

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WENDY TUCKER,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

BOROUGH OF TUCKERTON, ET AL.,
Defendant

CASE
NUMBER: 3:15-CV-08893-MLC-TJB

TO: (Name and address of Defendant):

Borough of Tuckerton
420 East Main Street
Tuckerton, NJ 08087

HAND DELIVERED

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

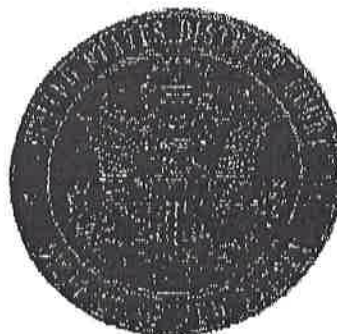
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

Karen McGonigle

(By) DEPUTY CLERK



ISSUED ON 2015-12-28 16:53:58, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(I)	DATE	
NAME OF SERVER (PRINT)	TITLE	
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
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

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

WENDY TUCKER

Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

TRENTON

Civil Action No.: 15-08893 (MLC-TJB)

vs.

**AMENDED
COMPLAINT**

BOROUGH OF TUCKERTON;
CHIEF OF POLICE MICHAEL CAPUTO;
JUSTIN M. CHERRY; JOHN DOES 1-5,
Tuckerton Borough Police Officers;
JOHN DOES 11-15, Personnel and/or Police
Officers of the Tuckerton Borough Police
Department in supervisory capacities;
TOWNSHIP OF BARNEGAT;
CHIEF OF POLICE ARTHUR DREXLER;
JOHN DOES 6-10, Barnegat Township
Police Officers; and **JOHN DOES 16-20,**
Personnel and/or Police Officers of the
Barnegat Township Police Department
in supervisory capacities,

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 Wendy Tucker, residing at 149 Sandpiper Road, Barnegat, NJ, 08005, 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 Justin M. Cherry and/or John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Tuckerton Borough Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of the Borough of Tuckerton and were acting under the color of law.

4. Defendants John Does 6-10 were at all times mentioned herein duly appointed and acting police officers of the Barnegat Township Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of the Township of Barnegat and were acting under the color of law.

5. Defendants Chief of Police Michael Caputo and/or John Does 11-15 were at all times mentioned herein duly appointed and acting members of the Tuckerton Borough Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of the Borough of Tuckerton and were acting under the color of law.

6. Defendants Caputo and/or John Does 11-15 were acting in supervisory capacities over Defendants Cherry and/or John Does 1-5 and responsible by law for the training, supervision and conduct of Defendants Cherry and/or John Does 1-5.

7. Defendant Borough of Tuckerton is a duly designated municipality of the state of New Jersey, under the laws of the state of New Jersey.

8. At all times relevant hereto, Defendant Borough of Tuckerton employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct

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of Defendants Caputo; Cherry; John Does 1-5, and/or John Does 11-15.

9. Defendants Chief of Police Arthur Drexler, John Does 6-10 and/or John Does 16-20 were at all times mentioned herein duly appointed and acting members of the Barnegat Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of the Township of Barnegat and were acting under the color of law.

10. Defendants Drexler and/or John Does 16-20 were acting in supervisory capacities over Defendants John Does 6-10 and responsible by law for the training, supervision and conduct of Defendants John Does 6-10.

11. Defendant Township of Barnegat is a duly designated municipality of the state of New Jersey, under the laws of the state of New Jersey.

12. At all times relevant hereto, Defendant Township of Barnegat employed Defendants Drexler, John Does 6-10 and John Does 16-20. As such, it was responsible for the training, supervision and conduct of Defendants Drexler, John Does 6-10 and John Does 16-20.

13. Suit is brought against all individually named Defendants in their personal and official capacities.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. On January 29, 2014, Defendants Cherry and/or John Does 1-5 of the Tuckerton Police Department initiated a motor vehicle stop of Plaintiff Wendy Tucker.
3. Plaintiff pulled her vehicle into the Barnegat Township Municipal Complex.
4. Defendants Cherry and/or John Does 1-10 pulled Plaintiff out of her vehicle and threw her to the ground, dislocating her left arm.

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5. Defendants Cherry and/or John Does 1-5 then released a police dog on Plaintiff which bit her on her right shoulder.

6. Defendant Barnegat police officers John Does 6-10 were present during the use of excessive and unreasonable force on Plaintiff's person and failed to intervene.

7. Defendants Cherry and/or John Does 1-10 charged Plaintiff with Eluding Police and Resisting Arrest (2C: 29-2B and 2C:29-2A(3)) as well as motor vehicles summonses.

8. Plaintiff was brought to Ocean County Jail where she spent approximately 5 days.

9. The criminal and motor vehicle charges against Plaintiff were dismissed after Defendant Cherry was charged with committing an Aggravated Assault on Plaintiff and Official Misconduct by falsifying his police reports in an effort to conceal and justify his use of excessive force on Plaintiff's person. Plaintiff ultimately plead guilty to a charge of Driving While Suspended.

10. Plaintiff sustained various injuries related to this incident all caused by the excessive and unreasonable force utilized by Defendants Cherry and/or John Does 1-10.

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 Cherry and/or John Does 1-10 committed under color of state law, Plaintiff sustained bodily harm and was deprived of her right to be secure in her person against unreasonable seizure, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

3. As a direct and proximate cause of the excessive and unreasonable use of force by Defendants as set forth above, Plaintiff Wendy Tucker suffered bodily and emotional injuries;

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3. Defendants John Does 6-10 had a duty to intervene in the unjustified assault and arrest of Plaintiff by Defendants Cherry and/or John Does 1-10.

4. The unjustified assault and arrest of Plaintiff by Defendants Cherry and/or John Does 1-10 deprived Plaintiff of her right to be secure in her 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 John Does 6-10 had a reasonable opportunity to intervene in the unjustified arrest and assault of Plaintiff by Defendants Cherry and/or John Does 1-10 and failed to intervene.

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

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants 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.

COUNT FIVE
SECTION 1983 MALICIOUS PROSECUTION

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Cherry and/or John Does 1-10 initiated criminal process against Plaintiff with malice to create a subterfuge protecting themselves from criminal and civil liability and justifying the injuries they caused Plaintiff to suffer.

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3. The charges were not based upon probable cause, that is, Defendants Cherry and/or John Does 1-10 knew initiation of criminal proceedings against Plaintiff would serve an unlawful purpose, including, but not limited to limiting their exposure to liability for their unlawful and unconstitutional actions in using excessive force, illegally seizing and/or falsely arresting Plaintiff.

4. As a direct and proximate cause of the actions initiated by Defendants Cherry and/or John Does 1-10, Plaintiff suffered a deprivation of liberty consistent with the concept of seizure as a consequence of the legal proceeding.

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

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Justin M. Cherry and/or John Does 1-10, 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.

COUNT SIX
SECTION 1983 SUPERVISORY LIABILITY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Michael Caputo, Arthur Drexler and/or John Does 1-20 were supervisory officials and/or officers in charge at the time Plaintiff Wendy Tucker were arrested and assaulted.
3. Defendants Caputo, Drexler and/or John Does 1-20 had a duty to prevent subordinate officers Caputo; Drexler; Cherry, and/or John Does 1-20 from violating the

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constitutional rights of citizens and/or detainees.

4. Defendants Caputo, Drexler and/or John Does 1-20 either directed Defendants Caputo, Drexler and/or John Does 1-20 to violate Plaintiff's constitutional rights and/or had knowledge of and/or acquiesced in his/their subordinate's violations.

5. Specifically, Defendants Caputo, Drexler and/or John Does 1-20 failed to adequately track departmental excessive force complaints, administrative complaints and/or use of force incidents in violation of Tuckerton and/or Barnegat Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force including K-9 Training and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

6. As a direct and proximate result of the acts of Defendants Caputo, Drexler and/or John Does 1-20 as set forth herein, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Caputo, Drexler and/or John Does 1-20 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.

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COUNT SEVEN
SECTION 1983 UNLAWFUL CUSTOM, PRACTICE, POLICY
/INADEQUATE TRAINING

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Borough of Tuckerton's Police Department; Michael Caputo and/or John Does 11-15 are vested by state law with the authority to make policy on : (1) the use of force; K-9 Training; internal affairs investigations and/or administrative reviews pursuant to Tuckerton 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. Defendants Caputo, and/or John Does 11- 15 are responsible for training Police Officers in the use of force, K-9 Training and/or were officers in charge when Plaintiff Wendy Tucker was assaulted.
3. At all times mentioned herein, Defendants Caputo, Cherry and John Does 1- 5 and John Does 11-15, as police officers, agents, servants and/or employees of Defendant Borough of Tuckerton, were acting under the direction and control of Defendants Borough of Tuckerton Police Department, Caputo and/or John Does 11-15, and were acting pursuant to the official policy, practice or custom of the Borough of Tuckerton Police Department.
4. Acting under color of law pursuant to official policy, practice, or custom, Defendants Caputo and/or John Does 11-15 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline, on a continuing basis Defendants Cherry and/or John Does 1-5 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)

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making false arrests, and/or (6) using unreasonable and excessive force including K-9 Units.

5. Defendants Tuckerton Borough; Caputo, and/or John Does 11-15 were aware of numerous similar police citizen encounters involving Defendants Cherry, John Does 1-5 and/or other Borough of Tuckerton 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 citizen/arrestees.

6. Specifically, Defendant Cherry has been named as a defendant in at least one previous lawsuit brought by a citizen alleging that Defendant Cherry used excessive and unreasonable force on his person in violation of his Fourth Amendment rights: Quintenz v. Cherry/Borough of Tuckerton, et als., Civil Action#: 12-01970 (PGS-LHG), occurring on 4/8/10.

7. Defendants Caputo, John Doe 2 and/or John Does 11-15 failed to adequately track departmental excessive force complaints including the use of K-9 Units, administrative complaints and/or use of force incidents in violation of Tuckerton Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force, K-9 Training and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

8. Despite their awareness, Defendants Borough of Tuckerton; Caputo and/or John Does 11-15 failed to employ any type of corrective or disciplinary measures against Defendants Caputo; Cherry, John Does 1-5; John Does 11-15, and/or other Borough of Tuckerton Police Officers.

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9. Defendants Tuckerton Borough, Caputo and/or John Does 11-15 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Caputo, Cherry and/or John Does 1-5 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

10. Defendants Tuckerton Borough, Caputo and/or John Does 11-15 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.

11. Defendants Borough of Tuckerton, Caputo and/or John Does 11-15, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Cherry and/or John Does 1-5 heretofore described.

12. As a direct and proximate result of the acts and/or omissions of Defendants Borough of Tuckerton, Caputo and/or John Does 11-15 as set forth herein, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Borough of Tuckerton, Caputo and/or John Does 11-15 on this Count together with compensatory and punitive damage, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT EIGHT

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

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2. Defendants Township of Barnegat's Police Department; Chief of Police Drexler; John Does 6-10, and/or John Does 11-15 are vested by state law with the authority to make policy on : (1) the use of force; K-9 Training; internal affairs investigations and/or administrative reviews pursuant to Tuckerton 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. Defendants Drexler and/or John Does 16- 20 are responsible for training Police Officers in the use of force, K-9 Training and/or were officers in charge when Plaintiff Wendy Tucker was assaulted.

3. At all times mentioned herein, Defendants Drexler, John Does 6- 10 and John Does 16-20, as police officers, agents, servants and/or employees of Defendant Township of Barnegat, were acting under the direction and control of Defendants Borough of Tuckerton Police Department, Caputo and/or John Does 11-15, and were acting pursuant to the official policy, practice or custom of the Township of Barnegat Police Department.

4. Acting under color of law pursuant to official policy, practice, or custom, Defendants Drexler and/or John Does 16-20 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline, on a continuing basis Defendants John Does 6-10 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; (6) using unreasonable and excessive force including K-9 Units, and/or (7) intervening when witnessing excessive use of police force.

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5. Defendants Township of Barnegat, Drexler and/or John Does 16-20 were aware of numerous similar police citizen encounters involving Defendants John Does 6-10 and/or other Township of Barnegat 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; used unreasonable and excessive force on citizen/arrestees, and/or failed to intervene when witnessing excessive use of police force.

6. Defendants Drexler and/or John Does 16-20 failed to adequately track departmental excessive force complaints including the use of K-9 Units, administrative complaints and/or use of force incidents in violation of Tuckerton Police Department policies, practices, customs and/or guidelines and/or the New Jersey Attorney General's Use of Force, K-9 Training and/or Internal Affairs Guidelines, and/or failed to discipline officers for such violations.

7. Despite their awareness, Defendants Township of Barnegat; Drexler and/or John Does 16-20 failed to employ any type of corrective or disciplinary measures against Defendants John Does 6-10 and/or other Township of Barnegat Police Officers.

8. Defendants Township of Barnegat, Drexler and/or John Does 16-20 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants John Does 6-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

9. Defendants Township of Barnegat, Drexler and/or John Does 16-20 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable

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

10. Defendants Township of Barnegat, Drexler and/or John Does 16-20, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants John Does 6-10 heretofore described.

11. As a direct and proximate result of the acts and/or omissions of Defendants Township of Barnegat, Drexler and/or John Does 16-20 as set forth herein, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Township of Barnegat, Chief of Police Arthur Drexler and/or John Does 16-20 on this Count together with compensatory and punitive damage, 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 NINE
ASSAULT AND BATTERY

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Cherry and/or John Does 1-10 acting under the color of state law and/or in their individual capacities committed assault and battery on Plaintiff Wendy Tucker by physically injuring her without justification and/or by putting her in reasonable apprehension of serious and imminent bodily harm.

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3. The assault and battery committed by Defendants was contrary to the common law of the State of New Jersey, and Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

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

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Cherry and/or John Does 1-10 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.

COUNT TEN
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJCR)

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

2. The excessive force used by Defendants Cherry and/or John Does 1-10; false arrest; illegal seizure of Plaintiff's person; malicious prosecution, and the failure to intervene by Defendants John Does 6-10 acting under color of state law, set forth at length above, deprived Plaintiff of her substantive due process right to be free from unlawful seizure of her person and her 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 result of the aforesaid acts of Defendants Cherry, John Does 1-5 and/or John Does 6-10, Plaintiff sustained bodily and emotional injuries; medical expenses; lost wages, and additional special damages in an amount which cannot yet be determined.

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

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Cherry, John Does 1-5 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.

COUNT ELEVEN
NEGLIGENCE

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Cherry, John Does 1-5 and/or John Does 6-10 had a duty to the Plaintiff not to expose her to unreasonable harm.
3. Through the acts and omissions set forth at length above under color of state law and/or in their individual capacities, Defendants Cherry John Does 1-5 and/or John Does 6-10 breached that duty.
4. As a direct and proximate result of Defendants' breach of duty to Plaintiff, she was caused to suffer significant and permanent bodily and emotional injuries; medical expenses; lost wages; additional special damages in the future in an amount which cannot yet be determined and will continue to incur same in the future for some time to come

WHEREFORE, Plaintiff Wendy Tucker demands judgment against Defendants Cherry, John Does 1-5 and/or John Does 6-10 on this Count together with compensatory 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.

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DESIGNATION OF TRIAL COUNSEL

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

Dated: February 1, 2016

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