



**BOROUGH OF PARAMUS
POLICE DEPARTMENT**
1 Carlough Drive
Paramus, New Jersey 07652-2724
201-262-3400 Fax 201-649-0406
www.paramuspolice.org



**KENNETH R. EHRENBURG
CHIEF OF POLICE**

**ROBERT GUIDETTI
DEPUTY CHIEF OF POLICE**

July 21, 2020

Dear Taeho Kim,

We received your Open Public Records Act ("OPRA") request dated **May 28, 2020** on **May 28, 2020**. As such, the seven (7) business day deadline to respond to your request is **June 8, 2020**. After requesting a **30 business** day extension the new deadline to respond to your request is **July 20, 2020**. We are providing you with a response to your request in a timely manner in accordance with New Jersey Law.

Your itemized requests are listed below with a response for all police related items immediately following each item.

"Dear Paramus Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

- 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 (of any).

Response: Denied - No records responsive

- 2.) Please provide copies of the complaint in any lawsuits and cases described in above.

Response: Please find records responsive

The request for records does not seek clearly identifiable and discernable records because the use of the phrase, "was involved in" is vague can be interpreted in various different ways. In a good faith effort to produce a timely response to your request, I have assembled, reviewed, redacted, and prepared the responsive documents to include the matters where a police officer was a named Defendant. In the event that the records you seek includes different documents please provide the appropriate clarification necessary for me to identify the records sought

Yours faithfully,

Necon"



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**KENNETH R. EHRENBURG
CHIEF OF POLICE**

**ROBERT GUIDETTI
DEPUTY CHIEF OF POLICE**

Your OPRA request is now deemed answered and closed

If we can be of any further assistance please feel free to contact us at 201-262-3400.

Thank you,
Kari Polifrone

Records Bureau
cc: Chief Ehrenberg

Atty.
Admin
M&C
PD 8/23/16

SUMMONS

BOROUGH OF PARAMUS

Attorney(s) Khari O. Moore, Esq

Office Address [REDACTED]

Town, State, Zip Code [REDACTED]

Telephone Number [REDACTED]

Attorney(s) for Plaintiff Carl Franklyn

Superior Court 10/23 P 2:42

New Jersey BOROUGH CLERKS OFFICE

Bergen County

Law Division

Docket No: BER-L-005846-18

Carl Franklyn

Plaintiff(s)

vs.

Boro of Paramus

Defendant(s)

**CIVIL ACTION
SUMMONS**

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

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.

Clerk of the Superior Court

DATED: 08/14/2018

Name of Defendant to Be Served: Boro of Paramus

Address of Defendant to Be Served: 1 W Jockish Square, Paramus, NJ 07652

Khari O. Moore, Esq.
Attorney ID: 13641-2014
1980 Springfield Avenue
Suite 5
Maplewood, New Jersey 07040
Ph No.: 973-713-1263
Fax No.: 888-505-8087

CARL W FRANKLYN

PLAINTIFF

LORD AND TAYLOR;
DOMINICK CANTALDI; Boro
of Paramus; PARAMUS
POLICE DEPARTMENT; P.O.
BETANCOURT; P.O. FOX;
JOHN DOE 1-10
(FICTITIOUS NAME); AND
ABC CORP 1-3 (NAMES BEING
FICTITIOUS)

DEFENDANT.

SUPERIOR COURT OF NEW JERSEY

BERGEN COUNTY

LAW DIVISION: CIVIL PART

DOCKET NO.:

COMPLAINT

The plaintiff Carl W. Franklyn residing at 3318 Avenue J Floor 1 in the Borough of Brooklyn in the County of Kings and State of New York says by way of Complaint.

PRELIMINARY STATEMENT

1. This is an action brought by Plaintiff against Lord and Taylor, DOMINICK CANTALDI, Boro of Paramus; PARAMUS POLICE DEPARTMENT; P.O. BETANCOURT; P.O. FOX; JOHN , ("Defendant") Plaintiff seeks judgment of this Court against Defendant for relief permitted Tortious violations and violation of civil rights for False arrest and false imprisonment and malicious prosecution.

PARTIES

1. Plaintiff is an individual who was accused of a crime.
2. At all times relevant to this Complaint, Defendant LORD AND TAYLOR, located at 504 Garden State Plaza Blvd. Paramus, New

Jersey 07652, is the name of the business where the incident occurred and employer of Defendant, DOMINICK CANTALDI

3. At all times relevant to this Complaint DOMINICK CANTALDI, was employed as a Loss prevention officer for Defendant, Lord and Taylor

4. At all times hereinafter mentioned, the defendant, At all times hereinafter mentioned, the defendant, At all times hereinafter mentioned, the defendant, Boro of Paramus, was a municipal corporation of the City of Clifton, for which defendants P.O. FOX; JOHN DOE 1-10 (FICTITIOUS NAME); serve as police officers. City of Clifton is responsible for the training and supervision of defendants, P.O. FOX; JOHN DOE 1-10 (FICTITIOUS NAME);. City of Clifton has the responsibility for establishing and implementing policies, practices, procedures, and customs used by law enforcement officers employed by City of Clifton regarding arrests.

5. At all times hereinafter mentioned, the Defendants PARAMUS POLICE DEPARTMENT is a law enforcement sub-division of the Boro of Paramus which is under the management and guidance of the Boro of Paramus.

6. The defendant, P.O. BETANCOURT, was at all times material to the allegations in this Complaint, acting in his capacity as a police officer employed by the Boro of Paramus and was acting under color of state law.

7. The defendant, P.O. FOX, was at all times material to the allegations in this Complaint, acting in his capacity as a police officer employed by the Boro of Paramus and was acting under color of state law.

8. Defendants, John Doe 1-10, are persons employed by the Boro of Paramus, Paramus Police Department or Lord and Taylor whose names are unknown at this time. Defendants, John Doe 1-10, are sued in their individual and official capacities. At the time of the alleged incident and all times pertinent hereto, Defendants acted under color of law, of a statute, ordinance, regulation, custom, or usage.

9. Upon information and belief, at all times hereinafter mentioned, the defendants, ABC Corp. 1-3 were departments affiliated with the Boro of Paramus, Paramus Police department, or Lord and Taylor and are responsible training and management of employees.

JURISDICTION

1. Jurisdiction is properly laid in this Court in that Defendant is subject to the personal jurisdiction in the State of New Jersey, County of Bergen, and the events giving rise to this Complaint occurred in Bergen County, New Jersey,

Statement of Facts

1. On or about August 11, 2016 The Plaintiff entered Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652 to return items that were given to him as a present.

2. The Defendant DOMINICK CANTALDI harassed and followed the Plaintiff.

3. Defendant signed a complaint charging the Plaintiff of Theft by Deception and Receiving Stolen Property.

4. The Complaint lacked probable cause and was false.

1. The matter was dismissed for Lack of Prosecution

FIRST COUNT

1. On August 11, 2016 at the Township of Paramus in the County of Bergen, the defendant, Lord and Taylor, *Domink Cantaldi*, John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) made a complaint of Theft by Deception to the municipal court of the Boro of Paramus, in the County of Bergen, thereby charging the plaintiff of Returnin merchandise that was purchased using a stolen credit card valued at \$142.99 and \$38.99, for a total value of \$181.98 on August 11, 2016 or thereabouts, at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652.

2. On August 11, 2016 at the Township of Paramus in the County of Bergen, the defendant, Lord and Taylor, *Domink Cantaldi*, John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) made a Receiving Stolen Property to the municipal court of the Boro of Paramus, in the County of Bergen, thereby charging the plaintiff of being in possession of a handbag valued at \$298.00, knowing it was proceeds from a fraudulent purchase on August 11, 2016 or thereabouts, at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652.

3. The municipal court at the request of the defendant, Lord and Taylor and *Domink Cantaldi*, who is a loss prevention officer for

Lord and Taylor, issued a warrant upon said complaint for the arrest of the plaintiff.

3. On August 11, 2016 plaintiff was arrested upon said warrant, and brought before the said municipal court of the Boro of Paramus, who upon hearing the testimony of the defendants, discharged the plaintiff from custody and exonerated him.

4. The charge was false.

5. Defendants made the charge from motives of malice.

6. There was no reasonable or probable cause for the prosecution.

7. The plaintiff earns her living by working and employers will not hire him. It has injured her reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

SECOND COUNT

1. On August 11, 2016 the defendants, Paramus Police Department; P.O. Betancourt; P.O. Fox; John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) did accuse the plaintiff of Theft by Deception at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652, in the Boro of Paramus, on August 11, 2016, or thereabouts. The charge was made to the municipal court of the Boro of Paramus and by reason thereof, the defendants did induce the said municipal court, to issue a warrant directing the arrest and taking into custody of the plaintiff.

2. On August 11, 2016 the defendants, Paramus Police Department; P.O. Betancourt; P.O. Fox; John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) did accuse the plaintiff of Receiving Stolen Property at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652, in the Boro of Paramus, on August 11, 2016, or thereabouts. The charge was made to the municipal court of the Boro of Paramus and by reason thereof, the defendants did induce the said municipal court, to issue a warrant directing the arrest and taking into custody of the plaintiff.

2. The charge was false.

3. The defendants, at the time and place mentioned in paragraph No. 1, illegally and by their malice did imprison the plaintiff, and cause her to be taken from the Boro of Paramus, to the Boro Hall of the Boro of Paramus, against her will and in the custody of a police officer of the Boro of Paramus.

4. Upon the hearing before the said municipal court, the plaintiff was discharged from custody and exonerated.

5. The plaintiff earns her living various employers and the false prosecution has injured him, and has caused many persons to cease employing him; it has injured his reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

THIRD COUNT

1. On August 11, 2016 and at various other times prior thereto, at the Boro of Paramus, in the County of Bergen, the defendants, Dominick Cantaldi did say of and concerning the plaintiff, "Merchandise returned was confirmed to be purchased using a stolen credit card"

2. Such words were false and malicious.

3. The plaintiff earns her living various employers and the false prosecution has injured him, and has caused many persons to cease employing him; it has injured his reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

WHEREFORE, the plaintiff demands judgment against [name of party] for [set forth relief] together with interest and cost of suit.

CERTIFICATION - NO OTHER ACTION TAKEN (R. 4:5-1)

The plaintiffs hereby certify that the matter in controversy is

not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. The plaintiffs further certify that they have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action. The plaintiffs further certify that they are not aware of any other parties who should be joined in this action.

DEMAND FOR JURY TRIAL

The plaintiff Carl W. Franklyn, hereby demands trial by jury as to all issues in the above matter.

DESIGNATION OF TRIAL ATTORNEY

In accordance with Rule 4:25-4 *Khari O. Moore* is hereby designated as trial counsel for the plaintiff, *Carl W. Franklyn*, in the above matter.

Dated: August 11, 2018

A handwritten signature in black ink, appearing to be 'Khari O. Moore', written over a horizontal line.

Khari O. Moore, Esq.

Attorney for Plaintiff

VERIFICATION OF PLEADING - BY CERTIFICATION

1. I am *Carl Frantlyn*, the plaintiff in the above entitled matter.
2. I have read the foregoing complaint and on my own personal knowledge I know that the facts set forth herein are true and they are incorporated in this certification by reference.
3. I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

8-11-18



Jan Meyer, Attorney ID# 020391994
Jonathan L. Leitman, Attorney ID # 039012009
Law Offices of Jan Meyer & Associates, P.C.
1029 Teaneck Road, Second Floor
Teaneck, New Jersey 07666
(201) 862-9500
Attorney for Plaintiff(s)
Our File Number: C1269

Oscar E. Giron and Vilma Menendez-
Hernandez, his wife,

Plaintiffs,

-against-

Michael L. Phillips, Christopher J. Hall, Borough
of Paramus, Paramus Police Department,
Police Officer Anthony Mordaga, "John Doe"(s)
1-10, "ABC Corporation"(s) A-Z and 1-10, and
"Police Officer Bob Boe"(s) 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-2901-18

Civil Action

SUMMONS

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

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: January 10, 2019

/s/ Michelle M. Smith

Michelle M. Smith,
Clerk of the Superior Court

Name of Defendant to Be Served: **Paramus Police Department**
Address of Defendant to Be Served: **1 Carlough Drive, Paramus, New Jersey 07652**

Jan Meyer, Attorney ID# 020391994
Jonathan L. Leitman, Attorney ID # 039012009
Law Offices of Jan Meyer & Associates, P.C.
1029 Teaneck Road
Second Floor
Teaneck, New Jersey 07666
(201) 862-9500
Attorney for Plaintiff(s)
Our File Number: C1269

Oscar E. Giron and Vilma Menendez-
Hernandez, his wife,

Plaintiffs,

-against-

Michael L. Phillips, Christopher J. Hall,
Borough of Paramus, Paramus Police
Department, Police Officer Anthony
Mordaga, "John Doe"(s) 1-10, "ABC
Corporation"(s) A-Z and 1-10, and
"Police Officer Bob Boe"(s) 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-2901-18

Civil Action

AMENDED COMPLAINT

Plaintiffs, Oscar E. Giron and Vilma Menendez-Hernandez, his wife, by their attorney, Law Offices of Jan Meyer & Associates, P.C., by way of Complaint against Defendants, Michael L. Phillips, Christopher J. Hall, Borough of Paramus, Paramus Police Department, Police Officer Anthony Mordaga, "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10 states and alleges:

THE PARTIES

1. Plaintiff Oscar E. Giron (hereinafter referred to as "Giron" or the "Plaintiff") is an individual residing at [REDACTED]
2. Plaintiff Vilma Menendez-Hernandez (hereinafter referred to as "Hernandez")

or, collectively with Giron, as the "Plaintiffs") is an individual residing at [REDACTED], [REDACTED] and is the lawful wife of Giron.

3. Defendant Michael L. Phillips (hereinafter referred to as "Phillips") is an individual residing at [REDACTED]

4. Defendant Christopher J. Hall (hereinafter referred to as "Hall") is an individual residing at [REDACTED]

5. Upon information and belief, Defendant Borough of Paramus is a municipal entity in the County of Bergen, organized pursuant to the laws of the State of New Jersey, with a primary place of business located at 1 West Jockish Square, Paramus, New Jersey 07652.

6. Upon information and belief, Defendant Paramus Police Department is a municipal entity, organized pursuant to to the laws of the State of New Jersey, with a primary place of business located at 1 Carlough Drive, Paramus, New Jersey 07652.

7. Upon information and belief, Defendant Police Officer Anthony Mordaga was, at all relevant times, an individual employed as a Police Officer by Defendant Borough of Paramus and/or Defendant Paramus Police Department.

8. Defendants "John Doe"(s) 1-10, "ABC Corporation"(s) A-Z and 1-10, and "Police Officers Bob Boe"(s) 1-5 are fictitious designations for unidentified parties.

9. Defendants Phillips, Hall, Borough of Paramus, Paramus Police Department, PO Anthony Mordaga, "John Doe"(s) 1-10, "ABC Corporation"(s) A-Z and 1-10, and "Police Officer Bob Boe"(s) 1-5 are hereinafter collectively referred to as the "Defendants".

JURISDICTION & VENUE

10. There is specific jurisdiction over Defendant Michael L. Phillips as the cause

of action herein alleged arose as a result of the contacts of Defendant Michael L. Phillips with the State of New Jersey.

11. There is general jurisdiction over Defendant Christopher J. Hall because he is a resident of the State of New Jersey.

12. There is general jurisdiction over Defendants Borough of Paramus and Paramus Police Department as municipal entities in the State of New Jersey and County of Bergen.

13. There is general jurisdiction over Defendant PO Anthony Mordaga, as an employee of municipal entities in the State of New Jersey and County of Bergen.

14. Venue in Bergen County is proper because the accident herein occurred in Bergen County, New Jersey and the municipal defendants are located in Bergen County.

FACTS COMMON TO ALL COUNTS

15. On April 5, 2018 at approximately 11:24 p.m., Plaintiff Oscar E. Giron was traveling in a 2008 Honda Civic in the westbound express lanes on Route 4 in Paramus, New Jersey, approximately 300 feet eastward of the Garden State Parkway Southbound ramp.

16. At the same time and place, Defendant Michael L. Phillips was traveling in a 1987 Mercedes Benz 300 in the westbound express lanes on Route 4 in Paramus, New Jersey, approximately 300 feet eastward of the Garden State Parkway Southbound ramp, and was the vehicle directly behind Giron.

17. Upon information and belief, said 1987 Mercedes Benz 300 was owned by Defendant Michael L. Phillips and/or Defendants "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10.

18. At the aforesaid time and place, Phillips caused his vehicle to strike Giron's

vehicle in the rear.

19. Giron and Phillips exited their vehicle.

20. Defendants Borough of Paramus and/or Paramus Police Department were called and responded to the scene of the accident.

21. Upon information and belief, Defendant Police Officer Anthony Mordaga and/or "Police Officer Bob Boe"(s) 1-5 responded to the scene of the accident.

22. On April 5, 2018 at approximately 11:24 p.m., Defendant Christopher J. Hall was traveling in a 2010 Volkswagon Jetta in the westbound express lanes on Route 4 in Paramus, New Jersey, approximately 300 feet eastward of the Garden State Parkway Southbound ramp.

23. Upon information and belief, said 2010 Volkswagon Jetta was owned by Defendant Christopher J. Hall and/or Defendants "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10.

24. At said time and place, Hall caused his vehicle to strike the rear of Phillips's vehicle, thereby severely injuring Giron, and causing Phillips's vehicle to strike Giron's vehicle a second time.

FIRST COUNT

(Negligence Against Defendants Hall & Phillips)

25. At all relevant times, Defendants Hall, Phillips, "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10 (hereinafter referred to as the "Individual Defendants") had a duty to exercise due care in the operation of their motor vehicles, to not unreasonably endanger members of the public, including but not limited to, the Plaintiff.

26. The Individual Defendants breached said duty by failing to use due care in the operation of their motor vehicles, leading to, *inter alia*, Phillips's vehicle striking Giron's

vehicle in the rear and then Hall's vehicle striking the rear of Phillips's vehicle and striking Giron.

27. Moreover, Defendant Phillips had a duty to the public, including, but not limited to, the Plaintiff, to use due care after the initial accident with Giron to reasonably ensure that his stopped vehicle was visible to motorists.

28. Upon information and belief, Defendant Phillips breached said duty by, *inter alia*, failing to activate his hazard lights while his vehicle was stopped in the lane of travel as a result of the initial collision.

29. As a direct and proximate result of the aforesaid negligence of the Defendants, Plaintiff Giron sustained severe, catastrophic and permanent injuries.

30. No negligence on the part of Plaintiff Oscar E. Giron contributed to the occurrence alleged herein in any manner whatsoever.

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall and "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;

G. Other relief as the Court may deem equitable and just.

SECOND COUNT
(Liability Of Vehicle Owner(s))

31. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

32. Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10 entrusted their vehicle(s) to Defendant Phillips and/or Defendant Hall when Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10 knew or should have known that Defendants Phillips and/or Hall were incompetent, unfit, inexperienced, or reckless.

33. Entrusting said vehicle(s) to Defendants Phillips and/or Hall created an appreciable risk of harm to others.

34. In addition, or in the alternative, Defendants Phillips and/or Hall were and/or are presumed to be the agent of Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10 , because Defendants Phillips and/or Hall operated Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10's vehicle(s). See Hernandez v. Velez, 267 N.J. Super. 353, 356 (Law. Div. 1993) and Harvey v. Craw, 110 N.J. Super. 68, 73, (App.Div. 1970).

35. Hence, Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10 is/are liable for the reckless, careless, willful and wanton, and/or negligent actions and/or inactions of Defendants Phillips and/or Hall in the use or operation of said vehicle.

36. As a direct and proximate result of the Defendants' act and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, the

[REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall and "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

THIRD COUNT
(Vicarious Liability Of Employers)

37. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

38. Upon information and belief, Defendants Phillips and/or Hall were acting in the scope of employment with Defendant(s) "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10.

39. Therefore, Defendants "John Doe"(s) 1-10 and/or "ABC Corporation"(s) A-Z and 1-10 are vicariously liable for all Defendants Phillips and/or Hall's actions.

40. As a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

[REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall and "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

FOURTH COUNT

(Negligent Employment/Hiring/Retention of Individual Defendants)

41. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

42. Upon information and belief, Defendant(s) "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10 hired and/or retained Defendants Phillips and/or Hall when it knew or should have known of the particular unfitness, incompetence, or dangerous characteristics of Defendants Phillips and/or Hall.

43. Upon information and belief, Defendants "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10 could reasonably have foreseen that such qualities created a risk of harm to other persons and property.

44. Through the negligence of Defendant(s) "John Doe"(s) 1-10, and "ABC

Corporation”(s) A-Z and 1-10 in hiring and/or retaining Defendants Phillips and/or Hall, Defendants Phillips and/or Hall’s incompetence, unfitness, or dangerous characteristics proximately caused Plaintiffs’ injuries.

45. As a direct and proximate result of the Defendants’ acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to [REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall and “John Doe”(s) 1-10, and “ABC Corporation”(s) A-Z and 1-10, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

FIFTH COUNT
(Negligent Supervision of Individual Defendants)

46. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

47. Defendant(s) “John Doe”(s) 1-10, and “ABC Corporation”(s) A-Z and 1-10 was/were negligent in supervising Defendants Phillips and/or Hall.

48. As a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall and "John Doe"(s) 1-10, and "ABC Corporation"(s) A-Z and 1-10, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

SIXTH COUNT
(Negligence as the Municipal Defendants)

49. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

50. In responding to the initial accident between the Plaintiff's vehicle and Defendant Phillips's vehicle, Defendant Police Officer Anthony Mordaga and/or "Police Officer Bob Boe"(s) 1-5 negligently, grossly negligently, recklessly and/or palpably unreasonably failed to properly secure the accident scene, in accordance with proper Traffic Incident Management protocols, to prevent further accidents by, *inter alia*:

- a) failing to park his police vehicle in behind the accident ("blocking") to protect the scene from further accident,
- b) failing to timely direct the Plaintiff and/or Defendant Phillips to move their vehicles to a safer location,
- c) failing to timely direct the Plaintiff to remain in his vehicle,
- d) failing to advise Defendant Phillips to activate his hazard lights and/or failing to ensure that Defendant Phillips's hazard lights were activated, and
- e) failing to take other reasonable steps to ensure that there was adequate warning to motorists of the accident, to prevent a subsequent accident and/or to timely clear the accident from the roadway.

51. As a direct and proximate result of Defendant Police Officer Anthony Mordaga and/or "Police Officer Bob Boe"(s) 1-5's acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants Borough of Paramus, Paramus Police Department, Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;

- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

SEVENTH COUNT
(Vicarious liability of Municipal Entities)

52. Upon information and belief, Defendants PO Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5 were acting in the scope of employment with Defendants Borough of Paramus and/or Paramus Police Department.

53. Therefore, Defendants Borough of Paramus and/or Paramus Police Department are vicariously liable for all of PO Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5's actions.

54. As a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

[REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants Borough of Paramus, Paramus Police Department, Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;

G. Other relief as the Court may deem equitable and just.

EIGHTH COUNT

(Negligent Employment/Hiring/Retention of Individual Defendants)

55. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

56. Upon information and belief, Defendant(s) Borough of Paramus and Paramus Police Department hired and/or retained Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5 when they knew or should have known of the particular unfitness, incompetence, or dangerous characteristics of Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5.

57. Upon information and belief, Defendant(s) Borough of Paramus and Paramus Police Department could reasonably have foreseen that such qualities created a risk of harm to other persons and property.

58. Through the negligence of Defendant(s) Defendant(s) Borough of Paramus and Paramus Police Department in hiring and/or retaining Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5, Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5's incompetence, unfitness, or dangerous characteristics proximately caused Plaintiffs' injuries.

59. As a direct and proximate result of the Defendants' acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

[REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants, Borough of Paramus and Paramus Police Department, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

NINTH COUNT

(Negligent Supervision and Training by Municipal Defendants)

60. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

61. Defendant(s) Borough of Paramus and/or Paramus Police Department was/were negligent in supervising Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5.

62. Additionally, Defendant(s) Borough of Paramus and/or Paramus Police Department was/were negligent in failing to properly train Defendants Police Officer Anthony Mordaga and "Police Officer Bob Boe"(s) 1-5, *inter alia*, in appropriate Traffic Incident Management protocol.

63. As a direct and proximate result of Defendant(s) Borough of Paramus and Paramus Police Department's aforesaid acts and/or omissions, Plaintiff Giron sustained severe and permanent injuries including, but not limited to, [REDACTED]

WHEREFORE, Plaintiff Oscar E. Giron, demands Judgment against Defendants,

Borough of Paramus and Paramus Police Department, jointly, severally and in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the may deem equitable and just.

TENTH COUNT
(Per Quad)

64. Plaintiffs repeat each prior paragraph of the Complaint with the same force and effect as if set forth fully herein.

65. Plaintiff Vilma Menendez-Hernandez was and is the lawful wife of the plaintiff, Oscar E. Giron.

66. As a result of the accident and subsequent injuries sustained by plaintiff, Oscar E. Giron, the plaintiff, Vilma Menendez-Hernandez, suffered the loss of usual services and/ or consortium of her husband, plaintiff, Oscar E. Giron.

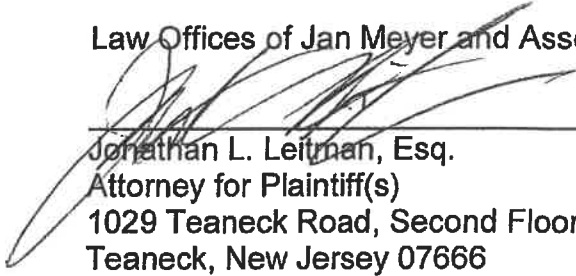
WHEREFORE, Plaintiff Vilma Menendez-Hernandez, demands Judgment against Defendants, Michael L. Phillips, Christopher J. Hall, Borough of Paramus, Paramus Police Department, Police Officer Anthony Mordaga, "John Doe"(s) 1-10, "ABC Corporation"(s) A-Z and 1-10, and "Police Officer Bob Boe"(s) 1-5, jointly, severally and

in the alternative as follows:

- A. Compensatory Damages;
- B. Punitive damages per N.J. Stat. § 2A:15-5.9, et. seq. and/or other legal authority;
- C. Further Medical Treatment;
- D. Interest;
- E. Costs of Suit;
- F. Attorney Fees;
- G. Other relief as the Court may deem equitable and just.

Dated: January 7, 2019

Law Offices of Jan Meyer and Associates, P.C.



Jonathan L. Leitman, Esq.

Attorney for Plaintiff(s)

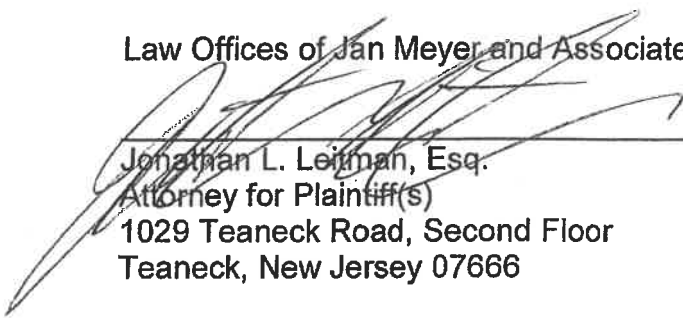
1029 Teaneck Road, Second Floor
Teaneck, New Jersey 07666

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rules of Court, notice is hereby given that Jan Meyer, Esq., is designated as trial counsel in the above captioned matter.

Dated: January 7, 2019

Law Offices of Jan Meyer and Associates, P.C.



Jonathan L. Leitman, Esq.

Attorney for Plaintiff(s)

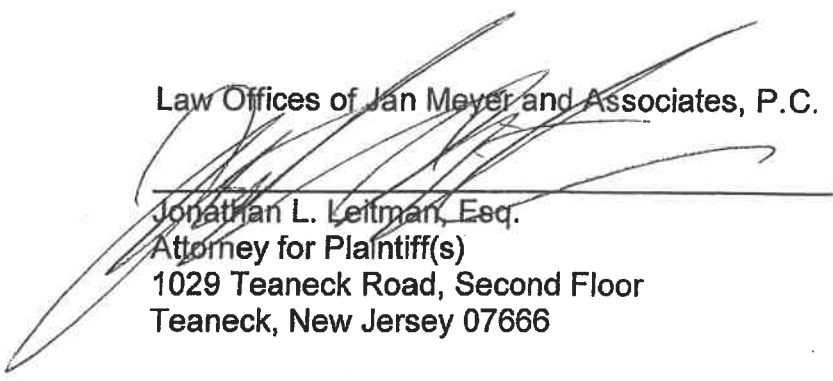
1029 Teaneck Road, Second Floor
Teaneck, New Jersey 07666

JURY DEMAND

Pursuant to Rule 4:35-1, Plaintiffs hereby demand a trial by jury on all counts triable.

Dated: January 7, 2019

Law Offices of Jan Meyer and Associates, P.C.



Jonathan L. Leitman, Esq.

Attorney for Plaintiff(s)

1029 Teaneck Road, Second Floor

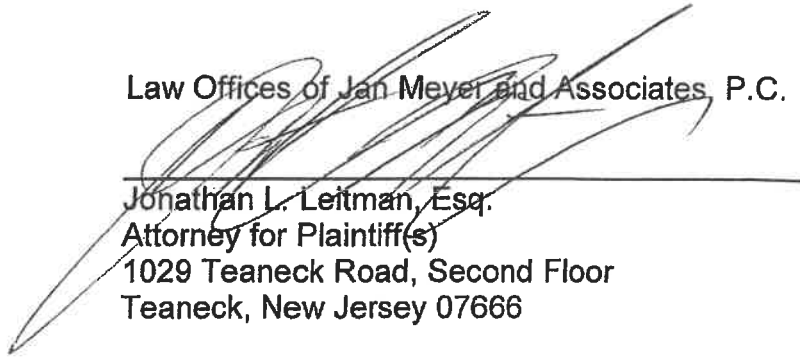
Teaneck, New Jersey 07666

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other civil action pending in any court or of a pending arbitration proceeding, to the best of our knowledge or belief; also to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action that the Plaintiff is permitted by rule to join to this lawsuit at this time. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: January 7, 2019

Law Offices of Jan Meyer and Associates, P.C.



Jonathan L. Leitman, Esq.

Attorney for Plaintiff(s)

1029 Teaneck Road, Second Floor

Teaneck, New Jersey 07666

Jan Meyer, Attorney ID# 020391994
Jonathan L. Leitman, Attorney ID # 039012009
Law Offices of Jan Meyer & Associates, P.C.
1029 Teaneck Road
Second Floor
Teaneck, New Jersey 07666
(201) 862-9500
Attorney for Plaintiff(s)
Our File Number: C1269

Oscar E. Giron and Wilma Hernandez,
his wife,

Plaintiffs,

-against-

Michael L. Phillips, Christopher J. Hall,
"John Doe"(s) 1-10, and "ABC
Corporation"(s) A-Z and 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-2901-18

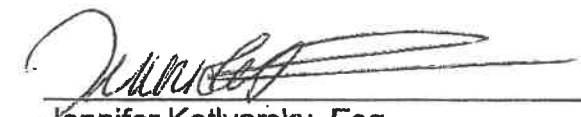
Civil Action

**STIPULATION TO AMEND
COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned Parties that Defendant Michael L. Phillips and Defendant Christopher J. Hall hereby consent to the filing by Plaintiffs Oscar E Giron and Wilma Hernandez of an Amended Complaint asserting claims against Proposed Additional Defendants Borough of Paramus, Paramus Police Department and Police Officer Anthony Mordaga, in the form annexed hereto.

LAW OFFICES OF ERIC H. BENNETT

COOPER MAREN NITSBERG VOSS &
DECOURSEY


Jennifer Kotlyarsky, Esq.
Attorney for Defendant Phillips
3 University Plaza, Suite 502
Hackensack, New Jersey 07601


Andrew V. Ha, Esq.
Attorney for Defendant Hall
485 Route 1 South
Building A, Suite 200
Islin, New Jersey 08830

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 527-2600
COURT HOURS 8:30 AM - 4:30 PM

DATE: APRIL 20, 2018
RE: GIRON OSCAR VS PHILLIPS MICHAEL
DOCKET: BER L -002901 18

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 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 ROBERT L. POLIFRONI

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (201) 527-2600.

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: JONATHAN L. LEITMAN
JAN MEYER & ASSOCIATES, PC
1029 TEANECK RD
2ND FL
TEANECK NJ 07666

ECOURTS

Atty.
Admin
M&C
PD 8/23/16

SUMMONS

BOROUGH OF PARAMUS

Attorney(s) Khari O. Moore, Esq.
Office Address [REDACTED]
Town, State, Zip Code [REDACTED]
Telephone Number [REDACTED]
Attorney(s) for Plaintiff Carl Franklyn

Superior Court 23 P 2:42
New Jersey
BOROUGH CLERKS OFFICE

Bergen County
Law Division

Docket No: BER-L-005846-18

Carl Franklyn
Plaintiff(s)

vs.

Boro of Paramus

Defendant(s)

**CIVIL ACTION
SUMMONS**

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

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.

Clerk of the Superior Court

DATED: 08/14/2018

Name of Defendant to Be Served: Boro of Paramus

Address of Defendant to Be Served: 1 W Jockish Square, Paramus, NJ 07652

Khari O. Moore, Esq.
Attorney ID: 13641-2014
1980 Springfield Avenue
Suite 5
Maplewood, New Jersey 07040
Ph No.: 973-713-1263
Fax No.: 888-505-8087

CARL W FRANKLYN

PLAINTIFF

v.

LORD AND TAYLOR;
DOMINICK CANTALDI; Boro
of Paramus; PARAMUS
POLICE DEPARTMENT; P.O.
BETANCOURT; P.O. FOX;
JOHN DOE 1-10
(FICTITIOUS NAME); AND
ABC CORP 1-3 (NAMES BEING
FICTICIOUS)

DEFENDANT.

SUPERIOR COURT OF NEW JERSEY

BERGEN COUNTY

LAW DIVISION: CIVIL PART

DOCKET NO.:

COMPLAINT

The plaintiff Carl W. Franklyn residing at [REDACTED]
[REDACTED] in the County of [REDACTED] and State of [REDACTED]
says by way of Complaint.

PRELIMINARY STATEMENT

1. This is an action brought by Plaintiff against Lord and Taylor, DOMINICK CANTALDI, Boro of Paramus; PARAMUS POLICE DEPARTMENT; P.O. BETANCOURT; P.O. FOX; JOHN, ("Defendant") Plaintiff seeks judgment of this Court against Defendant for relief permitted Tortious violations and violation of civil rights for False arrest and false imprisonment and malicious prosecution.

PARTIES

1. Plaintiff is an individual who was accused of a crime.
2. At all times relevant to this Complaint, Defendant LORD AND TAYLOR, located at 504 Garden State Plaza Blvd. Paramus, New

Jersey 07652, is the name of the business where the incident occurred and employer of Defendant, DOMINICK CANTALDI

3. At all times relevant to this Complaint DOMINICK CANTALDI, was employed as a Loss prevention officer for Defendant, Lord and Taylor

4. At all times hereinafter mentioned, the defendant, At all times hereinafter mentioned, the defendant, At all times hereinafter mentioned, the defendant, Boro of Paramus, was a municipal corporation of the City of Clifton, for which defendants P.O. FOX; JOHN DOE 1-10 (FICTITIOUS NAME); serve as police officers. City of Clifton is responsible for the training and supervision of defendants, P.O. FOX; JOHN DOE 1-10 (FICTITIOUS NAME);. City of Clifton has the responsibility for establishing and implementing policies, practices, procedures, and customs used by law enforcement officers employed by City of Clifton regarding arrests.

5. At all times hereinafter mentioned, the Defendants PARAMUS POLICE DEPARTMENT is a law enforcement sub-division of the Boro of Paramus which is under the management and guidance of the Boro of Paramus.

6. The defendant, P.O. BETANCOURT, was at all times material to the allegations in this Complaint, acting in his capacity as a police officer employed by the Boro of Paramus and was acting under color of state law.

7. The defendant, P.O. FOX, was at all times material to the allegations in this Complaint, acting in his capacity as a police officer employed by the Boro of Paramus and was acting under color of state law.

8. Defendants, John Doe 1-10, are persons employed by the Boro of Paramus, Paramus Police Department or Lord and Taylor whose names are unknown at this time. Defendants, John Doe 1-10, are sued in their individual and official capacities. At the time of the alleged incident and all times pertinent hereto, Defendants acted under color of law, of a statute, ordinance, regulation, custom, or usage.

9. Upon information and belief, at all times hereinafter mentioned, the defendants, ABC Corp. 1-3 were departments affiliated with the Boro of Paramus, Paramus Police department, or Lord and Taylor and are responsible training and management of employees.

JURISDICTION

1. Jurisdiction is properly laid in this Court in that Defendant is subject to the personal jurisdiction in the State of New Jersey, County of Bergen, and the events giving rise to this Complaint occurred in Bergen County, New Jersey,

Statement of Facts

1. On or about August 11, 2016 The Plaintiff entered Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652 to return items that were given to him as a present.

2. The Defendant DOMINICK CANTALDI harassed and followed the Plaintiff.

3. Defendant signed a complaint charging the Plaintiff of Theft by Deception and Receiving Stolen Property.

4. The Complaint lacked probable cause and was false.

1. The matter was dismissed for Lack of Prosecution

FIRST COUNT

1. On August 11, 2016 at the Township of Paramus in the County of Bergen, the defendant, Lord and Taylor, *Domink Cantaldi*, John Doe 1-10 (fictitious name); and AEC Corp 1-3 (Names being Fictitious) made a complaint of Theft by Deception to the municipal court of the Boro of Paramus, in the County of Bergen, thereby charging the plaintiff of Returnin merchandise that was purchased using a stolen credit card valued at \$142.99 and \$38.99, for a total value of \$181.98 on August 11, 2016 or thereabouts, at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652.

2. On August 11, 2016 at the Township of Paramus in the County of Bergen, the defendant, Lord and Taylor, *Domink Cantaldi*, John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) made a Receiving Stolen Property to the municipal court of the Boro of Paramus, in the County of Bergen, thereby charging the plaintiff of being in possession of a handbag valued at \$298.00, knowing it was proceeds from a fraudulent purchase on August 11, 2016 or thereabouts, at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652.

3. The municipal court at the request of the defendant, Lord and Taylor and *Domink Cantaldi*, who is a loss prevention officer for

Lord and Taylor, issued a warrant upon said complaint for the arrest of the plaintiff.

3. On August 11, 2016 plaintiff was arrested upon said warrant, and brought before the said municipal court of the Boro of Paramus, who upon hearing the testimony of the defendants, discharged the plaintiff from custody and exonerated him.

4. The charge was false.

5. Defendants made the charge from motives of malice.

6. There was no reasonable or probable cause for the prosecution.

7. The plaintiff earns her living by working and employers will not hire him. It has injured her reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

SECOND COUNT

1. On August 11, 2016 the defendants, Paramus Police Department; P.O. Betancourt; P.O. Fox; John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) did accuse the plaintiff of Theft by Deception at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652, in the Boro of Paramus, on August 11, 2016, or thereabouts. The charge was made to the municipal court of the Boro of Paramus and by reason thereof, the defendants did induce the said municipal court, to issue a warrant directing the arrest and taking into custody of the plaintiff.

2. On August 11, 2016 the defendants, Paramus Police Department; P.O. Betancourt; P.O. Fox; John Doe 1-10 (fictitious name); and ABC Corp 1-3 (Names being Fictitious) did accuse the plaintiff of Receiving Stolen Property at Lord and Taylor located at 504 Garden State Plaza Blvd. Paramus, New Jersey 07652, in the Boro of Paramus, on August 11, 2016, or thereabouts. The charge was made to the municipal court of the Boro of Paramus and by reason thereof, the defendants did induce the said municipal court, to issue a warrant directing the arrest and taking into custody of the plaintiff.

2. The charge was false.

3. The defendants, at the time and place mentioned in paragraph No. 1, illegally and by their malice did imprison the plaintiff, and cause her to be taken from the Boro of Paramus, to the Boro Hall of the Boro of Paramus, against her will and in the custody of a police officer of the Boro of Paramus.

4. Upon the hearing before the said municipal court, the plaintiff was discharged from custody and exonerated.

5. The plaintiff earns her living various employers and the false prosecution has injured him, and has caused many persons to cease employing him; it has injured his reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

THIRD COUNT

1. On August 11, 2016 and at various other times prior thereto, at the Boro of Paramus, in the County of Bergen, the defendants, Dominick Cantaldi did say of and concerning the plaintiff, "Merchandise returned was confirmed to be purchased using a stolen credit card"

2. Such words were false and malicious.

3. The plaintiff earns her living various employers and the false prosecution has injured him, and has caused many persons to cease employing him; it has injured his reputation.

WHEREFORE, the plaintiff demands judgment against the defendants for damages, together with interest and costs of suit.

WHEREFORE, the plaintiff demands judgment against [name of party] for [set forth relief] together with interest and cost of suit.

CERTIFICATION — NO OTHER ACTION TAKEN (R. 4:5-1)

The plaintiffs hereby certify that the matter in controversy is

not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. The plaintiffs further certify that they have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action. The plaintiffs further certify that they are not aware of any other parties who should be joined in this action.

DEMAND FOR JURY TRIAL

The plaintiff Carl W. Franklyn, hereby demands trial by jury as to all issues in the above matter.

DESIGNATION OF TRIAL ATTORNEY

In accordance with Rule 4:25-4 Khari O. Moore is hereby designated as trial counsel for the plaintiff, Carl W. Franklyn, in the above matter.

Dated: August 11, 2018

A handwritten signature in black ink, appearing to be 'K. Moore', written over a horizontal line.

Khari O. Moore, Esq.

Attorney for Plaintiff

VERIFICATION OF PLEADING - BY CERTIFICATION

1. I am *Carl Franklyn*, the plaintiff in the above entitled matter.
2. I have read the foregoing complaint and on my own personal knowledge I know that the facts set forth herein are true and they are incorporated in this certification by reference.
3. I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

8-11-18



NJ SUPERIOR COURT LAWYER REFERRAL AND LEGAL SERVICE LIST

ATLANTIC COUNTY:

Deputy Clerk, Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

ESSEX COUNTY:

Deputy Clerk, 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

MONMOUTH COUNTY:

Deputy Clerk, Superior Court
Court House
P. O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

SUSSEX COUNTY:

Deputy Clerk, Superior Court
Sussex County Judicial
Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

BERGEN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

GLOUCESTER COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office,
Attn: Intake, First Fl., Court
House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington & Court Streets
P. O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 287-5882
LEGAL SERVICES
(973) 285-6911

UNION COUNTY:

Deputy Clerk, Superior Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-
6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

BURLINGTON COUNTY:

Deputy Clerk, Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

HUDSON COUNTY:

Deputy Clerk, Superior Court
Civil Records Dept.
Brennan Court House, 1st Floor
583 Newark Avenue
Jersey City, NJ 07308
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

OCEAN COUNTY:

Deputy Clerk, Superior Court
Court House, Room 121
118 Washington Street
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

WARREN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Court
House
413 Second Street
Belvidere, NJ 07823-
1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

CAMDEN COUNTY:

Deputy Clerk, 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

HUNTERDON COUNTY:

Deputy Clerk, Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

PASSAIC COUNTY:

Deputy Clerk, Superior Court
Civil Division - Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

CAPE MAY COUNTY:

Deputy Clerk, Superior Court
9 N. Main Street
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

MERCER COUNTY:

Deputy Clerk, 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

SALEM COUNTY:

Deputy Clerk, Superior Court
Attn: Civil Case Management
Office
82 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

CUMBERLAND COUNTY:

Deputy Clerk, 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

MIDDLESEX COUNTY:

Deputy Clerk, Superior Court
Middlesex Vicinage
Second Floor, Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

SOMERSET COUNTY:

Deputy Clerk, Superior Court
Civil Division Office
40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

Jan Meyer, Attorney ID# 020391994
Jonathan L. Leitman, Attorney ID # 039012009
Law Offices of Jan Meyer & Associates, P.C.
1029 Teaneck Road, Second Floor
Teaneck, New Jersey 07666
(201) 862-9500
Attorney for Plaintiff(s)
Our File Number: C1269

Oscar E. Giron and Vilma Menendez-
Hernandez, his wife,

Plaintiffs,

-against-

Michael L. Phillips, Christopher J. Hall, Borough
of Paramus, Paramus Police Department,
Police Officer Anthony Mordaga, "John Doe"(s)
1-10, "ABC Corporation"(s) A-Z and 1-10, and
"Police Officer Bob Boe"(s) 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-2901-18

Civil Action

SUMMONS

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

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: January 10, 2019

/s/ Michelle M. Smith

Michelle M. Smith,
Clerk of the Superior Court

Name of Defendant to Be Served: **Paramus Police Department**
Address of Defendant to Be Served: **1 Carlough Drive, Paramus, New Jersey 07652**