

Ejike N. Uzor
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CHUKA R. ENWOROM

Plaintiff

VS.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

DOCKET NO:

JESTINE SHAWN
MACY'S INC.

CIVIL ACTION

JOHN DOE (The name of the defendant **COMPLAINT**
being fictitious, the true name of the
Defendant being unknown to the
Plaintiff)
Township of Edison Police Department

Defendant

Plaintiff CHUKA R. ENWOROM, residing at 19 Meadowbrook Place, Maplewood,

NJ 07040, by way of Complaint against the defendants, states:

FIRST COUNT

1. On or about June 18, 2012, and through July 25, 2012, defendant JESTINE SHAWN as an employee of Defendant MACY'S INC., caused criminal charges to be filed against plaintiff in the Edison Township Municipal Court.

2. The criminal charges were more specifically set forth in complaint no. S2012000868.

3. The statements and allegations set forth in the complaint by defendant JESTINE SHAWN were false and were known to be false.

4. The complaints charged plaintiff with "SHOPLIFTING BY CONCEALING AND ATTEMPTING TO CARRY AWAY \$59.99 IN MACYS MERCHANDISE WITH INTENT TO DEPRIVE THE MERCHANT OF THE FULL OR PARTIAL PAYMENT".

5. The filing of the complaint by defendants JESTINE SHAWN and MACY'S INC., was made solely to harass, injure, and harm plaintiff.

6. At all material times, defendant JESTINE SHAWN was an employee, agent, or servant of defendant MACY'S INC. On June 18, 2012 and through July 25, 2012, defendant JESTINE SHAWN was working in the store of the defendant located at 275 Parsonage Road, Edison, NJ., and in the course of her employment caused defendant JOHN DOE to arrest and detain plaintiff on a trump-up allegation/charge of shoplifting, claimed to have been committed in "FULL VIEW OF THE COMPLAINANT".

7. On or about July 25, 2012, defendants MACY'S INC., JESTINE SHAWN and JOHN DOE caused criminal charges to be filed against the plaintiff for shoplifting in Complaint no. S2012000868 but said defendants failed or refused to show up in court as complainant(s) and/or prosecution witness, for the defendant Township of Edison and case was adjourned to August 29, 2012.

8. On August 29, 2012, defendants MACY'S INC., JESTINE SHAWN and JOHN DOE again failed or refused to show up in court as complainant(s) and prosecution witness, respectively and the complaint No. S2012000868 was consequently dismissed.

9. As a result of the filing of the foregoing complaints by defendants MACY'S INC. and JESTINE SHAWN, plaintiff was arrested, photographed, fingerprinted, prosecuted, and caused to have a criminal record made of the filing of the charges and his arrest.

10. The charges were filed without basis in fact, were continued because of defendant MACY'S INC. and JESTINE SHAWN's false statement(s) and the charge was ultimately terminated in plaintiff's favor.

11. As a result of the filing of the complaint and plaintiff's arrest and filing of criminal charges against him, plaintiff has suffered damages and will continue to incur damages. The damages include legal fees incurred in seeking legal representation and that which will be incurred for the purpose of expunging plaintiff's arrest record, photograph record, and fingerprint record.

WHEREFORE plaintiff demands judgment against defendants MACY'S INC. and JESTINE SHAWN, jointly severally for both compensatory and punitive damages, together with interest, costs of suit and attorneys' fees.

SECOND COUNT

1. Plaintiff repeats the allegations contained in the First Count.

2. At all relevant times, defendant JOHN DOE, a police officer was an employee, agent and/or servant of defendant TOWNSHIP OF EDISON POLICE DEPARTMENT, and was at all times acting in the course of his employment with the Department.

3. On June 18, 2012, defendants MACY'S INC. and JESTINE SHAWN negligently, carelessly, with gross negligence and/or willfully, maliciously, intentionally and falsely accused plaintiff of shoplifting and demanded that defendant JOHN DOE arrest plaintiff on that charge.

4. As a result thereof, defendant JOHN DOE, negligently, carelessly, with gross negligence and without proper and adequate investigative police work and/or willfully, maliciously and intentionally, and without adequate reason or probable cause, falsely and maliciously arrested, detained, imprisoned and caused plaintiff to be prosecuted.

5. There was no reasonable cause for the arrest, detention, or imprisonment of plaintiff and defendants knew or should have known that to the case prior to plaintiff's arrest, detention and imprisonment.

6. The false arrest, detention and imprisonment of the plaintiff were without foundation and were made maliciously, willfully and intentionally and/or negligently, carelessly and with gross negligence, with the intention of harming the plaintiff.

7. Thereafter, defendants illegally and improperly caused a criminal warrant to issue against plaintiff, which warrant had no basis in fact or law, and which was issued maliciously and with the motivation to falsely arrest, detain and imprison plaintiff, and which warrant falsely accused plaintiff of shoplifting.

8. As a result defendants' actions that commenced on June 18, 2012, plaintiff was falsely arrested, detained, and imprisoned on a holding cell at the Edison Township Police Department until he was released on bail the next day.

9. On July 25, 2012, false criminal charges were filed against the plaintiff by the Township of Edison Police Department.

10. Defendants' actions either individually or jointly and in conspiracy with each other or otherwise, were committed under the color of the law and violated plaintiff's rights under the United States Constitution, the New Jersey State Constitution, and the laws of the United States, including but not limited to 42 U.S.C.A. 1981, 1983, 1985 and 1988.

11. All of the above acts were taken in a willful and malicious manner which was an immoral purpose and to unjustly enrich the defendant and injure the reputation, standing and integrity of plaintiff to his detriment, and defendants are, therefore, liable to plaintiff for punitive damages in addition to compensatory damages.

12. As a direct and proximate result of defendants' actions, and particularly of their willful, intentional, false, malicious, reckless, careless and/or negligent or grossly negligent action in arresting, detaining and imprisoning plaintiff, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered damage to his reputation and standing in the community, was forced to undergo the rigors and strain of a false arrest,

detention and imprisonment and has otherwise been damaged and injured in diverse and injured in divers other manners, to his great detriment.

WHEREFORE plaintiff demands judgment against defendants, jointly severally for both compensatory and punitive damages, together with interest, costs of suit and attorneys' fees.

THIRD COUNT

1. Plaintiff repeats the allegations contained in the First and Second Counts.

2. There was no reasonable or probable cause for the charges or prosecution of plaintiff by defendants and defendants knew or should have known this to be the case both prior to the false arrest, detention and imprisonment and prior to the prosecution of the plaintiff in court.

3. As a direct and proximate result of defendants' actions, and particularly of their willful, intentional, false, malicious, reckless, careless and/or negligent or grossly negligent action in arresting, detaining and imprisoning plaintiff, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered damage to his reputation and standing in the community, was forced to undergo the rigors and strain of a false arrest, detention, imprisonment and prosecution, and has otherwise been damaged and injured in diverse and injured in divers other manners, to his great detriment, including but not limited to anxiety, loss of sleep, and emotional distress.

WHEREFORE plaintiff demands judgment against defendants, jointly severally for both compensatory and punitive damages, together with interest, costs of suit and attorneys' fees.

FOURTH COUNT

1. Plaintiff repeats the allegations contained in the First, Second and Third Counts.

2. At all relevant times, defendant Edison Township Police Department was the employer of defendant JOHN DOE, who was acting as its agents, servants, and/or employees.

3. Defendant Police Department failed to use reasonable care in selection of its employee, agents, and/or servants, failed to properly train and/or supervise said defendant JOHN DOE, and failed to provide adequate safeguards to prevent the false arrest, detention, imprisonment and malicious prosecution of plaintiff.

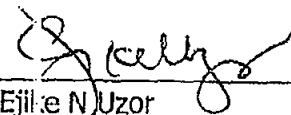
4. As a direct and proximate result of defendants' actions, and particularly of their willful, intentional, false, malicious, reckless and/or negligent or grossly negligent actions and accusations, investigation and arrest of plaintiff, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to his reputation and standing in the community, was forced to undergo the rigors and strain of a false arrest, detention, imprisonment and malicious prosecution with resultant additional

anxiety, loss of sleep and other damages, including counsel fees, has been forced to incur and will in the future be forced to incur extensive legal and medical expenses in connection with the his false arrest, detention, imprisonment, malicious prosecution, and the physical and emotional injuries suffered as a result thereof, and has otherwise been damaged and injured in diverse other manners to his great detriment.

WHEREFORE, plaintiff demands judgment against defendant EDISON TOWNSHIP POLICE DEPARTMENT for both compensatory and punitive damage, together with interest, costs of suit and attorneys' fees.

Uzor & Associates
Attorneys for Plaintiff

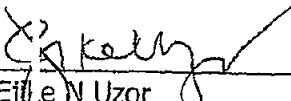
By:


Ejile N. Uzor

Dated: June 11, 2013

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues.


Ejile N. Uzor

Dated: June 11, 2013