



BOROUGH OF ROSELLE

210 CHESTNUT STREET • ROSELLE, NEW JERSEY 07203
TELEPHONE (908) 245-5600

June 5, 2020

Taeho Kim

Email: opra-request-12897-da310d3c@requests.opramachine.com

Re: OPRA Request 052720-3

Dear Taeho Kim:

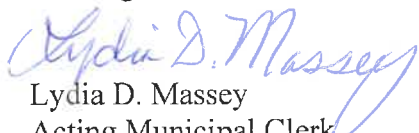
I am in receipt of your Open Public Records Act (hereinafter "OPRA") request dated May 27, 2020 which was sent to me via email for the following records:

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.

Your request was forwarded to appropriate borough departments, and it was found that there are no records responsive to the request in item #1.

Also, due to limited operations in connection with the COVID-19 virus, the documents in item #2 are still being searched or amassed. As such, a response will be provided to you within the additional seven (7) business day extension to, June 16, 2020 permitted under OPRA.

Best regards,


Lydia D. Massey
Acting Municipal Clerk
cc: Legal Counsel



BOROUGH OF ROSELLE
OPEN PUBLIC RECORDS ACT REQUEST FORM
210 CHESTNUT STREET

Telephone Number : (908) 259-3010

Fax Number: (908) 245-9508

Custodian: Lydia D. Massey, Acting Clerk



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Taeho MI MI Last Name Kim

E-mail Address Oprafrequest-12897-da310d3e@requests.opramachine.com

Mailing Address N/A

City _____ State _____ Zip _____

Telephone _____ FAX _____

Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail ☒

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____ Date 5-27-2020

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash _____ Check _____ Money Order _____

Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
Other materials (CD, DVD, etc) – actual cost of material
Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Please see the attachment.

Thank you!

Due: 6-5-20

AGENCY USE ONLY

Document Cost _____
Est. Delivery Cost _____
Est. Extras Cost _____
Total Est. Cost _____
Deposit Amount _____
Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information

Tracking # 052720-3
Rec'd Date _____
Ready Date _____
Total Pages _____

Final Cost

Total _____
Deposit _____
Balance Due _____
Balance Paid _____

Records Provided

Custodian Signature _____

Date _____

Chantel Riley

From: Lydia Massey
Sent: Thursday, May 28, 2020 10:12 AM
To: Chantel Riley
Subject: FW: OPRA request - OPRA - police officer-involved lawsuits 2012-2019

Fyi. Not sure if I sent this to you.

Best regards,

Lydia D. Massey
Acting Municipal Clerk
Borough of Roselle
210 Chestnut Street
Roselle, NJ 07203
Phone: (908) 259-3012
Cell: (908) 578-9108
Fax: (908) 245-9508

NOTICE OF CONFIDENTIALITY

This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Borough of Roselle. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Borough, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.

-----Original Message-----

From: Taeho Kim <opra+request-12897-da310d3c@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 9:55 PM
To: Lydia Massey <lmassey@boroughofroselle.com>
Subject: OPRA request - OPRA - police officer-involved lawsuits 2012-2019

Dear Roselle Borough,

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-12897-da310d3c@requests.opramachine.com

Is lagbejimi@boroughofroselle.com the wrong address for OPRA requests to Roselle Borough? If so, please contact us using this form:

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

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/opra_police_officer_involved_law_495

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.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELIZABETH DRADA, ET AL.,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

BOROUGH OF ROSELLE, ET AL.,
Defendant

**CASE
NUMBER: 2:15-CV-08052-CCC-JBC**

TO: Borough of Roselle
210 Chestnut Street
Roselle, NJ 07203

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

CHRISTINE MELILLO
(By) DEPUTY CLERK



**ISSUED ON 2015-11-13 16:26:27, Clerk
USDC NJD**

RETURN OF SERVICE		
Service of the Summons and complaint was made by <u>me(1)</u>	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 _____	Signature of Server _____
		Address of Server _____

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

**SHELLEY L. STANGLER, P.C.
ATTORNEYS FOR PLAINTIFF
155 MORRIS AVENUE, 2ND FLOOR
SPRINGFIELD, NEW JERSEY 07081
PHONE (973) 379-2500
FACSIMILE (973) 379-0031
ATTORNEYS FOR PLAINTIFFS
ATTORNEY ID# 023261988**

ELIZABETH DRADA and DAVID VEGA,

Plaintiffs,

vs.

**BOROUGH OF ROSELLE, ROSELLE
POLICE DEPARTMENT, OFFICER
WILLIAM LORD, SGT. WILLIAMS,
POLICE CHIEF GERARD ORLANDO,
SERGEANT BRIAN BARNES, OFFICER
ODOM, CITY OF LINDEN, LINDEN
POLICE DEPARTMENT, OFFICER JAMES
EDGAR, OFFICER P. KUDLAC, OFFICER
MOHR, OFFICER JEDREZEJEWSKI,
POLICE CHIEF JAMES M. SCHULHAER,
JOHN DOES 1-20, and ABC ENTITIES 1-5
(as yet unknown and unidentified police
officers, supervisors, agents or employees of
public entity or public entities,**

Defendants.

CIVIL ACTION

**COMPLAINT AND JURY
DEMAND**

**I.
PARTIES**

1. At all relevant times herein plaintiff **ELIZABETH DRADA** ("DRADA") was and is a domiciliary of Roselle Park, Union County and State of New Jersey.
2. At all relevant times herein defendant **DAVID VEGA** ("VEGA") was and

is a domiciliary of Roselle Park, Union County and State of New Jersey, and the prior fiancé and now husband of plaintiff **ELIZABETH DRADA**.

4. At all relevant times herein the defendant the **BOROUGH OF ROSELLE** was and still is a municipal entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at 210 Chestnut Street, Roselle, New Jersey 07203.

5. At all relevant times herein, upon information and belief, the defendant **BOROUGH OF ROSELLE POLICE DEPARTMENT** was and is an agency, department and/or subdivision of the **BOROUGH OF ROSELLE** organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training and supervision of law enforcement officers, with a place of business at 210 Chestnut Street, Roselle, New Jersey 07203.

6. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER WILLIAM LORD** (hereinafter "**LORD**") was and is a police officer employed by the defendants **BOROUGH OF ROSELLE** and the **BOROUGH OF ROSELLE POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

7. At all relevant times herein, upon information and belief, defendant **SGT. WILLIAMS** was and is a police sergeant employed by the defendants **BOROUGH OF ROSELLE** and the **BOROUGH OF ROSELLE POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

8. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER ODOM** (hereinafter "**ODOM**") was and is a police officer employed by the defendants **BOROUGH OF ROSELLE** and the **BOROUGH OF ROSELLE POLICE DEPARTMENT**, acting in his or her official and individual

capacity as a police officer under color of law.

9. At all relevant times herein, upon information and belief, defendant **POLICE CHIEF GERARD ORLANDO** (hereinafter "**CHIEF ORLANDO**"), was the Chief of Police of the **BOROUGH OF ROSELLE** and the **BOROUGH OF ROSELLE POLICE DEPARTMENT**, responsible for the supervision and oversight of the Department, including the development, promulgation, and implementation of policies, procedures and standards for the police department and more specifically policies, procedures and standards relating to the use of force, arrest procedures, internal affairs investigations, discipline and overall conduct of police officers.

10. At all relevant times herein, upon information and belief, defendant **SGT. BRIAN BARNES** was and is a police sergeant employed by the defendants **BOROUGH OF ROSELLE** and the **BOROUGH OF ROSELLE POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

11. At all relevant times herein, defendant **CITY OF LINDEN** was and still is a municipal entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at City Hall, 301 North Wood Avenue, Linden, NJ 07036.

12. At all relevant times herein, upon information and belief, the defendant **LINDEN POLICE DEPARTMENT** was and is an agency, department and/or subdivision of the **CITY OF LINDEN** organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training and supervision of law enforcement officers, with a place of business at City Hall, 301 North Wood Avenue, Linden, New Jersey 07036.

13. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER JAMES EDGAR** (hereinafter "**EDGAR**") was and is a police officer employed by the defendants **CITY OF LINDEN** and the **LINDEN POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under

color of law.

14. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER P. KUDLAC** (hereinafter "**KUDLAC**") was and is a police officer employed by the defendants **CITY OF LINDEN** and the **LINDEN POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

15. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER MOHR** (hereinafter "**MOHR**") was and is a police officer employed by the defendants **CITY OF LINDEN** and the **LINDEN POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

16. At all relevant times herein, upon information and belief, defendant **POLICE OFFICER JEDREZEJEWSKI** (hereinafter "**JEDREZEWSKI**") was and is a police officer employed by the defendants **CITY OF LINDEN** and the **LINDEN POLICE DEPARTMENT**, acting in his official and individual capacity as a police officer under color of law.

17. At all relevant times herein, upon information and belief, defendant **POLICE CHIEF JAMES M. SCHULHAFFER**, (hereinafter "**CHIEF SCHULHAFFER**"), was the Chief of Police of the **CITY OF LINDEN** and the **LINDEN POLICE DEPARTMENT**, responsible for the supervision and oversight of the Department, including the development, promulgation, and implementation of policies, procedures and standards for the police department and more specifically policies, procedures and standards relating to the use of force, arrest procedures, internal affairs investigations, discipline and overall conduct of police officers.

18. At all relevant times herein defendants **ABC ENTITIES 1-5** were as yet unidentified departments, agencies or subdivisions of the **BOROUGH OF ROSELLE**, **BOROUGH OF ROSELLE POLICE DEPARTMENT**, **CITY OF LINDEN** and

LINDEN POLICE DEPARTMENT and/or municipal entities responsible for supervision, management and control over defendant police officers, sergeants and police chiefs.

19. At all relevant times herein defendants **JOHN DOES 1-5** (as yet unidentified individuals) were duly appointed police officers and/or supervisors of defendants **BOROUGH OF ROSELLE, BOROUGH OF ROSELLE POLICE DEPARTMENT, CITY OF LINDEN and LINDEN POLICE DEPARTMENT**, and in particular as yet unidentified officers and personnel at the **ROSELLE POLICE DEPARMENT** who failed and refused to provide medical aide to plaintiff **DRADA** despite repeated requests, and officers from either public entity named in this Complaint at the scene or involved in the incident(s) and the entirety of the events alleged and set forth in this Complaint.

II **NATURE OF ACTION**

20. On November 17, 2013 through November 18, 2013 plaintiff **ELIZABETH DRADA** was subject to the unlawful use of excessive and unnecessary force by defendant officers **WILLIAM LORD, SGT. WILLIAMS, SERGEANT BRIAN BARNES, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI** and **JOHN DOES 1-20** without justification or cause.

21. On November 17, 2013 through November 18, 2013 plaintiff **DAVID VEGA** was subjected to the abuse of process and authority without justification or cause, as well as violations under the First Amendment by the attempted confiscation of his cell phone with recording device capability.

22. On November 17, 2013 through November 18, 2013 and continuing thereafter, plaintiffs **ELIZABETH DRADA** and **DAVID VEGA** were subjected to unlawful and false imprisonment and emotional distress without justification or cause.

23. Plaintiff **ELIZABETH DRADA** was caused to suffer severe and permanent injuries by reason of the assault and use of unlawful force by defendant officers **WILLIAM LORD**, **SGT. WILLIAMS**, **SERGEANT BRIAN BARNES**, **OFFICER JAMES EDGAR**, **OFFICER P. KUDLAC**, **OFFICER MOHR**, **OFFICER JEDREZEJEWSKI** and **JOHN DOES 1-20** (collectively the "**OFFICER DEFENDANTS**"), and/or the failure of said defendants to intervene and prevent the use of excessive force.

24. Plaintiffs **DRADA** and **VEGA** institute this action for compensatory and punitive damages arising out of the unlawful actions and conduct of the **OFFICER DEFENDANTS**, who, acting under color of state law and under authority, custom and usage of the defendant **BOROUGH OF ROSELLE**, **BOROUGH OF ROSELLE POLICE DEPARTMENT**, **CITY OF LINDEN** and **LINDEN POLICE DEPARTMENT** and **ABC ENTITIES 1-5**, violated the civil rights of plaintiff's protected by and secured under the provisions of the First, Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and under the laws of the United States, particularly under the Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1981 and 1985, as well as under the New Jersey State Constitution and New Jersey Civil Rights Act.

25. At all relevant times herein, defendants **LORD**, **SGT. WILLIAMS**, **SGT. BARNES**, **OFFICER EDGAR**, **OFFICER P. KUDLAC**, **OFFICER MOHR**, **OFFICER JEDREZEJEWSKI** and **JOHN DOES 1-20** were acting under color of state law and within the scope of their authority as employees and/or officers of

defendants **BOROUGH OF ROSELLE, BOROUGH OF ROSELLE POLICE DEPARTMENT, CITY OF LINDEN and LINDEN POLICE DEPARTMENT and ABC ENTITIES 1-5;** the **OFFICER DEFENDANTS** were acting under the direct supervision of **CHIEF ORLANDO** and/or **CHIEF SCHULHAER.**

III.
JURISDICTION

26. This Court has jurisdiction pursuant to Title 28 of the United States Code, Sections 1331, 1332, 1343 (2), 1343 (3), 1343 (4), and Title 42 of the United States Code, Sections 1983, 1981 and 1985 as well as pendent jurisdiction to adjudicate plaintiffs' causes of action on the state and common law claims.

27. Venue is properly laid in the United States District Court of the District of New Jersey pursuant to Title 28 United States Code Section 1391 (b) in that all of the acts complained of herein occurred in the district and that the defendants are citizens of, reside in or are public entities of the State of New Jersey and domiciled within this district.

28. The matter in controversy herein involves, exclusive of interest, an amount in excess of \$75,000.

IV.
NOTICES OF CLAIMS

29. Plaintiff served Notice of Claims for damages in the form prescribed by New Jersey Statutes Title 59:8-4 and signed by plaintiff's representative upon the **PUBLIC ENTITY** defendants within the statutorily prescribed period.

30. More than six (6) months have elapsed since service of plaintiff's Notices of Claims and the claims remain unresolved.

31. This action is commenced within two (2) years from the date of the occurrence.

V.

FACTUAL ALLEGATIONS

32. Plaintiffs repeat and reallege each and every allegation contained in this Complaint and incorporates same by reference as if set forth herein at length.

33. On the evening of November 17, 2013 at around 9:30pm plaintiffs **ELIZABETH DRADA**, Emanuel Rivera and **DAVID VEGA** went to the Central Park Bar & Restaurant located at 2401 North Wood Avenue, Roselle, New Jersey.

34. Over the next two (2) hours or so the bar became crowded, loud and boisterous. Plaintiff **DAVID VEGA** was asked to leave the bar by security despite the lack of any altercation or fight between **DAVID VEGA**, the staff of the bar or any other patrons.

35. Plaintiff **DAVID VEGA** was escorted out of the bar at approximately 11:30pm. Thereafter, and following him, plaintiff **ELIZABETH DRADA** and Emanuel Rivera also left to join him.

36. Plaintiffs **DRADA** and **VEGA** were profiled by security on account of their Hispanic origin and/or a visible tattoo with the word "King" on it on the side of the neck of Emanuel Rivera ("Rivera"); as potential troublemakers despite that many people were loud and boisterous and despite the lack of any fight or altercation occurring between any of the plaintiffs and any staff or patrons at the bar. The vast majority of patrons at the bar were, based on plaintiff's observations, Caucasian Americans.

37. After leaving the bar the plaintiff's proceeded to walk to their car, which was parked several blocks away.

38. At no time did plaintiffs, together or singly, cause any disturbance or exhibit aggressive or disorderly behaviors which might subject them to police observation or scrutiny.

39. The **OFFICER DEFENDANTS**, together, singly or in groups, in a collaborative effort, began to verbally harass and abuse the plaintiffs. There were many police officers outside of the bar and they followed the plaintiffs as they walked back to

their car.

40. Plaintiffs were unable to identify any of the **OFFICER DEFENDANTS** at the scene, but later learned of their identities through investigation and the police report.

41. The **OFFICER DEFENDANTS** made comments to the plaintiffs such as and including "what are you doing here," "where is your car," "get out of here," "don't come back here," and other assorted unnecessary and harassing comments, following them closely and in general making derogatory and demeaning comments about why the plaintiffs were there.

42. The **OFFICER DEFENDANTS**, in particular **OFFICER LORD**, did not tell **DAVID VEGA** to "calm down," as stated in the police report, and to "Stop yelling," as **DAVID VEGA** was not yelling at anyone. Nor was plaintiff **DRADA** or **VEGA** "continu[ing] screaming, mostly in an incoherent manner," as stated on the police report of defendant **OFFICER LORD**.

42. At no time were the two (2) plaintiffs "extremely disorderly" and "refus[ing] to leave the area" as stated by defendant **OFFICER EDGAR** in his police report.

43. At some point as the two (2) plaintiffs and Rivera were walking or attempting to walk back to their car, one of the **OFFICER DEFENDANTS** said "they're probably gang members, look at his tattoo" or words to that effect in describing the tattoos on Rivera, which included a tattoo with the words "King" on the side of his neck.

44. As the **DEFENDANT OFFICERS** continued to follow, harass and annoy the plaintiffs, Rivera took his shirt off. Rivera had told the **DEFENDANT OFFICERS** that he was leaving. There were no threatening movements or behaviors from Rivera in connection with taking his shirt off.

45. When plaintiff **DRADA** went over to Rivera to tell him to put his shirt back on, that they were almost at the car, **DRADA** felt herself being grabbed by an **OFFICER DEFENDANT** or **OFFICER DEFENDANTS** and she is shocked, says "What the fuck," "what is going on here." At the same time, Rivera tries to protect her

by reaching for her but ends up hitting an **OFFICER DEFENDANT** in error.

46. Simultaneously to these events, plaintiff **VEGA** is behind and attempting to capture the event on his cell phone but it is smacked out of his hand by an **OFFICER DEFENDANT** and it fell; plaintiff **DRADA** recalls seeing it and possibly trying to grab it. It was confiscated by the defendants and never returned.

47. The **OFFICER DEFENDANTS**, singly or in concert, grabbed plaintiff **DRADA**'s arms behind her back as the **OFFICER DEFENDANTS** tell her she is resisting arrest. **DRADA** responds "are you crazy." She is handcuffed and thrown to the ground in the parking lot where the plaintiff's car was, surrounded by the **OFFICER DEFENDANTS**.

48. Plaintiff **DRADA** requests a female police officer to attend to her.

49. Plaintiff **DRADA** was pushed and thrown to the ground with great force landing on her back in handcuffs.

50. Plaintiff **DRADA** was thrown to the ground so hard that her left ankle was fractured, among suffering other injuries.

51. Also during the incident the **OFFICER DEFENDANTS** yell at plaintiff **DRADA** to give them the cellphone and her wallet.

52. A female officer arrives, upon information and belief defendant **OFFICER ODOM** who conducts a search. There was no cellphone.

53. Plaintiff **DRADA** is unceremoniously picked up and thrown into a police car stomach first and in handcuffs. The female officer and a male officer picked her off the ground, flipping her into the car onto her stomach and twisting her ankle, compounding the injury.

54. At the police station in the **BOROUGH OF ROSELLE** plaintiff **DRADA** is subjected to severe abuse. She was in a cell for about 11 hours, from midnight November 18, 2014 to around 11 am the following day.

55. Plaintiff **DRADA** told defendant **SGT. BARNES** that she needed medical

care and that she couldn't walk, to which **SGT. BARNES** responded several times with curses and vulgarities along with "you're not hurt," and leaves her in her cell.

56. Around 10am another officer, possibly a detective, comes to get plaintiff **DRADA** for booking and fingerprinting. **DRADA** tells the detective that she can't walk to which the response is another set of vulgarities along with "I don't give a fuck." **DRADA** responds that she needs help which is denied with more vulgarities and not giving a "fuck." In particular, **DRADA** recalls the officer stating "get the fuck up, I don't give a fuck no one's going to carry you the sooner we get this over with the sooner you can get the fuck out of here," to which **DRADA** responded that she could not walk.

57. Plaintiff **DRADA** was forced to go to the booking room and managed by hopping and grabbing onto any available appurtenances. She then went to sleep until a female officer came in and finally obtained an ambulance for her.

58. Rivera was also roughed up, injured and arrested at the scene in the parking lot after leaving the bar by the **OFFICER DEFENDANTS**.

59. Plaintiff **VEGA** was also arrested at the scene in the parking lot after leaving the bar by the **OFFICER DEFENDANTS**.

60. The summons issued against **DRADA** for disorderly conduct and resisting arrest were dismissed with a plea of guilty to Unnecessary Noise, Offense 83-4A.

61. Defendant **VEGA** pled guilty to Unnecessary Noise, Offense 8304A.

62. The **OFFICER DEFENDANTS** knew or should have known that they were violating plaintiffs **DRADA**'s constitutional and common law rights at the time they used excessive force, falsely imprisoned and assaulted her..

63. The **OFFICER DEFENDANTS** knew or should have known that they were violating protocol and procedure as well as violating the rights of the plaintiffs in the manner in which they handled the subject event, in their use of excessive and unjustified force, and by their abuse of power and authority, including conspiring to file false and inaccurate police reports.

64. The **OFFICER DEFENDANTS**, and as yet unidentified **JOHN DOE DEFENDANTS** knew or should have known that they were violating plaintiff **DRADA**'s constitutional and common law rights to obtain medical care and treatment for her injuries suffered at the hands of the **OFFICER DEFENDANTS**.

65. The **OFFICER DEFENDANTS** knew or should have known that they were violating plaintiff **DAVID VEGA**'s constitutional rights to free speech, association and rights of privacy when they confiscated his cell phone as he was attempting to videotape the incident involving the arrest of plaintiffs **DRADA** and Rivera.

66. As a direct and proximate result of the aforesaid occurrence and use of excessive force plaintiff **DRADA** suffered serious and permanent injuries to her body, including but not limited to a fractured left ankle.

67. As a direct and proximate result of the aforesaid occurrence and confiscation of a cellphone to be used to tape the occurrence, plaintiff **VEGA** suffered damages by the denial of his constitutional rights and his inability to document the event.

68. The use of force used was far in excess of that necessary to effectuate the arrests.

69. Defendants maliciously and with deliberate indifference and without cause deprived plaintiffs of their liberty and the rights, privileges and immunities granted to them under the United States Constitution by the use of excessive force, failure to provide medical attention and confiscation of the cellphone.

70. The conduct of the defendant officers constituted an abuse of authority which deprived the two (2) plaintiffs of their liberty and the rights, privileges and immunities granted to them under the United States Constitution.

71. At all relevant times herein, defendants **OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M.**

SCHULHAFFER and JOHN DOES 1-20 were acting under color of state law and within the scope of their authority as employees, agents, and/or officers of defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT and ABC ENTITIES 1-5.**

72. During all relevant times herein the defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, ABC ENTITIES 1-5, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER and JOHN DOES 1-20,** their agents, representatives, and/or employees acted under color of law, under the color of the constitution, statutes, laws, charter, ordinances, rules, regulations, customs, usages, and practices of the said police departments, agencies and entities.

73. During all relevant times defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, ABC ENTITIES 1-5, CHIEF ORLANDO and CHIEF SCHULHAFFER** and ratified and maintained a practice, custom and/or policy of failing to train, discipline and/or supervise the **OFFICER DEFENDANTS** in conformity with clearly established constitutional principles which govern their conduct, including proscriptions against the use of excessive force in effecting seizures and arrest of unarmed persons, the failure to provide medical attention, the failure to train in the rights of citizens to document any proceedings involving the police and the failure to conduct a proper internal affairs investigation.

74. During all relevant times herein the defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, ABC ENTITIES 1-5, CHIEF ORLANDO and CHIEF**

SCHULHAFFER were responsible for the conduct of said officers as well as instruction, supervision and implementation of proper law enforcement procedures and oversight over the **ROSELLE** and **LINDEN POLICE DEPARTMENTS**.

75. During all relevant times herein the aforementioned defendants acted jointly and in concert with each other, and conspired and agreed between and amongst themselves to commit unlawful assault and battery, engaged in racial discrimination, filed false police reports and committed violations of civil rights upon plaintiffs **DRADA** and **VEGA**.

76. At all relevant times herein the defendants acted with deliberate and conscious indifference to plaintiffs' **DRADA** and **VEGA**'s constitutional rights which violations arise out of a pattern of custom, policy and practice by and of defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, ABC ENTITIES 1-5, CHIEF ORLANDO** and **CHIEF SCHULHAFFER** in allowing the use of excessive force, permitting and condoning the use of excessive force and violation of police procedures as well as the failure to properly hire, train and supervise police officers in the proper conduct of their duties and in the use of force, the proper method of arrest and filing of police reports, in allowing officers to fail to provide medical treatment and to allow officers to confiscate a cell phone without authority and in violation of the constitution, as well as a pattern in not conducting proper internal affairs investigations.

FIRST CAUSE OF ACTION
(42 USC Sections 1981, 1983 and 1985)

77. Plaintiffs repeat and reallege each and every allegation contained in the

foregoing paragraphs of the Complaint and incorporates same by reference as if set forth fully herein.

78. By reason of the foregoing unlawful and excessive use of force, the failure to provide medical attention, the failure to intervene, and the wrongful confiscation of plaintiff VEGA's cellphone, defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAER, JOHN DOES 1-20 and ABC ENTITIES 1-5** through and by the acts of the individual police officers willfully, wantonly, and recklessly violated the civil rights of the plaintiffs.

79. The foregoing acts of assault and excessive force, the failure to intervene to prevent the excessive and unjustified use of force and abuse of authority violated plaintiffs **DRADA's** rights under the Fourth Amendment to be secure in her person from unreasonable seizures, and deprived plaintiff of her rights, privileges and immunities secured by the Constitution and laws of the United States.

80. The foregoing failure to provide medical attention, failure to intervene to prevent the use of excessive force, and the wrongful confiscation of the subject cellphone and abuse of authority and power violated both plaintiffs' rights under the First Amendment, the Fourth Amendment to be secure in her person from unreasonable seizures, the Eighth Amendments' proscription against cruel and unusual punishment and the Fourteenth Amendment's proscriptions against denial of due process, equal protection and rights of privacy, as well as proscription against cruel and unusual punishment and

deprived plaintiffs of their rights, privileges and immunities secured by the Constitution and laws of the United States.

81. Defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5**, and their agents, servants and/or employees by reason of their acts, omissions, deliberate and conscious indifference to the rights of the plaintiffs, failure and refusal to properly supervise or otherwise correct improper conduct, in allowing and permitting a pattern of improper violation of police procedures and protocol to persist, failure to properly hire, train and supervise law enforcement officers, and permitting a pattern of abuse of power and authority, deprived plaintiffs of their rights, privileges and immunities secured by the Constitution and laws of the United States, and are liable to plaintiffs pursuant to Title 42 Sections 1983 of the United States Code and under state law.

82. The **OFFICER DEFENDANTS** racially profiled and wrongfully profiled plaintiffs as troublemakers and racially undesirable persons of Hispanic origin who were part of a Latino gang and should not be permitted to walk to their car without incident, and, as a direct and proximate result of the racial profiling engaged in taunts, threats, demeaning and harassing comments and behavior, including having many officers line up together to follow the plaintiffs back to their car, without need or justification, and unnecessarily escalating the situation and creating a problem which then resulted in the unwarranted arrests and use of force in effectuating those arrests.

83. The use of force and arrests and conduct of the **OFFICER DEFENDANTS** would not have occurred but for the racial characteristics of the

plaintiffs.

84. The racial profiling leading to the arrests and use of force deprived plaintiffs of their rights, privileges and immunities secured by the Constitution and laws of the United States, and are liable to plaintiffs pursuant to Title 42 Sections 1981 of the United States Code.

85. The **OFFICER DEFENDANTS** conspired between and amongst themselves to wrongfully annoy, harass and verbally abuse and assault the plaintiffs.

86. The **OFFICER DEFENDANTS**, acting under color of state law, conspired and agreed between and amongst themselves to deprive plaintiffs of their rights granted to them under the federal United States Constitution.

87. Defendants, each and every one, collectively did conspire, act in concert together, and agree among themselves, to cause injury and damage to and commit unlawful acts against plaintiffs, including racial profiling; the use of excessive force, failure to provide medical attention and the filing of false police reports, among other acts, and to conceal and cover up the true facts related to the use of force and profiling in an effort to protect each other from liability to plaintiffs; to fail and refuse to provide accurate police reports and to conduct a proper investigation into the use of force, profiling and the failure to provide medical attention, among other conspiracies between the **OFFICER DEFENDANTS**.

88. Each of the defendants understood the objectives of the conspiracy scheme and accepted them, and agreed, implicitly or explicitly, to each do his part to further them.

89. The conspiracy between the **OFFICER DEFENDANTS** deprived plaintiffs of their constitutional rights of equal protection, to be free of abuse of power and authority, to their rights of substantive and procedural due process, to be free from an unlawful search and seizure and to be free from unlawful interference with rights under the Speech and Association Clauses under the provisions of the United States Constitution, 42 U.S.C. Section 1985.

90. The conspiracy and profiling leading to the arrests and use of force deprived plaintiffs of their rights, privileges and immunities secured by the Constitution and laws of the United States, and are liable to plaintiffs pursuant to Title 42 Sections 1985 of the United States Code.

91. The aforescribed acts of the **OFFICER DEFENDANTS, CHIEF ORLANDO** and **CHIEF SCHULHAER** were committed under the color of law and within their authority as police officers and employees of the **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT** and **ABC ENTITIES 1-5** and were acting within the scope of their employment and pursuant to the authority vested in them by said defendants.

92. The aforescribed acts of the **OFFICER DEFENDANTS** were committed while under the directive and supervision of defendants **CHIEF ORLANDO, CHIEF SCHULHAER** and **ABC ENTITIES 1-5** and others in the chain of command.

93. Defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAER, JOHN DOES 1-20** and **ABC ENTITIES 1-5**, deprived plaintiffs of their constitutional rights, acting under color of statute, ordinance, regulation, custom or usage and misused the power they possessed.

94. Defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT,**

OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5 acted pursuant to official or unofficial policy and/or governmental custom, and deprived plaintiffs of their constitutional rights secured by 42 U.S. Code Sections 1983, 1981 and 1985.

95. As a direct and proximate result of the practices, customs and usages of the defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5** plaintiffs were deprived of their rights guaranteed under the First, Fourth, Eighth and Fourteenth Amendments to the Constitution of the United States.

96. As a direct and proximate result of defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5** constitutional violations, plaintiff sustained serious, severe and permanent injuries, as well as other damages.

97. As a direct and proximate result of the aforesaid occurrence and deprivations of constitutional rights plaintiff **DRADA** suffered serious and permanent injuries to her body, including but not limited to a fractured left ankle.

98. As a direct and proximate result of the aforesaid occurrence and deprivation of constitutional rights plaintiff VEGA suffered damages.

99. By reason of the foregoing plaintiffs have been damaged.

100. WHEREFORE plaintiffs ELIZABETH DRADA and DAVID VEGA demand judgment against defendants BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAER, JOHN DOES 1-20 and ABC ENTITIES 1-5 jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

SECOND CAUSE OF ACTION
(Assault and Battery)

101. Plaintiff ELIZABETH DRADA repeats and realleges each and every allegation contained in the Complaint and incorporates same by reference as if set forth fully herein at length.

102. On November 17, 2013 to November 18, 2013 defendants OFFICER WILLIAM LORD, SGT. WILLIAMS, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI and JOHN DOES 1-20 without cause or justification or consent did place plaintiff DRADA in fear of imminent physical harm and intentionally assaulted her.

103. As a direct and proximate result of the aforesaid assault and battery plaintiff DRADA suffered serious and permanent injuries to her body, including but not

limited to a fractured left ankle.

104. The aforescribed damages and injuries were caused solely and wholly by the intentional and willful assault and battery of the defendants without any fault of plaintiffs contributing thereto.

105. By reason of the foregoing plaintiff DRADA has been damaged.

106. WHEREFORE plaintiff ELIZABETH DRADA demand judgment against defendants BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5 jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

THIRD CAUSE OF ACTION
(New Jersey Constitution)

107. Plaintiffs repeat and reallege each and every allegation contained in the Complaint and incorporates same by reference as if set forth fully herein at length.

108. Defendants BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT POLICE DEPARTMENT, CHIEF ORLANDO and CHIEF SCHULHAFFER, through their agents, representatives and employees, and the OFFICER DEFENDANTS, by their deliberate indifference to the civil rights of plaintiffs as previously detailed, deprived plaintiffs of their rights, privileges and immunities secured under the New Jersey State Constitution.

109. The **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT POLICE DEPARTMENT, CHIEF ORLANDO and CHIEF SCHULHAFFER**, through their agents, servants and employees, and the **OFFICER DEFENDANTS** acted pursuant to official or unofficial policy and/or custom and to deprive plaintiff his constitutional rights under Title 10 of the New Jersey statutes, known as the New Jersey Civil Rights Act.

110. By reason of the foregoing, defendants violated the civil rights of plaintiffs in the same manner and extent as the allegations set forth under the federal constitutional violation claims.

111. To the extent that relevant law provides broader protections to plaintiffs under the New Jersey Civil Rights Act as that under 42 U.S.C. Sections 1981, 1983 and 1985, plaintiff intends to claim those broader protections.

112. As a direct and proximate result of the aforesaid occurrence and deprivations of constitutional rights plaintiff **DRADA** suffered serious and permanent injuries to her body, including but not limited to a fractured left ankle.

113. As a direct and proximate result of the aforesaid occurrence and deprivation of constitutional rights plaintiff **VEGA** suffered damages.

114. By reason of the foregoing plaintiffs have been damaged.

115. **WHEREFORE** plaintiffs **ELIZABETH DRADA and DAVID VEGA** demand judgment against defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER,**

JOHN DOES 1-20 and ABC ENTITIES 1-5 jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

FOURTH CAUSE OF ACTION
(Negligence)

116. Plaintiffs repeat and reallege each and every paragraph contained in the Complaint and incorporates same by reference as if set forth fully herein at length.

117. At all relevant times herein defendants were under a duty to act reasonably in the performance of their duties as police officers and supervisors in the handling of the subject police pursuit and stop.

118. At all relevant times herein defendants were under a duty to act reasonably in following and maintaining proper protocol, procedures, policy, rules and guidelines enacted and propounded with respect to their duties.

119. Defendants were negligent in their failure to properly hire, retain, train and supervise officers with respect to the handling of the subject police stop and arrest and in their use of force and failure to properly implement, enact, enforce, follow and maintain proper protocol, procedures, policies, rules and guidelines and were otherwise negligent under the circumstances.

120. Defendants were negligent and careless in failing to properly discipline police officers despite knowledge of their failure to take proper action in the handling of the subject incident, in effectuating an arrest, the use of excessive force, in the failure to provide medical attention, in the failure to permit documentation of an incident on a cellphone and wrongful confiscation of same, and and in particular to avoid and prevent

the acts complained of herein, and in their failure to conduct a proper internal affairs investigation.

121. The personal injuries and damages suffered by plaintiffs were caused solely as a result of the negligence and carelessness of the defendants.

122. The acts and omissions of the defendants, each and every one of them constituting negligence included the failure to have proper policies and procedures in place for the handling of handling of the subject incident, in effectuating an arrest, the use of excessive force, in the failure to provide medical attention, in the failure to permit documentation of an incident on a cellphone and wrongful confiscation of same, the failure to intervene and/or prevent the subject occurrence, the failure to file accurate and proper police reports, the failure to properly hire, train and supervise staff; the failure to prevent the subject occurrence and the failure to conduct a proper internal affairs investigation among other acts of negligence.

123. As a direct and proximate result of the aforesaid occurrence and negligence plaintiff **DRADA** suffered serious and permanent injuries to her body, including but not limited to a fractured left ankle.

124. As a direct and proximate result of the aforesaid occurrence and negligence plaintiff **VEGA** suffered damages.

125. By reason of the foregoing plaintiffs have been damaged.

126. **WHEREFORE** plaintiffs **ELIZABETH DRADA** and **DAVID VEGA** demand judgment against defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR,**

OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAER, JOHN DOES 1-20 and ABC ENTITIES 1-5 jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

EIGHTH CAUSE OF ACTION
(Emotional Distress)

127. Plaintiffs repeat and reallege each and every allegation contained in the Complaint and incorporated same by reference as if set forth fully herein at length.

128. Between November 17, 2013 and November 18, 2013 defendants collectively and individually, by their agents, servants and their employees and each of them individually engaged in actions intended to inflict severe emotional trauma upon plaintiffs.

129. The trauma was so shocking that no reasonable person could withstand it.

130. By reason of the foregoing plaintiffs have suffered emotional trauma and have been damaged.

131. WHEREFORE plaintiffs **ELIZABETH DRADA and DAVID VEGA** demand judgment against defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAER, JOHN DOES 1-20 and ABC ENTITIES 1-5** jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

NINTH CAUSE OF ACTION
(Abuse of Power and Authority)

132. Plaintiffs repeat and reallege each allegation contained in the Complaint and incorporates same by reference as if fully set forth herein at length.

133. Defendants' unlawful acts constitute abuse of power and authority.

134. By reason of the foregoing plaintiffs were caused to suffer severe emotional distress, humiliation, embarrassment, ridicule and scorn in violation of his civil rights and due process of law.

135. As a direct and proximate result of the aforesaid occurrence and abuse of power and authority plaintiff **DRADA** suffered serious and permanent injuries to her body, including but not limited to a fractured left ankle.

136. As a direct and proximate result of the aforesaid occurrence and abuse of power and authority plaintiff **VEGA** suffered damages.

137. By reason of the foregoing plaintiffs have been damaged.

138. **WHEREFORE** plaintiffs **ELIZABETH DRADA** and **DAVID VEGA** demand judgment against defendants **BOROUGH OF ROSELLE, ROSELLE POLICE DEPARTMENT, CITY OF LINDEN, LINDEN POLICE DEPARTMENT, OFFICER WILLIAM LORD, SGT. WILLIAMS, POLICE CHIEF GERARD ORLANDO, SERGEANT BRIAN BARNES, OFFICER ODOM, OFFICER JAMES EDGAR, OFFICER P. KUDLAC, OFFICER MOHR, OFFICER JEDREZEJEWSKI, POLICE CHIEF JAMES M. SCHULHAFFER, JOHN DOES 1-20 and ABC ENTITIES 1-5** jointly and severally for compensatory and punitive damages together with interest, costs of suit and attorney's fees.

Dated: November 12, 2015

SHELLEY L. STANGLER, P.C.
Attorney for the Plaintiffs
155 Morris Avenue
Springfield, New Jersey 07081
Phone: (973) 379-2500
Fax (973) 379-0031

BY: 
SHELLEY L. STANGLER, ESQ.

JURY DEMAND

Pursuant to Rule 38B of the Federal Rules of Civil Procedure plaintiff demands that trial by jury in these actions for all issues triable by a jury.

Dated: November 12, 2015

DESIGNATION OF TRIAL COUNSEL

Shelley L. Stangler, Esq. is hereby designated as trial counsel on behalf of the plaintiff in the within matter.

Dated: November 12, 2015

By: 
SHELLEY L. STANGLER, ESQ.

CERTIFICATION

I, SHELLEY L. STANGLER, ESQ., of full age, certify:

1. I have been retained to represent Plaintiffs ELIZABETH DRADA, ELIZABETH DRADA and the Proposed Administratrix of the Estate of EMANUEL RIVERA and DAVID VEGA in connection with the within matter.

2. The matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated by plaintiffs.

3. There are no other parties of whom I am presently aware who should be joined in this action.

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

BY: 

SHELLEY L. STANGLER, ESQ.
Attorney for Plaintiffs

Dated: November 12, 2015

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRIAN BULLOCK,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

BOROUGH OF ROSELLE, ET AL.,
Defendant

CASE
NUMBER: **2:17-CV-13208-KM-MAH**

TO:

*BOROUGH OF ROSELLE
210 CHESTNUT STREET
ROSELLE, NEW JERSEY 07203*

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

CHRISTINE MELILLO

(By) DEPUTY CLERK



ISSUED ON 2017-12-19 11:20:50, 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 _____ Signature of Server _____ Address of Server _____	

HINSON SNIPES, LLP

Princeton Forrestal Village
116 Village Boulevard, Suite 307
Princeton, New Jersey 08540
By: Tracey C. Hinson, Esquire
Attorney ID#: 034542002
(609) 452-7333 / Fax (609) 452-7332
Attorney for Plaintiff BRIAN BULLOCK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRIAN BULLOCK,

Civil Action NO.

Plaintiff,

v.

BOROUGH OF ROSELLE, CHIEF
GERARD ORLANDO, in his
individual and official
capacity, DILMONTE PRYOR, JR.,
in his individual and official
capacity, JAMES HOUSTON, in his
individual and official
capacity, JOHN LESHKO, in his
individual and official
capacity, and JOHN DOES 1-20,
(names being fictitious),

COMPLAINT & JURY DEMAND

Defendants.

Plaintiff, **BRIAN BULLOCK** ("MR. BULLOCK" or "PLAINTIFF"),
residing in the Borough of Roselle and the State of New Jersey, by
way of complaint against Defendants says:

PRELIMINARY STATEMENT

On August 17, 2014, at approximately 9:53 p.m., **MR. BULLOCK**
and a friend, Jerae Prather, were traveling in **MR. BULLOCK'S**
vehicle on Spruce Street in the Borough of Roselle on their way to
their friend's home on East 9th Avenue. **MR. BULLOCK** approached the

intersection of Spruce Street and East 9th Avenue and observed an unidentified black male projecting a flash light in the general direction of his vehicle.

MR. BULLOCK came to a complete stop at the stop sign on Spruce Street, activated his right turn signal, made a right turn onto East 9th Avenue, parked his vehicle in front of his friend's home, and turned off the ignition. A few minutes later, Borough of Roselle Police Officers Dilmonte Pryor, Jr., and James Houston, approached from the driver's side of **MR. BULLOCK'S** vehicle and immediately ordered him from his vehicle.

MR. BULLOCK asked why he was being ordered to exit his vehicle. Without responding, Officer Pryor opened the driver's side door and threatened to physically remove him. Fearing for his life, **MR. BULLOCK** complied and exited his vehicle. Pryor and Houston placed **MR. BULLOCK** in handcuffs, violently slammed him to the ground, and pepper-sprayed him.

Pryor and Houston then falsely arrested **MR. BULLOCK** and charged him with careless driving, failure to observe the direction of a police officer, tinted windows, driving under the influence and refusal. **MR. BULLOCK** was also charged with the petty disorderly offenses of resisting arrest, harassment and disorderly conduct. Four days later, **MR. BULLOCK** was again falsely arrested stemming from a false allegation that he threatened Pryor and his family.

On March 1, 2016, seventeen (17) months after **MR. BULLOCK** was falsely arrested and maliciously prosecuted, the Honorable Thomas Vitale, J.M.C., dismissed the careless driving, resisting arrest,

failure to observe direction of a police officer, tinted glass, driving under the influence, refusal and harassment charges against him. The judge conducted an exhaustive review of the audio and video evidence and concluded that the audio and video tapes contradict the Officers' testimonies.

This Complaint arising from the egregious, outrageous, and unlawful acts of members of the **BOROUGH OF ROSELLE** Police Department, seeks compensatory and punitive damages and other relief pursuant to applicable state and federal civil rights laws, specifically for the violation of **MR. BULLOCK'S** rights, privileges and immunities as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States, and, in violation of U.S.C. § 1983, § 1985, § 1988 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 2. Claims on behalf of **MR. BULLOCK** are also brought pursuant to N.J.S.A. 59:8-1 et seq., among other common law and statutory rights.

MR. BULLOCK seeks to vindicate his right to be free from false arrest, fabrication of evidence against him, malicious prosecution, the use of unreasonable and excessive force, and conspiracy to violate his civil rights.

JURISDICTION

This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343 and 1367, as one or more causes of action arise under the United States Constitution and Federal Law. The Court has pendent or supplemental jurisdiction as to the State law claims. Venue is proper in this District as it is either the

District in which Defendants reside or the District in which the claims arose.

PARTIES

1. Plaintiff, **BRIAN BULLOCK**, is a citizen of the United States. He was, at all relevant times, a resident of the Borough of Roselle and the State of New Jersey.

2. Defendant **BOROUGH OF ROSELLE** ("**BOROUGH**"), is a municipal entity duly incorporated and authorized under the laws of the State of New Jersey. The **BOROUGH** is authorized to maintain a Police Department which acts as its law enforcement agent and for which it is ultimately responsible. The **BOROUGH** assumes the risks incidental to the maintenance of its police force and is charged with enforcement of all state and municipal laws within the **BOROUGH** and the employment of its police officers.

3. The **BOROUGH** was, at all relevant times, responsible for policy making, hiring, supervision, training, control and retention of the individually named Police Officers. The **BOROUGH** is a person capable of being sued pursuant to 42 USC §1983, which serves as a vehicle for those bringing a cause of action for violation of their constitutional rights under color of law.

4. Upon information and belief, Defendant **CHIEF GERARD ORLANDO** ("**ORLANDO**"), was, at all relevant times, the Chief, agent and employee of the Roselle Police Department, a municipal agency of Defendant **BOROUGH OF ROSELLE**. He is sued in his individual and official capacity.

5. Defendant **DILMONTE PRYOR, JR. ("PRYOR")** was, at all relevant times, an officer, employee, and agent of the Roselle Police Department, a municipal agency of Defendant **BOROUGH OF ROSELLE**. He is sued in his individual and official capacity.

6. Defendant **JAMES HOUSTON ("HOUSTON")**, was, at all relevant times, an officer, employee, and agent of the Roselle Police Department, a municipal agency of Defendant **BOROUGH OF ROSELLE**. He is sued in his individual and official capacity.

7. Defendant **JOHN LESHKO ("LESHKO")**, was, at all relevant times, an officer, employee, and agent of the Roselle Police Department, a municipal agency of Defendant **BOROUGH OF ROSELLE**. He is sued in his individual and official capacity.

8. Defendants **JOHN DOES POLICE OFFICERS, SERGEANTS, LIEUTENANTS, CHIEFS, CAPTAINS, SUPERVISORS, DIRECTORS, PROSECUTORS, INVESTIGATORS, and TRAINING OFFICERS 1-20 ("JOHN DOES 1-20")**, were, at all relevant times, officers, sergeants, lieutenants, chiefs, captains, supervisors, directors, prosecutors, investigators, training officers, principals, partners, employees, representatives, agents or agencies of Defendants **BOROUGH OF ROSELLE** and any other individual, entity, agency company, or corporation, whose actual identities are presently unknown, who were acting within the scope of their employment, and whose actions assisted and/or contributed to the unlawful, unconstitutional and tortious conduct that resulted in the physical assault and malicious prosecution of **MR. BULLOCK**. They are sued in their individual and official capacities.

9. Defendants **ORLANDO, PRYOR, HOUSTON, LESHKO, and JOHN DOES 1-20**, were at all relevant times, on duty with the **BOROUGH OF ROSELLE'S** Police Department on August 17, 2014.

10. At all relevant times, Defendants **ORLANDO, PRYOR, HOUSTON, LESHKO, and JOHN DOES 1-20**, acted under the color of law with the power and authority vested in them as officers, agents and employees of Defendant **BOROUGH OF ROSELLE** and incident to the pursuit of their duties as officers, employees and agents of the **BOROUGH**.

11. Defendant officers, sergeants, chiefs, captains, supervisors, directors, prosecutors, investigators, agents, and employees named above shall, at times, be referred to below collectively, as indicated by the attendant facts and circumstances, as "Defendant Officers."

FACTUAL ALLEGATIONS

12. On August 17, 2014, at approximately 9:53 p.m., **MR. BULLOCK** was traveling southbound on Spruce Street in the Borough of Roselle to visit a friend who resided on East 9th Avenue. **MR. BULLOCK'S** friend, Jerae Prather, was a passenger in his vehicle.

13. As **MR. BULLOCK** approached the intersection of East 9th Avenue, he saw a black male wearing civilian clothing, projecting a flashlight in the direction of his vehicle. The black male had no reflective vest, patrol hat, visible badge or any other signs identifying him as a police officer.

14. **MR. BULLOCK** came to a complete stop at the stop sign on Spruce Street, activated his right turn signal, made a right turn onto East 9th Avenue, and continued his way. Once he reached his destination on 9th Avenue, **MR. BULLOCK** parked his vehicle and turned off the ignition.

15. Shortly thereafter, Defendants **PRYOR** and **HOUSTON** pulled their vehicle alongside the rear driver's side of **MR. BULLOCK'S** vehicle. **PRYOR** and **HOUSTON** exited their vehicle, approached the driver's side of **MR. BULLOCK'S** vehicle, and immediately ordered him to get out of the car.

16. Startled, fearful, and confused, **MR. BULLOCK** asked Defendant Officers why he was being ordered to exit his vehicle but received no response. After repeating the command, **PRYOR** opened the driver's side door and threatened to forcefully remove him. **MR. BULLOCK** exited the vehicle and again asked why he had been ordered from his vehicle. Again, he received no response.

17. **PRYOR** and **HOUSTON** placed **MR. BULLOCK** in handcuffs and violently slammed him to the ground without warning, provocation, or justification.

18. Without warning, provocation or justification, **PRYOR** and **HOUSTON** then pepper sprayed **MR. BULLOCK** while he was in handcuffs, before shoving him into the back of the police car.

19. Dash cam video inside the police car shows **MR. BULLOCK** slumped over in a fetal position as he struggled to breathe. He complained of difficulty breathing and seeing. Although **PRYOR** and **HOUSTON** saw that **MR. BULLOCK** was clearly in distress, they ignored

his complaints and failed to render first aid or provide him with emergency medical attention.

20. Defendant **LESHKO** was a secondary officer at the scene. **LESHKO** had a duty to but failed to prevent the false arrest and unwarranted and unreasonable use of excessive force against **MR. BULLOCK**. **LESHKO** conspired with **PRYOR** and **HOUSTON** to fabricate the charges and falsify the official reports. He then offered false testimony at trial against **MR. BULLOCK**.

21. Four (4) days after his initial arrest, **MR. BULLOCK** was falsely arrested on a warrant and charged with harassment stemming from a false allegation **PRYOR** made that **MR. BULLOCK** threatened him and family at headquarters the night of his initial arrest. **MR. BULLOCK'S** bail was set at \$5,000 with no 10% option.

22. **BOROUGH** officers illegally targeted **MR. BULLOCK** and his family in the past. On January 18, 2009, **MR. BULLOCK** was home for a brief visit from college when he was pulled over by **BOROUGH OF ROSELLE** police officers. The officers approached **MR. BULLOCK'S** vehicle with guns drawn and pointed at him and his two passengers, who were also college students. **MR. BULLOCK** and his passengers had no criminal record, was not suspected of criminal activity, and posed no threat to the police officers which could justify the officers pointing their guns at them. The officers cited **MR. BULLOCK** for a traffic violation.

23. **MR. BULLOCK** filed a complaint relating to the 2009 traffic stop against the officers with the Chief of Police. He contested the traffic violation in Court and was found not guilty.

24. In this case, **PRYOR**, **HOUSTON** and **LESHKO** targeted, followed, physically assaulted, falsely arrested, fabricated evidence, fabricated their official reports, falsely charged and maliciously prosecuted **MR. BULLOCK** for offenses he did not commit, based in part on retaliation, racial animus and racial profiling.

25. **MR. BULLOCK** committed no crime or traffic violation.

26. **MR. BULLOCK** was an unarmed and innocent person.

27. **MR. BULLOCK** presented no threat and posed no danger to Defendants or the public.

28. **MR. BULLOCK** did not engage in any action that justified the unlawful stop and excessive use of any force by **PRYOR** and **HOUSTON**.

29. **MR. BULLOCK** was traumatized, terrified, and feared for his safety.

30. Defendant **PRYOR** physically assaulted and pepper sprayed **MR. BULLOCK** without provocation or cause.

31. Defendant **HOUSTON** pepper sprayed **MR. BULLOCK** without provocation or cause.

32. Before physically assaulting **MR. BULLOCK**, Defendants failed to give proper commands or any warning they intended to use force let alone excessive force.

33. **MR. BULLOCK** was falsely charged and maliciously prosecuted for careless driving, failure to observe the direction of a police officer, tinted windows, driving under the influence, refusal, resisting arrest, harassment and disorderly conduct.

34. A trial on those charges was conducted on March 1, 2016. Following an extensive review of the testimonies and video and audio footage of the stop, the trial judge concluded the video and audio footage completely contradicted **PRYOR'S** testimony and the Officers' version of events leading to their encounter with **MR. BULLOCK**.

35. The judge found **PRYOR** and **HOUSTON'S** description of events to be "mysterious" and "straining the sense of their credibility." He held there was a lack of reasonable suspicion to issue the traffic summonses in the first place.

36. Specifically, the judge found: (1) neither **PRYOR** nor **HOUSTON** radioed their intent to pursue **MR. BULLOCK** or requested assistance from headquarters; (2) the video evidence proves **PRYOR** and **HOUSTON'S** police vehicle was on East 9th Avenue the entire time, not on Spruce Street in the vicinity of White Street and East 9th Avenue where they claimed they were when they heard the revving engine, screeching tires and saw **MR. BULLOCK'S** vehicle run two stop signs; and (3) the location where **HOUSTON** stopped to pick up **PRYOR** was in the opposite direction of travel from **MR. BULLOCK'S** vehicle when he made a right turn onto East 9th Avenue.

37. The judge noted **PRYOR** testified **HOUSTON** ordered **MR. BULLOCK** to turn off the ignition. However, **PRYOR** later contradicted his own testimony when he testified **MR. BULLOCK'S** vehicle was already parked with the engine off when he and **HOUSTON** pulled behind him.

38. The judge found the audio of stop makes it clear no order was given to "shut the engine of." The first order given was to get out of the car followed by two more orders in rapid succession.

39. The judge found further that neither **PRYOR** nor **HOUSTON** requested to see **MR. BULLOCK'S** driver's license, registration or insurance card. Nor did they explain to him why he was being pulled over. The judge noted there was no evidence to suggest **MR. BULLOCK**, smelled of alcohol, that his eyes were bloodshot or that his speech was incoherent or suggestive of intoxication. Nor was there any evidence **MR. BULLOCK'S** vehicle was not equipped with approved safety glass. He found **PRYOR** and **HOUSTON** had no reason to believe the vehicle was not properly equipped.

40. The judge concluded: (1) the stop of **MR. BULLOCK'S** vehicle was unlawful; (2) ordering **MR. BULLOCK** from his vehicle without any stated reason, opening his vehicle door, and threatening to remove him, was an unwarranted intrusion into **MR. BULLOCK'S** vehicle; (3) Defendants did not have a reasonable suspicion that **MR. BULLOCK** had committed a traffic violation when they issued the summonses; and (4) there was no probable cause for **MR. BULLOCK'S** arrest since Defendants recognized **MR. BULLOCK** and had no "legitimate fear" for their safety or reason to suspect **MR. BULLOCK** and his passenger posed a threat.

41. The judge concluded the video and audio footage completely exonerated **MR. BULLOCK** on the careless driving, failure to observe the direction of a police officer, tinted windows,

driving under the influence, refusal, and harassment charges and dismissed those charges.

42. The unlawful stop, use of excessive force, fabrication of false charges and malicious prosecution of **MR. BULLOCK** was without provocation, legal authority or justification.

43. The unlawful stop, use of excessive force, fabrication of false charges and malicious prosecution of **MR. BULLOCK** was the result of a vast conspiracy to frame and maliciously prosecute **MR. BULLOCK** in retaliation for his prior complaints against **BOROUGH** police officers and his political activities.

44. In April 2015, **MR. BULLOCK** ran for city counsel for the **BOROUGH OF ROSELLE**. Immediately after **MR. BULLOCK** announced his candidacy, his campaign was publicly sabotaged by literature mailed to his constituents that depicted pictures of the DWI summonses and false statements that he had been arrested for assaulting a police officer.

45. **MR. BULLOCK** was innocent of the charges and suffered severe humiliation, embarrassment and public shame. At the time this information was released, **MR. BULLOCK** had not yet had a chance to defend himself against the false charges filed against him. He therefore could not publicly defend himself.

46. **MR. BULLOCK** filed a complaint with the Chief of Police, Defendant **ORLANDO**, who failed to conduct an adequate investigation into how the summonses were released to the public, to sabotage his campaign.

47. **MR. BULLOCK** was deprived of his liberty.

48. After physically assaulting and injuring **MR. BULLOCK**, Defendants **PRYOR**, **HOUSTON**, and **LESHKO**, refused to perform first aid, provide medical care or take reasonable steps to ensure prompt medical attention for **MR. BULLOCK**.

49. Instead of being rendered medical aid, **MR. BULLOCK**, an innocent person, was arrested, interrogated and falsely charged with various offenses without justification or probable cause.

50. Defendants **PRYOR**, **HOUSTON**, **LESHKO**, **ORLANDO**, and **JOHN DOES 1-20**, (whose identities are currently unknown), engaged in a massive conspiracy to cover up the misconduct of Defendants **PRYOR**, **HOUSTON** and **LESHKO**.

51. Defendants **PRYOR**, **HOUSTON** and **LESHKO**, illegally followed, stopped, physically assaulted, falsely arrested, falsely charged and maliciously prosecuted **MR. BULLOCK** without reasonable suspicion or probable cause.

52. Defendants displayed a clear racial bias, discriminatory conduct, and employed intimidating tactics against **MR. BULLOCK**, which is evident in the manner he was stopped without reasonable suspicion, the way he was physically assaulted, and the way they conspired with each other to fabricate evidence to falsely charge and maliciously prosecute him.

53. The unlawful stopping, use of excessive force, and malicious prosecution of **MR. BULLOCK** was without provocation, legal authority or justification.

54. The unlawful stopping, use of excessive force, and malicious prosecution of **MR. BULLOCK** and the resulting conspiracy to coverup the true nature of the incident by Defendants, caused him to suffer severe and permanent psychological and emotional distress, mental anguish, degradation and public humiliation, which required the care and treatment of physicians and medication, has and will in the future require medical treatment, and has and will in the future cause him to refrain from his daily activities and normal pursuits.

55. The unlawful stopping, use of excessive force, and malicious prosecution of **MR. BULLOCK** and the resulting conspiracy to coverup the true nature of the incident by Defendants, caused him to suffer economic damages and resulted in him having to hire a lawyer and expend thousands of dollars to defend himself against the false charges.

COUNT I
PATTERN AND PRACTICE ALLEGATIONS
(Municipal and Governmental Liability)

56. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if fully set forth herein..

57. Police Officers employed by the **BOROUGH OF ROSELLE**, have a long, systematic and documented history of aggressive police practices, including falsifying reports, fabrication of evidence, cover-ups, sham Internal Affairs investigations, false arrests, malicious prosecution, retaliation, racial profiling, and use of

excessive force against the public and minorities.

58. The **BOROUGH**, through its police department, developed, implemented, enforced, encouraged and sanctioned a de facto policy, practice and/or custom of falsely arresting, racially profiling, maliciously prosecuting and engaging in the use of illegal and excessive force on citizens and coverup of these incidents. In the past eleven (11) years, the **BOROUGH** has received numerous documented incidents of use of force, including use of excessive force, false arrest, false reporting, malicious prosecution, and racial profiling.

59. The unlawful stopping, excessive and unreasonable use of force, filing of false charges, malicious prosecution of **MR. BULLOCK**, and the subsequent cover up of the incident by the **BOROUGH** and its Police Department, was not an isolated or aberrational incident. It was the direct result of systemic deficiencies in the training, supervision and discipline of **BOROUGH** Police Officers, including **PRYOR**, **HOUSTON** and **LESHKO**, that began long before the brutal physical assault of **MR. BULLOCK** and continues to this day.

60. Prior to and after the August 17, 2014, unlawful stop, unprovoked use of excessive force and malicious prosecution against **MR. BULLOCK**, the **BOROUGH** was on notice that there was a pervasive and systemic pattern, custom and practice of constitutional violations within its Police Department. There were numerous incidents, complaints, and lawsuits alleging excessive force, illegal searches and seizures, false arrest, falsifying

reports, filing of false charges, malicious prosecution, coverups, racial profiling and differential bias treatment by **BOROUGH** Police Officers.

61. Specifically, on June 20, 2007, Monica Montoya was knocked to the ground and physically assaulted by **BOROUGH** police officer Harold Breuninger. Ms. Montoya was walking to the bus stop to catch a bus to pick up her six-year-old daughter from school. She came upon a Spanish-speaking woman who had been struck by a van as she crossed the roadway. Breuninger, who did not speak Spanish, enlisted Ms. Montoya's aid.

62. After spending time with the woman, wiping blood from her face, making phone calls and translating for Breuninger, Ms. Montoya advised Breuninger she had to leave to pick up her daughter who was waiting alone at her new school. Breuninger refused to let her leave. Instead, Breuninger wrestled the less than five feet tall, one hundred-pound Montoya to the ground and arrested her when she tried to leave to pick up her daughter. Ms. Montoya was injured and spent several hours handcuffed to a restraint bar at Police Headquarters. All charges were dismissed against Ms. Montoya. The **BOROUGH** paid \$153,000 to settle Ms. Montoya's civil rights/excessive force lawsuit in September 2010.

63. On September 19, 2009, Lorraine Selecky was involved in a heated dispute with **BOROUGH OF ROSELLE** police officer James Caldwell. Ms. Selecky encountered the officer at a 7-Eleven store in Roselle Park where she had gone with her thirteen-year-old

daughter to rent a video. Caldwell was also at the 7-Eleven with his children to rent a video. Caldwell failed to identify himself as police officer.

64. Two days later, Ms. Selecki received a summons in the mail, issued by Caldwell, for parking in a handicap parking space. Ms. Selecki was convicted in municipal court of the parking violation. The Appellate Division reversed and remand for a retrial. Following her acquittal on remand, Ms. Selecki filed a complaint for malicious prosecution against the **BOROUGH OF ROSELLE**. The **BOROUGH** settled Ms. Selecki's lawsuit in May 2014.

65. On June 14, 2014, the **BOROUGH** settled a false arrest/malicious prosecution claim brought by Philip Szabo, James Redington and Mark Salerno after **BOROUGH OFFICERS** Alexandra Lanza, Gregory Polakoski, Vathianakis Kostantinos, Peter Picarelli and Michael Bell, conducted an illegal search of their residence. The officers had responded to a noise complaint and falsely claimed they had a search warrant. Szabo was arrested and charged with possession of marijuana.

66. The incident was caught on video and the officers can be heard demanding entry to the premises. After the tenant denied permission to enter, one of the officers can be heard stating he had a search warrant. The charges against Szabo were dismissed after the dash cam video revealed the officers falsified their reporting of the incident.

67. In November 2007, sixteen-year-old Marquis Randle was the victim of false arrest and excessive force when he was shot in the stomach by **BOROUGH** police officer Craig Howlett. The bullet lodged in his spine causing partial paralysis. The **BOROUGH** paid \$600,000 to settle Mr. Randle's civil rights/excessive force lawsuit on June 3, 2009.

68. The **BOROUGH**, through its Internal Affairs Department, has engaged in a past practice and policy of exhibiting deliberate indifference to complaints of constitutional violations against its police officers from citizens like **MR. BULLOCK**, against police officers who were employed by or act as agents of the **BOROUGH** for which the **BOROUGH** has been placed on notice.

69. The **BOROUGH'S** Internal Affairs department is a complete sham, and its long standing systematic, pervasive actual and/or de facto policies and practices create an environment wherein officers are comfortable in knowing they can act unlawfully without any repercussions or discipline. Such past policy and practice are directly linked to the violation of the constitutional rights of **MR. BULLOCK** because such past policy and practice encourage violations by police officers, such as the individually named Defendants.

70. Defendants, collectively and individually, while acting under the color of law, engaged in conduct that constituted a custom, policy, usage, practice, procedure or rule of Defendant **BOROUGH OF ROSELLE**, which is forbidden by the New Jersey State

Constitution.

71. The afore-mentioned customs, policies, usages, practices, procedures and rules of the **BOROUGH OF ROSELLE**, and the lack of training and discipline for the unconstitutional actions of its police officers resulted in the illegal stop, use of excessive force, fabrication of evidence, filing of false charges, abuse of process, and malicious prosecution of **MR. BULLOCK** and other innocent citizens; conspiracy to deprive **MR. BULLOCK** of his civil rights; creation of false reports, perjury, withholding of evidence and cover up.

72. The **BOROUGH** engaged in a policy, custom and practice of inadequate screening, hiring, retaining, investigating, disciplining, training and supervising its employees, which was the moving force behind the violation of **MR. BULLOCK'S** constitutional rights described herein.

73. The foregoing customs, policies, usages, practices, procedures and rules constitute deliberate indifference to the safety, well-being and State constitutional rights of **MR. BULLOCK** and was the direct and proximate cause and the moving force of the constitutional violations suffered by **MR. BULLOCK**.

74. The **BOROUGH** provided grossly deficient training and supervision to its Police Officers, including the individual named Defendants Officers, concerning for example, searches and seizures, use of force, pursuit, traffic stops and investigations, report writing, obtaining warrants, false arrest, malicious

prosecution, and Internal Affairs Investigations, despite actual and/or constructive notice that its officers were improperly trained, lacked discipline, and were violating minimally accepted police practices.

75. Defendant **BOROUGH OF ROSELLE** failed to investigate misconduct on the part of its police officers, failed to properly investigate Internal Affairs complaints against its officers, including the named Defendants Officers, failed to report instances of illegal criminal behavior and Official Misconduct to the County Prosecutor, and failed to discipline its officers prior to and including in this case.

76. The **BOROUGH** was negligent and/or reckless in the hiring and retention of Police Officers, including the individual named Defendant Officers.

77. The **BOROUGH** failed to provide its officers, including the individually named Defendants, with the guidance, oversight and resources they need to police safely, constitutionally and effectively.

78. Despite knowing of the false reporting and perjured testimony provided by **PRYOR** and **LESHKO** at trial, which clearly revealed official misconduct by these Defendants, the **BOROUGH** failed to conduct an Internal Affairs investigation into **PRYOR**, **HOUSTON** and **LESHKO'S** conduct; failed to take any disciplinary actions against them; and failed to report their illegal and criminal actions to the County Prosecutor.

79. Likewise, the **BOROUGH** failed to adequately investigate the illegal, unreasonable and excessive use of force against **MR. BULLOCK** or take appropriate disciplinary action against Defendants **PRYOR, HOUSTON** and **LESHKO**, despite its knowledge of their illegal conduct and of numerous prior allegations of misconduct and the use of excessive force against these Defendants and other officers employed by the **BOROUGH**.

80. As a result of Defendant **BOROUGH OF ROSELLE'S** failure to properly screen, hire, retain, train, supervise, investigate and discipline its employees, the **BOROUGH** explicitly and implicitly authorized, ratified and condoned Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO**, and **JOHN DOES 1-20's** illegal conduct, and has been deliberately indifferent to the acts and conduct complained of herein.

81. All the acts and omissions committed by Defendant Officers described herein for which liability is claimed were done unlawfully, maliciously, recklessly, negligently and/or with bad faith, and said acts meet all of the standards for imposition of punitive damages.

82. All the acts and omissions committed by Defendant Officers described herein for which liability is claimed were conducted in their individual and official capacities.

83. Defendant **ORLANDO**, is the chief executive officer of the **BOROUGH OF ROSELLE'S** and therefore is charged with establishing

all policies for its Police Department, either express or *de facto*.

84. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, was deprived of his liberty and suffered economic loss in the form of loss of his ability to meet his financial obligations, including but not limited to the resultant impact upon his credit, damage to his reputation, damage to his political career, invasion of his right to privacy, mental pain and suffering and emotional distress, as well as other non-economic damages for which Defendants are liable.

COUNT II

(42 U.S.C. § 1983 Unreasonable and Excessive Force)

85. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

86. Defendants **PRYOR** and **HOUSTON'S** unlawful, careless, negligent, and reckless acts of assaulting **MR. BULLOCK** and the use of unreasonable and excessive force without justification or provocation, showed deliberate indifference for the life and safety of **MR. BULLOCK**.

87. Defendant **LESHKO** and **JOHN DOES 1-20**, had a duty to but failed to prevent the unlawful and unwarranted use of excessive force upon **MR. BULLOCK**.

88. Defendants **LESHKO** and **JOHN DOES 1-20's**, negligent, careless, and reckless act of conspiring to use excessive force and/or their failure to intervene to prevent the unlawful and unreasonable use of excessive force against **MR. BULLOCK**, showed deliberate indifference for the life and safety of **MR. BULLOCK**.

89. In all the foregoing, Defendant Officers acted with reckless, callous and deliberate indifference to **MR. BULLOCK'S** constitutionally protected rights.

90. Defendant Officers violated clearly established law. No reasonable officer could have believed, under the circumstances, that it was lawful to stop, arrest, use excessive force, charge or maliciously prosecute **MR. BULLOCK**, given that he: (1) was not intoxicated; (2) had committed no crime or traffic violation, and (3) posed no threat to **PRIOR** and **HOUSTON**, who recognized him.

91. By their conduct, Defendants **PRIOR**, **HOUSTON**, **LESHKO** and **JOHN DOES 1-20**, deprived **MR. BULLOCK** of his right to be free from the use of excessive and unreasonable and the right to be free from malicious prosecution under the Fourth and Fourteenth Amendment of the United States Constitution.

92. The **BOROUGH OF ROSELLE** is liable for creating, implementing and enforcing policies, practices and customs as aforesaid, that resulted in the unlawful use of excessive force and malicious prosecution of **MR. BULLOCK**.

93. As a direct and proximate result of Defendant Officers' misconduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, sustained the damages hereinbefore alleged.

COUNT III
(Common Law Assault and Battery)

94. Plaintiff, **BRIAN BULLOCK**, repeats and re-alleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

95. By assaulting and injuring **MR. BULLOCK**, Defendants **PRYOR** and **HOUSTON**, acted in their individual and official capacity as **BOROUGH OF ROSELLE** Police Officers, and within the scope of their employment, committed an unlawful and unwarranted assault and battery upon **MR. BULLOCK**.

96. The unjustified physical assault and the use of pepper spray on **MR. BULLOCK** caused him severe pain, temporarily blinded him and impaired his ability to breath.

97. Defendant **LESHKO** and **JOHN DOES 1-20**, had a duty to prevent the unlawful and unwarranted assault and battery upon **MR. BULLOCK** but failed to do so.

98. Defendant **BOROUGH OF ROSELLE**, as employer of Defendants **PRYOR**, **HOUSTON**, **LESHKO** and **JOHN DOES 1-20**, are responsible for their wrongdoing under the doctrine of respondent superior pursuant to the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

99. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, sustained the damages hereinbefore alleged.

COUNT IV

42 U.S.C. § 1983 - Malicious Prosecution

100. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

101. Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO, and JOHN DOES 1-20**, acting in their individual and official capacity as employees of Defendant **BOROUGH OF ROSELLE** and within the scope of their employment, filed false charges against and maliciously prosecuted **MR. BULLOCK**, an innocent person, without probable cause.

102. Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO, and JOHN DOES 1-10**, acting in their individual and official capacity as employees of Defendant **BOROUGH OF ROSELLE** and within the scope of their employment, engaged in an abuse of process when they falsely charged and maliciously prosecuted **MR. BULLOCK**, an innocent person, in retaliation for **MR. BULLOCK'S** prior complaints against Roselle Police Officer.

103. Despite knowing of the existence of dash-cam video and audio of the stop which vindicated **MR. BULLOCK**, and the fabricated evidence submitted by **PRYOR, HOUSTON and LESHKO**, Defendants continued to maliciously prosecute **MR. BULLOCK** for almost two

years.

104. Despite knowing of the existence of dash-cam video and audio of the stop which vindicated **MR. BULLOCK** and the fabricated evidence submitted by **PRYOR**, **HOUSTON** and **LESHKO**, Defendants, **BOROUGH OF ROSELLE**, failed to further investigate, contributed to, and permitted the prosecution of **MR. BULLOCK**, maliciously and without probable cause.

105. The malicious prosecution of, and damages to **MR. BULLOCK** resulting from the Defendants conduct as described herein, continued even after Defendants obtained indisputable evidence of **MR. BULLOCK'S** innocence and only ended when the trial judge dismissed the charges on or about March 1, 2016, more than a year and a half after the malicious prosecution was initiated, thus ending the malicious prosecution of **MR. BULLOCK**.

106. Defendants, including the **BOROUGH OF ROSELLE**, are responsible for the false evidence upon which the malicious prosecution was based.

107. Defendants' actions in the presentation of false and illegally obtained evidence, upon which **MR. BULLOCK** was arrested, charged and prosecuted, was without probable cause and was reckless and malicious.

108. By their unlawful conduct and abuse of authority, Defendants, under color of law, deprived **MR. BULLOCK** of his right to be free from malicious prosecution and abuse of process under the Fourth and Fourteenth Amendment to the United States

Constitution and under the New Jersey State Constitution, thereby depriving him of his liberty without due process of law.

109. Defendants, collectively, are liable for their failure to take any reasonable steps to protect **MR. BULLOCK** from being maliciously prosecuted, despite having ample evidence, time and opportunity to do so.

110. In all the foregoing, Defendants initiated the prosecution of **MR. BULLOCK** without probable cause and with reckless, malicious, callous and deliberate indifference to **MR. BULLOCK'S** constitutionally protected rights.

111. The malicious prosecution was the act of Defendants jointly, and Defendants are jointly and severally liable for damages to **MR. BULLOCK**.

112. The **BOROUGH OF ROSELLE** is liable for creating, implementing and enforcing policies, practices and customs as aforesaid, that resulted in the malicious prosecution of **MR. BULLOCK**.

113. Defendant **BOROUGH OF ROSELLE**, as employer of Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO** and **JOHN DOES 1-20**, are responsible for their wrongdoing under the doctrine of respondent superior and pursuant to the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et seq.

114. As a direct and proximate result of Defendants' misconduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, sustained the damages hereinbefore alleged.

COUNT V
(42 U.S.C. § 1985 Conspiracy)

115. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

116. Despite knowing of the existence of dash-cam video and audio of the stop and the fabricated evidence submitted by **PRYOR**, **HOUSTON** and **LESHKO**, Defendants conspired to conceal the true nature of the incident by unlawfully creating false reports of the incident in furtherance of their conspiracy to frame **MR. BULLOCK**.

117. The **BOROUGH** and members of its Police Department, including the individually named Defendants, engaged in a conspiracy to coverup the true circumstances surrounding the arrest and prosecution of **MR. BULLOCK**; failed to adequately investigate the illegal, unreasonable and excessive use of force against **MR. BULLOCK**; and failed to take appropriate disciplinary action against Defendants **PRYOR**, **HOUSTON** and **LESHKO**, despite knowledge of their illegal conduct and despite knowledge of numerous prior allegations of misconduct, including the use of excessive force against Defendants and other officers employed by the **BOROUGH**.

118. Defendants **ORLANDO**, **PRYOR**, **LESHKO**, **HOUSTON**, and **JOHN DOES 1-10**, under color of state law, conspired with each other, reached a mutual understanding, and acted to undertake a course of conduct to cover up the true nature of the incident and to injure, oppress, threaten, and intimidate **MR. BULLOCK** in the free exercise

and enjoyment of the rights and privileges and equal protection of the law secured to him by the United States Constitution, including the his clearly established right to be free from unlawful search, seizure, detention and arrest; the right to be free from malicious prosecution; the right to privacy; and the right not to be deprived of his liberty without due process of law.

119. Defendants Officers took numerous overt steps in furtherance of such conspiracy, as set forth above.

120. The **BOROUGH OF ROSELLE** is liable for creating, implementing and enforcing policies, practices and customs as aforesaid, that resulted in the conspiracy against **MR. BULLOCK**.

121. The **BOROUGH OF ROSELLE**, as employer of Defendants **PRYOR**, **HOUSTON**, **LESHKO**, **ORLANDO** and **JOHN DOES 1-20**, are responsible for their wrongdoing under the doctrine of respondent superior and pursuant to the New Jersey Tort Claims Act, N.J.S.A. § 59-2-2, et. seq.

122. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, sustained the damages hereinbefore alleged.

COUNT VI
(42 U.S.C. § 1983 - Supervisor Liability)

123. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

124. Defendant **BOROUGH OF ROSELLE** had a duty to properly supervise its employees and failed to do so.

125. Defendants **ORLANDO** and **JOHN DOES 1-20**, were, at all relevant times, supervisory personnel for the **BOROUGH'S** Police Department, with oversight responsibility for Defendants **PRYOR**, **HOUSTON**, **LESHKO**, and **JOHN DOES 1-20**. They were responsible for the hiring and firing, instruction, supervision, correction and discipline, and training of all officers, including the named Defendants, on all aspects of law enforcement procedures, including the use of force, arrest procedures, pursuit, conducting traffic stops, proper investigative techniques, and evaluation of what constitutes a proper determination of probable cause.

126. Defendants **ORLANDO** and **JOHN DOES 1-20**, as supervisory personnel in the **BOROUGH OF ROSELLE'S** Police Department, owed a duty of care to **MR. BULLOCK** to prevent the conduct alleged, which foreseeably caused his injuries and violation of his civil rights.

127. Based on prior conduct and complaints against Defendants **PRYOR**, **HOUSTON**, **LESHKO**, and **JOHN DOES 1-20**, Defendants knew, or in the exercise of due diligence should have known that if they failed to properly supervise and discipline Defendants, the inappropriate, unlawful and tortuous conduct of Defendants against **MR. BULLOCK** was likely to occur.

128. Defendants failed to take preventive and remedial measures to guard against the constitutional violations committed by Defendants **PRYOR**, **HOUSTON**, **LESHKO**, and **JOHN DOES 2-10**. Had they

taken the appropriate action, **MR. BULLOCK** would not have been have illegally stopped, subjected to unreasonable and excessive force, injured, and maliciously prosecuted.

129. Defendants' failure to supervise and discipline Defendants **PRYOR, HOUSTON, LESHKO, and JOHN DOES 1-20**, amounted to negligence, gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the constitutional deprivations **MR. BULLOCK** suffered.

130. The **BOROUGH OF ROSELLE** is liable for creating, implementing and enforcing policies, practices and customs as aforesaid, that resulted in the constitutional deprivations **MR. BULLOCK** suffered.

131. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff, **BRIAN BULLOCK**, sustained the damages hereinbefore alleged.

COUNT VII

(Negligent Hiring/Training/Retention/Supervision)

132. Plaintiff, **BRIAN BULLOCK**, repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

133. Defendant, **BOROUGH OF ROSELLE**, was responsible for the recruiting, hiring, training, retention and ongoing supervision of **BOROUGH** Police Officers, including Defendant Officers.

134. The **BOROUGH** had a duty to properly ascertain employees' fitness to become police officers before they were hired, but failed to do so.

135. The **BOROUGH** had a duty to properly train the officers in its employ to ensure they did not violate the constitutional rights of citizens, including **MR. BULLOCK**, but failed to do so.

136. The **BOROUGH** had a duty to adequately supervise the officers in its employ to ensure they did not violate the constitutional rights of citizens, including **MR. BULLOCK**, but failed to do so.

137. The **BOROUGH** failed to properly determine the fitness of Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO, and JOHN DOES 1-20**, to be hired as police officers, chiefs, sergeants, lieutenants, supervisors and investigators of the **BOROUGH** and failed to properly train these Defendants to ensure they would not violate the civil rights of its citizens, such as **MR. BULLOCK**.

138. The **BOROUGH** knew, or in the exercise of due diligence should have known that Defendants were not fit for duty and that the inappropriate, unlawful and tortuous conduct of Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO and JOHN DOES 1-20**, against **MR. BULLOCK** was likely to occur.

139. The **BOROUGH** was aware of prior allegations of misconduct involving the use of excessive force, coverups, false arrest, falsification of official reports, false charges, and malicious prosecution alleged by citizens against members of the **BOROUGH'S** Police Department, including the named Defendants. Yet, the **BOROUGH** did nothing to prevent the ongoing unlawful actions of its

police officers or to terminate these rogue officers.

140. The **BOROUGH** was aware of prior allegations of misconduct against its officers that should have alerted it to the potential unlawful conduct of Defendants **PRYOR, HOUSTON, LESHKO** and **JOHN DOES 1-20**, but failed to take reasonable and appropriate steps to properly train, supervise and discipline Defendants to ensure they did not violate the constitutional rights of citizens, including **MR. BULLOCK**.

141. Defendants **ORLANDO** and **JOHN DOE 1-20**, as supervisory personnel in the **BOROUGH'S** Police Department responsible for the hiring and firing, supervision, corrective or disciplinary actions, and training of all officers on all aspects of law enforcement, including proper investigative techniques and evaluation of what constitute a proper determination of probable cause, owed a duty of care to **MR. BULLOCK**.

142. Plaintiff avers and believes that, upon obtaining discovery, these Defendants will be identified and shown to have failed in their duties and acted with deliberate disregard for their responsibilities to discipline, adequately supervise and/or train police officers, including the named Defendants, in the investigation of motor vehicle stops, investigation of criminal activity, searches and seizures, pursuits, arrest procedures, preparing arrest reports, proper identification of suspects, Internal Affairs Investigations, as well as the evaluation and

reliability of evidence used in the determination of probable cause.

143. Plaintiff avers that discovery will show the **BOROUGH OF ROSELLE** through its Police Department had a *de facto* policy of allowing its officers to rely upon flawed evidence without adequate training in the investigation of crimes and had a *de facto* policy which encouraged its officers to use excessive force, to conduct minimal investigation and to accept without further investigation and without question, false and illegally obtained evidence, regardless of the unreliability of such evidence, and that as a direct result of said policies or lack of training the use of force, investigation of traffic violations and crimes, as well as the evaluation and reliability of evidence used in the determination of probable cause, **MR. BULLOCK'S** right to be free from unreasonable and excessive use of force; malicious prosecution; his right to privacy; and his right to freedom of association were violated.

144. The **BOROUGH'S** failure to properly discipline its police officers and to determine and monitor their continued fitness for duty coupled with its negligent retention of Defendants **PRYOR, HOUSTON, LESHKO, ORLANDO** and **JOHN DOES 1-20**, despite actual and/or constructive knowledge that they were not fit to be police officers, chiefs or lieutenants, amounted to gross negligence, deliberate indifference, or reckless misconduct which directly caused and was the moving force behind the deprivations suffered

by **MR. BULLOCK**.

145. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff **BRIAN BULLOCK** sustained the damages hereinbefore alleged.

COUNT IX
(Violation of the New Jersey Civil Rights Act
- N.J.S.A. 10:6-1 to 2)

146. Plaintiff **BRIAN BULLOCK** repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

147. Defendants, under color of statute, ordinance, reputation, custom and usage have deprived and caused **MR. BULLOCK** to be subjected to the deprivations of rights, privileges and immunities secured by the New Jersey Constitution and law of the State of New Jersey, including his right to liberty, his right to be secure as a person against unreasonable searches and seizures, his right to be free from unlawful detention, his right to be free from false arrest and imprisonment, his right to be free from malicious prosecution, his right to privacy, and his right to freedom of association secured to him by the New Jersey State Constitution.

148. At no time did Defendants have probable cause or any grounds to believe **MR. BULLOCK** had committed a traffic violation or a crime.

149. Defendants, acting under color of law, intentionally deprived **MR. BULLOCK** of his civil rights by, inter alia, unlawfully

seizing him, physically assaulting him, falsely arresting him, failing to intervene to prevent the unlawful acts against him, maliciously prosecuting him, and violating his right to privacy.

150. Defendants' acts were done in knowing violation of **MR. BULLOCK'S** legal and constitutional rights and have caused **MR. BULLOCK** damages, including economic injury, humiliation, mental pain and suffering and emotional distress.

151. Defendants' deprivation of **MR. BULLOCK'S** civil rights violates the New Jersey Constitution and gives rise to **MR. BULLOCK'S** claims for redress under N.J.S.A. 10:6-1 et seq.

152. Based on the aforesaid conduct, Defendants, acting under color of law, deprived and interfered with the exercise or enjoyment by Plaintiff **BRIAN BULLOCK** of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a) The right to enjoy and defend life and liberty;
- b) The right to pursue and obtain safety and happiness;
- c) The right to due process of law;
- d) The right to equal protection of the laws;
- e) The right to any other natural and unalienable right retained by the people;
- f) The right to privacy; and
- g) The right to be free of cruel and unjust punishment.

153. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff **BRIAN BULLOCK** sustained the damages hereinbefore alleged.

COUNT VIII
(Negligent and Intentional Infliction of
Emotional Distress)

154. Plaintiff **BRIAN BULLOCK** repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

155. When they unlawfully stopped, **MR. BULLOCK'S** vehicle, physically assaulted him, falsely arrested him, lied about the true events that occurred, retaliated against him, fabricated evidence and false charges against him, initiated the malicious prosecution against him, and publicly humiliated and embarrassed him, Defendant Officers acted intentionally or recklessly with deliberate disregard of a high degree of probability that emotional distress will follow.

156. Defendants' conduct was extreme and so outrageous in character and degree as to go beyond all possible bounds of decency. Defendants' conduct was so atrocious, it is utterly intolerable in a civilized community.

157. As a direct and proximate result of Defendants' conduct and abuse of authority detailed above, Plaintiff **BRIAN BULLOCK** sustained the damages hereinbefore alleged.

COUNT X
Punitive Damages

158. Plaintiff **BRIAN BULLOCK** repeats and realleges the foregoing paragraphs of the Complaint as if same were fully set forth at length herein.

159. The acts of the Defendant Officers as set forth herein, were so willful, wanton, malicious and oppressive, it entitles **MR. BULLOCK** to an award of punitive damages against Defendants Officers.

WHEREFORE, Plaintiff respectfully prays that this Court:

- a. Assume jurisdiction over this action;
- b. Award Plaintiff actual damages, expenses and other economic losses;
- c. Award Plaintiff general damages for injury, mental anguish, and emotional distress, in an amount to be determined by the enlightened conscience of an impartial jury;
- d. Award Plaintiff punitive (exemplary) damages against the individual Defendant Officers, to the extent permitted by law, and award fees and expenses;
- e. Declare that Defendants **BOROUGH OF ROSELLE, PRYOR, HOUSTON, LESHKO, ORLANDO**, and **JOHN DOES 1-20**, violated Plaintiff's rights guaranteed him under the United States Constitution;
- f. Award Plaintiff's attorney's fees, pursuant to 42 U.S.C. §1988 and any other applicable provision(s)

of state and federal law; and,

- g. Award such other and further relief as the Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that attorney TRACEY C. HINSON is hereby designated as trial counsel in the above-captioned litigation for the firm of Hinson Snipes, LLP.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands a trial by jury as to all issues so triable.

NOTICE OF UTILIZATION OF TIME-UNIT BASIS

PLEASE TAKE NOTICE Plaintiff intends to utilize the time-unit basis for calculating unliquidated damages in Plaintiff's closing statement to the jury and the Court.

HINSON SNIPES, LLP

Attorneys for Plaintiff

By: /s/Tracey C. Hinson
Tracey C. Hinson, Esquire

Dated: December 18, 2017