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**FORMAN & CARDONSKY**  
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Elizabeth, New Jersey 07208  
(908) 353-6500  
*Attorneys for Plaintiff(s) Wenton Phillips*

**WENTON PHILLIPS**

Plaintiff,

v.

**PLAINFIELD DETECTIVE M. BLACK,**  
whose first name is unknown to Plaintiff  
at this time, **PLAINFIELD DETECTIVE**  
**TERRY SHAW, PLAINFIELD**  
**DETECTIVE MARTA BECZEK,**  
**PLAINFIELD POLICE OFFICER KING,**  
whose first names is unknown to Plaintiff  
at this time, **POLICE OFFICER**  
**DONOVAN,** whose first name is unknown  
to Plaintiff at this time, **PLAINFIELD**  
**POLICE DEPARTMENT, PLAINFIELD**  
**POLICE OFFICERS 1-10, JOHN DOES**  
**10-20,** whose actual identity is unknown to  
Plaintiff, and **THE CITY OF**  
**PLAINFIELD,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY LAW**  
**DIVISION: UNION COUNTY**

Docket No.: UNN-L-1487-18

Civil Action

**SUMMONS**

**FROM THE STATE OF NEW JERSEY TO: The City of Plainfield**

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 with 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.) 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 the plaintiff's attorney whose name and address appear above, or to the plaintiff, if not 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 \$135.00 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). A list of these offices is provided. If you do not have an attorney are not eligible for legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

/s/ Jennifer Perez

Acting Clerk of the Superior Court

DATED: May 3, 2018

Name of Defendant to be served: The City of Plainfield

Address of Defendant to be served: 515 Watchung Ave, Plainfield, NJ 07060

Note: The Case Information Statement is available at [www.njcourts.com](http://www.njcourts.com) Revised 09/01/2010, CN 10792-English (Appendix XII-A)

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## Civil Case Information Statement

**Case Details: UNN-L-001487-18 Civil Part Docket# L-001487-18****Case Caption:** PHILLIPS WENTON VS BLACK M**Case Initiation Date:** 04/26/2018**Attorney Name:** SHMUEL TSINMAN**Firm Name:** FORMAN CARDONSKY LAWRENCE**Address:** 701 WESTFIELD AVE

ELIZABETH NJ 07208

**Phone:****Name of Party:** PLAINTIFF : Phillips, Wenton**Name of Defendant's Primary Insurance Company**

(if known): Unknown

**Case Type:** CIVIL RIGHTS**Document Type:** Complaint with Jury Demand**Jury Demand:** YES - 6 JURORS**Hurricane Sandy related?** NO**Is this a professional malpractice case?** NO**Related cases pending:** NO**If yes, list docket numbers:****Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO**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?** NO**If yes, is that relationship:****Does the statute governing this case provide for payment of fees by the losing party?** YES**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?** NO**If yes, please identify the requested accommodation:****Will an interpreter be needed?** 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 Rule 1:38-7(b)**04/26/2018

Dated

/s/ SHMUEL TSINMAN

Signed

Samuel Tsinman, Esq. (00829-2011)  
FORMAN & CARDONSKY  
701 Westfield Avenue  
Elizabeth, New Jersey 07208  
(908) 353-6500  
Attorneys for Plaintiff(s)

WENTON PHILLIPS

Plaintiff,

v.

PLAINFIELD DETECTIVE M. BLACK,  
whose first name is unknown to Plaintiff  
at this time, PLAINFIELD DETECTIVE  
TERRY SHAW, PLAINFIELD  
DETECTIVE MARTA BECZEK,  
PLAINFIELD POLICE OFFICER KING,  
whose first names is unknown to Plaintiff  
at this time, POLICE OFFICER  
DONOVAN, whose first name is unknown  
to Plaintiff at this time, PLAINFIELD  
POLICE DEPARTMENT, PLAINFIELD  
POLICE OFFICERS 1-10, JOHN DOES  
10-20, whose actual identity is unknown to  
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PLAINFIELD,

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW  
DIVISION: UNION COUNTY

Docket No.: UNN-L-1487-18

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff, Wenton Phillips, residing at 345 Plainfield Ave, in the city of Plainfield,  
County of Union and State of New Jersey by way of Complaint against the Defendants  
herein, says:

**FACTUAL ALLEGATIONS**

1. On or about April 29, 2016 Plaintiff, Wenton Phillips, was a lawful invitee and customer of the South Avenue Liquors store located at 1100 South Avenue, Plainfield, New Jersey.

2. Plaintiff entered the South Avenue Liquors store and purchased lottery tickets.
3. Plaintiff then exited the store and entered his vehicle which was parked at the South Avenue Liquors store parking lot.
4. Defendants, Plainfield Detective M. Black, whose first name is unknown to Plaintiff at this time, Terry Shaw and Marta Beczek as well PLAINFIELD POLICE OFFICERS 1-10, JOHN DOES 10-20, whose actual identity is unknown to Plaintiff, approached Plaintiff's vehicle and demanded to see Plaintiff's identification.
5. Defendants unlawfully detained plaintiff alleging that he "looked young" and they wanted to confirm that he was over 21 and/or did not purchase alcohol.
6. Defendants knew or should have known that plaintiff was over the age of 21 and/or did not purchase alcohol.
7. Plaintiff was 29 years old at the time of this incident.
8. Plaintiff informed the officers of his age yet they refused to believe him and detained him.
9. Plaintiff ultimately produced his driver's license that confirmed he was 29 years of age.
10. Defendants proceed to detain and arrest plaintiff despite confirming his age.
11. Plaintiff was then transported to the Plainfield police department and placed in a cell.

#### COUNT I

1. Plaintiff, Wenton Phillips, repeats and re-alleges all of the allegations of the previous paragraphs as if the same were set forth herein at length.
2. This Count is brought pursuant to New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and Article I, Section 1 and Article I, Section 7 of the New Jersey State Constitution.

3. Plaintiff has been at all times material hereto a lawful citizen of the United States of America, a resident of the State of New Jersey and a resident of the City of Plainfield.
4. The individual Defendants herein were at all times relevant hereto employees of the Plainfield Police Department and were acting under color of State and Municipal Law.
5. Defendants are "persons" within the meaning of New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and acted under color of State and Municipal Law.
6. Defendants, PLAINFIELD POLICE OFFICERS 1-10, JOHN DOES 10-20, whose actual identity is unknown to Plaintiff, PLAINFIELD DETECTIVE M. BLACK, whose first name is unknown to Plaintiff at this time, PLAINFIELD DETECTIVE TERRY SHAW, PLAINFIELD DETECTIVE MARTA BECZEK, PLAINTIFF POLICE OFFICER KING, whose first names is unknown to Plaintiff at this time, POLICE OFFICER DONOVAN, whose first name is unknown to Plaintiff at this time, PLAINFIELD POLICE DEPARTMENT and THE CITY OF PLAINFIELD, acted knowingly, recklessly, and willfully, without good faith and without actual or apparent justification in using to falsely arrest the Plaintiff, Wenton Phillips, in violation of Plaintiff's right to be free from unreasonable seizure as guaranteed by Article I, Section 7 of the New Jersey State Constitution, in violation of his civil rights under Article 1, Section 1 of the New Jersey State Constitution and in violation the New Jersey Civil Rights Act (N.J.S.A. 10:6-2).
7. As a direct and proximate result of the tortuous actions of the Defendants, as aforesaid, Plaintiff, Wenton Phillips, was falsely arrested and was caused to suffer serious injuries in or about his limbs and body and emotional distress; has in the

past and will in the future endure pain and suffering; has in the past and will in the future be caused to incur medical expenses; has in the past and will in the future be caused to lose time from his usual pursuits and occupations; he was caused to suffer permanent injuries.

WHEREFORE, the Plaintiff, Wenton Phillips, demands judgment against the Defendants pursuant to the New Jersey Civil Rights Act (N.J.S.A. 10:6-2) for compensatory and/or punitive damages, together with interest, costs of suit and counsel fees.

Count II

1. Plaintiffs repeats and re-alleges all the allegations of the previous paragraphs as if set forth more fully at length herein.
2. This Count is brought pursuant to New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and Article I, Section 1 and Article I, Section 7 of the New Jersey State Constitution.
3. Plaintiff Wenton Phillips has been at all times material hereto a lawful citizen of the United States of America, a resident of the State of New Jersey and a resident of the City of Plainfield.
4. Individual Defendants herein at all times relevant hereto were employees of the City of Plainfield Police Department and were acting under color of State and Municipal Law.
5. Defendants are "persons" within the meaning of New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and acted under color of State and Municipal Law.

6. Defendants made an improper, illegal and/or perverted use of the legal procedure against Plaintiff, because their resort to the legal process was neither warranted nor authorized by law.
7. Defendants had an ulterior motive in initiating the legal process.
8. Defendants' actions were a blatant misuse and/or misapplication of the legal procedure in a manner not contemplated by law.
9. The aforementioned conduct deprived Plaintiff Wenton Phillips of his rights, privileges, or immunities secure by the Constitution and/or laws of New Jersey.
10. Defendants' actions as described above were willful, wanton, and/or malicious.
11. As a direct and proximate result of the wrongful actions Defendants, as set forth above, Plaintiff Phillips was caused to suffer injuries in or about his limbs and body; has in the past and will in the future endure pain and suffering; has been caused to incur medical expenses; has in the past and will in the future been caused to suffer severe mental and emotional distress.
12. Defendants' actions as described above were willful, wanton, and/or malicious.

WHEREFORE, the Plaintiff, Phillips demands judgment against the Defendants pursuant to the New Jersey Civil Rights Act (N.J.S.A. 10:6-2), for compensatory and/or punitive damages, together with interest, costs of suit and counsel fees.

### COUNT III

1. Plaintiff, Wenton Phillips, repeats and re-alleges all of the allegations of the previous paragraphs as if the same were set forth herein at length.

2. This Count is brought pursuant to New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and Article I, Section 1; Article I, Section 7 of the New Jersey State Constitution.
3. Plaintiff has been at all times material hereto a lawful citizen of the United States of America, a resident of the State of New Jersey and a resident of the City of Plainfield.
4. The individual Defendants herein were at all times relevant hereto employees of the Plainfield Police Department and were acting under color of State and Municipal Law.
5. Defendants are "persons" within the meaning of New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and acted under color of State and Municipal Law.
6. Defendant, Plainfield Police Department was responsible in the training and supervision of the individual Defendants named herein.
7. The lack of proper training and supervision resulted in the violation of Plaintiff, Wenton Phillips's civil rights under Article 1, Section 1 of the New Jersey State Constitution and in violation the New Jersey Civil Rights Act (N.J.S.A. 10:6-2) and his right to be free from unreasonable seizure as guaranteed by Article I, Section 7 of the New Jersey State Constitution.
8. As a direct and proximate result of the tortuous actions of the Defendants, as aforesaid, Plaintiff, Wenton Phillips, was falsely arrested and was caused to suffer serious injuries in or about his limbs and body and emotional distress; has in the past and will in the future endure pain and suffering; has in the past and will in the future be caused to incur medical expenses; has in the past and will in the future be caused to lose time from his usual pursuits and occupations; he was caused to suffer permanent injuries.

WHEREFORE, the Plaintiff, Wenton Phillips, demands judgment against the Defendants pursuant to the New Jersey Civil Rights Act (N.J.S.A. 10:6-2) for compensatory and/or punitive damages, together with interest, costs of suit and counsel fees.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff hereby demands a Trial by Jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PURSUANT to Rule 4:25-4, Samuel Tsinman, Esq., is hereby designated as trial counsel of the within matter.

FORMAN & CARDONSKY

SAMUEL TSINMAN, ESQ.

Dated: April 26, 2018

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1, I the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Causes of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated:

1. OTHER ACTIONS PENDING?

Yes \_\_\_\_\_

NO X

A. If YES – Parties to other Pending Actions.

B. In my opinion, the following parties should

be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED? YES ☐ NO ☒

A. If YES – Parties contemplated to be joined, in  
other Causes of Action.

Plaintiff will be filing a claim in Worker's Compensation Court.

3. ARBITRATION PROCEEDINGS PENDING? YES ☐ NO ☒

A. If YES – Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be  
joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED? YES ☐ NO ☒

A. If YES – Parties contemplated to be joined to  
Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any changes as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

FORMAN & CARDONSKY

SAMUEL TSINMAN, ESQ.

Dated: April 26, 2018