

NOTICE OF CLAIM

TO PROSPECTIVE DEFENDANTS:

**COUNTY OF BERGEN
ATTN: COUNTY ATTORNEY
JAMES K. SATTELY
ONE BERGEN COUNTY PLAZA
ROOM 580
HACKENSACK, NJ 07601**

**BERGEN COUNTY PROSECUTOR'S OFFICE
ATTN: BERGEN COUNTY PROSECUTOR JOHN MOLINELLI
10 MAIN STREET
SECOND FLOOR
BERGEN COUNTY JUSTICE CTR.
HACKENSACK, NJ 07601**

**BERGEN COUNTY PROSECUTOR JOHN MOLINELLI
BERGEN COUNTY PROSECUTOR'S OFFICE
10 MAIN STREET
SECOND FLOOR
BERGEN COUNTY JUSTICE CTR.
HACKENSACK, NJ 07601**

**BERGEN COUNTY PROSECUTOR'S OFFICE
INVESTIGATOR JAY HAVILAND
BERGEN COUNTY PROSECUTOR'S OFFICE
10 MAIN STREET
SECOND FLOOR
BERGEN COUNTY JUSTICE CTR.
HACKENSACK, NJ 07601**

**BERGEN COUNTY PROSECUTOR JOHN MOLINELLI
BERGEN COUNTY PROSECUTOR'S OFFICE
JOHN/JANE DOE/S 1-13 INVESTIGATORS/PROSECUTORS
OF BCPO
10 MAIN STREET
SECOND FLOOR
BERGEN COUNTY JUSTICE CTR.
HACKENSACK, NJ 07601**

**BOROUGH OF WALDWICK
ATTN: WALDWICK MAYOR TOM GIORDANO
63 FRANKLIN TPKE**

WALDWICK, NEW JERSEY

**BOROUGH OF WALDWICK
WALDWICK BOROUGH ADMINISTRATOR
GARY KRATZ
C/O WALDWICK MAYOR TOM GIORDANO
63 FRANKLIN TPKE
WALDWICK, NEW JERSEY**

**WALDWICK POLICE DEPARTMENT
C/O CHIEF MARK MESSNER
15 EAST PROSPECT STREET
WALDWICK, NEW JERSEY**

**WALDWICK CHIEF OF POLICE MARK MESSNER
WALDWICK POLICE DEPARTMENT
15 EAST PROSPECT STREET
WALDWICK, NEW JERSEY**

**WALDWICK LIEUTENANT EDWARD WEBER
WALDWICK POLICE DEPARTMENT
C/O CHIEF MARK MESSNER
15 EAST PROSPECT STREET
WALDWICK, NEW JERSEY**

**WALDWICK LIEUTENANT DOUG MOORE
WALDWICK POLICE DEPARTMENT
15 EAST PROSPECT STREET
WALDWICK, NEW JERSEY**

**STATE OF NEW JERSEY
(NAMED AS VIA ENTITY VICARIOUSLY RESPONSIBLE)
SERVED VIA:
Office of the Attorney General
ATTN: ATTORNEY GENERAL
RJ Hughes Justice Complex
25 Market Street, Box 080
Trenton, NJ 08625-0080**

***All individually named defendants are potentially to be sued or are liable in both their individual
and in their official representative capacities**

GENTLEMEN/MADAM:

**PLEASE TAKE NOTICE that the undersigned hereby files on behalf of ANTHONY
CASTRONOVA, a Notice of Tort Claim under the Tort Claims Act (TCA).**

1. NAME AND ADDRESS OF CLAIMANT: ANTHONY CASTRONOVA, 68 Lafayette Avenue, Maywood, NJ 07607.
2. ADDRESS FOR NOTICES: Eric V. Kleiner, Esq., 385 Sylvan Ave., Suite #29, Englewood Cliffs, NJ 07632.
3. DATE, ETC. OF OCCURRENCE: 3/4/15-Not guilty verdict as to criminal false swearing charges as to police employment application process at the Waldwick Police Department (WPD).

a. Synopsis of Claim

1. Claimant went to trial in this matter regarding his allegations that he is a tort and civil rights victim based on the defendants' malicious and abuse of prosecution of claimant with respect to the charges filed in the WPD case.
2. Claimant on or about 3/4/15 was acquitted by a jury of the charges he was indicted for regarding alleged false swearing charges.
3. Therefore, as an element of most or all potential tort actions, an adverse result occurred as to the defendants with respect to criminal charges brought against the claimant by the Bergen County Prosecutor John Molinelli and his subordinates, including but not limited to defendant Jay Haviland. Defendant Waldwick and the named defendants conspired with and tortiously and recklessly and wantonly participated in a malicious prosecution against claimant.
4. The genesis of the bonafides of this civil wrong committed against claimant began when plaintiff was laid off from his position as a major crimes detective at the Paterson Police Department in 2011.

5. In late 3/11 the claimant learned that the WPD was hiring new police officer. Claimant applied for the job.
6. Claimant had been forced to resign by defendant BCPO and defendant Molinelli as a Haworth police officer in 2004 for an incident that involved no criminal activity on claimant's part.
7. It has been established that defendant Molinelli orally threatened claimant through HPD officials not to come back and work in Bergen County as a law enforcement officer for at least 5 years, or until the "Jersey Boyz" wiretap gambling prosecutions were all finalized and not in the legal system any more. Claimant had been accused of saying something improper on the phone to his cousin in law in one of the intercepted wiretaps. As it turned out, claimant had committed no criminal acts, and at best it was an administrative matter that should have been handled interdepartmentally by HPD.
8. Defendant Molinelli was angry and had a malicious intent against HPD officials and against claimant when HPD officials tried to force defendant Molinelli to rescind the BCPO decision to force claimant to resign from the HPD.
9. Defendant Molinelli specifically informed HPD officials that he did not want the HPD resignation of claimant to be circulated by HPD or by claimant to the public or to any agency or person in Bergen County, because he was suppressing it from disclosure to defense attorneys representing the defendants in their criminal matters in the wiretap case.
10. When claimant went back to being a police officer in 2007 he attempted to be hired outside of Bergen County due to defendant Molinelli's statement that claimant could not be a law officer in Bergen County for at least five years. Claimant sought legal and professional advice from the Chief of HPD and together they provided the PPD in 2007 with a full oral disclosure of the HPD resignation as part of the hiring process. However, given that defendant Molinelli

wanted no disclosures of the resignation matter from 2004 and that this was a sealed matter, there were to be no disclosures in writing.

11. In 2007 it is undisputed that the Paterson Police Department (PPD) hired claimant as a police officer and he was later promoted to detective in major crimes, until he was laid off due to budget cuts in late 2010-early 2011.
12. It is undisputed that defendant Molinelli and defendant BCPO officials refused to provide the PPD with claimant's resignation file from HPD even though PPD officials requested the materials after claimant had fully disclosed the resignation of HPD matter to them in the employment process.
13. As long as claimant worked as a law officer out of Bergen County, there was no obstruction or threat of prosecution waged against claimant by defendant Molinelli or by anyone from defendant BCPO.
14. It is undisputed that defendant Molinelli responded in 3/11 to an email from claimant's father in law that the BCPO had no evidence of any wrongdoing, etc. as to Anthony Castronova, and this was after the father in law had detailed to defendant Molinelli claimant's name and full history concerning HPD; which defendant Molinelli was acutely aware of.
15. The email was sent to seek defendant Molinelli's permission as to whether claimant could return to work as a law officer in Bergen County. Claimant was also seeking guidance as to the WPD application in that he hoped defendant Molinelli would provide some sort of information as to how claimant should disclose the HPD resignation. The email provided claimant with no other information than what was stated above. Defendant Molinelli's email was evidence of an entrapment device. Defendant Molinelli was setting claimant up to be prosecuted criminally.

16. Claimant then sought professional and legal advice from HPD Chief Chris Campbell and from former Chief of HPD and licensed attorney Pat O'Dea with regard to handling the 2004 resignation as it pertained to the WPD police application. It was handled as a complex employment law question.
17. It is undisputed that HPD Chief Chris Campbell provided claimant with advice concerning the fact that there is no evidence of there being any investigation, internal affairs or otherwise, conducted against claimant and there is no evidence that any file concerning the HPD matter exists in any office of a law enforcement authority as to the 2004 resignation.
18. It is undisputed that former HPD Chief Pat O'Dea, Esq., provided claimant with legal advice concerning this complex employment application legal matter that this resignation at HPD is a confidential matter that must be sealed and remain confidential. O'Dea advised claimant to make a full oral disclosure to WPD concerning this HPD resignation; but do not reduce such to writing.
19. It is undisputed that claimant followed these instructions completely with respect to the WPD.
20. Claimant intended for there to be a full disclosure of the HPD matter. That is why his reference for the WPD was Chris Campbell and that is why he had Pat O'Dea reach out to the WPD Chief (defendant Messner) twice to make sure that the defendant WPD knew anything and everything about the 2004 resignation orally and confidentially. Campbell also had two conversations with defendant Messner re-advising Messner of the facts surrounding the 2004 resignation.
21. Claimant in an oral interview with defendant Moore made a full exhaustive oral disclosure to defendant WPD about all of the facts surrounding the 2004 resignation. This disclosure to

defendant Moore naturally led defendant WPD to contact the defendant BCPO just as PPD had done to find out what happened in 2004.

22. At the criminal trial in 2015 it was learned that defendant Weber was having secret communications with defendant BCPO officials wherein Weber was informed that defendant Molinelli had indicated that claimant was barred from working as a law officer in Bergen County. This was an untrue statement as a matter of law and fact.
23. All named defendants then acting together framed claimant or attempted to do so in order to facilitate defendant Molinelli's personal vendetta against HPD officials including claimant, Campbell and O'Dea. Defendant Molinelli's plan was to criminally charge all three individuals as part of his plan to get revenge.
24. All defendants then acted in concert and conspired to give claimant the false impression that he was being considered by WPD for the open position. However, what was originally a hiring process turned into a sting operation. By 5/11 defendants Moore, Messner, Kratz, and Weber knew or should have known that the defendant WPD was being used by defendant Molinelli, defendant Haviland and the defendant BCPO in an undercover capacity to frame claimant, O'Dea and Campbell for committing a crime.
25. Defendants from WPD gave the false impression that they were doing background checks on claimant and were considering claimant for the job opening when the real plan was to simply arrest the aforementioned three individuals.
26. Defendants from WPD then conducted a separate interview process to frame claimant regarding his disclosures as to the 2004 resignation. Defendant Moore told claimant to not disclose in the interview all the facts regarding his 2004 resignation by instructing claimant to just say the 2004 resignation was due to "family-personal reasons."

27. The defendants then engaged in an elaborate set of acts to arrest claimant and the Campbell and O'Dea. One of the acts perpetrated was a fabricated taped phone conference between defendant Haviland and the defendant WPD defendants en masse to give the false impression it was ad hoc and impromptu.
28. Defendants Moore, Messner, Weber, and Kratz provided false information to the defendant BCPO and to two juries under oath about the true reasons why this phone conference took place. Said defendants lied in claiming that claimant that was still being considered for employment as late as 6/11 when this was untrue.
29. Defendant Haviland then destroyed his true notes from the aforementioned taped interview and provided fabricated notes to give the false impression that he was providing in criminal discovery his true notes from the taped phone call. In fact, a review of the audio of the taped call contains audio evidence of defendant Haviland's note taking which is completely different than the fabricated notes he provided in discovery.
30. Defendants thereafter in furtherance of the manufacturing of charges against claimant and the attempt to falsely charge HPD officials, provided false testimony to the Grand Jury, to two juries at trial, and filed false reports.
31. Defendant Haviland testified in a perjured manner at the grand Jury and filed false reports.
32. Defendants Moore, Weber, Messner and Kratz testified falsely on two occasions on just about every facet of the case.
33. Defendant Messner lied directly by not remembering that Campbell and O'Dea had fully briefed him on the 2004 resignation.
34. Defendant Moore similarly lied under oath repeatedly about the entire employment process with claimant and the undercover operation done by defendant BCPO as well as Moore

directly lying under oath denying that claimant had fully disclosed the 2004 incident to him on 4/1/11. Defendant Moore also is know to have called claimant's wife, a Washington TWP police officer, and he made admissions/confessions to her about the case when the matter was originally administratively dismissed in late 2011.

35. Defendant Weber and Kratz also provided false evidence and false testimony to two juries about the interviews that were conducted and the process itself.

36. Defendant BCPO officials including defendant Haviland suppressed discovery and Brady evidence in order to attempt to convict claimant. Part of this suppression was discovered when Campbell disclosed to claimant that he had been investigated by defendant Molinelli and was improperly cited for discipline. Campbell's release of previously suppressed evidence revealed that claimant was being framed by defendants and that the defendant BCPO destroyed or suppressed evidence showing Messner was fabricating testimony when he said under oath to two juries that O'Dea and Campbell did not discuss the 2004 resignation with him.

37. The defendants destroyed notes, records, and video statements by other witnesses including defendants Weber, Moore, Kratz and Messner as it relates to this case.

38. This matter is part of a long history of civil wrongs that defendant Molinelli has committed against claimant. See Notice of Claim filed in 2014 regarding defendant Molinelli malicious prosecution of claimant on he acquitted false swearing charge arising out of a police application to the Bergen County Sheriff's Department. See also Docket No. BER-L--**1821-15** (Claimant has lawsuit against defendant BCPO and defendant Molinelli for tortiously interfering with his hiring at the Clifton Police Department).

39. It is undisputed that the BCPO had destroyed and suppressed the HPD resignation matter file, if one ever existed. This was learned by HPD Chief Chris Campbell in conversations with top BCPO officials.
40. Campbell was ultimately maliciously and unlawfully subjected to an investigation or witch hunt conducted by defendants wherein he established he acted lawfully. Defendants attempted to criminally charge Campbell unsuccessfully. This led to a bogus administrative finding against Campbell by defendants. Haworth officials refused to mete any significant punishment against Campbell despite defendant Molinelli protestations to the contrary.
41. It is undisputed that the resignation at HPD by claimant in 2004 did not involve criminal wrongdoing.
42. It is undisputed that claimant was not charged or prosecuted for his method of making only an oral disclosure about the HPD resignation to PPD officials; and did not provide any writings to this effect.
43. It is undisputed that claimant's handling of the WPD employment application was almost exactly the same as his handling of the PPD employment application process.
44. It was further established at trial that the BCPO had destroyed or misappropriated its own file with respect to the 2004 matter at HPD, shielding it from any agency or person.
45. It was further established that BCPO's John Molinelli interfered with the employment application of claimant in a manner that was tortious and unlawful.
46. It was further established that no crime was committed by claimant under any reasonable or objective person standard.
47. It was further established that defendant Molinelli indicted claimant strictly on the basis of his own personal vendetta against claimant, HPD officials and against the HPD officials for their

attempts to rehire claimant in 2004 at HPD immediately after he was forced to resign by the BCPO.

48. Campbell referred to the HPD matter in 2004 as a travesty of justice under oath.

49. The WPD prosecution was one made on the basis of a political vendetta only.

50. As a result of the foregoing, claimant has been severely retaliated against and has suffered from multiple damages that includes but is not limited to the loss of another opportunity to be in law enforcement, and the loss of salary and other compensation, and benefits that claimant could have received if defendant/s had not interfered with the new employment.

b. The laws that were violated

The information contained above specifically raises violations of Federal and State law violations including but not limited to the following:

1. Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000, et seq., Civil Rights Act of 1991, 42 U.S.C. Sec. 1981 et seq., Civil Rights Act of 1866, U.S.C. Sections 1981, 1982, and 1983.
2. Intentional harassment
3. Defamation of claimant's good character within the borough, the community, and the public community also.
4. Civil Rights Act of New Jersey (N.J.S.A. 10:6-2).
5. Abuse of process
6. Interference with contractual rights.

7. Negligent hiring, promotion, supervision, and retention of BCPO defendant Molinelli and defendant designees/employees/supervisors/servants/agents.
8. Intentional infliction of emotional distress.
9. Prima facie tort of wrongdoing under the totality of circumstances.
10. Showing claimant in a false light.
11. Violation of law requiring regarding fair dealing.
12. Tortious interference with existing, new and/or prospective employment opportunities
13. Tort-outrage.
14. Malicious prosecution.
15. False arrest.
16. Conspiracy to violate claimant's civil rights and constitutional rights.
17. Violation of claimant's rights under due process, equal protection, and other clauses of New Jersey Constitution.
18. Invasion of privacy.
19. Intentional misrepresentations.
20. Negligent misrepresentations.
21. Fraud.
22. Other unstated intentional and unintentional civil wrongs and torts.

4. GENERAL DESCRIPTION OF INJURY:

Each and every retaliatory act listed above represents illustrations of the pain and suffering of Claimant. Claimant has been disgraced, insulted, humiliated, denigrated, harassed

endlessly, and retaliated against, and as a result he has lost his dignity. Claimant's good name has been taken away from him at his job and in the community as a result of the actions complained of above. Claimant has suffered from repeated anxiety attacks, depression, sleeplessness, and other symptoms that are indicative of his traumatic stress brought on by defendants. Claimant has suffered severe and/or potentially permanent physical injuries, emotional distress, as well as psychological trauma.

This type of retaliation needs to be deterred so that others in the under similar situations in the future and will not be subjected to this type of harm. The public policy issue is heightened in a case where a public entity is a party to the wrongdoing; particularly in this case where the defendant-entities are the County of Bergen, BCPO, and the highest law enforcement official in Bergen County (defendant Molinelli). It is the public entity's responsibility to stop and correct these violations of law. Compensatory, equitable and punitive damages, as well as counsel fees and costs are applicable to this Claim. The lost back, present, and future wage losses run from 12/04-present from the continuous tortious and unlawful crusade by defendants to ruin claimant's law enforcement career. Most recently, the damages caused by defendants' interference with claimant's employment have brought future and past lost wage damage claims over time to several hundred thousand dollars, and legal fees and costs as to defending the criminal WPD matter, as well as bringing claims for civil wrongs committed against claimant t by defendants.

5. AMOUNT OF CLAIM:

Expenses for the treatment of the injuries so caused, the amount of which is unknown as of the date of filing of this claim. In addition, un-liquidated damages for personal injuries and financial long term past, present and future loss sustained by the plaintiff as the result of these

civil wrongs committed by the defendants, the exact amount of which has not been calculated at this time.

6. MISCELLANEOUS

Claimant reserves the right to file additional documents or make modifications or additions to said filing of this Amended Notice of Claim.

DATED: MAY 28, 2015

(s) ~~ERIC~~ KLEINER

ERIC V. KLEINER, ESQ
Attorney for Claimant