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Attorneys for Plaintiff, Hector W. Biaggi-Pacheco
Our File No.: 48761 (JHS*cgt)

RECEIVED & FILED
CITY CLERK'S OFFICE
2016 MAY 31 AM 11:23
PLAINFIELD, NEW JERSEY

HECTOR MONCALVO,

Plaintiff,

v.

THE CITY OF PLAINFIELD,
PLAINFIELD CITY POLICE
DEPARTMENT, UNION COUNTY
PROSECUTOR, UNION COUNTY
PROSECUTOR'S OFFICE, STATE OF
NEW JERSEY, NEW JERSEY, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
UNION COUNTY
DOCKET NO.: UNN-L-1656-16

Civil Action

S U M M O N S

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

CITY OF PLAINFIELD C/O CITY CLERK

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.) 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, PO Box 971 [CN-971], Trenton, NJ 08625-0971. A 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 of \$175.00 [\$175.00 for Law Division and \$105.00 for Chancery Division] 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.

/SS/

MICHELLE M. SMITH, Clerk, Superior Court

Dated: May 26, 2016

Defendant to be Served: City of Plainfield

Address for Service: c/o City Clerk, 515 Watchung Avenue, Plainfield, NJ 07060

Clerk's Addresses:

Atlantic County, 1201 Bacharach Blvd., Atlantic City, New Jersey 08330
Bergen County Justice Center, 10 Main Street, Hackensack, NJ 07601
Burlington County Courts Facility, 49 Rancocas Rd., Mt. Holly, NJ 08060
Camden County Hall of Justice, 101 S. 5th Street, Camden, NJ 08103-4001
Cape May County Courthouse, Main Street, Cape May Court House, NJ 08210
Cumberland County Court House, Broad and Fayette Street, Bridgeton, NJ 08302
Essex County Courts Building, 50 W. Market Street, Newark, NJ 07102
Gloucester County Courthouse, 1 N. Broad Street, Woodbury, NJ 08096
Hudson County Administration Bldg., 595 Newark Avenue, Jersey City, NJ 07306
Hunterdon County Court House, Main Street, Flemington, NJ 08822
Mercer County Court House, PO Box 8068, Trenton, NJ 08650-0068
Middlesex County Court House, 1 Kennedy Square, New Brunswick, NJ 08903
Monmouth County Court House 71 Monument Park, Freehold, NJ 07728
Morris County Court House, PO Box 900, Morristown, NJ 07963-0900
Ocean County Court House, 118 Washington Street, Toms River, NJ 08754
Passaic County Court House, 77 Hamilton Street, Paterson, NJ 07505-2017
Salem County Court House, 92 Market Street, Salem, NJ 08079
Somerset County Court House, PO Box 3000, Somerville, NJ 08876-1262
Sussex County Court House, 43-47 High Street, Newton, NJ 07860
Union County Court House, 2 Broad Street, Elizabeth, NJ 07207
Warren County Court House, 2nd & Hardwick St., Belvidere, NJ 07823

	LEGAL AID OFFICES	LEGAL SERVICES OFFICES
Atlantic County	(609) 348-4200	(609) 345-3444
Bergen County	(201) 487-2166	(201) 488-0044 or 692-1011
Burlington County	(609) 261-1088	(609) 261-4862
Camden County	(609) 964-1002	(609) 464-4520
Cape May County	(609) 465-3001	(609) 463-0313
Cumberland County	(609) 692-2400	(609) 692-6207
Essex County	(201) 622-1513	(201) 622-6207
Gloucester County	(609) 848-5360	(609) 848-4589
Hudson County	(201) 792-6363	(609) 792-2727
Hunterdon County	(908) 782-7979	(908) 735-2611
Mercer County	(609) 695-6249	(609) 890-6200
Middlesex County	(609) 249-7600	(609) 828-0053
Monmouth County	(732) 747-7400	(732) 431-5544
Morris County	(201) 285-6911	(201) 267-5882
Ocean County	(732) 341-2727	(732) 240-3666
Passaic County	(201) 345-7171	(201) 278-9223
Salem County	(609) 451-0003	(609) 678-8363
Somerset County	(908) 231-0804	(908) 685-2323
Sussex County	(201) 383-7400	(201) 267-5882
Union County	(908) 527-4769	(908) 353-4715
Warren County	(908) 475-2010	(908) 267-5882

SHEBELL & SHEBELL, LLC

John H. Sanders, II, Esq. (Bar ID:036932001)

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Attorneys for Plaintiff, Hector Moncalvo

Our File No.: 48761 (JHS*cgt)

RECEIVED/FILED
Superior Court of New Jersey
MAY 20 2016

CIVIL CASE MANAGEMENT
UNION COUNTY

RECEIVED

MAY 25 2016

SHEBELL&SHEBELL, LLC

HECTOR MONCALVO,

Plaintiff,

v.

THE CITY OF PLAINFIELD,
PLAINFIELD CITY POLICE
DEPARTMENT, UNION COUNTY
PROSECUTOR, UNION COUNTY
PROSECUTOR'S OFFICE, STATE OF
NEW JERSEY, NEW JERSEY
DEPARTMENT OF THE TREASURY,
JOHN and JANE DOES, 1-100,
fictitious defendants,
JOHN/JANE ROE(S), 1-25,
fictitiously named City of
Plainfield Police Officers,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

UNION COUNTY

DOCKET NO.: UNN-L

1656-16

Civil Action

**COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

Plaintiff, Hector Moncalvo, by and through his attorneys,
the Law Firm of Shebell & Shebell, LLC, states as follows:

THE PARTIES

1. Plaintiff, Hector Moncalvo, is a thirty-five year old male citizen of the State of New Jersey, and is currently residing at 830 Richmond Street, in the City of Plainfield, County of Union and State of New Jersey.

2. Defendant, City of Plainfield (hereinafter "Plainfield" or collectively with the other named Defendants as "Defendant"), acting through its Public Safety Director and other government employees, is a municipal corporation recognized under appropriate statutes of the State of New Jersey as a government-authorized municipality, pursuant to Title 40A, and is a policymaker for the Plainfield Police Department.

3. Defendants, John and Jane Does (1-100), were the Director(s) of Public Safety, supervisory officers, and/or policy makers for Plainfield City, the Plainfield City Police Department, and John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, who participated in and condoned or ratified the illegal actions complained of in the within Complaint. Those fictitiously-named Defendants are hereby sued in their individual capacities and under color of State law for the unlawful and unconstitutional actions complained of herein.

4. Defendant, Union County (hereinafter "Union" or collectively with the other named Defendants as "Defendant"), acting through its Prosecutor and other government employees, is a municipal corporation recognized under appropriate statutes of the State of New Jersey as a government-authorized municipality, pursuant to Title 40A, and is a policymaker for the Union County Prosecutors Office.

5. Defendant, Union County Prosecutor's Office, is responsible for law enforcement within the County of Union, including but not limited to the City of Plainfield, and was a policy maker regarding certain police procedures, responsible for certain actions alleged herein.

6. The State of New Jersey, is an entity operating within the County of Union and State of New Jersey, and had the duty to provide training supervision and/or overall management to prosecuting attorneys, detectives and the prisons for the State of New Jersey.

7. All individual Defendants are past or present employees or supervisory employees or agents of the Defendants or their various subdivisions who acted individually and under color of State law regarding regulations, statutes, policies, customs and usages, actions, inactions and practices of Defendants which resulted in the harm alleged herein.

8. This action has been commenced within two years of the date of plaintiff's arrest and incarceration.

9. Notices of Tort Claim in the form and content required by N.J.S.A. 59:8-4, were served on the Defendants within the time period prescribed by law.

10. More than six months have elapsed following service on the Defendants with Plaintiff's Notices of Tort Claim and Plaintiff's claim remains unsatisfied.

11. The actions of the Defendants were shocking, reckless and willfully indifferent, to the constitutional rights of Plaintiff, Moncalvo.

INTRODUCTION

1. On or about September 26, 2014, Plaintiff, Hector Moncalvo was unconstitutionally and without due process, was forcefully arrested and incarcerated and held against his will in the Union County Department of Corrections, for a crime which he did not commit. This gross miscarriage of justice was brought about by the egregious misconduct of law enforcement officers who improperly arrested him, charged him and incarcerated him to him, due to the acts of the police officers, their supervisors and superiors, and the department within the City of Plainfield, Union County and the State of New Jersey including the Union County Prosecutor's office, which held the Plaintiff on charges for which there was no substantiating

evidence, ultimately those charges administratively dismissed, with no charges pending against him.

2. The Union County Prosecutor's Office and the Prosecutor handling the case, acting in a pattern with the custom and practice of the Union County Prosecutor's Office, knowing that the arrest was illegal, that there was no evidence to support the arrest, the charges or incarceration, and improperly denying due process to Plaintiff, Moncalvo.

3. Plaintiff, Moncalvo, maintained his innocence throughout his incarceration and was released.

4. Beyond compensating plaintiff for the time that he spent incarcerated, his continuing suffering, this action seeks to remedy the unlawful actions and/or inactions of the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, and the Union County Prosecutors Office, and, policies, practices, or customs of conducting unlawful interrogations, unlawful police identification procedures, unlawful intrusion of his home and arrests, and failing to adequately train, supervise and discipline officers and assistant prosecutors that led defendants to violate his constitutional rights as guaranteed by the Fourth, Fifth and Fourteenth Amendments of the United States Constitution, and the laws of the State of New Jersey.

FACTS COMMON TO ALL COUNTS

1. Plaintiff, Moncalvo, was subjected to a wrongful arrest, wrongful prosecution, and wrongful incarceration for alleged drug offenses in the City of Plainfield, of which he was innocent.

2. At all times referenced herein, Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, behaved improperly in arresting and detaining Plaintiff, Moncalvo, violating his State and Federal Civil Rights. As a result, plaintiff was unlawfully held in Union County Correctional Institute for crime of which he was innocent based on the absence of any evidence whatsoever. After having been incarcerated, the State of New Jersey, voluntarily dismissed the charges against him, as there was no evidence to either arrest, detain, further prosecute, or incarcerate him.

3. As a direct result of violations of the rights of Plaintiff, Moncalvo, he was wrongfully arrested, wrongfully identified, wrongfully detained for a crime he did not commit.

4. Moreover, the acts of the Defendants were a part of an ongoing policy and practice of these various violations of Civil Rights, and/or were a natural and foreseeable consequence of the disregard for the Civil Rights of individuals in Plainfield and being prosecuted by the Union County Prosecutors Office, such that the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, had encouraged and condoned these Civil Rights violations and/or failed to establish a system to prevent them.

5. As a result of this failure, Civil Rights violations occurred in the investigation and/or prosecution of crimes by the City of Plainfield, the Plainfield Police Department, the Union County Prosecutor's Office, and the State of New Jersey, including the violations of the Plaintiff, Moncalvo, as set forth herein, and/or Civil Rights violations were likely or certain to take place due to the nature of the policies in place at the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey.

6. Plaintiff, Moncalvo, who maintained his innocence from the time he was arrested, was clearly not guilty of the crime for which he was accused, arrested, and incarcerated, and suffered financial losses and severe emotional distress for which he will never be the same.

7. Notices of Tort Claim in the form and content required by N.J.S.A. 59:8-4 were served on the Defendants within the time period prescribed by law.

COUNT I: WRONGFUL ARREST AND WRONGFUL PROSECUTION

1. All Defendants named herein were subject to 42 U.S.C. § 1983, the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution, and under the laws and Constitution of the State of New Jersey, to redress Plaintiff's rights, privileges, and immunities.

2. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, were acting under color of law and without probable cause when they denied the Plaintiff, Hector Moncalvo his right, privileges and immunities secured by the United States Constitution, Federal Law, and the law of the State of New Jersey by depriving him:

- a. Of his liberty and his rights to due process by taking him into custody without probable cause or evidence and where he was innocent of any crime;
- b. By making an unreasonable stop, search and seizure of his person;
- c. By conspiring for the purpose of impeding and hindering the due course of justice with the intent to deny him his right to equal protection and due process under the law;
- d. By refusing or neglecting to prevent deprivations and denials of his Civil Rights under the Fourth Amendment, Fifth Amendment, and the Fourteenth Amendments of the United State Constitution and also the New Jersey Constitution.

3. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, with no probable cause, stopped, seized the person of and arrested, Plaintiff Hector Moncalvo.

4. Defendants, knew that Plaintiff, Hector Moncalvo, was not in possession of any evidence indicating that he had done anything illegal, nor indicating that he had committed a crime for which he was arrested and detained, but was detained nevertheless.

5. Defendants ignored Plaintiff, Hector Montalvo's, denial that he had done anything illegal and his denial that he was in any way connected to that of which was being investigated.

6. Plaintiff, Hector Moncalvo, at all times from the time of his first interaction with Plainfield Police Department, and its officers, maintained his innocence.

7. Defendants, with no reasonable grounds to arrest Plaintiff Hector Moncalvo, knew they had no probable cause to arrest him, but nevertheless effectuated his arrest and detained him.

8. As a result of the unlawful arrest, Plaintiff suffered violations of his rights under Section 42 U.S.C. § 1983 and 42 U.S.C. § 1988, and the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and the Constitution and laws of the State of New Jersey.

9. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unconstitutional behavior by encouraging and condoning a system of conducting arrests and incarcerations, particularly of poor people, that would and did violate the rights of the public, failing to have systems in place to prevent people from being left in prison with no evidence to support an arrest or incarceration and/or failing to properly train its employees regarding the rights of individuals under Fourth, Fifth, and Fourteenth Amendments to the United

States Constitution, and the Constitution and laws of the State of New Jersey.

10. The Defendants aforesaid actions constitute a false arrest, wrongful prosecution, wrongful and malicious imprisonment of the Plaintiff.

11. As a direct and proximate cause of the wrongful actions of the Defendants, the Plaintiff suffered damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT II: WRONGFUL IMPRISONMENT

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. Defendants' actions aforesaid constitute false imprisonment of the Plaintiff.

3. As a direct and proximate result of the Defendants' false imprisonment, Plaintiff suffered damages.

4. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unlawful behavior by encouraging and condoning a system of conducting arrests, wrongful and malicious prosecutions and false imprisonment that would and did violate the rights of the public, and/or failing to properly train its employees regarding the rights of individuals under the law.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT III: MALICIOUS PROSECUTION

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. Defendants' actions aforesaid constitute malicious prosecution of the Plaintiff.

3. As a direct and proximate result of the Defendants' malicious prosecution, Plaintiff suffered damages.

4. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unlawful behavior by encouraging and condoning a system of conducting arrests, wrongful and malicious prosecutions and false imprisonment that would and did violate the rights of the public, and/or failing to properly train its employees regarding the rights of individuals under the law.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. Defendants acted recklessly and/or intentionally in deliberate disregard of a high degree of probability that the Plaintiff would suffer emotional distress.

3. Defendants' actions aforesaid were extreme and outrageous proximately causing Plaintiff to suffer severe emotional distress.

4. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unlawful behavior by encouraging and condoning a system of conducting arrests, wrongful and malicious prosecutions and false imprisonment that would and did violate the rights of the public, and/or failing to properly train its employees regarding the rights of individuals under the law.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally,, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT V: ABUSE OF PROCESS

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. Defendants' actions aforesaid constitute abuse of process.

3. As a direct and proximate result of the Defendants' abuse of process, Plaintiff suffered damages.

4. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unlawful behavior by encouraging and condoning a system of conducting arrests, wrongful and malicious prosecutions and false imprisonment that would and did

violate the rights of the public, and/or failing to properly train its employees regarding the rights of individuals under the law.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT VI: NEGLIGENCE

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. Defendants' actions aforesaid were negligent in the investigation, indictment, identification process, prosecution and incarceration of the Plaintiff.

3. As a direct and proximate result of the Defendants' negligence, Plaintiff suffered damages.

4. Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, actively engaged in unlawful behavior by encouraging and condoning a system of conducting arrests, malicious prosecution and false imprisonment that would and did violate the rights of the public, and/or failing to properly train its employees regarding the rights of individuals under the law. This included a high degree of negligence and failure to meet the standard of care owed to the public, creating a serious risk and/or an inevitability of injury to individuals in the public.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

COUNT VII: NEW JERSEY CIVIL RIGHTS VIOLATION

1. Plaintiff restates the information in the foregoing paragraphs and fully incorporates same into this count as if stated fully herein.

2. At all times relevant hereto, Defendants deprived, interfered with and/or attempted to interfere by threats, intimidation and/or coercion with the exercise and/or enjoyment of Plaintiff of his substantive due process, equal protection rights, privileges and/or immunities secured by the Constitution and/or laws of the United States and/or State of New Jersey, in violation of N.J.S.A. 10:6-2.

3. As a direct and proximate cause of the Defendants' violations of the Plaintiff's Civil Rights guaranteed to him by N.J.S.A. 10:6-2, Plaintiff suffered damages.

4. The Civil Rights violations aforesaid were committed by Defendants with actual malice and/or will and wanton disregard of persons who foreseeably might be harmed by Defendants' actions.

WHEREFORE, Plaintiff demands judgment against the Defendants, City of Plainfield, Plainfield Police Department, John/Jane Roe(s), 1-25, fictitiously named City of Plainfield Police Officers, the Union County Prosecutor's Office, and the State of New Jersey, jointly, individually and severally, for compensatory damages for pain, suffering, loss of enjoyment of

life, statutory damages, punitive damages, interest, counsel fees, costs of suit and any other relief that the court deems just.

SHEBELL & SHEBELL, LLC
Counsel for Plaintiff

By:


JOHN H. SANDERS, II, ESQ.

Dated: May 19, 2016

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial on all issues in the above-entitled cause of action.

DESIGNATION OF TRIAL COUNSEL

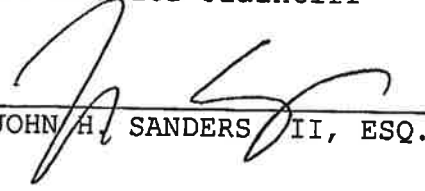
Pursuant to Rule 4:25-4, John H..Sanders, II, Esq., is hereby designated as trial counsel.

CERTIFICATION PURSUANT TO R.4:5-1

1. The matter in controversy is not the subject of any pending arbitration.
2. No other action or arbitration is contemplated herein.
3. All parties presently known by Plaintiff are named and identified in the action filed herein.

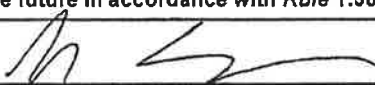
SHEBELL & SHEBELL, LLC
Counsel for Plaintiff

By:


JOHN H. SANDERS, II, ESQ.

Dated: May 19, 2016

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	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		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	
			CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY / PRO SE NAME JOHN H. SANDERS, II (ID# 036932001)		TELEPHONE NUMBER (732) 663-1122		COUNTY OF VENUE Union
FIRM NAME (if applicable) SHEBELL & SHEBELL, LLC		DOCKET NUMBER (when available) UNN-L-1656-16		
OFFICE ADDRESS 655 SHREWSBURY AVENUE, SUITE 314 SHREWSBURY, NEW JERSEY 07702		DOCUMENT TYPE COMPLAINT		
		JURY DEMAND ☒ YES ☐ NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Hector Moncalvo		CAPTION Hector Moncalvo v. City of Plainfield, Plainfield Police Department, Union County, Union County Prosecutors Office, State of New Jersey, NJ Dept. of the Treasury		
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) Self-Insured ☐ 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		
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: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETA/AREXIA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 298 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☒ Title 59