

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

#92
JONITHAN LINDSEY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

CITY OF PLAINFIELD, NEW JERSEY, ET
AL.,
Defendant

CASE
NUMBER: 2:16-CV-04854-MCA-MAH

TO: *(Name and address of Defendant):*

City of Plainfield, New Jersey
Municipal Complex
515 Watchung Avenue
Plainfield, New Jersey 07060

A lawsuit has been filed against you.

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

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

WILLIAM T. WALSH

CLERK

Donato Marucci

(By) DEPUTY CLERK



ISSUED ON 2016-08-10 12:42:16, Clerk
USDC NJD

RECEIVED & FILED
CITY CLERK'S OFFICE
2016 OCT 20 PM 1:33
PLAINFIELD, NEW JERSEY

RETURN OF SERVICE		
Service of the Summons and complaint was made by date(1)	DATE	
NAME OF SERVER <i>(PRINT)</i>	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
☐ Served personally upon the defendant. Place where served: _____ _____ ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. ☐ Name of person with whom the summons and complaint were left: _____ ☐ Returned unexecuted: _____ _____ ☐ Other (specify) : _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date _____ <i>Signature of Server</i> _____ <i>Address of Server</i>		

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

JONITHAN LINDSEY,

Plaintiff,

v.

CITY OF PLAINFIELD, REGGIE JOHNSON, L.
O'BRIEN, JOHN DOE 1-10, JOHN DOE 11-20,
ABC AGENCY 1-10 and XYZ COMPANY 1-10.

Defendants.

Case No.

Civil Action

Michael G. Brucki, Esq.
NJ Attorney ID No. 041982002
Law Offices of Michael G. Brucki, LLC
425 North Wood Avenue
Linden, New Jersey 07036
Tel: 908.486.0027
Fax: 908.587.0177
Email: Office@Bruckilaw.com
Attorney for Plaintiff, Jonithan Lindsey

VERIFIED COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, Jonithan Lindsey, by and through his attorney, Michael G. Brucki, Esq., of the Law Offices of Michael G. Brucki, LLC, and for his Complaint against the Defendants, City of Plainfield; John Doe 1-10; John Doe 11-20; ABC Agency 1-10 and XYZ Company 1-10 hereby states as follows:

NATURE OF THE ACTION

This action seeks relief for the Defendants' violations of the Plaintiff's rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, and by the Constitution of the United States, including its Fourth, Fifth, and Fourteenth Amendments. There is no other civil action between these parties arising out of the same incident or occurrence as alleged in this Complaint pending in this Court, nor has any such action been filed and dismissed or transferred after having been assigned to a Judge. Plaintiff seeks compensatory and punitive damages, declaratory relief, interest, litigation costs and such other and further relief as this Court deems proper

and just.

JURISDICTION AND VENUE

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. This Court has jurisdiction over this action and the parties. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 and 1343 and common law as this action seeks redress for the violation of Plaintiff's constitutional and civil rights.

Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) because the acts complained of occurred in Union County, New Jersey and defendants are located in same.

PARTIES

1. The Plaintiff, Jonithan Lindsey, (*hereinafter "Plaintiff"*) is a United States citizen and resides in the City of Elizabeth, County of Union and State of New Jersey.

2. The Defendant, City of Plainfield, New Jersey (*hereinafter individually and/or collectively the "City of Plainfield" or the "Defendant(s)"*) is a governmental agency authorized to maintain a police department for which it is ultimately responsible, that aided and abetted the defendants in the plaintiff's false imprisonment and unlawful seizure of his vehicle, and is located at the Municipal Complex, 515 Watchung Avenue, Plainfield, New Jersey.

3. At all times relevant to this action, the City and Police Department hired, employed, supervised and controlled the individual defendants who acted in the course and scope of their duties and functions as agents, employees and/or officers of the City of Plainfield with the power and authority vested in them.

4. Defendant, Detective Reggie Johnson, (*hereinafter "Johnson" or the "Defendant(s)"*) is and/or was at all times relevant herein, an officer, employee, and agent of the Police Department, a municipal agency of the City. He is duly appointed and acting as a detective of the Police Department, and is sued in his individual and official capacities.

5. Defendant, Lieutenant O'Brien, (*hereinafter "O'Brien" or the "Defendant(s)"*) is and/or was at all times relevant herein, an officer, employee, and agent of the Police Department, a municipal agency of the City. He is duly appointed and acting as a lieutenant of the Police Department, and is sued in his individual and

official capacities.

6. John Doe 1-10 are factitious defendants and are believed to be agents and employees of one or more of the named defendants and were directly involved in the plaintiff's false imprisonment and unlawful seizure of the his vehicle.

7. John Doe 11-20 are factitious defendants and are believed to be persons who aided and abetted one or more of the named defendants and/or are agents and employees of one or more of ABC Agency 1-10 and/or XYZ Company 1-10.

8. ABC Agency 1-10 and XYZ Company 1-10 are fictitious defendants and are believed to be entities that aided and abetted one or more of the named defendants.

FACTUAL ALLEGATIONS

9. On August 9, 2014, the plaintiff was stopped while operating a motor vehicle in close proximity to 523 6th Street, Plainfield, New Jersey, when the defendants suddenly and without cause, falsely imprisoned the plaintiff.

10. Also, on August 9, 2014 the defendants unlawfully searched the plaintiff's vehicle without probable cause, consent, a warrant or any legitimate basis for doing so. This search was concluded with no results and accordingly no charges were filed.

11. The defendants had unlawfully seized the plaintiff's vehicle, which has remained in the defendants' possession to present without providing a legitimate basis for retaining the vehicle.

12. Subsequently, the plaintiff's counsel, Michael G. Brucki, Esq., appeared at the Plainfield Police Department and spoke with Detective Reggie Johnson who advised counsel that this is a case of mistaken identity. However, based upon Lieutenant O'Brien's directive, the defendants refused to release the subject vehicle to the plaintiff.

13. Thereafter, the plaintiff's counsel had made numerous attempts to contact Lieutenant O'Brien, who did not respond to counsel's inquiries and consequently released no information pertaining to the subject and incidents within this complaint.

14. During and subsequent to the incident, the plaintiff had suffered emotional and mental distress resulting from the impact of the defendants' actions and conduct relating to the aforesaid events, which have caused the plaintiff to sustain permanent psychological trauma.

15. The plaintiff has also sustained substantial economic damages created by the stigma associated with the defendants' conduct leading to the subject incidents and the plaintiff's loss of his vehicle at the hands of these defendants.

16. Based upon the foregoing, the defendants' actions have harmed and caused the plaintiff to sustain damages which include, but are not limited to the following:

- a. Depriving the plaintiff of his liberty, freedom and property which was directly caused by the defendants' malice and reckless disregard for the truth; and
- b. Causing the plaintiff's character and reputation to become defamed by the defendants' unsubstantiated actions and the stigma associated therewith; and
- c. Caused the plaintiff to suffer severe emotional and mental distress together with and compounded by substantial economic losses;

AS AND FOR A FIRST CAUSE OF ACTION
42 U.S.C. § 1983 and Fourth and Fourteenth Amendments
By Plaintiff Against Defendant Police Officers

17. Plaintiff reiterates the facts stated in the preceding paragraphs as if stated fully herein.

18. By their conduct, as described herein, and acting under color of state law to deprive the Plaintiff of his right to be free from unreasonable searches and seizures as protected by the Fourth and Fourteenth Amendments, Defendant Police Officers are liable for violation of 42 U.S.C. § 1983, which prohibits the deprivation under color of state law of rights secured under the Constitution of the United States.

19. At all times relevant herein, the Police Officers had no cause, let alone probable cause or reasonable suspicion to detain Plaintiff.

20. At all times relevant herein, the Police Officers acted intentionally, willfully, maliciously, negligently, and with reckless disregard for and deliberate indifference to the Plaintiff's rights, property, and physical and mental well being by detaining and confiscating Plaintiff's property.

21. The conduct of the Police Officers in detaining the Plaintiff proximately caused physical, emotional and financial injury to him, as well as serious emotional pain and suffering, mental anguish, shock, fright, physical pain, humiliation, embarrassment and deprivation of his constitutional rights. Plaintiff suffered the trauma, debasement and humiliation as a result of being publicly unlawfully detained without any cause.

AS AND FOR A SECOND CAUSE OF ACTION
42 U.S.C. § 1983 and the Fifth and Fourteenth Amendments
By Plaintiff Against Defendant Police Officers

22. Plaintiff reiterates the facts stated in the preceding paragraphs as if stated fully herein.

23. By their actions, as described herein, the Defendant Police Officers are liable to the Plaintiff under 42 U.S.C. § 1983 for the violation, under color of state law, of the constitutional right to be free from any deprivation of liberty without due process of law under the Fifth and Fourteenth Amendments to the Constitution of the United States.

24. The Police Officers' unlawful actions were done willfully, knowingly and with the specific intent to deprive Plaintiff of his constitutional rights under the Fifth and Fourteenth Amendments to the Constitution of the United States.

25. As a direct and proximate result of the Defendant Police Officers' actions, Plaintiff has suffered, and will continue to suffer, damages including physical, mental and emotional injury and pain, mental anguish, suffering, humiliation and embarrassment.

AS AND FOR A THIRD CAUSE OF ACTION
42 U.S.C. § 1983 and the Fifth and Fourteenth Amendments
By Plaintiff Against Defendant Police Officers

26. Plaintiff reiterates the facts stated in the preceding paragraphs as if stated fully herein.

27. By their actions, as described herein, the Defendant Police Officers are liable to the Plaintiff under 42 U.S.C. § 1983 for the violation, under color of state law, of the constitutional right to be free from any

deprivation of property without due process of law under the Fifth and Fourteenth Amendments to the Constitution of the United States.

28. The Police Officers' unlawful actions were done willfully, knowingly and with the specific intent to deprive the Plaintiff of his constitutional rights under the Fifth and Fourteenth Amendments to the Constitution of the United States.

29. As a direct and proximate result of the Defendant Police Officers' actions, Plaintiff has suffered, and will continue to suffer, damages including physical, mental and emotional injury and pain, mental anguish, suffering, humiliation and embarrassment, as well as economic damages for the continuing wrongful and unlawful deprivation of his property, *to wit*, Plaintiff's car.

AS AND FOR A FOURTH CAUSE OF ACTION
42 U.S.C. § 1983 and the Fifth and Fourteenth Amendments
By Plaintiff Against Defendant City

30. Plaintiff reiterates the facts stated in the preceding paragraphs as if stated fully herein.

31. The actions of the Police Officers, as described herein, were the result of the failure of the Police Department's failure to properly train, supervise and discipline its officers, including the Police Officers named herein. This failure to train, supervise, and discipline is a consequence of the deliberate policies and practices of the City and the Police Department. These policies and practices are in part responsible for the unconstitutional, wrongful, deliberate, malicious, negligent, careless and intentional actions of the Police Officers.

32. At all times relevant herein, the City, acting through its Police Department, developed, implemented, enforced, encouraged and sanctioned de facto policies, practices, and/or customs exhibiting deliberate indifference to the Plaintiff's constitutional rights which caused the violation of his rights.

33. The constitutional abuses and violations by the City, through the actions of its Police Department and Police Officers, were and are directly and proximately caused by policies, practices and/or customs developed, implemented, enforced, encouraged and sanctioned by the City, including the failure: (a) to adequately supervise and train its officers and agents, including the Defendant Police Officers, thereby failing to

adequately discourage further constitutional violations on the part of its police officers; (b) to properly and adequately monitor and discipline its officers, including the Defendant Police Officers; and (c) to adequately and properly investigate citizen complaints of police misconduct.

34. Plaintiff has no adequate remedy at law and will suffer serious and irreparable harm to his constitutional rights to own property unless the Defendants are enjoined from continuing their unlawful policies, practices, and/or customs which have directly and proximately caused such constitutional abuses.

WHEREFORE, the plaintiff, Jonithan Lindsey, prays that this Court enter judgment against the City of Plainfield and Defendants providing the following relief:

- a. Assuming jurisdiction over this matter; and
- b. Entry of judgment that Defendants, by their actions, violated Plaintiff's rights under the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983; and
- c. Entry of judgment, jointly, individually and severally, against the City and the Police Officers for compensatory damages in the amount of fifty thousand dollars (\$50,000.00); and
- d. Entry of judgment, jointly, individually and severally, against the Police Officers for punitive damages in the amount of one million dollars (\$1,000,000.00); and
- e. Entry of declaratory judgment against the City and the Police Officers to return Plaintiff's property, *to wit*, his car, to him; and
- f. An award of interest, costs and attorneys' fees; and
- g. Such other relief that the Court deems proper in the interests of justice.

LAW OFFICES OF MICHAEL G. BRUCKI, LLC

By: /s/ Michael G. Brucki
Michael G. Brucki

Dated: 08/09/2016

JURY DEMAND

Plaintiff hereby demands trial by jury as to each count of the Complaint.

LAW OFFICES OF MICHAEL G. BRUCKI, LLC

By: /s/ Michael G. Brucki
Michael G. Brucki

Dated: 08/09/2016

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of the Rules of Court, the Court is advised that Michael G. Brucki, Esq. is hereby designated as trial counsel for the Plaintiff.

LAW OFFICES OF MICHAEL G. BRUCKI, LLC

By: /s/ Michael G. Brucki
Michael G. Brucki

Dated: 08/09/2016

CERTIFICATION OF NO OTHER ACTIONS

I hereby certify that there is no other civil action between these parties arising out of the same incident or occurrence as alleged in this Complaint pending in this Court, nor has any such action been filed and dismissed or transferred after having been assigned to a Judge.

I hereby certify that the foregoing 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.

LAW OFFICES OF MICHAEL G. BRUCKI, LLC

By: /s/ Michael G. Brucki
Michael G. Brucki

Dated: 08/09/2016

DEMAND FOR DISCOVERY AND INSURANCE COVERAGE

Pursuant to the Rules of Court, demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. If such a policy or agreement exists, state the name and address of the insurance company, policy number, inception and expiration dates, liability limits, and names and addresses of all persons and / or entities insured under said policy or agreement.

LAW OFFICES OF MICHAEL G. BRUCKI, LLC

Dated: 08/09/2016

By: /s/ Michael G. Brucki
Michael G. Brucki

VERIFICATION

I, Jonithan Lindsey, a United States citizen and resident of the State of New Jersey, am the plaintiff in this action. I have reviewed the foregoing Verified Complaint and declare under penalty of perjury under the laws of the United States of America that the foregoing facts are correct and true to the best of my knowledge and belief and that those factual matters that are stated upon information and belief are believed by me to be true.

/s/ Jonithan Lindsey

Jonithan Lindsey

Dated: August 9, 2016

Respectfully Submitted,

/s/ Michael G. Brucki

Michael G. Brucki, Esq.

NJ Attorney ID No. 041982002

Law Offices of Michael G. Brucki, LLC

425 North Wood Avenue

Linden, New Jersey 07036

Ph. (908) 486.0027

Fax (908) 587.0177

Email: Office@Bruckilaw.com

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

LINDSEY, JONITHAN

(b) County of Residence of First Listed Plaintiff UNION COUNTY, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)
Law Offices of Michael G. Brucki, LLC
425 North Wood Avenue, Linden, NJ 07036
Tel. (908) 486-0027, Office@Bruckilaw.com

DEFENDANTS

CITY OF PLAINFIELD, N.J., R. JOHNSON, L. O'BRIEN, ET AL.

County of Residence of First Listed Defendant UNION COUNTY, NJ
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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

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

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

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSD Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

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

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

VI. CAUSE OF ACTION

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

Brief description of cause:
Defendants violated statute when they falsely imprisoned the Plaintiff and deprived him of his property.

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Not Applicable DOCKET NUMBER N/A

DATE 08/09/2016 SIGNATURE OF ATTORNEY OF RECORD
/s/ Michael G. Brucki, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE