

LANCE ROSS
1529 Genesee Street
Hamilton, NJ 08610
(732)-309-2358

RECEIVED
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CLERK'S OFFICE

PLAINTIFF :
IN THE MATTER OF THE CLAIMS OF :
LANCE ROSS :
VS. :
DEFENDANT(S) :
TOWNSHIP OF PLAINSBORO, PLAINSBORO TOWNSHIP POLICE DEPARTMENT :
OFFICER DANIEL KANALEY, COURT ADMINISTRATOR SUSAN SLAVICEK,
JUDGE EDWARD H. HERMAN :

NOTICE OF CLAIM PURSUANT TO TORT CLAIMS ACT

TO: CERTIFIED MAIL

OFFICE OF THE TOWNSHIP CLERK,
CAROL J. TORRES
TOWNSHIP OF PLAINSBORO
641 PLAINSBORO ROAD
PLAINSBORO NEW JERSEY 08536

CERTIFIED MAIL

PLAINSBORO TOWNSHIP MUNICIPAL COURT
OFFICER DANIEL KANALEY, COURT ADMINISTRATOR SUSAN SLAVICEK
JUDGE EDWARD H. HERMAN
641 PLAINSBORO ROAD
PLAINSBORO NEW JERSEY 08536

PLEASE TAKE NOTICE, that pursuant to the New Jersey State Tort Claims Act, claims are hereby presented by the above named claimant as follows:

1. The name and mailing address of claimant is:

LANCE ROSS
1529 Genesee Street
Hamilton, NJ 08610
(732)-309-2358

2. The Person and mailing address to which notice concerning the claims are to be sent:

LANCE ROSS
1529 Genesee Street
Hamilton, NJ 08610
(732)-309-2358

3. The date, place and circumstances giving rise to the claims are summarized as follows:

Plaintiff/Claimant relies on facts presented in my **Letter of complaint to Judge, trial proceedings, as well as petitions presented to court challenging jurisdiction.**

On November 26 2013 patrolman Daniel Kanaley, without any probable cause followed me on route 1 south. I believe he racially profiled me. Patrolman Kanaley finally made a traffic stop, without probable cause and issued a ticket that was false (as my plates were not obstructed), thereby committing abuse of process. I did not pay the ticket as I initially intended to exercise my right to challenge it once I received a notice to appear in court. However no court appearance was required at the time, and no notice to appear was properly served.

On 2-5-14 my wife Tascha was pulled over by Plainsboro Township patrolmen. During the traffic stop she was made aware that they were looking for (Lance Ross) me. The patrolmen requested that she notify me of some paper work I need to take care of with Plainsboro Township.

My wife arrived at home a short while later and made an attempt to pay ticket # 259728 online. As per the online information I allegedly missed a court date on 01/14/2014 at 9:00am. While trying to pay the ticket online she received a message with instruction to contact Plainsboro Township Municipal Court.

On 2-6-2014 at approximately 9:00 am I arrived at Plainsboro Township Municipal Court, accompanied by my wife and son. I identified myself and presented the ticket to the court staff. I then waited patiently expecting to be told I would have to pay \$64.00 (ticket + late fee). Although the parties issuing the ticket lack jurisdiction and had no valid cause of action, due to my busy work schedule and family obligation I considered possibly paying the ticket. The court staff returned with a printed form indicating I had to post bail in the amount of \$ 114.00. I asked "post bail for what"? I added "I'm not under arrest and haven't been arrested". The court staff then explained that I had a

warrant/ bail for "Failure to pay a ticket". I went on to say that this did not make sense to me especially in light of the fact I never received an official legal notice with a court date to appear regarding the ticket. The court staff then replied "Well I sent it" without ever actually leaving the desk to go check/confirm this statement.

The court staff then stated that there were police downstairs who could arrest me. In accordance with my beliefs (The way of a fool is right in his own eyes, but a wise man listens to advice) I made a phone call to seek council from a person who is well versed in law with years of experience dealing with these kinds of matter. As per the council I received a bench warrant cannot be issued for failure to pay a ticket. Council also indicates that this is a false statement to deceive me into paying without due process. During my call I observed the court staff person stepped into the office. When she returned I then politely asked the court staff person to identify herself. She stated her name was Susan. I leaned over to write her name down and asked "Susan what"? At that time she notified me that she did not have to tell me her full name. I then asked to speak to her supervisor. To which she initially replied "I don't have a supervisor"! Then she added "The Judge is my supervisor, take it up with him". Susan then proceeded to stand there without fulfilling my request to speak to a supervisor. The law/ code of conduct for judicial employees is clear. *A judicial employee should be patient, dignified, respectful, and courteous to all persons with whom the judicial employee deals in an official capacity, including the general public, and should require similar conduct of personnel subject to the judicial employee's direction and control. A judicial employee should diligently discharge the responsibilities of the office in a prompt, efficient, nondiscriminatory, fair, and professional manner. An officer of the court must identify themselves to the public upon request. A requirement for properly identifying oneself includes first and last name. I advised Susan I was not paying the 114.00 for failure to pay a ticket and cannot be lawfully arrested for failure to pay, however since she insists on getting me arrested so be it. A short time later 2 patrol men arrived upstairs. Apparently Susan had stepped into the office to call them. I spoke with one of the officers explaining that receiving tickets was not new to me and I was familiar with the process. I further explained that I did not understand why Susan perceived me as being disruptive when I was simply asking questions. I then complied with the arrest. While I was being arrested Susan instructed my wife to return the form she printed saying "It is court property"! Susan confiscated the warrant depriving me of my right to a copy at that time.

I found that very suspicious as my wife was waiting to post bail. During and after my arrest no supervisor ever spoke with me. Noted on my bail form the charge was **contempt**, yet Susan said my bail was for. Susan was either incompetent, and negligent in her actions or willfully deceptive. Susan refused to identify herself properly, endorsed the wrong information, and refused to notify her supervisor.

As I was being arrested the arresting officer never read me my rights. During the intake process I invoked my right to remain silent. At that time the arresting officer threatened to charge me with obstruction to try to intimidate me and compel me to abandon my right to remain silent. Officer Kanaley even followed me and continued to ask me the same question after I made bail and was exiting the courthouse.

Although the court staff refused to identify herself upon request, after I arrived home there was an official legal notice in my mail box. This document was to inform me about an arrest warrant for contempt of court issued by Susan Slavicek, court administrator.

I received a notice via mail that the matter of ticket # 259728 was rescheduled for 2-26-14. I presented petitions via certified mail challenging all parties jurisdiction which preceded my in person appearance. On 2-26-14 I made a special appearance in person at Plainsboro Municipal court. I waited from approximately 9:00 am until around 1:30 pm. During that time I observed that officer Kanaley was present. Magistrate Herman asked me how did I plead, guilty or not guilty but I advised him I was only there to challenge the jurisdiction of all parties in this matter as I had already notified the court in my petitions. Although the magistrate continued trying to arraign me asking me how do I plea several times and attempted to ignore my jurisdictional challenges, I explained that under special appearance I am not limited to pleading guilty or not guilty. I included that the very purpose of special appearance was to challenge jurisdiction. However, the Magistrate, Edward H. Herman, failed to have a jurisdictional hearing or require the prosecutor to answer my petitions at all, and illegally ignored my special appearance. The Magistrate never required any party claiming jurisdiction to present proof rebutting my petitions. The Magistrate arbitrarily claimed jurisdiction without presenting the finding of facts and conclusions of law by which he made such a claim and he indicated he would move forward to trial. **(despite no plea ever being entered and consequently no arraignment ever being completed)**. Shortly afterwards I was notified that (conveniently) the officer left for the day, and the matter would be rescheduled.

On 3-12-14 I made a second special appearance. I made it clear that I was appearing specially and not generally. The Magistrate still illegally ignored my jurisdictional challenges and proceeded to trial. Since I was being compelled to proceed I made it clear that I sent a discovery request via certified mail and advised the court that I needed discovery to properly defend myself. Magistrate Herman checked his file and found the discovery request. Despite this he ignored my request and still proceeded to trial thereby **willfully violating my right to discovery, thereby deliberately impairing my defense and ensuring I could not get a fair trial**. During the trial several points were raised which were relevant to my discovery request. I pointed this out to the Magistrate but he continued to willfully violate my rights and act maliciously, unconstitutionally and without jurisdiction thereby acting within his individual capacity and incurring liability as the state has no power to impart to him any immunity from willful violations of constitutional and civil rights where he was made aware he had no jurisdiction.

4. A general description of the injuries, damages and loss incurred is so far as presently known:

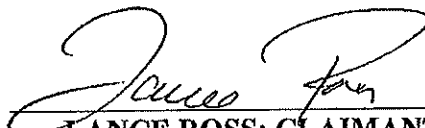
The claimant suffered a deprivation of his Civil rights and Constitutional Rights, as well as mental and emotional distress due to: False arrest, Malicious prosecution, abuse of process, and judicial misconduct.

The names of the public entities and/or employees causing injuries, damages, loss are presently known to claimant as OFFICER DANIEL KANALEY, COURT ADMINISTRATOR SUSAN SLAVICEK, as well as the chain of command of personnel assigned to the duties of supervising subordinate personnel including JUDGE EDWARD H. HERMAN.

5. The amount of claims based on money damages for personal injuries, pain and suffering, permanent injury, and mental and emotional damages will be made at a later date.

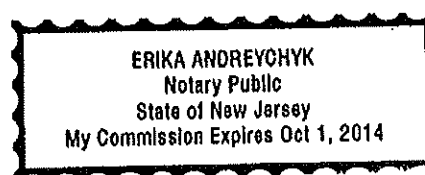
I Lance Ross, hereby affix my signature to this Notice of Tort Claim certifying that all the facts stated by me herein are true, correct and complete to the best of my knowledge, understanding, recollections and belief.

Dated: May 3, 2014



LANCE ROSS; CLAIMANT/PLAINTIFF





KALAVRUZOS MUMOLA HARTMAN & LENTO
A LIMITED LIABILITY COMPANY

KMH&L
ATTORNEYS AT LAW

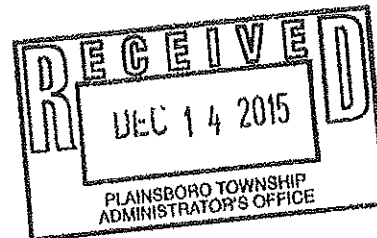
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bduff@kmhlawyers.com

December 11, 2015

Township of Plainsboro
Office of the Administrator
641 Plainsboro Road
Plainsboro, NJ 08536



Re: Notice of Tort Claim
Claimant: Ricky Propper

Dear Sir/Madam:

Enclosed please find an original and one (O+1) copy of a Notice of Tort Claim in the above matter. Kindly file these documents and return and "filed" stamped copy in the envelope provided for that purpose.

Thank you for your courtesies.

Very truly yours,

Brian J. Duff

/amk

Enclosures

cc: Ricky Propper c/o Jo Schaeffer