

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CLINTON CATO and MARY JO CATO,

Plaintiffs,

-against-

THE TOWNSHIP OF ANDOVER, THE ANDOVER
POLICE DEPARTMENT, CHIEF ERIC C.
DANIELSON, individually, CHIEF ERIC C.
DANIELSON, in his official capacity, SGT. BRIAN
E. KITHCART, individually, SGT. BRIAN E.
KITHCART, in his official capacity, OFFICER
GEORGE I. LAUDIS, individually, OFFICER
GEORGE I. LAUDIS, in his official capacity,
OFFICER ALEX PRICE, individually, OFFICER
ALEX PRICE, in his official capacity, THE
TOWNSHIP OF NEWTON, THE NEWTON
POLICE DEPARTMENT, CHIEF MICHAEL
RICHARDS, individually, CHIEF MICHAEL
RICHARDS in his official capacity, OFFICER
JOHN DOE, individually, OFFICER JOHN DOE, in
his official capacity, OFFICER RICHARD ROE,
individually, and OFFICER RICHARD ROE, in his
official capacity.

Defendants.

Civil Action No.

COMPLAINT & JURY DEMAND

This is an action by plaintiffs, CLINTON CATO and MARY JO CATO, residents of Andover Township, County of Sussex, in the State of New Jersey within this District, for compensatory and punitive damages for violations of plaintiffs' civil rights under the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and the Constitution

of the State of New Jersey for false arrest, false imprisonment, excessive force, unlawful search and seizure, deprivation of equal protection under the law, negligent hiring and supervision, unqualified, unfit and assaultive employees, by reason of the unlawful and unconstitutional acts of defendants. Plaintiffs demand trial by jury as to all issues so triable.

FEDERAL JURISDICTION

(1) This action arises under the Constitution of the United States, particularly the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States, and under the laws of the United States, particularly the Civil Rights Act, Title 42 U.S.C. §§ 1983 and 1988.

(2) The jurisdiction of this Court is invoked pursuant to the provisions of Title 28 U.S.C. §§ 1331 and 1343.

(3) Venue is properly placed as the parties reside in this District and the events complained of herein occurred in this District.

PARTIES

(4) Clinton Cato and Mary Jo Cato are residents of the Township of Andover, County of Sussex in the State of New Jersey, within this District. Clinton Cato is a black male married to Mary Jo Cato, who is white. The race of plaintiffs is pertinent to the within claims, as racial animus motivated non-party aggressor George Morehouse and on information and belief racial prejudice underlies the deprivation of the constitutionally guaranteed rights of the plaintiffs.

(5) The Township of Andover is the municipality in which the described incidents occurred. The mailing addresses for Andover are designated as Newton addresses by the United States Postal Service.

(6) The Andover Police Department is the principle law enforcement entity within the Township of Andover.

(7) Chief Eric C. Danielson is the chief of the Andover Police Department.

(8) Sgt. Brian E. Kithcart is a sergeant with the Andover Police Department.

(9) Officer George I. Laoudis is a patrolman with the Andover Police Department.

(10) Officer Alex Price is a patrolman with the Andover Police Department.

(11) The Township of Newton is the adjoining town and on information and belief shares some municipal services with the Township of Andover.

(12) The Newton Police Department is the principle law enforcement entity within the Township of Newton.

(13) Chief Michael Richards is the chief of the Newton Police Department.

(14) Officer John Doe is a patrolman with the Newton Police Department whose name and identity have yet to be determined with certainty.

(15) Officer Richard Roe is a patrolman with the Andover Police Department whose name and identity have yet to be determined with certainty.

FACTS COMMON TO ALL COUNTS

(16) On or about the evening of July 20, 2015 the plaintiff Clinton Cato (hereinafter referred to as "Clinton") was present on his property located at 7 Lewmay Drive, Andover, New Jersey

(hereinafter referred to as “the premises” or “the Cato property”). The Cato Property is alternately known as 7 Lewmay Drive, Newton, New Jersey. Lewmay Drive is a private road along which three (3) properties are located.

(17) At the aforesaid time, Clinton pulled his pickup truck into a secondary driveway on the premises and shone lights affixed to the truck downward to inspect foliage growth on the property. Clinton was contemplating instructing his landscapers to clear the area out the following morning.

(18) While Clinton was inspecting his property, George Morehouse, (hereinafter referred to as “Morehouse”) who resides at 6 Lewmay Drive, charged onto the Cato property accompanied by his friend James Dunnigan. Morehouse was wielding a sledge hammer and Dunnigan held what appeared to Clinton to be a canister of gasoline. Morehouse was yelling, at first unintelligibly, at Clinton.

(19) Morehouse is a convicted felon having been convicted on November 28, 2006 of aggravated assault. He later violated the terms of his probation, and pled guilty to the violation of his probation and received additional sentencing. Upon information and belief, the officers and employees of the Andover and Newton Police Forces were well aware of Morehouse’s status as a violent convicted felon.

(20) As Morehouse approached Clinton’s parked truck he continued screaming obscenities, and racial epithets, and objections to the lights Clinton was shining down upon his own property. Clinton requested that his neighbor, who is a convicted felon and well known rabble rouser in the community, calm down in order to have a civil conversation. Clinton also objected to Morehouse approaching him armed with a sledgehammer. Dunnigan remained at a slight distance while

Morehouse advanced directly to the driver's side window of the truck. Clinton was seated in the driver's seat at this time.

(21) Clinton advised Morehouse to leave his property. Morehouse had previously been warned both verbally and in writing not to trespass on the Cato property on numerous occasions. He further advised him that he would shut the lights on the truck off once Morehouse had quit the premises.

(22) Ignoring Clinton's instruction, Morehouse drew back his sledgehammer as if to strike Clinton and began yelling that he would smash Clinton's skull in, using threatening, obscene and racially charged language and an elevated tone of voice.

(23) In order to prevent Morehouse's attack, Clinton discharged a pepper-spray device he had on hand in his vehicle. Morehouse was sufficiently deterred by the pepper-spray that he retreated from the property along with Dunnigan. While in retreat Morehouse yelled further obscenities and racial epithets at Clinton, threatening violent reprisal to Clinton and his family.

(24) Aware of Morehouse's violent tendencies and criminal history, Clinton drove over to his house and attempted to secure it against any retaliation by Morehouse and Dunnigan.

(25) Clinton instructed his wife, Mary Jo Cato, and his children, Dylan Cato and Samantha Cato, to remain indoors. He placed a camcorder on the hood of a vehicle parked in the driveway facing out to the approach route to the house.

(26) Clinton, a lawful owner of firearms, all of which are duly licensed and maintained in full accordance with all applicable law, armed himself with a KelTec KSG 12-guage pump-action shotgun and a .45 caliber pistol with which he intended to defend himself and his family, if necessary, from any further threats to his or their life or safety from Morehouse.

(27) On information and belief, during the intervening period, Morehouse or his wife Kimberly Morehouse, contacted the local authorities and erroneously reported that Clinton had shot him in the head with a firearm.

(28) The Andover Township Police Department, the Newton Township Police Department, the Sparta Township Police Department and the New Jersey State Police all responded to this false report of gunfire.

(29) A police helicopter was dispatched by the New Jersey State Police.

(30) Andover Police were the first to venture onto the Cato property in response to Morehouse's false report of a gunshot wound. On information and belief they encountered Morehouse prior to entering onto the Cato property, but failed to ascertain that he had not, in fact, been shot or else they chose to ignore his lack of any gunshot wound.

(31) On information and belief defendant, Officer George I. Laoudis (hereinafter referred to as "Officer Laoudis") and defendant Sergeant Brian E. Kithcart (hereinafter referred to as "Sgt. Kithcart") and Officer Alex Price (hereinafter referred to as "Officer Price") entered onto the Cato property in response to the false report of a shooting thereon.

(32) On information and belief the officers were well aware of Morehouse's felony record, constant complaints to the authorities, and his history of trespassing and harassing the Cato family, as there had been many incidents previously reported to them.

(33) The three officers walked up the drive, sidearms draw, to the Cato property whereupon they shined a flashlight in the direction of Clinton, pointed their firearms at him, and advised him to turn around and raise his hands in the air. Given the darkness, Clinton inquired who the officers were and was advised, "Andover Township Police Department".

(34) Clinton was then instructed to face his garage and walk backwards toward the officers. Clinton immediately complied with the command.

(35) Clinton proceeded with his hands on his head, slowly backing toward the officers. While still many yards from the officers he was asked if he had firearms. Clinton advised that he was armed. He was instructed to place his firearm on the ground. Clinton immediately complied, without protest.

(36) When Clinton had disarmed and, following the instructions of the officers, continued to back toward them, with his hands over his head, he was eventually instructed to kneel and then lie upon the ground with his hands at his side. Once again Clinton complied promptly and without objection.

(37) On information and belief Sgt. Kithcart approached to handcuff Clinton. At this point Clinton verbally advised the officer to be careful of his arm as he is handicapped. The officer replied, “[y]ou shot somebody shut up!”

(38) Clinton immediately verbally advised the officers that he had not shot anyone. He told the officers, “I just got threatened with a sledgehammer to crush my head in.”

(39) Upon information and belief, Officer Price picked up the .45 pistol from the ground where Clinton had placed it. Officer Price was not wearing gloves or any forensic equipment at that time.

(40) Simultaneously plaintiff Mary Jo Cato (hereinafter referred to as “Mary Jo”) came to the nearby door. The officers collectively shouted at her to remain in place and asked what was in her hand. Mary Jo responded that she was not holding anything.

(41) One of the officers then verbally instructed Mary Jo to remain outside and not re-enter the house. From this point forward she was detained, even being escorted to her own bathroom, for approximately the next four (4) hours.

(42) Officers inquired of Mary Jo whether anyone else was in the Cato house and she informed them that their two (2) children, Samantha and Dylan, were inside. They were ordered outside and held there, also subject to escorts for use of the bathroom, for more than four (4) hours until approximately 2 o'clock in the morning. This, despite the fact that they were not accused, even informally, of any crime or misconduct whatsoever, and the scene had long since been secured and no probable cause existed to detain any of the three.

(43) Clinton again advised the officers that he was on his own property and he had not shot anyone.

(44) Clinton inquired of the officers why they had not arrested George Morehouse. During the following discussion, one of the officers asserted that Morehouse was the victim in this incident as he had been shot in the face. Clinton again advised that Morehouse had attacked him with a sledgehammer on the Cato property. Clinton advised the officers that Morehouse had acted threateningly toward his wife earlier in the day, the fact of which, upon information and belief, the officers were aware, as it was reported to authorities earlier the same day.

(45) The officers inquired if Clinton had anything else on his person, he advised them he had a magazine, small baton, pocket knife and keys and directed the officer to each item to remove.

(46) Clinton asked why he was being handcuffed when he had not shot anyone. He maintained his composure and a calm demeanor throughout.

(47) A request came over the radio as to the type and caliber of the firearm. When the officer in custody of the firearm expressed doubt about the classification, Clinton volunteered that the gun was a properly registered .45 caliber handgun.

(48) Clinton was next advised by the officers that they were going to lift him upright. He verbally advised them to be easy on his shoulders, leg and back.

(49) The details of the handgun were communicated over the police radios by New Jersey State Police. On information and belief this information was communicated to Chief Danielson inspecting Morehouse, who thereupon determined that no .45 caliber round had made contact with Morehouse's head.

(50) In another brief exchange Clinton points out to the officers that had he shot Morehouse in the head with a .45 the wounds would not be discreet or difficult to detect. Clinton objected to the fact that the officers were simply taking the word of Morehouse, a convicted felon and known troublemaker in the community, and disregarding anything Clinton said. Clinton repeated that Morehouse had attacked him on the Cato property with a sledgehammer. An officer responded that Clinton did not understand the situation and repeatedly alleged, incorrectly, that Morehouse had been shot.

(51) Despite repeatedly instructing the officers that Morehouse had attempted to strike him with a sledgehammer, Morehouse was never handcuffed. On information and belief no search for the sledgehammer was conducted. Morehouse's sledgehammer was not included in the evidence gathered from the scene.

(52) Clinton was then lead away from the garage and later placed in a patrol cruiser approximately fifteen (15) minutes after his arrest, he was handcuffed the entire time. The police still had not determined, or chose to ignore, the fact that Morehouse had not been shot.

(53) Officers inspecting the driveway noticed the 12-gauge shotgun on the hood of an automobile in the Cato driveway. One officer immediately noted that the firearm did not appear to have been used in any fashion.

(54) The observation by officers that the shotgun had not been fired was made less than ten (10) minutes after Clinton has been handcuffed, shortly after he was led away from the driveway.

(55) The Andover Police were advised over the radio in a dispatch to “update the squad” that Morehouse had not, in fact, been shot. This radio communication was made less than ten (10) minutes after Clinton had been handcuffed.

(56) Despite being aware that Morehouse had not been shot, and having been advised by Clinton that Morehouse attacked him on his own property with a sledgehammer, the Andover Police Department and the assisting departments proceeded as though Clinton, and not Morehouse, was the criminal.

(57) A command came over the radio to the officers inspecting the 12-gauge shotgun instructing them not to touch any other weapons they may locate. Although the scene had long since been secured, the officers on the Cato property continued to handle the firearm and other evidence without gloves or other forensic equipment.

(58) Shortly after being instructed not to touch any of the weapons on the property, officers handling the shotgun can be heard in a video recording of the driveway saying, “this thing [the shotgun] is locked safe. Rounds in too.”

(59) While Clinton was escorted to a patrol car, despite his repeatedly telling the officers he had mobility issues relating to his shoulders and back, and was handicapped, he was handcuffed from behind and then seated in the backseat of an Andover Police cruiser in a position which pinned his arm and shoulders back.

(60) Clinton was able to overhear the police chatter on the cruiser's radio and the radios carried by several officers nearby. After sitting in the police cruiser for approximately ten (10) minutes Clinton heard voices on the police radio confirming that Morehouse was not shot and that the firearms recovered from the Cato property had not been discharged. On information and belief New Jersey State Troopers inspected the firearms and reached this conclusion due to lack of any sign of recent firing. Clinton overheard a trooper state, "[a]s a matter of fact these guns are spotless."

(61) Clinton also overheard the police helicopter called to the scene be dismissed as unnecessary.

(62) After an extended period in the backseat of the patrol car, his hands cuffed behind him exacerbating his back issues, Clinton began suffering a bout of back spasms. He immediately notified the Newton Police Officer, John Doe, who was standing guard. The officer shined his flashlight in Clinton's eyes, smiled and ignored his request for some accommodation. Although it was now known, or should have been known, by all officers on scene that Clinton had responded to the trespass and attempted assault of a convicted violent felon, and had done so without discharging any firearm, he was kept handcuffed in a police cruiser in an excruciating contortion despite his alerting all the officers handling him that he was handicapped.

(63) Eventually Chief Eric C. Danielson of the Andover Police Department (hereinafter referred to as “Chief Danielson”) walked by the police cruiser, and seeing Clinton’s distress, ordered the Newton Officer to allow Clinton out of the vehicle.

(64) Clinton, become understandably frustrated at the situation, which by that point should have been quite clear to the police officers responding, and he stated, “so, a white, known criminal [Morehouse]: you take his word and are concerned about him. A taxpaying, law abiding black guy [Clinton] is automatically guilty, is that what this is?” His observation was roundly ignored.

(65) Andover Police Sgt. Robert Mosner arrived at the Cato property after Clinton had been in custody for an extended time. Sgt. Mosner asked the Newton Police Officer standing guard over Clinton if he had been read his *Miranda* rights. The Newton Officer informed the sergeant that he had not been advised of his rights. Sgt. Mosner instructed the patrolman to inform Clinton of his rights, and admonished him for not having done so during the preceding hours during which Clinton was in custody.

(66) Approximately between the hours of 12:30 and 1:30 in the morning, Sgt. Mosner transferred Clinton to his own squad car and drove him back to the Andover Police Station. En route he advised Clinton that he disapproved of the situation.

(67) While Clinton was in custody he asked on several occasions to make a phone call to his family to ensure they were alright and to have them retain an attorney for him. During his hours long confinement, Clinton was never permitted to place a phone call despite his repeated requests.

(68) Upon arriving at the Andover Police Department, Clinton was handcuffed to a bench. Sgt. Mosner asked Clinton for his version of events, noting that he was a longtime resident who had never been a problem for the local authorities, while Morehouse is a well-known source of ongoing problems for the community.

(69) Sgt. Brian Kithcart arrived at the station a short time later and levied the accusation that Clinton owned an illegal assault weapon. This was apparently a reference to the 12-gauge shotgun, which was duly registered and does not qualify as an “assault weapon” as any relevant or applicable law defines that term.

(70) Detective Robert Youngs, also present at the Andover Police Station, overheard Sgt. Kithcart’s accusations and stated that he believed the shotgun to be legal as he had handled Clinton’s permits previously, and he advised Sgt. Kithcart, that Clinton probably knew more about firearms than any of them.

(71) A detective with the Sussex County Prosecutor’s Office took a statement from Clinton regarding his use of pepper spray in defense against Morehouse’s assault and attempted battery.

(72) During his statement Clinton again informed the authorities that during his actual confrontation with Morehouse he did not have a firearm. He never discharged a firearm, and Morehouse was never shot. At this point Sgt. Mosner intervened, ending the statement and asserting in colorful language that the police had not handled the incident appropriately and that he was taking Clinton back to the Cato property.

(73) Despite everything that had previously transpired, Clinton was asked to consent to a search of his safe to inspect his other firearms. Clinton did not give this consent, telling the

inquiring officer that they would have to obtain a warrant if they wanted to conduct such an irrelevant search.

(74) Clinton told the officers that all of his firearms were registered with the Andover Police Department. However, he was told that the only staff who know how to access the database of gun registrants were not on duty in the middle of the night. For this reason, no one checked to verify that Clinton's firearms were registered to the system.

(75) Finally, at approximately 4:30 in the morning on July 21, 2016, Sgt. Mosner drove Clinton home.

(76) At the Cato property Sgt. Mosner dismissed Patrolman Price and the other police officers from the premises, noting that it was not necessary for them to still remain on the property. Sgt. Mosner requested consent to view the security camera footage from the property, which the Catos had installed in response to Morehouse's history of trespassing and aggressive behavior. Clinton consented and they viewed the footage, but due to the darkness the recordings did not capture the encounter between Clinton and Morehouse.

(77) Clinton's pickup truck was impounded at the time of his arrest. When he went to retrieve the truck the following day, accompanied by Detective Youngs, he was advised that the impounding and storage fees amounted to approximately \$1,000.00. Clinton objected to payment. The automobile was eventually released by the Prosecutor's Office, without charge to him.

(78) The .45 pistol and 12-gauge shotgun were impounded as evidence along with fifteen (15) Hornady Critical Duty .45 ACP bullets. After an extended back-and-forth with the Andover Police Department and Sussex County Prosecutor's Office, the firearms were returned. However,

eight (8) of the bullets originally impounded had been removed and replaced with a cheap hollow point type of bullet which Clinton has never purchased. Clearly the evidence had been mishandled and his property wrongfully taken without compensation of any kind.

(79) Among the property wrongfully seized from Clinton was a scope which was returned damaged and the pepper spray device which was never returned.

(80) No charges were ever filed against Clinton Cato. No warrant for his arrest was ever issued. No warrant for the search and seizure of his property was ever obtained, although consent was given for certain searches after Clinton was released from custody. At no point was Clinton Cato brought before any judge or magistrate.

(81) Each of the defendants, individually and in concert with the others, acted under pretense and color of law and their official capacity, but such acts were beyond the scope of their jurisdiction and without authorization of law. Each defendant, individually and in concert with the others, acted willfully, knowingly, and with specific intent to deprive Clinton Cato of his right to freedom from illegal searches and seizures of his person, papers, and effects, and of his right to freedom from unlawful arrest, detention, and imprisonment, all of which rights are secured to plaintiff by the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States, and by Title 42 U.S.C. §§ 1983 and 1988.

PRIOR INCIDENTS

(82) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (81) above as if each were set forth more fully herein.

(83) Routinely over not less than six (6) years preceding the events of July 20, 2015, the Andover Police Department failed to address numerous disruptions of the peace by Morehouse directed at the Cato family.

(84) The pattern of failure of the Andover Police Department and Newton Police Department, to attend to their basic protective functions as municipal law enforcement agencies, and to provide the Cato family with equal protection under the law, and to enforce the laws in an equal and unbiased manner, is indicative of a systematic deprivation of plaintiffs rights secured under the Constitution of the United States and the Constitution of the State of New Jersey and the laws of both.

(85) On or about December 27, 2010, Morehouse blocked Lewmay Drive with his vehicle to prevent the ingress or egress of the Catos. Clinton called to report the incident and Officers Danielson and Youngs responded but did not take any action, and issued no ticket. Upon inquiring Clinton was told that, because Lewmay Drive is a private road and not a municipal or county road it was essentially lawless and that the officers had no jurisdiction.

(86) On or about June 6, 2011, Clinton complained to the Andover Police Department of menacing and terroristic threats made by Morehouse. Officers Kithcart and Chief Tagliatela, the prior chief of the Andover Police, responded. Clinton advised that he wanted an official record made of the incident as Morehouse's threatening conduct was of an ongoing nature and the police response to these incidents was consistently dismissive, with no effort to enforce the law. The Andover Police again took no further action on this date beyond making the report Clinton requested.

(87) On or about July 18, 2011, Morehouse threatened the Catos because a contractor who had performed work on their property placed a sign advertising his work. Morehouse claimed that he was engaged in the same business and his services had not been contracted. He made threats toward Clinton Cato. Clinton called in a complaint to the Andover Police and Officer Mills responded, but took no action.

(88) On or about December 15, 2011 Morehouse trespassed on the Cato property and made terroristic threats, laced with the usual racial slurs at Dylan Cato, age seventeen (17) at the time of the incident, ostensibly because Dylan was riding an ATV on his own property. Clinton called in to report the incident and was again told that because he lived on a private road he was, somehow, beyond the reach or protection of the law. Morehouse threatened the Catos a second time that day, jumping in front of the ATV that Dylan was operating, and Clinton again called the incident in to Andover Police. No action was taken by the authorities.

(89) On or about February 5, 2014, Morehouse, who was visibly intoxicated, threatened the Catos over snow removal on Lewmay Drive. Morehouse was angry that Clinton Cato was not voluntarily plowing the entire stretch of the road. Morehouse felt entitled to such gratuitous services from Clinton Cato, expecting the road to be cleared for him without any contribution of labor or expense. Clinton called to report the incident to Andover Police and Officers Kerns and Mills responded. No action was taken by the authorities, although a record was made at Clinton's insistence.

(90) On or about February 17, 2014, Morehouse again trespassed on the Cato property, threatening the family. Clinton called the incident in to Andover Police. The subsequent report indicates that the incident was part of an, "ongoing issue" and was designated, "cleared".

(91) On or about February 18, 2014, Morehouse, still enraged that he was not being provided gratuitous plowing services by the Cato family, blocked in their driveway access with snow he deposited there for the purpose of obstructing the family's ingress and egress. Clinton reported the issue to Andover Police and was once again advised that the municipality had no jurisdiction over his road because it was a private drive. Clinton was told that the road was essentially lawless and that officers were tired of coming up to Lew May Drive. Clinton was advised to file a civil complaint.

(92) On or about February 19, 2014, Morehouse continued his aggressive behavior against the Catos by blocking the roadway with his vehicle. Once again Clinton reported the incident to Andover Police and was told they had no jurisdiction over the private drive, and they could not enforce any law thereon. No further action was taken by the department.

(93) On or about March 11, 2014, Morehouse again blocked the street with his van intentionally obstructing the ingress and egress of the Cato family to their own property. This event took place three (3) days after Mary Jo Cato returned home from cervical fusion surgery, and was walking with a neck brace and a cane due to the attendant hip bone graph required by that procedure. Mary Jo needed to visit the hospital but their drive was blocked by Morehouse. Clinton reported the incident to Andover Police and a "safety check" was performed by Officers Daniel P. Kern, Jason S. Mills and Steve D. Murrell. The Catos were advised that the officers had no jurisdiction to instruct Morehouse to move his vehicle and verbally challenged Mary Jo's necessity for transportation to the hospital. Eventually, and only on Mary Jo's insistence, an ambulance was summoned to transport Mary Jo to the hospital. The incident was marked "cleared" and no further action was taken by the department.

(94) On or about March 12, 2014, Morehouse drove several nails through a piece of plywood and trespassed upon the Cato property to plant the nail-board near the Cato entrance to Lew May Drive intending to damage one of the Cato vehicles. Clinton Cato did eventually drive over this hazard hidden in the roadway by Morehouse causing damage to this vehicle. Clinton reported the incident to Andover Police. Officer Youngs and then-Lieutenant Eric C. Danielson responded. Clinton showed the officers the damage to his vehicle and further advised that he had witnessed Morehouse trespassing on his property earlier in the day, possibly stealing millings to fill holes on his own property. The responding officers took photographs of the nail-board and interviewed Morehouse. The officers advised both Morehouse and Clinton to file complaints and refused to take any further action.

(95) On or about November 24, 2014, Mary Jo Cato attended a meeting of the Andover Township Town Council to address the ongoing issues with Lew May Drive and the lack of police support. Mary Jo addressed the fire safety hazard of having Morehouse constantly and vindictively blocking ingress and egress to the Cato property, and protested the Police Department's consistent position that the street was somehow beyond the reach of law enforcement, or the legal protections which all citizens enjoy. Mary Jo was assured the town's counsel would follow-up on her complaint. Although Mary Jo called several times thereafter to follow-up she was never put in contact with any attorney for the Township.

(96) The aforementioned series of incidents were part of a larger pattern of dismissive conduct by the Andover Police Department and its officers with regard to the various threats and criminal conduct directed toward the Cato family by George Morehouse. The fact that Lewmay Drive is a private road was used repeatedly as a catch-all excuse to avoid taking any action to protect

Clinton Cato and his family from the deranged, racially motivated and criminal conduct of their neighbor George Morehouse, a known convicted felon, although nothing in the laws of the State of New Jersey preclude the enforcement of laws on private property.

AS AND FOR PLAINTIFFS' FIRST CAUSE OF ACTION

(Sounding in Violations of Plaintiffs' Civil Rights Secured Under The Constitution of the United States, Title 42 U.S.C. § 1983 the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by the Township of Andover)

(97) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (96) above as if each were set forth more fully herein.

(98) Defendant, Township of Andover, owed duties to plaintiffs to manage its departments, supervise and train its employees and prevent its employees from committing the misconduct set forth in this Complaint, including false arrest, false imprisonment, conspiracy to falsely arrest, conspiracy to falsely imprison, use of excessive force, unreasonable search and seizure, and interference with plaintiffs' civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988 and under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.*

(99) Defendant, Township of Andover failed to supervise and train its employees to the extent necessary to prevent the violations of civil rights heretofore stated, visiting the violation of said rights upon plaintiffs.

(100) Defendant, Township of Andover, knew or should have known that its policies and lack of policies to ensure responsible and appropriate police conduct in dealing with the public were

depriving plaintiffs and others of their civil rights due to the serial nature of the violations committed by officers of the Andover Police Department.

(101) Defendant, Township of Andover, breached these duties and this breach was a substantial factor in causing the injuries and damages suffered by plaintiffs as alleged herein.

AS AND FOR PLAINTIFF'S SECOND CAUSE OF ACTION

(Sounding in Violations of Plaintiffs' Civil Rights Secured Under the Constitution of the United States, Title 42 U.S.C. § 1983, the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by the Andover Police Department)

(102) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (101) above as if each were set forth more fully herein.

(103) Defendant, Andover Police Department, owed duties to plaintiffs to manage its department, supervise and train its employees and prevent its employees from committing the misconduct set forth in this Complaint, including false arrest, false imprisonment, conspiracy to falsely arrest, conspiracy to falsely imprison, use of excessive force, unreasonable search and seizure, and interference with plaintiffs' civil rights secured under the Fourth, Fifth, Eight and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988 and under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.*

(104) At all times relevant to this action, it was the policy, custom and practice of the Andover Police Department to either fail to ascertain or to inadequately take into account the temperament and character of its police officers prior to, at, and subsequent to the time when it employed them. As a consequence of this policy, custom and practice the Andover Police Department failed

to take reasonable and necessary measures to prevent officers with unfit temperaments and characters from serving on its Police Force.

(105) The Andover Police Department was grossly negligent in failing to make appropriate inquiries with respect to the temperament and character of the defendant officers on their Police Force prior to, at, or subsequent to the time it employed them as police officers.

(106) The Andover Police Department was negligent in failing to make appropriate inquiries with respect to the temperament and character of the defendant officers on their Police Force prior to, at, or subsequent to the time it employed them as police officers.

(107) Had the Andover Police Department properly inquired into the character of the defendant officers on its Police Force, the Andpver Police Department would have learned that defendant officers on its Police Force had mean, violent and unstable temperaments and were unsuitable to hold positions as police officers.

(108) It was also the policy, custom and practice of the Andover Police Department to improperly and inadequately train and instruct the police officers employed by it, including the defendant officers on its Police Force, in the appropriate manner of *inter alia* investigating a complaint, questioning a civilian, effecting an arrest, assessing evidence, handling evidence, ascertaining probable cause for an arrest, ascertaining probable cause for a warrantless search and/or seizure.

(109) Despite their knowledge of the deficiencies of its policies, the Andover Police Department failed to take corrective measures to train its police officers in the manner of responding to a complaint, questioning a civilian, effectuating an arrest, assessing evidence, handling evidence, and properly ascertaining probable cause where required to do so.

(110) The negligent policies of the Andover Police Department were a proximate cause of the injuries to plaintiffs in that, but for these policies, the acts alleged in this Complaint would not have occurred.

(111) The Andover Police Department violated plaintiffs' civil rights under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988, and the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.*, by subjecting plaintiff Clinton Cato to false arrest, false imprisonment, excessive force, unlawful search and seizure, and deprivation of their rights to equal protection under the law.

(112) As a result of the Andover Police Department's violation of plaintiffs' civil rights, plaintiff suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' THIRD CAUSE OF ACTION

(Sounding in Violation of Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Chief Eric C. Danielson, in His Official and Individual Capacities)

(113) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (112) above as if each were set forth more fully herein.

(114) Defendant Chief Eric C. Danielson, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting and falsely imprisoning him.

(115) Defendant Chief Eric C. Danielson, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth

Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(116) Defendant Chief Eric C. Danielson, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to, and actually depriving Clinton Cato of his right to equal protection under the law.

(117) Defendant Chief Eric C. Danielson by virtue of his office owed a duty to plaintiffs to ensure that the police officers in his charge did not violate their civil rights, and that they were subject to sufficient supervision, training and instruction to prevent violating the plaintiffs' civil rights, and to discipline and correct actions or behaviors of the officers in his charge which violated the civil rights of plaintiffs. Instead of executing these duties Chief Danielson actively participated in serial conduct which deprived plaintiffs of their civil rights guaranteed under the Constitution of the United States, Title 42 U.S.C. §§ 1983 and 1988 and the Constitution of the State of New Jersey, and N.J.S.A. § 10:6-1 *et seq.*

(118) Throughout the history of incidents between Morehouse and the Cato family, Chief Danielson responded to, reported on, and received reports of the various incidents of aggressive, violent and unlawful behavior of Morehouse. He consistently deprived plaintiffs of their equal protection rights in failing to execute the duties of his office and enforce the laws of the United States and the State of New Jersey where they concerned the safety, property rights and well-being of plaintiffs.

(119) Defendant, Chief Eric C. Danielson, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments

to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of the equal protection of the law.

(120) As a result of defendant Chief Eric C. Danielson's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' FOURTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Chief Eric C. Danielson in His Official and Individual Capacities)

(121) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (120) above as if each were set forth more fully herein.

(122) Defendant, Chief Eric C. Danielson, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(123) Defendant, Chief Eric C. Danielson, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to falsely imprison him.

(124) Defendant, Chief Eric C. Danielson, individually violated plaintiffs' civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to deprive them equal protection under the law.

(125) Defendant, Chief Eric C. Danielson, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her to equal protection of the law.

(126) As a result of defendant Chief Eric C. Danielson's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' FIFTH FOURTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Sergeant Brian E. Kithcart in His Official and Individual Capacities)

(127) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (126) above as if each were set forth more fully herein.

(128) Defendant Sgt. Brian E. Kithcart, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting and falsely imprisoning him.

(129) Defendant Sgt. Brian E. Kithcart, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourteenth Amendment to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to and actually depriving him of his right to equal protection under the law.

(130) Defendant Sgt. Brian E. Kithcart, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Eighth Amendment to the Constitution of the United States and Title 42 U.S.C. § 1983 by subjecting plaintiff Clinton Cato to excessive force.

(131) Defendant Sgt. Brian E. Kithcart, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth

Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(132) Defendant, Sgt. Brian E Kithcart, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(133) As a result of defendant Sgt. Brian E. Kithcart's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' SIXTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Sergeant Brian E. Kithcart in His Official and Individual Capacities)

(134) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (133) above as if each were set forth more fully herein.

(135) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely arresting him.

(136) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(137) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by subjecting Clinton Cato to excessive force.

(138) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to falsely arrest him.

(139) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by assaulting him.

(140) Defendant, Sgt Brian E. Kithcart, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by inflicting battery on him.

(141) Defendant, Sgt Brian E. Kithcart, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(142) As a result of defendant Sgt Brian E. Kithcart's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' SEVENTH CAUSE OF ACTION

(Sounding in Violation of Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Officer George I. Laoudis, in His Official and Individual Capacities)

(143) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (142) above as if each were set forth more fully herein.

(144) Defendant Officer George I. Laoudis, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting him.

(145) Defendant Officer George I. Laoudis, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely imprisoning him.

(146) Defendant Officer George I. Laoudis, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth and Eighth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by subjecting plaintiff Clinton Cato to excessive force.

(147) Defendant Officer George I. Laoudis, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(148) Defendant, Officer George I. Laoudis, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(149) As a result of defendant Officer George I. Laoudis' violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' EIGHTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Officer George I. Laoudis in His Official and Individual Capacities)

(150) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (149) above as if each were set forth more fully herein.

(151) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely arresting him.

(152) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(153) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by subjecting Clinton Cato to excessive force.

(154) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to falsely arrest him.

(155) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by assaulting him.

(156) Defendant, Officer George I. Laoudis, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by inflicting battery on him.

(157) Defendant, Officer George I. Laoudis, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(158) As a result of defendant Officer George I. Laoudis' violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' NINTH CAUSE OF ACTION

(Sounding in Violation of Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Officer Alex Price, in His Official and Individual Capacities)

(159) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (158) above as if each were set forth more fully herein.

(160) Defendant Officer Alex Price, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting him.

(161) Defendant Officer Alex Price, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely imprisoning him.

(162) Defendant Officer Alex Price, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(163) Defendant, Officer Alex Price, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(164) As a result of defendant Officer Alex Price's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' TENTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Officer Alex Price in His Official and Individual Capacities)

(165) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (164) above as if each were set forth more fully herein.

(166) Defendant, Officer Alex Price, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely arresting him.

(167) Defendant, Officer Alex Price, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(168) Defendant, Officer Alex Price, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to falsely arrest him.

(169) Defendant, Officer Alex Price, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(170) As a result of defendant Officer Alex Price's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' ELEVENTH CAUSE OF ACTION

(Sounding in Violation of Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Officer Richard Roe of the Andover Police Department, Whose Name is Not Yet Known with Certainty, in His Official and Individual Capacities)

(171) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (170) above as if each were set forth more fully herein.

(172) Defendant, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting him.

Defendant, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely imprisoning him.

(173) Defendant, Officer Richard Roe, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest him.

(174) Defendant, Officer Richard Roe, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(175) As a result of defendant's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' TWELFTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Officer Richard Roe of the Andover Police Department, Whose Name is Not Yet Known with Certainty, in His Official and Individual Capacities)

(176) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (175) above as if each were set forth more fully herein.

(177) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely arresting him.

(178) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely imprisoning him.

(179) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by conspiring to falsely arrest him.

(180) Defendant, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(181) As a result of defendant Officer Richard Roe's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' THIRTEENTH CAUSE OF ACTION

(Sounding in Violations of Plaintiffs' Civil Rights Secured Under The Constitution of the United States and Title 42 U.S.C. § 1983 by the Township of Newton)

(182) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (181) above as if each were set forth more fully herein.

(183) Defendant, Township of Newton, owed duties to plaintiffs to manage its departments, supervise and train its employees and prevent its employees from committing the misconduct set forth in this Complaint, including false arrest, false imprisonment, conspiracy to falsely arrest, conspiracy to falsely imprison, assault, battery, and interference with plaintiffs' civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988 and under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.*

(184) Defendant, Township of Newton failed to supervise and train its employees to the extent necessary to prevent the violations of civil rights heretofore stated, visiting the violation of said rights upon plaintiffs.

(185) Defendant, Township of Newton, knew or should have known that its policies and lack of policies to ensure responsible and appropriate police conduct in dealing with the public were depriving plaintiffs and others of their civil rights due to the serial nature of the violations committed by officers of the Newton Police Department.

(186) Defendant, Township of Newton, breached these duties and this breach was a substantial factor in causing the injuries and damages suffered by plaintiffs as alleged herein.

AS AND FOR PLAINTIFFS' FOURTEENTH CAUSE OF ACTION

(Sounding in Violations of Plaintiffs' Civil Rights Secured Under The Constitution of the United States and Title 42 U.S.C. § 1983 by the Newton Police Department)

(187) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (186) above as if each were set forth more fully herein.

(188) Defendant, Newton Police Department owed duties to plaintiffs to manage its department, supervise and train its employees and prevent its employees from committing the misconduct set forth in this Complaint, including false arrest, false imprisonment, conspiracy to falsely arrest, conspiracy to falsely imprison, assault, battery, and interference with plaintiffs' civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988 and under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.*

(189) At all times relevant to this action, it was the policy, custom and practice of the Newton Police Department to either fail to ascertain or to inadequately take into account the temperament and character of its police officers prior to, at, and subsequent to the time when it employed them. As a consequence of this policy, custom and practice the Newton Police Department failed to take reasonable and necessary measures to prevent officers with unfit temperaments and characters from serving on their Police Force.

(190) The Newton Police Department was grossly negligent in failing to make appropriate inquiries with respect to the temperament and character of the defendant officers on their Police Force prior to, at, or subsequent to the time it employed them as police officers.

(191) Had the Newton Police Department properly inquired into the character of the defendant officers on its Police Force, the Newton Police Department would have learned that defendant officers on its Police Force had mean, violent and unstable temperaments and were unsuitable to hold positions as police officers.

(192) It was also the policy, custom and practice of the Newton Police Department to improperly and inadequately train and instruct the police officers employed by them, including

the defendant officers on its Police Force, in the appropriate manner of *inter alia* investigating a complaint, questioning a civilian, effecting an arrest, assessing evidence, handling evidence, ascertaining probable cause for an arrest, ascertaining probable cause for a warrantless search and/or seizure.

(193) Despite their knowledge of the deficiencies of its policies, the Newton Police Department failed to take corrective measures to train its police officers in the manner of responding to a complaint, questioning a civilian, effectuating an arrest, assessing evidence, handling evidence, and properly ascertaining probable cause where required to do so.

(194) The negligent policies of the Newton Police Department were a proximate cause of the injuries to plaintiffs in that, but for these policies, the acts alleged in this Complaint would not have occurred.

(195) The Newton Police Department violated plaintiffs' civil rights under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. §§ 1983 and 1988 by subjecting plaintiff Clinton Cato to false arrest, false imprisonment, excessive force, conspiracy to falsely arrest and imprison, conspiracy to and actual deprivation of plaintiff's right to the equal protection of the law.

(196) As a result of the Newton Police Department's violation of plaintiffs' civil rights, plaintiff suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' FIFTEENTH CAUSE OF ACTION

(Sounding in Violation of Civil Rights Secured Under the Constitution of the United States and Title 42 U.S.C. § 1983 by Chief Michael Richards, in His Official and Individual Capacities)

(197) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (196) above as if each were set forth more fully herein.

(198) Defendant Chief Michael Richards, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth Amendment to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting and falsely imprisoning him.

(199) Defendant Chief Michael Richards, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth Amendment to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(200) Defendant Chief Michael Richards by virtue of his office owed a duty to plaintiffs to ensure that the police officers in his charge did not violate their civil rights, and that they were subject to sufficient supervision, training and instruction to prevent violating the plaintiff's civil rights, and to discipline and correct actions or behaviors of the officers in his charge which violated the civil rights of plaintiffs. Instead of executing these duties Chief Danielson actively participated in serial conduct which deprived plaintiffs of their civil rights guaranteed under the Constitution of the United States, Title 42 U.S.C. §§ 1983 and 1988 and the Constitution of the State of New Jersey, and N.J.S.A. § 10:6-1 *et seq.*

(201) Throughout the history of incidents between Morehouse and the Cato family, Chief Michael Richards responded to, reported on, and received reports of the various incidents of aggressive, violent and unlawful behavior of Morehouse. He consistently deprived plaintiffs of

their equal protection rights in failing to execute the duties of his office and enforce the laws of the United States and the State of New Jersey where they concerned the safety, property rights and well-being of plaintiffs.

(202) Defendant, Chief Michael Richards, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(203) As a result of defendant Chief Michael Richards's violation of plaintiff's civil rights, plaintiff suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' SIXTEENTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Chief Michael Richards in His Official and Individual Capacities)

(204) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (203) above as if each were set forth more fully herein.

(205) Defendant, Chief Michael Richards, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(206) Defendant, Chief Michael Richards, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to falsely imprison him.

(207) Defendant, Chief Michael Richards, individually violated plaintiffs' civil rights under N.J.S.A § 10:6-1 *et seq.* by conspiring to deprive them equal protection under the law.

(208) Defendant, Chief Michael Richards, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(209) As a result of defendant Chief Michael Richards' violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' SEVENTEENTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Officer John Doe of the Newton Police Department, Whose Name is Not Yet Known with Certainty, in His Official and Individual Capacities)

(210) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (209) above as if each were set forth more fully herein.

(211) Defendant Officer John Doe, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely arresting him.

(212) Defendant Officer John Doe, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely imprisoning him.

(213) Defendant Officer John Doe, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth, Eighth and Fourteenth Amendments

to the Constitution of the United States and Title 42 U.S.C. § 1983 by subjecting plaintiff Clinton Cato to excessive force.

(214) Defendant Officer John Doe, individually and in his official capacity, violated plaintiff Clinton Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by conspiring to falsely arrest Clinton Cato.

(215) Defendant, Officer John Doe, in his individual and official capacities, violated plaintiff Mary Jo Cato's civil rights secured under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States and Title 42 U.S.C. § 1983 by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(216) As a result of defendant Officer John Doe's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

AS AND FOR PLAINTIFFS' EIGHTEENTH CAUSE OF ACTION

(Sounding in Violation of Plaintiffs' Civil Rights Secured Under the Constitution of the State of New Jersey and N.J.S.A. § 10:6-1 *et seq.* by Officer John Doe of the Newton Police Department, Whose Name is Not Yet Known with Certainty, in His Official and Individual Capacities)

(217) Plaintiffs repeat each and every allegation set forth in paragraphs (1) through (216) above as if each were set forth more fully herein.

(218) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely arresting him.

(219) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A § 10:6-1 *et seq.* by falsely imprisoning him.

(220) Defendant, individually violated plaintiff Clinton Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by conspiring to falsely arrest him.

(221) Defendant, in his individual and official capacities violated plaintiff Mary Jo Cato's civil rights under N.J.S.A. § 10:6-1 *et seq.* by falsely detaining her, depriving her of her liberty and freedom of movement, and depriving her of equal protection of the law.

(222) As a result of defendant Officer John Doe's violation of plaintiffs' civil rights, plaintiffs suffered damages in an amount to be determined at trial.

JURY DEMAND

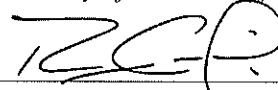
Plaintiffs demand trial by jury as to all issues so triable.

WHEREFORE, plaintiffs demand judgment against the defendants for violations of their civil rights secured under the Constitution of the United States, and Title 42 United States Code § § 1983 and 1988, and the Constitution of the State of New Jersey, and N.J.S.A. § 10:61-1 *et seq.* and all other applicable laws, for an amount to be determined at trial, along with all such other and further relief as this Court deems just, proper and equitable.

Dated: July 25, 2016

GRAZIANO & CAMPI, LLC

Attorneys for Plaintiffs



Ryan Patrick Campi

155 Pompton Avenue

Verona, New Jersey 07044

tel. (973) 509-2115

fax. (973) 509-9070

email. Campi.Esq@gmail.com