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Attorneys for Plaintiffs

AHMAD WALLACE A MINOR BY)	Superior Court of New Jersey
HIS G/A/L YASMEAN DAMON)	Law Division
& YASMEAN DAMON INDIV.)	Union County
Plaintiffs)	Docket No:
v.)	
CITY OF PLAINFIELD, CITY OF)	UNN-L-0604-16
PLAINFIELD POLICE DIVISION)	
CITY OF PLAINFIELD BOARD OF)	
EDUCATION)	Summons
Defendants)	

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. (The address of each deputy clerk of the Superior Court is provided.) A \$110.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to 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 and completed Case Information Statement) if you want the court to hear your defense.

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

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

February 26, 2016


Michelle M. Smith, Clerk

Name of Defendant to be Served:	City of Plainfield
Address for Service:	515 Watchung Ave. Plainfield, New Jersey 07060

COUNTY	ADDRESS	LAWYER REFERRAL	LEGAL SERVICES
Atlantic	Atlantic Cty. Civil Courthouse 1201 Bacharach Blvd., 1st Fl. Atlantic City, NJ 08401	(609) 345-3444	(609) 348-4200
Bergen	Justice Center 10 Main Street, Room 121 Hackensack, NJ 07601-0769	(201) 488-0044	(201) 487-2166
Burlington	Court Complex First Floor 49 Rancocas Road Mt. Holly, NJ 08060	(609) 261-4862	(609) 261-1088
Camden	Hall of Justice 101 S. Fifth Street Suite 150 Camden, NJ 08103	(856) 964-4520	(856) 964-2010
Cape May	Law Division: Cape May Court House 9 N. Main Street Cape May, NJ 08210	(609) 463-0313	(609) 465-3001
Cumberland	Court House Direct Filing Broad & Fayette Streets P.O. Box 615 Bridgeton, NJ 08302	(856) 692-6207	(856) 451-0003
Essex	113 Essex County Courts Bldg 50 W. Market Street Newark, NJ 07102	(973) 622-7753	(973) 824-3000
Gloucester	Court House First Floor 1 North Broad Street P.O. Box 881 Woodbury, NJ 08096 (856) 853-3250	(856) 848-4589	(856) 848-5360
Hudson	595 Newark Avenue Jersey City, NJ 07306	(201) 798-2727	(201) 792-6363
Hunterdon	County Justice Center 65 Park Avenue P.O. Box 728 Flemington, NJ 08822	(908) 735-2611	(908) 782-7979
Mercer	175 S. Broad Street 2nd Floor, P.O. Box 8068 Trenton, NJ 08650-0068	(609) 585-6200	(609) 695-6249

Middlesex	Law Division – Courthouse 1 JFK Square P.O. Box 964 New Brunswick, NJ 08903-0964	(732) 828-0053	(732) 249-7600
Monmouth	Court House 71 Monument Park P.O. Box 1260 Freehold, NJ 07728-1260	(732) 431-5544	(732) 866-0022
Morris	Mail: P.O. Box 910 Washington & Court Streets Morristown, NJ 07963-0910	(973) 267-5882	(973) 285-6911
Ocean	118 Washington Street P.O. Box 2191 Toms River, NJ 08754	(732) 240-3666	(732) 341-2727
Passaic	Court House 77 Hamilton Street Paterson, NJ 07505	(973) 278-9223	(973) 345-7171
Salem	92 Market Street P.O. Box 29 Salem, NJ 08079	(856) 935-5629	(856) 964-2010
Somerset	20 N. Bridge Street, 3rd Floor P.O. Box 3000 Somerville, NJ 08876	(908) 685-2323	(908) 231-0840
Sussex	Sussex County Judicial Center 43-47 High Street Newton, NJ 07860	(973) 383-7400	
Union	2 Broad Street Elizabeth, NJ 07207-6099	(908) 353-4715	(908) 354-4340
Warren	Court House 413 Second Street Belvidere, NJ 07823		(908) 475-2010

UNION COUNTY SUPERIOR COURT
2 BROAD STREET
ELIZABETH NJ 07207

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 659-4810
COURT HOURS 8:30 AM - 4:30 PM

DATE: FEBRUARY 22, 2016
RE: WALLACE ET AL VS PLAINFIELD CITY OF ET AL
DOCKET: UNN L -000604 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

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

THE PRETRIAL JUDGE ASSIGNED IS: HON THOMAS J. WALSH.

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (908) 659-4820.

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: LAWRENCE N. LAVIGNE
LAVIGNE LLC LAWRENCE N
2444 MORRIS AVE STE 206
UNION NJ 07083-5918

JUTAN

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Attorneys for Plaintiff

RECEIVED / FILED
Superior Court of New Jersey
FEB 22 2016
CIVIL CASE MANAGEMENT
UNION COUNTY

AHMAD WALLACE, a minor by)
his G/A/L YESMEAN DAMON and)
YASMEAN DAMON, Individually)
Plaintiffs)

v.)

THE CITY OF PLAINFIELD, THE)
PLAINFIELD POLICE DEPT.,)
MYLIS HARRISON, ROHAN)
BORNE, DANIEL CONE, THE)
PLAINFIELD BOARD OF)
EDUCATION, JOHN DOES 1-5)
Defendants)

Superior Court of New Jersey
Law Division

Union County

Docket No:

UNN-E-0604-16

COMPLAINT

AHMAD WALLACE, a minor by his guardian ad litem, Yasmean Damon, and Yasmean Damon individually residing at 605 East Front Street, Apt. 8, Plainfield New Jersey complains of the Defendants and says:

NATURE OF THE ACTION

1. Plaintiff, a citizen of the State of New Jersey and the United States of America brings this action seeking monetary relief to redress the injuries that he suffered as a result of the unlawful assault, detention, and restraint which occurred on February 27, 2015 at the Emerson School, in the City of Plainfield, New Jersey.

2. In the manner detailed herein, Defendants acting under color of state and municipal law, assaulted, detained, restrained and falsely imprisoned him in violation of his state and federal civil rights in violation of the constitutions of the State of New Jersey and the United States of America.

THE PARTIES

3. At all relevant times hereto, Plaintiff Ahmad Wallace, a minor is/was a citizen of the United States and a resident of Plainfield, in the county of Union, in the State of New Jersey.

4. At all relevant times, the City of Plainfield is/was a municipal corporation existing pursuant to the laws of the State of New Jersey with its principal place of business located at 515 Watchung Avenue, Plainfield, New Jersey.

5. At all relevant times, the Plainfield Police Department had its principal place of business located at 200 E. 4th Street, Plainfield, NJ.

6. At all relevant times, Mylis Harrison, Rohan Bourne and Daniel Cone AND John Does 1-5 (whose identities are not currently known) were employed by the City of Plainfield either by the police department or the Board of Education. Each acted on behalf of the government and acted under the color of law.

FACTS GIVING RISE TO THIS ACTION

7. On or about February 27, 2015, Ahmad Wallace was a ten year old student at the Emerson School.

8. On that date and time, Plaintiff Ahmad Wallace was physically man-handled, physically assaulted and forcibly removed from his art class against his will by school employee, Rohan Bourne.

9. Thereafter, police officer, Mylis Harrison, working at the school while employed by the Plainfield Police Department, physically man-handled, assaulted and carried Plaintiff Ahmad Wallace to a conference room at the school against Plaintiff's will.

10. At all relevant times, Defendant Daniel Cone was the Vice Principal of the Emerson School and witnessed either or both events of Plaintiff Ahmad Wallace being man-handled, physically assaulted and abused by Rohan Bourne and Mylis Harrison and did nothing to stop the assault and violation of Plaintiff's civil rights.

11. Once Defendant Harrison had Plaintiff Ahmad Wallace in the conference room, Harrison without authority, provocation or reason and in violation of Plaintiff Ahmad Wallace's civil rights, slammed Plaintiff onto a table causing physical and psychological injuries.

12. Thereafter Harrison without authority, provocation or reason and in violation of Plaintiff Ahmad Wallace's civil rights, handcuffed the minor to a chair.

13. All defendants acted under color of the law at all relevant times.

COUNT I

14. Plaintiff repeats and realleges each and every allegation of paragraphs 1-16 as if each were repeated herein at length.

15. As a direct and proximate result of the unlawful, willful and malicious conduct of the Defendants, Plaintiff was deprived of rights, privileges and immunities secured by the Constitution and laws of the State of New Jersey.

16. Defendants under color of law violated N.J.S.A. 10:6-1 *et seq.*

17. Defendants violated Plaintiff's rights as conferred by Article 1 of the Constitution of the State of New Jersey.

18. The City of Plainfield, the Plainfield Police Department and the Plainfield Board of Education are liable for the actions of its employees undertaken in their official capacities.

19. As a result of the wrongful acts and actions of Defendants, Plaintiff suffered injury.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT II

20. Plaintiff repeats and realleges each and every allegation of paragraphs 1-19 as if each were repeated herein at length.

21. At all relevant times hereto, the City of Plainfield and its police department were responsible for the hiring, training and supervision of its police officers.

22. At all relevant times hereto, the City of Plainfield and its police department owed Plaintiff the duty of properly screening, hiring, training, determining fitness for duty and ongoing supervision of its police officers.

23. Defendants City of Plainfield and its police department breached the aforementioned duties to Plaintiff.

24. As a result of the aforementioned breaches of duty, Plaintiff suffered significant personal injuries.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;

- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT III

25. Plaintiff repeats and realleges each and every allegation of paragraphs 1-19 as if each were repeated herein at length.

26. At all relevant times hereto, the City of Plainfield and its Board of Education were responsible for the hiring, training and supervision of its employees including but not limited to security guards and administrators.

27. At all relevant times hereto, the City of Plainfield and its Board of Education owed Plaintiff the duty of properly screening, hiring, training, determining fitness for duty and ongoing supervision of employees including but not limited to security guards and administrators.

28. Defendants City of Plainfield and its Board of Education breached the aforementioned duties to Plaintiff.

29. As a result of the aforementioned breaches of duty, Plaintiff suffered significant personal injuries.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT IV

30. Plaintiff repeats and realleges each and every allegation of paragraphs 1-29 as if each were repeated herein at length.

31. Defendants collectively and individually, while acting under color of law, engaged in conduct which constituted custom, usage, practice, procedure or rule of the municipal authority

which is prohibited by the Constitutions of the USA and State of New Jersey and the Statutes of the USA and State of New Jersey.

32. The aforementioned custom, usage, practice, procedure or rule of the municipal authority constituted a deliberate indifference to the safety, wellbeing and constitutional rights of Plaintiff and were a direct and proximate cause of the violations of Plaintiff's civil rights which resulted in injury suffered by Plaintiff.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT V

33. Plaintiff repeats and realleges each and every allegation of paragraphs 1-32 as if each were repeated herein at length.

34. The individual defendants conspired to deprive Plaintiff of his rights as set forth above which caused injury to Plaintiff.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT VI

35. Plaintiff repeats and realleges each and every allegation of paragraphs 1-34 as if each were repeated herein at length.

36. At the time and place set forth above, Defendants, negligently, recklessly or intentionally assaulted and battered Plaintiff.

37. Plaintiff did not consent and objected to being touched or man-handled by any security guard, police officer or other employee of the City of Plainfield, its police department and/or its Board of Education.

38. Defendant City of Plainfield is liable for the wrongful actions of its employees.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT VII

39. Plaintiff repeats and realleges each and every allegation of paragraphs 1-39 as if each were repeated herein at length.

40. Defendants had an affirmative duty to intervene on behalf of Plaintiff whose constitutional rights were being violated in their presence by other employees of the City of Plainfield.

41. Defendants failed to intervene to prevent the unlawful conduct set forth herein.

42. As a result of the forgoing, Plaintiff's liberty was restricted in violation of law, his civil rights were violated and he suffered physical and psychological injury.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT VIII

43. Plaintiff repeats and realleges each and every allegation of paragraphs 1-42 as if each were repeated herein at length.

44. Defendants collectively and individually while acting under color of law intentionally and with callous disregard, malice and indifference to the constitutional rights of the minor Plaintiff, deprived him of his civil rights.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT IX

45. Plaintiff repeats and realleges each and every allegation of paragraphs 1-44 as if each were repeated herein at length.

46. Plaintiff Yasmean Damon is the mother of the minor Plaintiff, Ahmad Wallace.

47. As a result of the wrongful acts set forth herein, Plaintiff, Yasmean Damon suffered injury as recognized by law.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

COUNT X

(PUNITIVE DAMAGES)

48. Plaintiff hereby repeats and realleges each and every allegation of paragraphs 1-47 as if each were repeated herein at length.

49. The actions of Defendants were willful and wonton.

50. The actions of Defendants were done at the behest or with the knowledge and permission of upper management.

WHEREFORE: Plaintiff demands judgment against Defendants for punitive damages.

COUNT XI

51. Plaintiffs hereby repeat and reallege each and every allegation of paragraphs 1-50 as if each were repeated herein at length.

52. As a result of the wrongful acts set forth herein, Plaintiffs have suffered psychological injury.

WHEREFORE; Plaintiff demands judgment against defendants jointly and severally for:

- A. compensatory damages;
- B. punitive damages;
- C. interest;
- D. attorney's fees;
- E. costs of suite;
- F. other relief that this court deems equitable and just.

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

TAKE NOTICE that the undersigned attorneys, counsel for this Plaintiff, do hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c) that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other material

referred to therein, upon the undersigned attorney and TAKE NOTICE that this is a continuing demand.

DEMAND FOR TRIAL BY JURY

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

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R. 4:25-4, Lawrence N. Lavigne, Esq. is hereby designated as trial counsel in the within captioned matter.

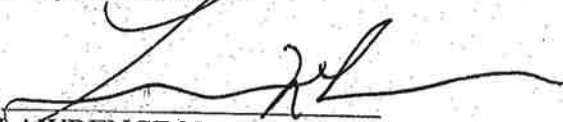
CERTIFICATION

I hereby certify pursuant to R. 4:5-1 that, to my present knowledge, the matter in controversy is not the subject of any other action. I further certify that, to my present knowledge, no other party should be joined in the within action at this time, however, we is still reviewing this matter to determine if additional parties should be joined. This is to further certify that the within pleading has been served within the time provided by the Rules governing the Courts of the State of New Jersey.

CERTIFICATION OF OTHER MATTERS

None.

LAWRENCE N. LAVIGNE, ESQ. L.L.C.
Attorneys for Plaintiff

By: 

LAWRENCE N. LAVIGNE

Dated: February 17, 2016

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY JUDGE, CLERK, OR COURT REPORTER	
		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY / PRO SE NAME Lawrence N. Lavigne		TELEPHONE NUMBER (908) 687-7750	COUNTY OF VENUE Union
FIRM NAME (if applicable) Lawrence N. Lavigne, Esq. LLC		UNN-L-0604-16	
OFFICE ADDRESS 2444 Morris Ave. Ste 206 Union, NJ 07083		DOCUMENT TYPE Complaint	
		JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Ahmad Wallace by his g/a/l Yasmear Damon & Yasmear Damon		CAPTION Ahmad Wallace by his g/a/l Yasmear Damon & Yasmear Damon v City of Plainfield ET ALS	
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS SCHOOL/STUDENT	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY?		☒ YES ☐ NO	
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			