

Tara O'Grady

From: Taeho Kim <opra+request-12885-650102f2@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 9:44 PM
To: OPRA requests at Ridgefield Park Village
Subject: OPRA request - OPRA - police officer-involved lawsuits 2012-2019

Dear Ridgefield Park Village,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).
2. Please provide copies of the complaint in any lawsuits and cases described in above.

Yours faithfully,

UC Research

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-12885-650102f2@requests.opramachine.com

Is Mridgefieldpark@nj.rr.com the wrong address for OPRA requests to Ridgefield Park Village? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=ridgefield_park_village

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Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

1 CHAZEN & CHAZEN, LLC
2 346 GRAND AVENUE, P.O. BOX 470
3 ENGLEWOOD, NEW JERSEY 07631
4 (201) 567-5500

5 ATTORNEYS FOR PLAINTIFFS

6
7 LESLIE Y. ROSARIO and JESSAMINE ROMAN :

8 Plaintiffs, :

9 VS. :

10 THE VILLAGE OF RIDGEFIELD PARK, NEW :

11 JERSEY; RIDGEFIELD PARK POLICE :

12 DEPARTMENT; CHIEF OF POLICE EDWARD :

13 ROSE; CAPTAIN JOHN DINIRO; DETECTIVE :

14 SERGEANT ANTHONY SGROI; DETECTIVE :

15 SERGEANT JOSEPH RELLEA; LIEUTENANT :

16 DAVID HIPPE; PATROLMAN LYONS :

17 PATROLMAN GILMORE and JOHN DOE(S) 1 :

18 through 10, said names being fictitious. :

19 Defendants. :

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION - BERGEN COUNTY

DOCKET NO.: BER-L- 6371-13

SUPERIOR COURT BERGEN COUNTY
FILED

AUG 20 2013



DEPUTY CLERK

COMPLAINT (JURY DEMAND)

21
22 The Plaintiffs, Leslie Y. Rosario, residing at 287 DeMott Avenue, Clifton, New Jersey, and
23 Jessamine Roman, residing at 47 East 8th Street, Clifton, New Jersey, file this Complaint against named
24 and unnamed Defendants and respectfully brings various causes of action before this Court and hereby
25 states as follows:

26
27 INTRODUCTION

28 Plaintiffs, Leslie Y. Rosario and Jessamine Roman, bring this action for compensatory damages

1 under New Jersey State common and statutory law, including but not limited to N.J.S.A. 59:1-1 et. seq.,
2 claiming that Defendants, named and unnamed, jointly and severally, acted in a negligent, careless,
3 reckless manner and or palpably unreasonable manner. These negligent, careless, reckless or palpably
4 unreasonable acts and or omissions in carrying out ministerial functions were committed against
5 Plaintiffs, Leslie Y. Rosario and Jessamine Roman, to wit: assault and battery; false arrest; false
6 imprisonment; malicious prosecution; invasion of privacy (Jessamine Roman only); physical and
7 psychological damage, humiliation and emotional distress.

8 They are plead against known and unknown individuals and/or officials, employees and/or agents
9 of the Village of Ridgefield Park, a municipal corporation of the State of New Jersey, County of Bergen,
10 the Ridgefield Park Police Department, and it's police officers identified to date: Captain John DiNiro,
11 Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman
12 Lyons, and Patrolman Gilmore. Notwithstanding N.J.S.A. 59:1-1 et. seq., various claims not limited to:
13 assault and battery; false arrest; false imprisonment; malicious prosecution; wrongful enforcement of
14 law; invasion of privacy; failure to intervene and prevent physical and psychological harm, failure to
15 supervise employee(s); negligent hiring, retention and/or supervision of named and unnamed
16 individuals; concealment or destruction of evidence, are plead herein.

17 This action also brings forward a violation for State Constitutional violations because
18 Defendants, name and unnamed, under color of State Law, jointly and severally, deprived Plaintiffs,
19 Leslie Y. Rosario and Jessamine Roman, of their rights protected under New Jersey Constitution and
20 New Jersey State Civil Rights pursuant to N.J.S.A. 10:6-1 to 2.

21 Plaintiffs filed Notices of Claim with the Village of Ridgefield Park on or about November 18,
22 2011, which is within ninety (90) days of the incident herein, and more than six (6) months have elapsed
23 since the claims were presented without a settlement of the claims. Attorney's fees are sought pursuant
24 to N.J.S.A. 10:6-1(f). Punitive damages are specifically plead pursuant to N.J.S.A. 2A:15-5.9.

25 FACTS

26
27 1. On or about August 20, 2011, at approximately 2:44 A.M., Plaintiffs, Leslie Y. Rosario seated
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1 in the front passenger seat and Jessamine Roman seated in the rear seat, were passengers in a
2 motor vehicle driven by Juan D. Calle traveling westbound on Route 46 in Ridgefield Park, New
3 Jersey.

4 2. On the aforesaid date and location, members of the Defendant Ridgefield Park Police
5 Department, who upon information and belief were under the supervision Defendant Captain
6 John DiNiro, the ranking police officer, were operating a D.W.I. checkpoint on Route 46
7 Westbound under Route 95 (New Jersey Turnpike) in Ridgefield Park, New Jersey.

8 3. On the aforesaid date and location, the Plaintiffs' motor vehicle was stopped by members of the
9 Ridgefield Park New Jersey Police Department. As instructed by police officers, the driver of
10 the motor vehicle exited the vehicle and walked to the front of the motor vehicle where he stood
11 with police officers.

12 4. The Plaintiff Leslie Y. Rosario exited the front passenger door of the motor vehicle and began
13 using her Blackberry phone to videotape the driver as he interacted with police officers.

14 5. One or more members, including of the Ridgefield Park Police Department ordered the Plaintiff
15 Leslie Y. Rosario to get back into the motor vehicle and she promptly complied.

16 6. One or more members of the Ridgefield Park Police Department, including Defendant Captain
17 John DiNiro, then approached the passenger side of the motor vehicle and ordered the Plaintiff
18 Leslie Y. Rosario to stop recording from inside the vehicle and turn off her Blackberry.

19 7. Plaintiff Leslie Y. Rosario asserted her lawful right to record and Defendant Captain John
20 DiNiro reached into the motor vehicle through the open passenger side window and physically
21 attempted to take the Blackberry away from the Plaintiff Leslie Y. Rosario.

22 8. At this point, Plaintiff Leslie Y. Rosario told Defendant Captain John DiNiro that she would stop
23 recording. Nonetheless, he continued his efforts to take Plaintiff Leslie Y. Rosario's Blackberry.

24 9. Plaintiff Leslie Y. Rosario wrested the Blackberry away from the Defendant Captain John
25 DiNiro and handed the Blackberry to the Plaintiff Jessamine Roman in the rear seat.

26 10. The Defendant Captain John DiNiro became enraged, opened the motor vehicle door, pulled the
27 Plaintiff Leslie Y. Rosario out of the motor vehicle, pushed her up against the side of the vehicle,
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1 then forced her face down onto the street, and placed his knee or foot between her shoulder
2 blades, while Defendant Detective Sergeant Joseph Rella placed his hand on the back of her head
3 and forced her face and head against the street surface, her hands were handcuffed behind her
4 back and the Defendant Captain John DiNiro then forced her to stand by lifting her handcuffed
5 wrists upward in a lever like manner. Defendant Captain John DiNiro then walked Plaintiff
6 Leslie Y. Rosario over to a patrol car by pulling upwards on her handcuffed wrists, forcing her
7 to walk on her tiptoes while he continued an upward pressure on her handcuffed wrists, making
8 it very difficult for her to keep her balance all the while. Plaintiff Leslie Y. Rosario then was
9 placed in a patrol car and transported to the Ridgefield Park Police station.

10 11. Defendant Detective Sergeant Anthony Sgroi of the Defendant Ridgefield Park Police
11 Department ordered Plaintiff Jessamine Roman to exit the vehicle on the rear driver's side
12 without her shoes and she complied. She was walked around to the passenger side of the vehicle
13 and thrust up against the motor vehicle and ordered to raise both her hands. When she hesitated
14 to raise both her hands and explained that it would cause her breast(s) to be exposed, her hands
15 were forcibly placed behind her back by Defendant Detective Sergeant Joseph Rella and
16 Defendant Lieutenant David Hippe, and her arms were levered upwards as she was walked over
17 barefoot to a patrol car, and her breast(s) were exposed to the police officers and passing
18 motorists. She was placed in another patrol car and transported to the Ridgefield Park Police
19 station.

20 12. The Plaintiffs were placed in a cell together at the Ridgefield Park Police station and their hands
21 remained handcuffed behind their backs. Plaintiff Leslie Y. Rosario's handcuff was loose and
22 she freed her hand. Patrolman Lyons and Patrolman Gilmore and/or members of the Defendant
23 Ridgefield Park Police Department entered the cell and re-cuffed the Plaintiff Leslie Y. Rosario
24 and proceeded to unnecessarily and cruelly tighten down the handcuffs on both Plaintiffs.
25 Plaintiffs were handcuffed in the cell for over an hour.

26 13. As a result of the unlawful arrests and use of excessive force by the Defendants, the Plaintiffs'
27 rights were violated and suffered personal injuries and damages. The Plaintiffs required medical
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1 attention for their injuries and incurred charges as a result. The Plaintiffs were forced to retain
2 criminal counsel and incur legal fees and take time off from work to attend court. The Plaintiffs
3 were vindicated in court and the charges were dismissed. Plaintiffs now have to retain counsel
4 to file expungement petitions for their arrest records.

5 14. The Plaintiffs have demanded the production of videotapes from the patrol cars' cameras,
6 headquarter cameras and the jail cell cameras and the Defendants have denied that such
7 recordings exist, except for videos (2) of the Plaintiffs being transported from the scene of the
8 arrest to the police station.

9 15. At all relevant times, Edward Rose was the Chief of Police of the Ridgefield Park Police
10 Department.

11 16. Upon information and belief, such recordings were made and must be preserved and produced
12 so that the documentation of the actions of the parties on August 20, 2011 will be available for
13 evidential purposes.

14 17. The Defendants have wrongfully denied that recordings from the patrol cars cameras,
15 headquarter cameras and the jail cell camera exist, and have consequently interfered with a just
16 adjudication of the Plaintiffs' arrests and claims.

17 18. The Plaintiffs were compelled to file an Order to Show Cause in order to preserve the videotapes
18 from the patrol cars' cameras, headquarter cameras and the jail cell cameras. As a result of the
19 filing with the Court, there was media coverage which identified the Plaintiffs causing them to
20 suffer damage to their reputations.

21 19. All Village and State Entities and Employees have received timely Notice of Tort Claim Action
22 pursuant to N.J.S.A. 59:1-1 et. seq. Six(6) months have elapsed since the giving of the notice
23 and the filing of this suit.

24 20. The Threshold as set forth in N.J.S.A. 59:9-2(d) has been met as to all parties including but not
25 limited to the permanent loss of a bodily function without residual physical injury.

26 21. Plaintiffs Leslie Y. Rosario and Jessamine Roman have plead sufficient evidence of aggravating
27 circumstances that demonstrates that their injuries are permanent and substantial and were of a
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level sufficient to cross the threshold of the New Jersey Tort Claims Act.

22. Plaintiffs Leslie Y. Rosario and Jessamine Roman have plead sufficient evidence of public employees' action which constitute willful misconduct and, therefore need not satisfy the verbal threshold N.J.S.A. 59:3-14(a). Toto v. Ensuar, 196 N.J. 134 (2008).

23. At all times relevant, named Defendants, Edward Rose, individually and as Chief of Police, and John Doe(s) 1-10 and all final policy makers and others, were at the relevant time acting as officers, employees or agents of the Village of Ridgefield Park and or the Ridgefield Park Police Department.

24. At all times relevant, the Defendants, its officers, employees or agents, named and unnamed were acting within the scope of their agency or employment. A principal or employer is legally responsible for the negligence of an officer, agent, or employee while the officer, agent, or employee acts within the scope of his/her employment.

25. Defendants, its officers, employees and/or agents, named and unnamed, actions and or omissions were so negligent, careless and reckless to cause and create a dangerous condition and unreasonable risk of harm to the person, resulting in serious injury described herein to Plaintiffs, Leslie Y. Rosario and Jessamine Roman, N.J.S.A. 59:4-2a.

26. Defendants, its officers, employees and/or agents, named or unnamed, actions and or omissions were so negligent, careless and reckless that it breached the public interest in protecting the safety of those under its care and protection and had a legal duty to duty so.

27. The negligence of the Defendants was the proximate cause of the harm suffered by the Plaintiffs Leslie Y. Rosario and Jessamine Roman.

28. Plaintiffs Leslie Y. Rosario and Jessamine Roman rely on their additional cause of action which is not governed by the Tort Claims Act and is plead in Count VI. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, furthermore in the following Count XIII, plead allegations regarding state constitutional claims and claims brought under the New Jersey Civil Rights Act.

COUNT I

ASSAULT AND BATTERY

29. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned Introduction and Facts as if fully set forth at length herein.

30. Defendants, Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore, and John Doe(s) 1 through 10, individually and in their official capacity, under color of state law, assaulted and battered the Plaintiffs Leslie Y. Rosario and Jessamine Roman.

31. Defendants, Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and in their official capacity, stood by and failed to intervene and stop the assault and battery. This was a ministerial act and a violation of their duties to maintain and uphold statutory and constitutionally imposed duties. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiffs, Leslie Y. Rosario and Jessamine Roman.

32. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10's actions as maintained and plead in Count VI (Negligent Hiring/Retention/Supervision) was a concurrent cause of the harm proximately caused by the assault and battery and the failure to intervene and protect the Plaintiffs Leslie Y. Rosario and Jessamine Roman. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiffs Leslie Y. Rosario and Jessamine Roman.

33. As a proximate result of the actions of the Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, Plaintiffs Leslie Y. Rosario and Jessamine Roman suffered physical and psychological injuries, as well as mental and emotional distress.

1 **WHEREFORE**, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the
2 Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro,
3 Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman
4 Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- 5 A. Compensation for injuries resulting from the assault and battery;
6 B. Attorney's fees and costs, together with interest;
7 C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the
8 named and unnamed Defendants, individually and or in their official capacity acted
9 wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y.
10 Rosario and Jessamine Roman; and
11 D. Such other relief that the Court deems equitable and just.

12
13 **COUNT II**

14 **FALSE ARREST**

- 15 34. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned
16 Introduction, Facts and Count I as if fully set forth at length herein.
17 35. Defendants, Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph
18 Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through
19 10, individually and in their official capacity, unlawfully arrested Plaintiffs against their will
20 without proper legal justification, or probable cause.
21 36. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph
22 Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through
23 10, individually and in their official capacity, stood by and failed to intervene and stop the
24 unlawful arrest and unlawful imprisonment. This was a ministerial act and a violation of their
25 duties to maintain and uphold statutory and constitutionally imposed duties. Defendants' action
26 or lack of action was a substantial factor that brought about the injury, loss and harm claimed by
27 Plaintiffs Leslie Y. Rosario and Jessamine Roman.

1 37. Defendants' action as maintained and plead in Count VI (Negligent
2 Hiring/Retention/Supervision) was a concurrent cause of the harm of false arrest and
3 imprisonment and the failure to intervene and protect the Plaintiffs Leslie Y. Rosario and
4 Jessamine Roman. Defendants' action or lack of action was a substantial factor that brought
5 about the injury, loss and harm claimed by Plaintiffs Leslie Y. Rosario and Jessamine Roman.

6 38. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph
7 Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through
8 10, as police officers, are not exonerated from liability for false arrest or false imprisonment.

9 39. As a proximate result of the actions of the Defendants Captain John DiNiro, Detective Sergeant
10 Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons,
11 Patrolman Gilmore and John Doe(s) 1 through 10, Plaintiffs Leslie Y. Rosario and Jessamine
12 Roman suffered physical and psychological injuries, and humiliation as well as mental and
13 emotional distress from the indignities to which they were subjected.

14
15 **WHEREFORE**, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the
16 Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro,
17 Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman
18 Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- 19 A. Compensation for injuries resulting from the false arrest;
20 B. Attorney's fees and costs, together with interest;
21 C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the
22 named and unnamed Defendants, individually and or in their official capacity acted
23 wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y.
24 Rosario and Jessamine Roman, or with reckless disregard of the truth; and
25 D. Such other relief that the Court deems equitable and just.

COUNT III

FALSE IMPRISONMENT

40. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned Introduction, Facts and Count I and Count II as if fully set forth at length herein.

41. Defendants, Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and in their official capacity, unlawfully imprisoned Plaintiffs against their will without proper legal justification, or probable cause.

42. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and in their official capacity, stood by and failed to intervene and stop the unlawful arrest and unlawful imprisonment. This was a ministerial act and a violation of their duties to maintain and uphold statutory and constitutionally imposed duties. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiffs Leslie Y. Rosario and Jessamine Roman.

43. Defendants' action as maintained and plead in Count VI (Negligent Hiring/Retention/Supervision) was a concurrent cause of the harm of false arrest and imprisonment and the failure to intervene and protect the Plaintiffs Leslie Y. Rosario and Jessamine Roman. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiffs Leslie Y. Rosario and Jessamine Roman.

44. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi , Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, as police officers, are not exonerated from liability for false arrest or false imprisonment.

45. As a proximate result of the actions of the Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, Plaintiffs Leslie Y. Rosario and Jessamine Roman suffered physical and psychological injuries, and humiliation as well as mental and

emotional distress from the indignities to which they were subjected.

WHEREFORE, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- A. Compensation for injuries resulting from the false imprisonment;
- B. Attorney's fees and costs, together with interest;
- C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the named and unnamed Defendants, individually and or in their official capacity acted wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y. Rosario and Jessamine Roman, or with reckless disregard of the truth; and
- D. Such other relief that the Court deems equitable and just.

COUNT IV
MALICIOUS PROSECUTION

- 46. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned Introduction, Facts, and Counts I through III as if fully set forth at length herein.
- 47. Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore, and John Doe(s) 1 through 10, individually and or in their official capacities, made an improper, illegal and perverted use of the legal procedure and had an ulterior motive in initiating the legal process to accomplish an unlawful end.
- 48. Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, provided false and misleading information and/or tampered, concealed, or destroyed evidence which resulted in the

1 false arrest and false imprisonment. Criminal action was instituted by the Defendants against
2 the Plaintiffs, that it was actuated with reckless disregard of the truth and there was an absence
3 of probable cause of the proceeding and that all actions were terminated in favor of Plaintiffs.

4 49. Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John
5 DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David
6 Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and or
7 in their official capacities, were employed and or engaged as officers of the Ridgefield Park
8 Police Department. Defendants actions as maintained and plead in Count VI were concurrent
9 cause of the harm of the malicious prosecution caused to be initiated against Plaintiffs Leslie Y.
10 Rosario and Jessamine Roman. Defendants' action or lack of action was a substantial factor that
11 brought about the injury, loss, harm and economic damages claimed by Plaintiffs.

12 50. In the alternative, all named or unnamed Defendants are liable in their individual capacity if they
13 created harm by acting outside the course of their employment or agency as officers of Ridgefield
14 Park Police Department.

15 51. As direct and proximate result of malicious prosecution, the Plaintiffs Leslie Y. Rosario and
16 Jessamine Roman suffered the injuries aforesaid and damages.

17
18 **WHEREFORE**, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the
19 Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro,
20 Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman
21 Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- 22 A. Compensation for injuries and damages from the malicious prosecution caused by
- 23 Defendants;
- 24 B. Attorney's fees and costs, together with interest;
- 25 C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the
- 26 named and unnamed Defendants, individually and or in their official capacity acted
- 27 wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y.
- 28

Rosario and Jessamine Roman; and

D. Such other relief that the Court deems equitable and just.

COUNT V

INVASION OF PRIVACY (PLAINTIFF JESSAMINE ROMAN)

52. Plaintiff, Jessamine Roman, repeats and incorporates aforementioned Introduction, Facts and Counts I through IV as if fully set forth at length herein.

53. Defendants, Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and in their official capacity, intentionally in a fashion intended to harm the Plaintiff's privacy interest and cause mental anguish, or recklessly in deliberate disregard of high degree of probability that harm to the Plaintiff's privacy interest and mental anguish will follow, refused to allow Plaintiff Jessamine Roman to cover up her exposed breast(s) during the arrest.

54. Defendants Captain John DiNiro, Detective Sergeant Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and in their official capacity, stood by and failed to intervene and stop the harm to the Plaintiff's privacy interest and mental anguish. This was a ministerial act and a violation of their duties to maintain and uphold statutory and constitutionally imposed duties. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiff Jessamine Roman.

55. Defendants' action as maintained and plead in Count VI (Negligent Hiring/Retention/Supervision) was a concurrent cause of the harm and the failure to intervene and protect the Plaintiff Jessamine Roman. Defendants' action or lack of action was a substantial factor that brought about the injury, loss and harm claimed by Plaintiff Jessamine Roman.

56. As a proximate result of the actions of the Defendants Captain John DiNiro, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s)

1 1 through 10, Plaintiff Jessamine Roman suffered genuine and substantial emotional distress
2 judged by the average person similarly situated. No reasonable person could be expected to
3 endure such distress caused by the Defendants.
4

5 **WHEREFORE**, Plaintiff, Jessamine Roman, seeks relief against the Defendants, Ridgefield
6 Park Police Department, Chief of Police Edward Rose, Captain John DiNiro, Detective Sergeant
7 Anthony Sgroi, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman
8 Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- 9 A. Compensation for injuries resulting from the harm to the Plaintiff's privacy interest and
10 mental anguish;
11 B. Attorney's fees and costs, together with interest;
12 C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the
13 named and unnamed Defendants, individually and or in their official capacity acted
14 wantonly and/or in disregard of their duty to ensure the safety and privacy of Plaintiff
15 Jessamine Roman; and
16 D. Such other relief that the Court deems equitable and just.

17 **COUNT VI**

18 **NEGLIGENT HIRING, SUPERVISION AND RETENTION**

19 57. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned
20 Introduction, Facts, and Counts I through V as if fully set forth at length herein.

21 58. Defendants, the Village of Ridgefield Park, Ridgefield Park Police Department, Chief of Police
22 Edward Rose and John Doe(s) 1 through 20, individually and or in their official capacities, did
23 so negligently, carelessly, or recklessly select, hire or retain incompetent, unskillful and improper
24 person(s) for the management and/or operation of the Ridgefield Park Police Department, that
25 they knew or should have ascertained that the person(s) were not properly qualified to undertake
26 the work in such a manner as to prevent a hazardous and reasonably foreseeable risk of injury
27 which was incurred by Plaintiffs Leslie Y. Rosario and Jessamine Roman.
28

59. Defendants, the Village of Ridgefield Park, Ridgefield Park Police Department, Chief of Police Edward Rose and John Doe(s) 1 through 20, individually and or in their official capacities, did so negligently, give poor and or inadequate instructions and or formulation of policy and or failed in its duty to review the decision of the Ridgefield Park Police Department and by said negligence, wrongful act or omission to correct a known improper action;

- a. Defendants failed to screen or adequately screen;
- b. Defendants failed to train or adequately train;
- c. Defendants failed to supervise or adequately supervise;
- d. Defendants negligently retained officers, even though Defendants knew, or should have known the officers posed a danger to their community.

60. The negligent hiring, supervising and retention of the named and unnamed police officers were the proximate cause of the harm to the Plaintiffs as outlined in the preceding counts.

WHEREFORE, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the Defendants, the Village of Ridgefield Park, Ridgefield Park Police Department, Chief of Police Edward Rose and John Doe(s) 1 through 10, jointly and severally, as follows:

- A. Compensation for injuries resulting from assault and battery, false arrest and imprisonment, and intentional infliction of emotional distress caused by the named and unnamed police officers;
- B. Attorney's fees and costs, together with interest;
- C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the named and unnamed Defendants, individually and or in their official capacity acted wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y. Rosario and Jessamine Roman; and
- D. Such other relief that the Court deems equitable and just.

COUNT VII

CONCEALMENT OR DESTRUCTION OF EVIDENCE

61. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned Introduction, Facts, and Counts I through VI as if fully set forth at length herein.
62. Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro, Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, individually and or in their official capacities, willfully, or negligently, destroyed the evidence, to wit: videotape recordings from the patrol cars' cameras, headquarter cameras and the jail cell cameras. Defendants did so with a design to hamper Plaintiffs' defenses against the criminal charges lodged by the Defendants against the Plaintiffs and disrupt the Plaintiffs' pending or probable litigation, knowing that litigation exists or is probable.
63. The concealment or destruction of evidence by the Defendants were the proximate cause of the harm to the Plaintiffs.

WHEREFORE, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against the Defendants, Ridgefield Park Police Department, Chief of Police Edward Rose, Captain John DiNiro Detective Sergeant Joseph Rella, Lieutenant David Hippe, Patrolman Lyons, Patrolman Gilmore and John Doe(s) 1 through 10, jointly and severally, as follows:

- A. Compensation for injuries proximately caused by concealment or destruction of evidence;
- B. Demand for videotape recordings from the patrol cars' cameras, headquarter cameras and the jail cell cameras;
- C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the named and unnamed Defendants, individually and or in their official capacity acted wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y. Rosario and Jessamine Roman, or with reckless disregard of the truth; and

D. Such other relief that the Court deems equitable and just.

COUNT VIII

NEW JERSEY CONSTITUTION, ARTICLE I PARAGRAPH 7

NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A.10:6-1. Et seq.

64. Plaintiffs, Leslie Y. Rosario and Jessamine Roman, repeat and incorporate aforementioned Introduction, Facts, and Counts I through VII as if fully set forth at length herein. Specific instances of the deprivation of any substantive rights, privileges or immunities secured by the Constitution or laws of this State have been alleged and plead in the foregoing Counts within this Complaint and are restated as if set forth at length herein.

65. Plaintiffs, Leslie Y. Rosario and Jessamine Roman bring this action specifically under the New Jersey Constitution because Defendants, named and unnamed, under color of State Law, jointly and severally deprived them of their right to due process of law and their right to be free of unreasonable search and seizures. New Jersey Constitution. Article I.

66. Furthermore, as a direct and proximate cause of the actions of Defendants, individually, and or its officers, employees and/or agents, servants and employees, Plaintiffs Leslie Y. Rosario and Jessamine Roman were deprived of substantive rights, privileges or immunities secured by the State Constitution or laws. Their exercise or enjoyment of those substantive rights, privileges or immunities have been interfered with or attempted to be interfered with by threats, intimidation or coercion by Defendants acting under color of law. N.J.S.A. 10:6-1 et seq.

67. Defendants, individually and or its officers, employees and/or agents, servants and employees committed such acts and or omissions to constitute the most egregious governmental abuses against liberty or property rights, said abuse shocked the conscience or otherwise offended judicial notions of fairness and are offensive to human dignity. Plaintiffs Leslie Y. Rosario and Jessamine Roman suffered personal injury, had their civil rights violated by use of unreasonable and excessive force, improper search and seizure, false imprisonment, and

1 malicious prosecution without legal justification as a direct and proximate cause of the acts of
2 the Defendants.

3
4 **WHEREFORE**, Plaintiffs, Leslie Y. Rosario and Jessamine Roman, seek relief against all
5 named and unnamed defendants, individually, jointly and severally including , John Doe(s) 1-10
6 (said names being fictitious and presently unknown), jointly and severally, as follows:

- 7 A. Compensation for injuries;
- 8 B. Attorney's fees and costs, together with interest pursuant to N.J.S.A. 10:6-1(f);
- 9 C. Punitive damages pursuant to N.J.S.A. 2A:15-5.9, to the extent that the actions of the
10 named and unnamed Defendants, individually and or in their official capacity acted
11 wantonly and/or in disregard of their duty to ensure the safety of Plaintiffs Leslie Y.
12 Rosario and Jessamine Roman; and
- 13 D. Such other relief that the Court deems equitable and just.

14
15 JURY DEMAND

16 Please take notice that demand is hereby made for trial by jury on all issues so triable.

17
18 TIME-UNIT ARGUMENT

19 Please take notice that pursuant to R. 1:7-1, Plaintiffs reserves the right to use a time-unit
20 argument with reference to unliquidated damages.

21
22 DESIGNATION OF TRIAL COUNSEL

23 Pursuant to R. 4:25-04, David K. Chazen, Esq. is designated as Trial Counsel.

24
25 DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

26 Pursuant to R. 4:10-2(b), the Plaintiffs request discovery of the existence and contents of any
27 insurance agreement under which any person carrying on an insurance may be liable to satisfy part or

1 all of a judgment which may be entered in this action, or to indemnify or reimburse for payments
2 made to satisfy said judgment.

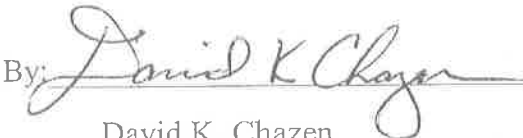
3
4 DEMAND FOR INTERROGATORIES

5 Pursuant to R. 4:17-2, Plaintiffs hereby request answers to Form C Interrogatories as set forth
6 in Appendix II of the New Jersey Court Rules.

7
8 CHAZEN & CHAZEN, LLC

9 Attorneys for Plaintiffs

10
11 Dated: August 19, 2013

12 By: 
13 David K. Chazen

14 **CERTIFICATION - R. 4:5-1**

15 I hereby certify that the matter in controversy is not the subject of any other action pending in
16 any Court or arbitration proceeding and no such other action or arbitration proceeding is
17 contemplated.

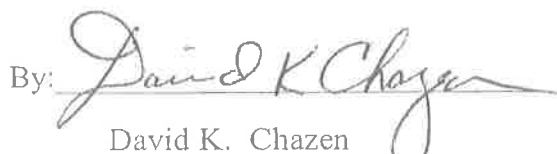
18 I further certify that all known parties are named in this action, but I reserve the right to
19 amend this pleading should any other persons become known to me.

20 I certify that the foregoing statements made by me are true. I am aware that if any of the
21 statements made by me are false, I am subject to punishment.

22
23 CHAZEN & CHAZEN, LLC

24 Attorneys for Plaintiffs

25
26 Dated: August 19, 2013

27 By: 
28 David K. Chazen