint have and had actual and/or constructive knowledge of repeated and persistent abuses of civil and constitutional rights by Sgt. McGee, all contrary to the provisions of 42 U.S.C. § 1983, with the sole purpose to harass, intimidate, and humiliate, as set forth in this Complaint.

79. Despite that actual and/or constructive knowledge, Chief Gallagher, John Does 1-10, the City, and the Police Department tolerated, condoned, displayed deliberate indifference to and tacitly authorized the behavior and custom of Sgt. McGee to violate the constitutional rights of members of the public. As a direct and proximate result of their misfeasance and malfeasance in light of the foregoing, the custom and conduct became the de facto official policy of the City and the Police Department.

80. Moreover, Chief Gallagher, John Does 1-10, the City, and the Police Department had a duty to train and supervise the conduct of Police Department personnel and, among other things, to prevent such personnel from violating the constitutional rights of Casey and other members of the public. Chief Gallagher, John Does 1-10, the City, and the Police Department knowingly, intentionally, recklessly, and/or negligently breached their duty to train and supervise the Police Department, all of whom were under their control, resulting in the deprivation of Casey's constitutional rights as set forth in this Complaint.

81. The City's training policy was inadequate in that it failed to properly train members of the Police Department with respect to constitutionally-required procedures for lawfully procuring arrests, imprisoning suspects, and otherwise performing lawful law enforcement functions. That training policy was so deficient as to reflect deliberate indifference on the part of the City, the Police Department, Chief Gallagher, and John Does 1-10 to the

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constitutional and civil rights of persons, including Casey, with whom the members of the Police Department came into contact, contrary to the provisions of 42 U.S.C. § 1983.

82. The City and the Police Department maintained and implemented the aforementioned policies, practices, and customs through Chief Gallagher and John Does 1-10 and with deliberate indifference to the rights of Casey and others. Those policies and customs were the direct and proximate cause of the violations of Casey's constitutional and civil rights as set forth in this Complaint.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-10 on the First Count of the Complaint for compensatory and punitive damages in an amount to be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just.

FOURTH COUNT
CLAIM UNDER NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-1 TO 10:6-2, FOR VIOLATION OF CASEY'S RIGHTS UNDER THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION BASED ON FALSE ARREST AND FALSE IMPRISONMENT
(Against Chief Gallagher, Sgt. McGee, and John Does 1-10)

83. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 82 of this Complaint as through set forth fully herein.

84. Chief Gallagher, Sgt. McGee, and John Does 1-10, acting in their personal capacities and by their own individual acts, and at all times under color of state law, each actively participated in, directed and/or knew of, and acquiesced in the false arrest and false imprisonment of Casey for possession of false identification on the night of July 16, 2015, without conducting any meaningful investigation and with the knowledge that Casey contacted

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the police in order to retrieve his driver's license after it was confiscated by the bouncer as detailed in this Complaint.

85. Chief Gallagher, Sgt. McGee, and John Does 1-10, acting in their personal capacities and by their own individual acts, and at all times under color of state law, falsely arrested and imprisoned Casey on the night of July 16, 2015, for possession of false identification without probable cause to believe that he had committed that or any offense and, in fact, despite the numerous forms of backup identification carried by Casey as detailed in this Complaint.

86. Casey suffered the deprivation of liberty and property consistent with the concept of seizure in violation of the Fourth and Fourteenth Amendments to the United States Constitution as a result of his improper arrest and detention on the night of July 16, 2015, as detailed in this Complaint.

87. The false arrest and imprisonment of Casey based solely on mere suspicion without any meaningful investigation or attempt to corroborate those suspicions by requesting backup identification, which would have provided clear evidence that Casey did not possess false identification, as set forth in this Complaint, violated his clearly established right to be free from unreasonable searches and seizures guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

88. As a direct and proximate result of the violation of his Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures as alleged in this Complaint, Casey has suffered and will continue to suffer severe and permanent damages.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-

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10 on the First Count of the Complaint for compensatory and punitive damages in an amount to be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just.

FIFTH COUNT
CLAIM UNDER NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A 10:6-1 TO
10:6-2 FOR SUPERVISORY LIABILITY
(Against Chief Gallagher and John Does 1-10)

89. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 88 of this Complaint as through set forth fully herein.

90. Chief Gallagher and John Does 1-10 were on the night of July 16, 2015, and at all other relevant times to the Complaint, supervisors of Sgt. McGee and John Does 1-10.

91. As set forth in this Complaint, Chief Gallagher and John Does 1-10 actively participated in, directed and/or knew of, encouraged, or acquiesced in their subordinates' violation of Casey's constitutional rights.

92. Furthermore, Chief Gallagher and John Does 1-10 knowingly failed to take actions within their supervisory authority and responsibility that would have prevented the violation of Casey's rights as set forth in this Complaint.

93. The wrongful conduct and failure of Chief Gallagher and John Does 1-10 to supervise their subordinates involved reckless, callous, and deliberate indifference to Casey's federal protected rights, including his Fourth and Fourteenth Amendment rights to be free of unlawful searches and seizures.

94. The violation of Casey's constitutional rights, including those under the Fourth and Fourteenth Amendments to the United States Constitution, and the damage he has suffered as a result of those violations, were directly and proximately caused by the participation,

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direction, encouragement, and/or knowledge and acquiescence of Chief Gallagher and John Does 1-10 as set forth above.

95. As a direct and proximate result of the violation of his Fourth and Fourteenth Amendment rights to be free from unreasonable searches and seizures as alleged in this Complaint, Casey has suffered and will continue to suffer severe and permanent damages.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-10 on the First Count of the Complaint for compensatory and punitive damages in an amount to be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just.

SIXTH COUNT
CLAIM UNDER NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-1 TO
10:6-2, FOR MUNICIPAL LIABILITY
(Against City of North Wildwood)

96. Plaintiff Casey J. Janowski repeats and realleges the allegations contained in Paragraphs 1 through 95 of this Complaint as through set forth fully herein.

97. The City of North Wildwood Police Department ("Police Department") is a division or department of the City of North Wildwood ("City"). At all times relevant to this Complaint, the City was acting through the Police Department and its personnel, including Chief Gallagher and John Does 1-10.

98. Chief Gallagher and John Does 1-10 are and at all relevant times to this Complaint were decision-makers for the City and the Police Department with final authority to establish municipal policy regarding police conduct and actions, and their edicts and acts or omissions represent and represented the official policy of the City and the Police Department.

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99. Chief Gallagher and John Does 1-10, as decision-makers with final authority to establish municipal policy for the City and the Police Department, authorized official policies that led to or caused the violations of Casey's constitutional rights and/or permitted practices and actions that were permanent and well-settled as to establish acquiescence in the violation of Casey's rights.

100. At all times relevant to this Complaint, the City and the Police Department, acting by and through Chief Gallagher in his capacity as Chief of the Police Department and John Does 1-10, in their capacities as decision-makers with final authority to establish municipal policy for the City and the Police Department, has in effect express, official policies, and/or practices and customs, that were the direct and proximate cause of the violations of Casey's constitutional and civil rights as set forth in this Complaint.

101. In particular, Chief Gallagher, John Does 1-10, the City, and the Police Department at all times relevant to this Complaint have and had actual and/or constructive knowledge of repeated and persistent abuses of civil and constitutional rights by Sgt. McGee, all contrary to the provisions of 42 U.S.C. § 1983, with the sole purpose to harass, intimidate, and humiliate, as set forth in this Complaint.

102. Despite that actual and/or constructive knowledge, Chief Gallagher, John Does 1-10, the City, and the Police Department tolerated, condoned, displayed deliberate indifference to and tacitly authorized the behavior and custom of Sgt. McGee to violate the constitutional rights of members of the public. As a direct and proximate result of their misfeasance and malfeasance in light of the foregoing, the custom and conduct became the de facto official policy of the City and the Police Department.

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103. Moreover, Chief Gallagher, John Does 1-10, the City, and the Police Department had a duty to train and supervise the conduct of Police Department personnel and, among other things, to prevent such personnel from violating the constitutional rights of Casey and other members of the public. Chief Gallagher, John Does 1-10, the City, and the Police Department knowingly, intentionally, recklessly, and/or negligently breached their duty to train and supervise the Police Department, all of whom were under their control, resulting in the deprivation of Casey's constitutional rights as set forth in this Complaint.

104. The City's training policy was inadequate in that it failed to properly train members of the Police Department with respect to constitutionally-required procedures for lawfully procuring arrests, imprisoning suspects, and otherwise performing lawful law enforcement functions. That training policy was so deficient as to reflect deliberate indifference on the part of the City, the Police Department, Chief Gallagher, and John Does 1-10 to the constitutional and civil rights of persons, including Casey, with whom the members of the Police Department came into contact, contrary to the provisions of 42 U.S.C. § 1983.

105. The City and the Police Department maintained and implemented the aforementioned policies, practices, and customs through Chief Gallagher and John Does 1-10 and with deliberate indifference to the rights of Casey and others. Those policies and customs were the direct and proximate cause of the violations of Casey's constitutional and civil rights as set forth in this Complaint.

WHEREFORE, Plaintiff, Casey J. Janowski, demands judgment, pursuant to 42 U.S.C. § 1983, against Defendants Chief Matthew Gallagher, Sergeant Keith McGee, and John Does 1-10 on the First Count of the Complaint for compensatory and punitive damages in an amount to

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be determined at trial, plus interest, attorneys' fees pursuant to 42 U.S.C. § 1988, costs of suit, and such other and further relief as the Court deems equitable and just

Respectfully submitted,
**MCÉLROY, DEUTSCH, MULVANEY & CARPENTER,
LLP**

By: /s/ Robert C. Scrivo

Dated: July 22, 2016

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DEMAND FOR TRIAL BY JURY

Plaintiff, Casey J. Janowski hereby demands a trial by jury as to all issues so triable in this case.

Respectfully submitted,
**MCÉLROY, DEUTSCH, MULVANEY & CARPENTER,
LLP**

By: /s/ Robert C. Scrivo

Dated: July 22, 2016

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