

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED
JUN 25 2013
CLERK'S OFFICE

EUGENIA LANDA,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF PLAINSBORO, ET AL.,
Defendant

CASE NUMBER: 3:13-CV-03082-MLC-TJB

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

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

JAWELA CAMPBELL

(By) DEPUTY CLERK



ISSUED ON 2013-05-15 10:49:31.0, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	
NAME OF SERVER (PRINT)	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>		

LAW OFFICES OF SAMUEL M. BREGMAN
23 MAPLEWOOD TERRACE
LAKEWOOD, NEW JERSEY 08701
(646) 761-8927
Attorneys for Plaintiff
Eugenia Landa

EUGENIA LANDA,

Plaintiff,

vs.

TOWNSHIP OF PLAINSBORO, POLICE
OFFICER BRUCE STANKIEWICZ, AND
POLICE OFFICER THOMAS NEWBON,
AND JOHN DOES 1-10,

Defendants.

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

CIVIL ACTION No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Eugenia Landa, by way of Complaint against Defendants Township of Plainsboro, Police Officer Bruce Stankiewicz, and Police Officer Thomas Newbon, says:

THE PARTIES

1. Plaintiff Eugenia Landa ("Landa" or "Plaintiff") is a resident of 7 Jackson Avenue in Princeton, New Jersey.

2. Defendant Township of Plainsboro ("Plainsboro") is a municipal corporation organized and existing under the laws of the State of New Jersey, which maintains its principal offices at 641 Plainsboro Road, Plainsboro, New Jersey 08536.

3. Defendant Police Officer Bruce Stankiewicz ("Stankiewicz") was at all material times a police officer with the Township of Plainsboro Police Department located at 841 Plainsboro Road, Plainsboro, NJ 08536. Police Officer Stankiewicz is being sued both individually and in his official capacity as police officer, agent and/or employee of the defendant, Township of Plainsboro.

4. Defendant Police Officer Thomas Newbon ("Newbon") was at all material times a police officer with the Township of Plainsboro Police Department located at 841 Plainsboro Road, Plainsboro, NJ 08536. Police Officer Newbon is being sued both individually and in his official capacity as police officer, agent and/or employee of the defendant, Township of Plainsboro.

5. John Does 1-10 represent members of the Plainsboro Police Department who are unidentifiable at the present time.

JURISDICTION

6. This Court has jurisdiction over the Federal Law claims pursuant to 28 U.S.C. §§1331 and 1343.

7. Venue is proper under 28 U.S.C. §1391 because the causes of action upon which the Complaint is based arose in and around Plainsboro, New Jersey, which is in the District of New Jersey, Camden Vicinage.

FACTUAL BACKGROUND

8. At all material times, defendants Police Officers Stankiewicz and Newbon acted within the course and scope of their employment under the color of state law and pursuant to the

customs, policies and practices of the Township of Plainsboro Police Department, and the defendant, Township of Plainsboro.

9. On September 14, 2012, Mrs. Landa ate an afternoon meal in a restaurant in Princeton, NJ. She consumed alcohol with her meal, and it had an unexpected and poor reaction with the prescription medicine she had been taking.

10. Upon exiting the restaurant and getting in her car, Officers Stankiewicz and Newbon arrived at the scene.

11. Officers Stankiewicz and Newbon arrested Mrs. Landa without any resistance, and proceeded to place handcuffs on her. The handcuffs were extraordinarily tight and painful, causing excruciating pain. She expressed this to the arresting officers, and the pain made her cry, but her complaint was ignored.

12. Officer Stankiewicz transported Mrs. Landa to the Plainsboro police station. At the police station, she remained handcuffed and was restrained to a metal chair for approximately 1.5 hours. During this period of time, Mrs. Landa continued to cry from the extreme pain of the handcuffs.

13. At several points she attempted to complain about the crushing pressure on her hands – but Mrs. Landa was ignored.

14. As a direct and proximate result of being tightly handcuffed without relief, Mrs. Landa suffered permanent injury to her hands and has been forced to undergo medical treatment and therapy.

15. As a direct and proximate result of the aforementioned acts and conduct of the defendants, Mrs. Landa sustained emotional and psychological injuries.

16. As a direct and proximate result of the aforementioned acts and conduct of the defendants, Mrs. Landa has been obligated to and continues to expend substantial sums of money and to incur expenditures for medical treatment for an indefinite period of time, to her great detriment and loss.

FIRST COUNT

17. Paragraphs 1 through 16 are incorporated herein by reference, as though each were fully set forth herein at length.

18. As aforesaid, defendants, Officers Stankiewicz and Newbon, acting within the course and scope of their employment, under the color of state law, and pursuant to the customs, policies, and practices of the Township of Plainsboro; deprived Plaintiff of her rights, privileges and immunities under the Laws and Constitutions of the State of New Jersey and the United States; in particular, the right to be free from the use of excessive force, which actions violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

19. As aforesaid, defendants, Officers Stankiewicz and Newbon, acting within the course and scope of their employment, under the color of state law, and pursuant to the customs, policies, and practices of the Township of Plainsboro, intentionally and maliciously humiliated, threatened, accused and insulted Plaintiff, and used their position of authority illegally and improperly to punish the Plaintiff, all of which violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the State of

New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

20. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendants, the Plaintiff suffered substantial injuries.

21. The above-described actions of the Officers Stankiewicz and Newbon, in their individual capacities, were so malicious, intentional and reckless, and displayed such a reckless indifference to the Plaintiff's rights and well being that the imposition of punitive damages is warranted.

WHEREFORE, pursuant to 42 U.S.C. §§1983 and 1988, and the New Jersey Constitution, Plaintiff demands compensatory and punitive damages against the defendants plus interest, costs, attorney's fees, and other appropriate relief.

SECOND COUNT

22. Paragraphs 1 through 21 are incorporated herein by reference, as fully as though each were set forth herein at length.

23. Defendants were present when the Plaintiff's constitutional rights were violated by the use of excessive force.

24. The defendants knew or should have known the tight handcuffing of Plaintiff and refusal to loosen the handcuffs constituted excessive force in violation of the Plaintiff's rights under the United States and New Jersey Constitutions.

25. The defendants had a realistic opportunity to intervene and to prevent the violation of the Plaintiff's constitutional rights, but failed to do so.

26. Defendants maliciously, intentionally, recklessly and with deliberate indifference failed to intervene and halt the constitutional conduct of any and all of the above named defendants, resulting in Plaintiff sustaining substantial damage.

WHEREFORE, pursuant to 42 U.S.C. §§1983 and 1988, and the New Jersey Constitution, Plaintiff demands compensatory and punitive damages against the defendants plus interest, costs, attorney's fees, and other appropriate relief.

THIRD COUNT

27. Paragraphs 1 through 26 are incorporated herein by reference, as fully as though each were set forth herein at length.

28. Plaintiff avers that the defendant, Township of Plainsboro, has adopted and maintained for many years a recognized and accepted policy, custom, and practice of condoning and/or acquiescing the use of excess force by its officers; systematically verbally and physically abusing individuals and subjecting them to the same type of treatment to which Plaintiff was subjected, which policy constitutes the use of excessive force and violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

29. The Plaintiff avers that defendant, Township of Plainsboro, has adopted and maintained for many years a recognized and accepted policy, custom and/or practice of systematically failing to properly train, supervise and/or discipline officers, including but not limited to Officers Stankiewicz and Newbon, regarding constitutional restraints on the use of force, which policy violates the Fourth and Fourteenth Amendments of the Constitution of the

United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

30. The defendant, Township of Plainsboro, has been deliberately indifferent to the rights of citizens in the Princeton area to be free from the use of excessive force which deliberate indifference violates the Plaintiff's rights under violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

31. The Plaintiff avers that at the time of the aforementioned incident, the Township of Plainsboro knew or should have known of the above described policy, practice and/or custom of the Township of Plainsboro Police Department, and that they deliberately, knowingly, and recklessly failed to take measures to stop or limit the policy, including inter alia, providing proper training, supervision, discipline, and control of the officers, agents, and/or employees of the Township of Plainsboro Police Department.

32. The Plaintiff avers that the defendant, Township of Plainsboro, has adopted and maintained for many years a recognized and accepted policy, custom and/or practice of failing to properly investigate matters in which officers unlawfully use excessive force, which allows for and results in an encouragement to officers within the Township of Plainsboro to continue doing same, and creates policies, practices and/or customs allowing officers to proceed in this manner and creates an atmosphere for the allowance of such use of excessive force by members of the Township of Plainsboro Police Department without fear or punishment.

33. By failing to take action to stop or limit the policy and/or by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the policy, custom and/or practice, defendant, Township of

Plainsboro condoned, acquiesced in, participated in and perpetrated the policy, custom and/or practice in violation of the Plaintiff's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey, and were in violation of 42 U.S.C. §1983.

34. As a direct and proximate result of the malicious, intentional, and/or reckless actions of the defendant, Township of Plainsboro, Plaintiff suffered substantial injuries and harm.

WHEREFORE, pursuant to 42 U.S.C. §§1983 and 1988, and the New Jersey Constitution, Plaintiff demands compensatory against the defendants plus interest, costs, attorney's fees, and other appropriate relief.

Law Offices of Samuel M. Bregman
Attorneys for Plaintiff

s/Samuel M. Bregman
By: Samuel M. Bregman

Dated: May 10, 2013

JS 44 (Rev. 12/12)

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 maintaining the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Eugenia Landa

(b) County of Residence of First Listed Plaintiff Mercer
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)
Samuel Bregman, Esq., 23 Maplewood Terrace, Lakewood, NJ 08701,
646-761-8927, bregmanlaw@aol.com

DEFENDANTS

Township of Plainboro, Police Officer Bruce Stanklewicz, Police
Officer Thomas Nawbon, John Does 1-10

County of Residence of First Listed Defendant Middlesex
(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)

☐ 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 Veterans' 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 Trust in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	REAL ESTATE ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROBATE ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark	OTHER STATUTES ☐ 375 False Claims Act ☐ 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
CONTRACT ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Real Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	PRISONER PETITIONS ☒ 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 Detention ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ Other ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detention - Conditions of Confinement	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	SOCIAL SECURITY ☐ 861 HIA (1595R) ☐ 862 Black Lung (933) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS - Third Party 26 USC 7609

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

VI. CAUSE OF ACTION

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

Brief description of cause:
Police Excessive Force

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
5,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

05/08/2013

SIGNATURE OF ATTORNEY OF RECORD

Samuel Bregman

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44 Revetso (Rev. 12/12)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute; 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint. Class Action.** Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.