

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SEP 09 2015

MAURICE TURPIN,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TINTON FALLS, ET AL.,
Defendant

CASE
NUMBER: 3:15-CV-06613-MAS-TJB

TO: (Name and address of Defendant):

Chief of Police John A. Scrivanio
Tinton Falls Police Department
556 Tinton Avenue
Tinton Falls, NJ 07724

A lawsuit has been filed against you.

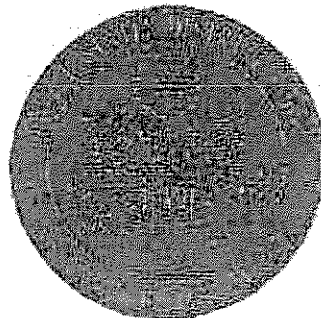
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas J. Mallon, Esq.
Law Offices of Mallon & Tranger
86 Court Street
Freehold, NJ 07728

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

JAWELA CAMPBELL
(By) DEPUTY CLERK



ISSUED ON 2015-09-03 15:21:02, Clerk
USDC NJD

NAME OF SERVER (PRINT)

TITLE	DATE	BY	NO.	PRICE	REMARKS
...	...	...	...	...	...

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant, Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- ☐ Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify) : _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL	100	100	100
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date _____

Signature of Server

Address of Server

THOMAS J. MALLON, ESQ.
Attorney-at-Law
86 Court Street
Freehold, NJ 07728
(732) 780-0230
Attorney for Plaintiff Maurice Turpin

MAURICE TURPIN,

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY
TRENTON

Plaintiff

vs.

Civil Action No.: (-)

TINTON FALLS;
JAMES SAPIA; DAVID EBERT;
ELENA MAZZEO-IGNACZAK;
RYAN DALY;
SERGEANT MATTHEW PARK;
and JOHN DOES 1-5 (fictitious individuals),
members of the Tinton Falls Police Department;
JOHN A. SCRIVANIC, Chief of Police;
JOHN DOES 6-10 (fictitious individuals),
Personnel of the City of Tinton Falls
Police Department in supervisory
capacities;

COMPLAINT

Defendants.

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3). This Court has supplemental jurisdiction over Plaintiff's pendent state law claims pursuant to 28 U.S.C. Section 1367.

PARTIES

2. Plaintiff Maurice Turpin residing at 51 Cedarwood Drive, Toms River, NJ, 08755, Ocean County, is and was, at all times herein relevant, a citizen of the United States and a resident of the State of New Jersey.

3. Defendants James Sapia; David Ebert; Elena Mazzeo-Ignaczak; Ryan Daly; Matthew Park, and/or John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Tinton Falls Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of Tinton Falls and were acting under the color of law.

4. Defendants Chief of Police John A. Scrivanic and/or John Does 6-10 were at all times mentioned herein duly appointed and acting members of the Tinton Falls Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of Tinton Falls and were acting under the color of law.

5. Defendants Chief of Police John A. Scrivanic and/or John Does 6-10 were acting in supervisory capacities over Defendants James Sapia; David Ebert; Elena Mazzeo-Ignaczak; Ryan Daly; Matthew Park, and/or John Does 1-5 and responsible by law for the training, supervision and conduct of Defendants James Sapia; David Ebert; Elena Mazzeo-Ignaczak; Ryan Daly; Matthew Park, and/or John Does 1-5.

6. Defendant Tinton Falls is a duly designated municipality of the state of New Jersey, under the laws of the state of New Jersey.

7. At all times relevant hereto, Defendant Tinton Falls employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct of Defendants

James Sapia; David Ebert; Elena Mazzeo-Ignaczak; Ryan Daly; Matthew Park; John A. Scrivanic,

and/or John Does 1-5

8. All Defendants are named in their individual and official capacities.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. On March 30, 2014, Defendant Tinton Falls police officer James Sapia conducted a motor vehicle stop of Plaintiff on Hope Road.
2. Defendant David Ebert also arrived at the scene and asked Plaintiff if there was marijuana in the vehicle. Plaintiff told Defendants that what they thought to be marijuana was in fact partially smoked cigarettes.
3. Defendant David Ebert began pulling Plaintiff by the arm and instructing him to "Get the F**k out of the vehicle."
4. Defendant Ebert utilized OC spray on Plaintiff and punched him twice in the left side of his face.
5. Defendant Sapia assisted Defendant Ebert in pulling Plaintiff out of the vehicle.
6. Defendants Ignaczak; Daly; Park, and/or John Does 1-5 had also arrived on the scene and had approached the vehicle.
7. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 slammed Plaintiff to the ground, placed boots to the back of Plaintiff's neck and pinned Plaintiff's arms and face to the cement.
8. Defendants searched the vehicle but no drugs or illegal contraband was found.

9. Plaintiff was taken to police headquarters and charged with Obstructing the Administration of Law.

10. The charge against Plaintiff was resolved.

11. As a result of Defendants' unjustified actions, Plaintiff sustained bodily injuries, medical expenses and lost wages.

COUNT ONE
SECTION 1983 USE OF EXCESSIVE FORCE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. As a direct and proximate result of the above-referenced unlawful and malicious physical abuse of Plaintiff by Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 committed under color of state law, Plaintiff sustained bodily harm and was deprived of his right to be secure in his person against unreasonable seizure of his person, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and U.S.C. Section 1983.

3. As a direct and proximate cause of the malicious and outrageous conduct of Defendants as set forth above, Plaintiff suffered bodily injuries; medical expenses; lost wages; emotional distress, and will suffer additional special damages in the future in an amount which cannot yet be determined.

4. By reason of the excessive and unreasonable force used on Plaintiff's person, Plaintiff was injured and was deprived of his constitutional rights as described above.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 on this Count together with

compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT TWO
SECTION 1983 FAILURE TO INTERVENE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 were Tinton Falls Police Officers and at all times mentioned herein were acting under color of state law.
3. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 had a duty to intervene in the unjustified assault and arrest of Plaintiff by Defendants Sapia; Ebert; Ignaczak; Daly, Park and/or John Does 1-5 .
4. The unjustified assault of Plaintiff by Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 deprived Plaintiff of his right to be secure in his person against unreasonable seizure in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.
5. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 had a reasonable opportunity to intervene in the unjustified arrest and assault of Plaintiff by Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 and failed to intervene.
6. As a direct and proximate cause of conduct of Defendants set forth above, Plaintiff was deprived of his constitutional rights; sustained bodily injuries; medical expenses; lost wages; emotional distress, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 on this Count together with compensatory and

punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT THREE
SECTION 1983 SUPERVISORY LIABILITY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sgt. Matthew Park, Chief of Police John A. Scrivanic and/or John Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff was arrested and assaulted.
3. Defendants Park, Scrivanic and/or John Does 6-10 had a duty to prevent subordinate officers Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 from violating the c constitutional rights of citizens and / or detainees.
4. Defendants Park, Scrivanic and/or John Does 6-10 either directed Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 to violate Plaintiff's constitutional rights or had knowledge of and acquiesced in his/their subordinate's violations.
5. Defendants Sgt. Matthew Park, Chief of Police John A. Scrivanic and/or John Does 6-10 failed to adequately track departmental excessive force complaints, administrative complaints and/or use of force incidents in violation of Tinton Falls Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.
6. By reason of the above Plaintiff was deprived of his constitutional rights, sustained bodily injuries; medical expenses; lost wages; emotional distress, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sgt. Matthew Park, Chief of Police John A. Scrivanic and/or John Does 6-10 this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FOUR
SECTION 1983 UNLAWFUL POLICY, CUSTOM, PRACTICE
INADEQUATE TRAINING

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Tinton Falls, Chief of Police John A. Scrivanic and/or John Does 6-10 are vested by state law with the authority to make policy on : (1) the use of force; internal affairs investigations and/or administrative reviews pursuant to the Tinton Falls Police Department policies, practices and/or customs and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines; (2) effectuating arrests; (3) police citizen encounters, and/or (4) disciplining officers.
3. Defendants Tinton Falls, Scrivanic and/or John Does 6-10 are responsible for training Police Officers in the use of force and/or were officers in charge when Plaintiff Maurice Turpin was assaulted and arrested.
4. At all times mentioned herein, Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5, as police officers, agents, servants and/or employees of Defendant Tinton Falls, were acting under the direction and control of Defendants Tinton Falls, A. Scrivanic and/or John Does 6-10 and were acting pursuant to the official policy, practice or custom of the Tinton Falls Police Department.

5. Acting under color of law pursuant to official policy, practice, or custom, Defendants Tinton Falls, Scrivanic and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline on a continuing basis, Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-10 in their duties to refrain from: (1) unlawfully and maliciously assaulting, arresting and harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive force.

6. Acting under color of law pursuant to official policy, practice, or custom, Defendants Tinton Falls, Scrivanic and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference implemented and/or conducted superficial and shallow Internal Affairs processes which ignored evidence and patterns of police misconduct on individual and departmental levels. Defendants Tinton Falls, Scrivanic and/or John Does 6-10 failed to professionally, objectively and/or expeditiously investigate instances and patterns of police misconduct in violation of the spirit and substance of the New Jersey Attorney General's Guidelines for Internal Affairs Policy and Procedures.

7. Defendants Tinton Falls, Scrivanic and/or John Does 6-10 failed to adequately track departmental excessive force complaints, administrative complaints and/or use of force incidents in violation of Tinton Falls Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

8. Defendants Tinton Falls, Scrivanic and/or John Does 6- 10 were aware of numerous similar police citizen encounters involving, and/or Internal Affairs complaints and/or civil lawsuits filed against Defendants Sapia; Ebert; Ignaczak; Daly; Park; John Does 1-10, and/or other Tinton Falls Police Officers whereby they customarily and frequently subjected citizens held in custody to physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed citizens; intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or other official records; made false arrests, mishandled and/or withheld evidence and/or used unreasonable and excessive force on citizens/arrestees.

9. Tinton Falls police officers have been named in at least one prior lawsuit alleging police misconduct and constitutional violations against citizens: Williams v. Monmouth County Prosecutor's Office/ Tinton Falls/ Sapia, et als. Civil Action#: 15-02805 (PGS-DEA).

10. Despite their awareness, Defendants Tinton Falls, Scrivanic and/or John Does 6-10 failed to employ any type of corrective or disciplinary measures against Defendants Sapia; Ebert; Daly; Park; Ignaczak; Scrivanic; John Does 1-10, and/or other Tinton Falls Police Officers.

11. Defendants Tinton Falls, Chief of Police Scrivanic and/or John Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Sapia; Ebert; Daly; Park; Ignaczak; Scrivanic, and/or John Does 1-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

12. Defendants Tinton Falls, Scrivanic and/or John Does 6-10 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence,

and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

13. Defendants Tinton Falls, Scrivanic and/or John Does 6-10, directly or indirectly, under color of state law, approved and/or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Sapia; Ebert; Daly; Park; Ignaczak; Scrivanic, and/or John Does 1-10 heretofore described.

14. As a direct and proximate cause of conduct of Defendants set forth above, Plaintiff was deprived of his Fourth and Fourteenth Amendment constitutional rights; sustained bodily injuries; medical expenses; lost wages ; emotional distress, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Tinton Falls, Chief of Police John A. Scrivanic and/or John Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

SUPPLEMENTAL STATE LAW CLAIMS

COUNT FIVE
ASSAULT AND BATTERY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 committed an assault and battery on Plaintiff by physically injuring him without justification and/or by putting him in reasonable apprehension of serious and imminent bodily harm.
3. The assault and battery committed by Defendants was contrary to the common law of the State of New Jersey.

4. Plaintiff invokes the supplemental jurisdiction of this court to hear and determine this claim.

5. As a result of the intentional, reckless, negligent and/or objectively unreasonable assault and battery, as specifically alleged above, Plaintiff sustained diverse substantial and permanent physical and emotional injuries, medical expenses, and pain and suffering, and will continue to incur same in the future for some time to come.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SIX
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJ CRA)

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. The excessive force used and failure to intervene by Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5, set forth at length above, deprived plaintiff of his substantive due process right to be free from unlawful seizure of his person and his fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. ("The New Jersey Civil Rights Act").

3. As a direct and proximate cause of conduct of Defendants set forth above, Plaintiff was deprived of his constitutional rights; sustained bodily injuries; medical expenses; lost wages; legal expenses; emotional distress, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SEVEN
NEGLIGENCE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 had a duty to the Plaintiff to not expose him to an unreasonable risk of injury.
3. Through the acts and omissions set forth at length above, Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 breached that duty.
4. The acts of the Defendants were in violation of the common law of the State of New Jersey.
5. Plaintiff invokes the supplemental jurisdiction of this court to hear and determine this claim.
6. As a direct and proximate result of their breach of duty to plaintiff, he was caused to suffer significant and permanent physical and emotional injury; medical expenses; lost wages, and pain and suffering and will continue to incur same in the future for some time to come

WHEREFORE, Plaintiff Maurice Turpin demands judgment against Defendants Sapia; Ebert; Ignaczak; Daly; Park, and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Please be advised that Thomas J. Mallon, Esquire is hereby designated trial counsel in the
~~above captioned matter.~~

Dated: September 3, 2015

/s/ Thomas J. Mallon, Esquire
THOMAS J. MALLON, ESQUIRE