

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-12914-4b62b236@requests.opramachine.com

Is Lsamuelson@spgov.org the wrong address for OPRA requests to Somers Point City? If so, please contact us using this form:

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

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_512

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.

Est. Document Cost _____ Est. Delivery Cost _____ Est. Extras Cost _____ Total Est. Cost _____ Deposit Amount _____ Estimated Balance _____ Deposit Date _____	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 _____	<table style="width:100%;"> <tr> <th style="text-align: left;">Tracking Information</th> <th style="text-align: left;">Final Cost</th> </tr> <tr> <td>Tracking # _____</td> <td>Total _____</td> </tr> <tr> <td>Rec'd Date _____</td> <td>Deposit _____</td> </tr> <tr> <td>Ready Date _____</td> <td>Balance Due _____</td> </tr> <tr> <td>Total Pages _____</td> <td>Balance Paid _____</td> </tr> </table> Records Provided emailed Requested Records on file 7-17-2020 Shelby Heath Custodian Signature 7-17-2020 Date	Tracking Information	Final Cost	Tracking # _____	Total _____	Rec'd Date _____	Deposit _____	Ready Date _____	Balance Due _____	Total Pages _____	Balance Paid _____
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DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven business days.**)

N.J.S.A. 47:1A-1.1

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☐ Law enforcement records:
 - ☐ Medical examiner photos
 - ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☐ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2

- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.
 (Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer

authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **City of Somers Point**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **City of Somers Point**.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** The **City of Somers Point** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, **and** who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **City of Somers Point** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **City of Somers Point** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the **City of Somers Point** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Form A

Plaintiff or Filing Attorney Information:

Name Jean [REDACTED]
NJ Attorney ID Number _____
Address [REDACTED]
[REDACTED]
Telephone Number [REDACTED]

Jean [REDACTED],
Plaintiff,
v.
Somers Point Police Department
Defendant(s).

Superior Court of New Jersey
LAW Division Atlantic County
CIVIL Part
Docket No: ATL-L-993-17
(to be filed in by the court)
Civil Action
Complaint

Plaintiff, Jean [REDACTED], residing at
(your name)
[REDACTED], City of Somers Point
(your address) (your city or town)
County of [REDACTED]
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On May 28-31, 2016, Somers Point Police Department Defendant
(name of person being sued)
(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)
They made false charges to rob me of my freedom. The officers conspired to send me to prison when I invoked my Constitutional right to remain silent by claiming I sexual assaulted a female

The defendant in this action resides at 1 W New Jersey Ave #2 Somers Point
(defendant's address)
In the County of Atlantic, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. Bail - I was forced to pay for my freedom and lost work and money over false accusation.
Humiliation - I was paraded in front of residents and told I could be label a sex offender.
2. Harassment - They constantly came past my residence and they knew I was on probation. They filed these charges to send me to prison. I had to constantly reported to court for their false hood.
3. Defamation - They spread this vicious falsehood throughout the counties court systems to portray me in a negative light.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 5/15/17 Signature: Jn [redacted]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 5/15/17 Signature: Jn [redacted]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: 5/15/17 Signature: Jn [redacted]

Form A

Plaintiff or Filing Attorney Information:

Name [redacted]

NJ Attorney ID Number _____

Address [redacted]Telephone Number [redacted]

Superior Court of New Jersey

LAW Division Atlantic County

CIVIL Part

Docket No: 1-1117-1
(to be filled in by the court)Plaintiff, [redacted]

v.

The City of Somers Point, The Somers Point
Police Department, John J. Miller
Defendant(s).

Civil Action

Complaint

Plaintiff, [redacted], residing at
(your name)[redacted], City of [redacted]
(your address) (your city or town)County of [redacted]
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On May 27, 2015, John J. Miller et al., Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

To make the case, Plaintiff believed evidence to assist in
some way and not cause Miller in employment of the Somers Point Police
Department make false statement to deprive the plaintiff of
his freedom with the consent of his superiors. Miller even had civilians
make false statements which can be disproved.The defendant in this action resides at [redacted]
(defendant's address)In the County of [redacted], State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

The knowledge altered evidence to incriminate a civilian through perjury.

Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. Color of Law, these entities knew who altered evidence and asserted statements they knew to be false. They misused their authority to defraud the State of New Jersey and plaintiff
2. Harassment, this is the second time John J. Miller in Bergen County has encouraged civilians to make false statements to persecute plaintiff. He uses his position to try and send people to prison based on falsehoods.
3. Distress John J. Miller's action has shown me the depth of inequality and injustice that is a staple of the judicial system. I fear for my safety in the country. I have a strong fear and disgust due to this being, and the other entities that support him.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: May 23, 2016 Signature: [Redacted]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: May 23, 2016 Signature: [Redacted]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: May 23, 2016 Signature: [Redacted]

RECEIVED/FILED

2014 SEP 10 PM 12:15

SUPERIOR COURT OF N.J.

Jean [REDACTED]
Name[REDACTED]
Address[REDACTED]
Telephone NumberJean [REDACTED]
Plaintiff

v.

John J. Miller, John G. Barbieri, Shawn
G. McKelvey, Mark G. McGovern Jr., Thomas
Defendant (s)

Superior Court of New Jersey

Law Division Atlantic County

Docket No L-5606-14
(to be filed in by the court)CIVIL ACTION
ComplaintPlaintiff, Jean [REDACTED], residing at
(your name)
(your address) City of [REDACTED]
(your city or town)
County of [REDACTED]
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On August 12, 2013, John J. Miller, John G. Barbieri, Shawn McKelvey, Mark G. McGovern Jr., Thomas Stefanick
(name of person being sued) Defendant

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

Conceived of a false statement(s) to have Plaintiff incarcerated on false allegation of burglary. The five defendants created events that did not occur and pressed criminal charges they knew to be false. The defendant(s) conspired to operate under color of law to deny Plaintiff of State and Federal Constitutional Rights.

1 West New Jersey Ave

The defendant in this action resides at Somers Point, NJ 08294
(defendant's address)In the County of 0 Atlantic, State Of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:

(list each item of damage and injury),

1. Defamation. They created a lie to portray me as a scoundrel. They told their lie in order to convict me of a crime I did not commit.
2. False Imprisonment. Their actions took 18 months of my life. Their actions put me in a vile place where I was deprived of my civil rights.
3. Psychological, Emotional, Social Distress. The actions of John J. Miller, Shawn McKelvey, John G. Bickieri, Mark G. McElwaine Jr., and Stephanie K. Thomas has created hatred, mistrust, and apathy within my being. I feel that corruption is everywhere and my optimism is gone.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: September 10, 2014Signature: [Signature]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made

a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: September 10, 2014 Signature: Jn [REDACTED]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: September 10, 2014 Signature: Jn [REDACTED]

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

MARK [REDACTED]

Plaintiff

-against-

**EGG HARBOR TOWNSHIP POLICE
DEPARTMENT, SOMERS POINT POLICE
DEPARTMENT, NEW JERSEY STATE
POLICE, H. ROBERT SWITZER, TROOPER
STRAUB (BADGE #7549), OFFICER
STEARNS (BADGE #15792), (In Their Official
and Individual Capacities),**

Defendant's.

**Complaint for Violation of Civil
Rights**

(Non-Prisoner Complaint)

Case No. 3:16-CV-00215-PGS-DEA
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Mark [REDACTED]
Street Address	[REDACTED]
City and County	[REDACTED]
State and Zip Code	[REDACTED]
Telephone Number	_____
E-mail Address	_____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Egg Harbor Township Police Department
Job or Title (if known)	_____
Street Address	3515 Bargaintown Road
City and County	Egg Harbor Township (Atlantic County)
State and Zip Code	New Jersey, 08234
Telephone Number	_____
E-mail Address (if known)	_____
☐ Individual capacity	☐ Official capacity

Defendant No. 2

Name	Somers Point Police Department
Job or Title	_____

(if known)

Street Address 1 W. New Jersey Avenue

City and County Somers Point (Atlantic County)

State and Zip Code New Jersey, 08244

Telephone Number _____

E-mail Address _____

(if known)

☐ Individual capacity

☐ Official capacity

Defendant No. 3

Name New Jersey State Police

Job or Title _____

(if known)

Street Address P.O. Box 7068

City and County W. Trenton

State and Zip Code New Jersey 08628

Telephone Number _____

E-mail Address _____

(if known)

☐ Individual capacity

☐ Official capacity

Defendant No. 4

Name H. Robert Switzer

Job or Title Municipal Judge

Street Address 3515 Bargaintown Road

City and County Egg Harbor Township (Atlantic County)

State and Zip Code New Jersey, 08234

Telephone Number _____

E-mail Address _____

(if known)

☐ Individual capacity

☐ Official capacity

Defendant No. 5

Name Trooper Straub (Badge #7549)

Job or Title Trooper NJ State Police

Street Address P.O. Box 7068

City and County W. Trenton (Mercer County)

State and Zip Code New Jersey, 08628

Telephone Number _____

E-mail Address _____
(if known)

☐ Individual capacity

☐ Official capacity

Defendant No. 6

Name Officer Stearns (Badge #15792)

Job or Title Police Officer

Street Address 1 W. New Jersey Avenue

City and County Somers Point (Atlantic County)

State and Zip Code New Jersey, 08244

Telephone Number _____

E-mail Address _____
(if known)

☐ Individual capacity

☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☐ State or local officials (a § 1983 claim)

- B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The defendant’s have infringed upon plaintiff Mark [REDACTED] fundamental and constitutional right to travel freely. The defendant’s maliciously sought to prevent plaintiff from traveling freely from one point to another. The United States Supreme Court has forbidden the interference with an individuals fundamental right to travel. The Court stated:

“Aside from absurdity or unthought of consequences, we may advance a step, and a very vital step, further, and to the following inescapable consideration: 'The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right in so doing to use the ordinary and usual conveyances of the day; and under the existing modes of travel includes the right to drive a horse-drawn carriage [**592] or wagon thereon, or to operate an automobile thereon, for the usual and ordinary purposes of life and business.' Thompson v. Smith, 155 Va. 367, 154 S. E. 579, 583, 71 A. L. R. 604, 610. There seems to be no dissent among the authorities on this proposition. See 11 Am. Jur. Constitutional Law, Sec. 329, p. 1135, and the language of the [***75] Court in Pinkerton v. Verberg, 78 Mich. 573, 44 N. W. 579, 7 L. R. A. 507, 18 Am. St. Rep. 473.

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
-
-
-

D.

Defendant Egg Harbor Township Police acted in a concerted and deliberate fashion to deny plaintiff his fundamental constitutional rights to travel freely throughout Atlantic County, New Jersey.

Defendant Stearns seized plaintiff's personal property without probable cause or due process of law. Defendant Stearns confiscated three (3) identification documents identifying plaintiff as Mark [REDACTED] a National Citizen of the Moorish Nation. This violated plaintiff's constitutional right afforded under the Fourth Amendment of the constitution.

H. Robert Switzer acting under the color of State law arbitrarily and maliciously violated plaintiff's right to due process of law. Defendant Switzer abandoned his oath to uphold the constitution and allowed the actions of the other defendant's to persist.

Defendant Trooper Straub illegally seized my personal property, one vehicle, without probable cause or due process of law. Trooper Straub was acting under color of State law as a New Jersey State Trooper. The actions of this defendant were racially and religiously motivated.

Defendant New Jersey State Police acting under color of State law, and a consent decree with the United States Justice Department violated plaintiff's constitutional rights.

Defendant Somers Point Police Department conspired with defendant Egg Harbor Township Police Department to deny plaintiff his fundamental right to travel without interference. Without regard to their jurisdictional limitations both defendant's Somers Point Police Department and Egg Harbor Township Police Department conspired to deny plaintiff his fundamental human rights and all rights afforded him under the constitution.

III. Statement of Claim

1. The wrongful actions of all defendant's violated plaintiff's fundamental right to travel freely.
 2. The wrongful actions of all named defendant's denied plaintiff his fourth amendment rights under the constitution where they wrongly seized his personal property without due process of law.
 3. The wrongful actions of all named defendant's violated plaintiff's constitutional right to practice a religion of his choice.
 4. The wrongful actions of all named defendant's denied plaintiff his constitutional right to be known by a name of his choosing.
 5. The defendant's failed to uphold the constitutional oaths that they swore to in their official capacity.
- A. Where did the events giving rise to your claim(s) occur?
- Egg Harbor Township, Hamilton Township (Atlantic County), Somers Point, and The Garden State Parkway.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
- November 23, 2015; February 23, 2016; and dates between November 23, 2015 and March 15, 2016.
- C. What are the facts underlying your claim(s)?

As set forth in section "B." above the defendant's acted in concert to deny plaintiff his constitutional rights to travel freely and due process of law.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff was sprayed with glass when defendant's smashed his car window. Plaintiff sustained injuries to his back, neck and arms when defendant's wrongfully arrested plaintiff.

V. Relief

Plaintiff seeks a monetary award in the amount of \$750,000.000 from defendant Stearns;

Plaintiff seeks a monetary award in the amount of \$750,000.00 from defendant Straub;

Plaintiff seeks a monetary award in the amount of \$1,000,000.00 from defendant Egg Harbor Township Police Department;

Plaintiff seeks a monetary award in the amount of \$1,000,000.00 from defendant Somers Point Police Department;

Plaintiff seeks a monetary award in the amount of \$1,000,000.00 from defendant New Jersey State Police;

Plaintiff seeks a monetary award in the amount of \$500,000.00 from defendant H. Robert Switzer.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

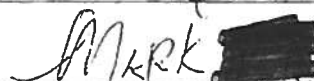
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 16th, 2016.

Signature of Plaintiff



Printed Name of Plaintiff



Form A

RECEIVED and
FILED

DEC 23 2019

ATLANTIC COUNTY
LAW DIVISION

SUPERIOR COURT OF NEW JERSEY

2019 NOV 12 A 9 40

RECEIVED / FILED

Plaintiff or Filing Attorney Information:

Name MARK [REDACTED]

NJ Attorney ID Number _____

Address [REDACTED]
[REDACTED]

Telephone Number [REDACTED]

Superior Court of New Jersey

LAW Division ATLANTIC County

CIVIL Part

Docket No: ATL-L-3039-19

(to be filled in by the court)

Civil Action

Complaint

MARK [REDACTED],
Plaintiff,

v.

STATE OF NEW JERSEY, ATLANTIC County
SUPERIOR COURT CRIMINAL DIVISION "SEE ATTACH"
Defendant(s).

Plaintiff, MARK [REDACTED], residing at
(your name)

[REDACTED], City of [REDACTED]
(your address) (your city or town)

County of [REDACTED]
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On OCTOBER 16, 2019, STATE OF NEW JERSEY, Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

THE STATE OF NEW JERSEY ALLOWED Rodney CUNNINGHAM to CONSPIRE WITH
HOWARD FREED AND MARC NEHMD to VIOLATE my civil Rights by DENYING ME
DUE PROCESS, PROBABLE CAUSE AND EXPOSED ME TO CRUEL AND UNUSUAL PUNISHMENT
by allowing POLICE OFFICERS, OF Egg Harbor Township, AN SOMERS Point to MAKE
FALSE ALLEGATION Forcing ME to PAY For justice

The defendant in this action resides at [REDACTED],
(defendant's address)

In the County of [REDACTED], State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. Fraud - They summoned me to the Atlantic County Superior Court knowing they lacked probable cause to the alleged offense that they charged me with.
2. HARRASSMENT, Fraud, MALICIOUS PROSECUTION, Psychological Abuse, Emotional Abuse because of my nationality and creed they decided to deny me due process and incarcerated me unjustly.
3. Fraud, MALICIOUS PROSECUTION, HARRASSMENT, They used there Public Office to target me because my understanding does not conform with there belief.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 11-11-2019

Signature: Man [REDACTED]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 11-11-2019

Signature: Man [REDACTED]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: 11-11-2019

Signature: Man [REDACTED]

MARK [REDACTED],

Plaintiff,

v.

STATE OF NEW JERSEY, Atlantic County

SUPERIOR Court Criminal Division, Howard FREED

Rodney Cunningham, Jason WERTZBERGER,

Atlantic County SHERIFF, Egg Harbor Township Police

DEPARTMENT, MARC NEHMAD, other parties we

DE NAMED

LAW OFFICES OF SURINDER K. AGGARWAL
P.O. Box 3370
Hoboken, NJ 07030
Telephone: (201) 575-4000
Facsimile: (201) 880-8880
Email: law.aggarwal@outlook.com
Attorneys for Plaintiff, Kenneth Gunter

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

----- KENNETH [REDACTED] Plaintiff, v. DETECTIVE ROBERT GRAY, Defendant. -----	: : : : : : : : :	Civil No.: TO BE ASSIGNED Civil Action COMPLAINT AND JURY DEMAND
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Plaintiff, Kenneth [REDACTED] by way of Complaint against the Defendant, says:

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §1983. This Court has jurisdiction over Plaintiff's federal civil rights claims pursuant to 28 U.S.C. §§1331 and 1343, and supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §1367.
2. Venue is proper under 28 U.S.C. §1391 because the events giving rise to Plaintiff's claims occurred in this District and the parties reside in this District.

PARTIES

3. Plaintiff, Kenneth [REDACTED] is a resident of [REDACTED]. At all times relevant to the allegations of this Complaint, Plaintiff was a resident of the [REDACTED].
4. At all times relevant to the allegations of this Complaint, Defendant, Detective Robert Gray, was employed by the City of Somers Point, through its Police Department, and was acting in the course of his employment and/or under color of state law. He is sued in his individual capacity.

FACTS

5. On June 18, 2015, Plaintiff, an employee and resident of the [REDACTED], was asleep when his wife screamed for him to wake up due to an intruder attempting to break into their room.
6. As the intruder, Mark [REDACTED], broke through the latch locking the door, Plaintiff heard him scream that he knew his girlfriend was in the room.
7. Fearing for his own safety, as well as for the safety of his wife and son, Plaintiff immediately moved toward the door, grabbed [REDACTED] and brought him to the ground.
8. [REDACTED], who appeared intoxicated, began apologizing to Plaintiff, stating that he was unaware that it was

Plaintiff's wife and son who were in the room with him.

9. [REDACTED] then departed from the scene.
10. Notably, the incident was captured on video by the motel's cameras.
11. Approximately thirty minutes later, Plaintiff saw [REDACTED] and inquired as to his well-being. [REDACTED] assured Plaintiff that he was fine.
12. Thereafter, Plaintiff started his workday at the motel. Later that morning, Defendant Gray arrived at the motel, accompanied by [REDACTED].
13. Defendant viewed the video recording of the incident.
14. [REDACTED] had alleged that Plaintiff entered his room at the [REDACTED] assaulted him, and stole \$40.00 and a cigarette. After viewing the video recording, Gray knew that [REDACTED] version of the incident was false.
15. Nevertheless, Gray charged Plaintiff with Simple Assault, in violation of N.J.S.A. 2C:12-1A; Burglary, in violation of N.J.S.A. 2C:18-2A(1); and Theft By Unlawful Taking or Disposition, in violation of N.J.S.A. 2C:20-3A.
16. These charges were improper, had no basis in fact, and were not supported by probable cause.
17. As a result, Plaintiff was arrested and incarcerated for nine days.
18. The criminal complaints were referred to the Atlantic County

Prosecutor's Office for prosecution. The Atlantic County Prosecutor's Office elected not to indict Plaintiff on the charge of burglary, downgraded the charge, and returned the entire matter to municipal court for disposition.

19. During the course of his prosecution, Plaintiff repeatedly requested in discovery a copy of the video recording viewed by Gray in an effort to prove his innocence. In response to these requests, Plaintiff received a blank tape.
20. On October 13, 2015, the charges filed by Gray against Plaintiff were dismissed.

CAUSES OF ACTION

COUNT I

4th AMENDMENT

FALSE ARREST AND FALSE IMPRISONMENT

21. Plaintiff repeats the allegations of the previous paragraphs as if set forth at length herein.
22. Defendant Gray's actions resulted in Plaintiff being unlawfully detained, falsely arrested and falsely imprisoned, thereby depriving Plaintiff of his right to be free from an unreasonable seizure of his person, in violation of the Fourth Amendment to the United States Constitution.

COUNT II
4th AMENDMENT
MALICIOUS PROSECUTION

23. Plaintiff repeats the allegations of the previous paragraphs as if set forth at length herein.
24. Defendant Gray caused Plaintiff to be maliciously prosecuted, in violation of Plaintiff's rights guaranteed under the Fourth Amendment to the United States Constitution.
25. This prosecution was malicious as Defendant Gray lacked probable cause to initiate a criminal proceeding against Plaintiff.

COUNT III
VIOLATION OF NEW JERSEY STATE CONSTITUTION
AND/OR NEW JERSEY CIVIL RIGHTS ACT

26. Plaintiff repeats the allegations of the previous paragraphs as if set forth at length herein.
27. This Court has supplemental jurisdiction to hear and adjudicate state law claims.
28. The Defendant's actions have violated Plaintiff's civil rights under the New Jersey State Constitution and/or New Jersey Civil Rights Act.

RELIEF

WHEREFORE, Plaintiff seeks relief and judgment against the Defendant, including but not limited to:

1. An award of compensatory damages and punitive damages based

on the intentional and malicious acts of the Defendant,
which are allowed by statutes pleaded herein or as permitted
by common law and rules;

2. An award of reasonable attorney's fees and all costs of suit
and interest thereon;
3. An award of damages as allowed under 42 U.S.C. §1983 and 42
U.S.C. §1988;
4. Any other award and equitable relief allowed under statute
or pursuant to the law or equitable and just power of this
Court to which Plaintiff is entitled; and
5. Any prospective injunctive relief that the Court deems just
and appropriate under the circumstances.

JURY DEMAND

Plaintiff hereby demands trial by jury of all issues in this
action.

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates the Law Offices of Surinder K. Aggarwal
as trial counsel in this matter.

/s/ Surinder K. Aggarwal
SURINDER K. AGGARWAL
Attorney ID No. 016502007

Dated: June 13, 2017