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KEIDRON ALEXANDER

Plaintiff,

v.

BOROUGH OF PINE HILL, BOROUGH
OF PINE HILL POLICE DEPARTMENT,
CAMDEN COUNTY, OFFICE OF THE
PROSECUTOR, PINE HILL POLICE
OFFICER PHILLIP MARINO, #34,
PINE HILL POLICE OFFICER DEREK
KRAMER, John Does 1-5 and 6-10,

Defendants

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY -LAW DIVISION

Docket No. CAM-L-4615-16

FIRST AMENDED COMPLAINT
AND JURY DEMAND

Plaintiff, Keidron Alexander, residing in the City of Philadelphia, Pennsylvania, by way of Complaint against the Defendants, says:

Preliminary Statement

This case is brought under the federal Civil Rights Act, 42 U.S.C.A. § 1983 et seq., (“CRA”) and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 et seq. for False Arrest, Malicious Prosecution, and under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. for discrimination on the basis of sex.

Identification of Parties

1. Plaintiff, Keidron Alexander, is a resident of the Commonwealth of Pennsylvania, City of Philadelphia, County of Philadelphia.
2. Defendant, Borough of Pine Hill is a municipal government entity, organized under the laws of the State of New Jersey, with the capacity to sue and be sued. The Borough is the legal and political entity responsible for the Borough of Pine Hill Police Department.
3. Defendant Borough of Pine Hill Police Department is a governmental entity within the State of New Jersey, and a place of public accommodation, empowered to enforce the laws within its jurisdiction for the purposes of protecting and preserving the persons and property within the geographical and legal jurisdiction of the Borough of Pine Hill.
4. Defendant Camden County, Office of the Prosecutor is a state entity, organized under the laws of the State of New Jersey.
5. Defendant Pine Hill Officer Phillip Marino (“Defendant Marino”), Badge # 34, is an adult individual who, at all times relevant, was employed by the Borough of Pine Hill as a

police officer and was acting under color of state law. He is being sued herein, in his official and individual capacities.

6. Defendant Pine Hill Officer Derek Kramer ("Defendant Kramer"), is an adult individual who, at all times relevant, was employed by the Borough of Pine Hill as a police officer and was acting under color of state law. He is being sued herein, in his official and individual capacities.

7. Defendants, John Does Nos. 1-10 are officials, police officers and/or other public officials acting under color of state law who were involved in the following incident set forth in Plaintiff's complaint and at all times material hereto were acting under color of state law and are being sued in their individual and official capacities.

General Allegations

8. On January 22, 2016 and January 23, 2016, Mr. Alexander was lawfully residing at 1302 Bromley Estates, in Pine Hill New Jersey.

9. At the time, Mr. Alexander had been living with his then-girlfriend, Averie Jones.

10. On the morning of January 23, 2016, Ms. Jones had engaged in a physical altercation with Mr. Alexander.

11. At no point during the altercation, however, did Mr. Alexander touch Ms. Jones or physically threaten Ms. Jones.

12. During the altercation, Ms. Jones poured a pot of boiling hot water on Mr. Alexander, resulting in first and second degree burns to his back, head and ear.

13. Mr. Alexander was in a state of shock and stated that he was going to call the police.

14. Ms. Jones, however, called 911 before Mr. Alexander could.
15. Defendant Marino was the first to arrive on scene at 1302 Bromley Estates.
16. According to Defendant Marino, Ms. Jones exhibited no physical signs of injury when he arrived at the scene.
17. Defendant Marino claims he spoke with Ms. Jones at the scene at 1302 Bromley Estates to get her version of the incident.
18. Mr. Alexander was sitting at the top of his stairwell inside his home when the police arrived.
19. Soon after arriving at the scene at 1302 Bromley Estates, Defendant Marino learned that Mr. Alexander had been scalded with hot water.
20. While at the scene, a Pine Hill Police Officer observed burn injuries to Mr. Alexander's face and relayed to Defendant Marino that Mr. Alexander's skin turned pink and the condition of his neck, ear and face.
21. Defendant Marino acknowledged while at the scene that Mr. Alexander had exhibited signs of injury.
22. In fact, Defendant Marino acknowledged before leaving the scene that Mr. Alexander's injuries were so serious that they required immediate medical attention, necessitating he call an ambulance.
23. Defendant Marino asked Ms. Jones several times whether she required medical attention and Ms. Jones responded that she did not.
24. Defendant Marino did not take any photographs at the scene of Mr. Alexander's injuries.

25. Neither Defendant Marino nor any other Pine Hill Police Officer spoke with Mr. Alexander at the scene to get his version of the incident.

26. Pine Hill Police Officer Derek Kramer escorted Mr. Alexander to Kennedy Hospital, in Stratford, New Jersey.

27. Defendant Marino never appeared at the hospital to take a statement from Mr. Alexander.

28. According to Defendant Marino, it was not a rare occurrence to arrive at the scene of a domestic violence incident where both parties claimed to be a victim.

29. Despite the fact that Defendant Marino was aware that Mr. Alexander exhibited signs of injury in a domestic setting and that Ms. Jones exhibited no signs of physical injury, Defendants Marino, Kramer, Borough of Pine Hill and Borough of Pine Hill Police Department willfully and wantonly and with callous disregard for Mr. Alexander's rights issued a Statement of Probable Cause and warrant against Mr. Alexander, charging him with assault (N.J.S.A. 2C:12-1a(1)) and aggravated assault (N.J.S.A. 2C:12-1b(7)).

30. Defendants Marino, Kramer, Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor willfully excluded exculpatory information in the Statement of Probable Cause, including but not limited to the existence and seriousness of Mr. Alexander's injuries or the fact that Ms. Jones exhibited no signs of physical injury.

31. Defendants Marino, Kramer, Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor willfully, wantonly and maliciously chose to arrest Mr. Alexander and not arrest Ms. Jones.

32. Mr. Alexander was placed under arrest by Defendant Kramer upon leaving the hospital.

33. Mr. Alexander was detained at the Camden County Correctional Facility until on or about January 25, 2016.

34. Defendants Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor have a policy which discourages police officers from arresting both parties, in cases where both parties exhibit signs of injury, when responding to a domestic violence incident.

35. In fact, while it is not a rare event to arrive at the scene of a domestic violence incident where both parties claimed to be the victim, during his entire tenure with the Pine Hill Police Department, Defendant Marino has never been aware of an occasion where both parties exhibit signs of injury and both parties were arrested.

36. At no time did Mr. Alexander commit any offense against the laws of New Jersey for which an arrest should be made.

37. There was no probable cause to arrest Mr. Alexander.

38. No reasonable officer would have believed that there was probable cause to arrest Mr. Alexander.

39. Defendants willfully, maliciously and falsely arrested the Plaintiff with reckless disregard for Plaintiff's Constitutional rights.

40. The charges against Mr. Alexander were dismissed.

41. Mr. Alexander was granted a final restraining order against Ms. Jones.

42. Defendants' arrest and charging Mr. Alexander with assault and aggravated assault was determined in part and/or motivated in part by his sex.

43. As a direct and proximate result of the actions of Defendants, Mr. Alexander was arrested, detained, imprisoned and caused to suffer injuries without just or probable cause.

44. Defendants conspired to falsely arrest, falsely imprison and maliciously prosecute Mr. Alexander.

45. Defendants conspired to inflict harm on Mr. Alexander and deprive him of his federal and state constitutional rights and his civil rights.

46. Defendants Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor improperly trained Defendants Marino and Kramer and other Borough of Pine Hill police officers and its agents as to when it is appropriate to place a person under arrest.

47. Defendants Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor, through its agents and employees, promulgated customs, policies, practices and ordinances, regulations and/or directives that caused the false arrest, imprisonment and/or malicious prosecution of Mr. Alexander.

48. The aforementioned acts and conduct of the Defendants and/or the aforementioned conduct of their employees and agents were a factual and/or proximate cause of the harm and damages sustained by Mr. Alexander.

49. Mr. Alexander was caused to suffer physical and emotional pain and suffering, loss of liberty, humiliation, embarrassment, loss or reduction of earnings and/or earning capacity and other injuries, the full extent of which is not yet known.

COUNT I

4th AMENDMENT – FALSE ARREST
(42 U.S.C.A. § 1983 et. Seq.)
All Defendants

50. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

51. At all relevant times herein, Defendants were acting under color of state law.

52. As stated above, Defendants arrested Plaintiff without probable cause that he committed a crime.

53. Plaintiff did not commit an assault or aggravated assault against Ms. Jones.

54. No reasonable officer could have believed that there existed probable cause to arrest Plaintiff.

55. All charges described above were dismissed against the Plaintiff.

56. Defendants intentionally, maliciously, and falsely arrested the Plaintiff with reckless disregard for Plaintiff's Constitutional rights.

57. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT II

4th AMENDMENT - MALICIOUS PROSECUTION
(42 U.S.C.A. § 1983 et. Seq.)
All Defendants

58. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

59. At all relevant times herein, Defendants were acting under color of state law.

60. As described above, Defendants initiated criminal charges against the Plaintiff without probable cause.

61. As described above, Defendants initiated criminal charges against the Plaintiff with actual malice.

62. All charges against the Plaintiff were dismissed.

63. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT III
14th AMENDMENT—SELECTIVE ENFORCEMENT
(42 U.S.C.A. § 1983 et seq)
All Defendants

64. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

65. At all relevant times herein, Defendants were acting under color of state law.

66. As described above, Defendants, arrested Plaintiff without reasonable suspicion or probable cause that he committed a criminal offense.

67. Plaintiff was singled out for ongoing prosecution because of his sex, as set forth above.

68. Charges were initiated against Plaintiff based on his sex.

69. Defendants' conduct during the investigation demonstrates a willful disregard for Plaintiff's constitutional rights.

70. All charges described above were dismissed against the Plaintiff.

71. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT IV
14th AMENDMENT—CIVIL RIGHTS VIOLATIONS
(42 U.S.C.A. § 1983 et seq)
All Defendants

72. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

73. At all relevant times herein, Defendants were acting under color of state law.

74. As described above, Defendants, acted with discriminatory animus and no other lawful purpose in arresting and detaining Plaintiff without probable cause.

75. All charges described above were dismissed against the Plaintiff.

76. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT V

MONELL LIABILITY

(42 U.S.C.A. § 1983 et seq)

Defendants Borough of Pine Hill, Borough of Pine Hill Police Department and Camden County, Office of the Prosecutor

77. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

78. At all times material hereto, Defendants instituted policies and procedures within the police department, with indifference to the constitutional rights of the citizens of the Borough of Pine Hill.

79. Those policies and procedures include but are not limited to relying on uncorroborated statements, failing to take statements of both parties to a domestic violence incident, failing to check or verify facts, unduly crediting the statements of unreliable

individuals, failing to include exculpatory evidence in a Statement of Probable Cause, failing to protect the rights of a domestic violence victim who exhibits signs of a physical injury, having a willful disregard for the constitutional rights of citizens of New Jersey, and arresting citizens without probable cause.

80. As a proximate result of Defendants' policies and procedures, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT VI

FALSE ARREST
(New Jersey State Law Claims)
All Defendants

81. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

82. At all relevant times herein, Defendants were acting under color of state law.

83. As stated above, Defendants arrested Plaintiff without probable cause that he committed a crime.

84. Plaintiff did not commit an assault or aggravated assault against Ms. Jones.

85. No reasonable officer could have believed that there existed probable cause to arrest Plaintiff.

86. All charges described above were dismissed against the Plaintiff.

87. Defendants intentionally, maliciously, and falsely arrested the Plaintiff with reckless disregard for Plaintiff's Constitutional rights.

88. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT VII

MALICIOUS PROSECUTION
(New Jersey State Law Claims)
All Defendants

89. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

90. At all relevant times herein, Defendants were acting under color of state law.

91. As described above, Defendants initiated criminal charges against the Plaintiff without probable cause.

92. As described above, Defendants initiated criminal charges against the Plaintiff with actual malice.

93. All charges against the Plaintiff were dismissed.

94. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT VIII

LAD – SEX DISCRIMINATION IN PLACE OF PUBLIC ACCOMMODATION
Defendants Borough of Pine Hill Police Department and Defendant Pine Hill Officer
Marino

95. Plaintiff incorporates the preceding and succeeding paragraphs as though fully set forth herein.

96. The police departments of New Jersey, and all individual members of same, are deemed by the interpretation of the LAD to be, wherever they go and with whomever they interact, "places of public accommodation."

97. In the present case, the decision made by Defendants Borough of Pine Hill Police Department and Defendant Marino to arrest Plaintiff was determined in part and/or motivated in part by Plaintiff's sex.

98. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: imprisonment, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees and enhancements, interest, equitable front pay, equitable back pay, and any other relief the court deems equitable and just.

COUNT IX

EQUITABLE RELIEF

99. Plaintiff hereby repeats and realleges the preceding and succeeding paragraphs as though fully set forth herein.

100. Plaintiff requests this Court declare the practices stated herein to be a violation of Plaintiff's state and federal civil rights.

101. Plaintiff requests any other equitable relief this Court deems reasonable and just.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and/or severally and in the alternative, together with economic compensatory damages, non-economic compensatory damages, consequential damages, punitive damages, costs of suit, attorney's fees

and enhancements, interest, equitable front pay, equitable back pay, equitable reinstatement, and any other relief the court deems equitable and just.

DEMAND TO PRESERVE EVIDENCE

Defendants are hereby directed to preserve any and all physical, electronic and/or digital information or data pertaining in any way to Plaintiff's employment, to Plaintiff's allegations, causes of action or defense to Plaintiff's allegations or causes of action as well as any and all evidence pertaining to any party or employee of any party, including but not limited to physical, electronic and/or digital data (electronically stored information), web pages, social media profiles, pages or identities, emails, voice messages, text messages, instant messages or messaging systems, recordings, digital recordings, media images and videos, temporary memory, memory sticks, portable memory devices, laptops or computers, CDs, DVDs, USB devices, databases, computer activity logs, internet browsing history (including cookies), network access and server activity logs, word processing files and file fragments, back-up and archival files, imaging and facsimile files, electronic calendar and scheduling program files and file fragments as well as any other contact and relationship management data (e.g., Outlook, ACT!), electronic spreadsheet files and file fragments, related to this matter. This includes a request that such information not be modified, altered or deleted as a result of data compression or disk fragmentation (or other optimizations procedures), which processes you are hereby directed to suspend until such time as that data can be preserved, copied and produced.

In terms of paper information, Defendants are directed to preserve any and all contracts and contract drafts, emails, memos and drafts of memos, handbooks (past and present), policies (past and present) and drafts, employment files, pay stubs or duplicates, spreadsheets, lists,

reports, documents, notes, correspondence, photographs, investigative information or other documents which pertain in any way to the controversy, parties or witnesses in this matter.

JURY DEMAND & TRIAL COUNSEL DESIGNATION

Plaintiff hereby demands a trial by jury. Toni L. Telles, Esq. of the Law Office of Eric A. Shore is hereby designated trial counsel.

LAW OFFICES OF ERIC A. SHORE

BY: *Toni Telles*
TONI L. TELLES, ESQUIRE
Four Echelon Plaza
201 Laurel Rd., 8th Floor
Voorhees, New Jersey 08043

Date: January 4, 2017

RULE 4:5-1 CERIFICATION

I, Toni L. Telles, hereby certify the following:

1. I am an attorney, licensed to practice law in the State of New Jersey and am responsible for the above-captioned matter.
2. To the best of my knowledge and belief, this matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any such proceeding contemplated at this time.

LAW OFFICES OF ERIC A. SHORE

BY: *Toni Telles*
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Four Echelon Plaza
201 Laurel Rd., 8th Floor
Voorhees, New Jersey 08043

Attorney for Plaintiff, Keidron Alexander

Date: January 4, 2017