

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

August 7, 2020

VIA EMAIL

Taeho Kim

(opra+request-12452-b95325d7@requests.opramachine.com)

Re: Open Public Records Act Request

Dear Mr. Kim:

Ewing Township (the "Township") is in receipt of your Open Public Records Act (OPRA) request which was received by the Township on May 27, 2020. As such the seven (7) business-day deadline to respond to your request was June 5, 2020. Pursuant to N.J.S.A. 47:1A-5, the Township extended the response deadline to August 7, 2020. Your OPRA request sought access to the following:

- 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 above.*

After careful review, the Township objects to your OPRA request as vague and overbroad, and requiring improper research. Controlling case law has repeatedly construed OPRA as limited to requests for reasonably identifiable records. See *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 549 (App. Div. 2005). The requester must specifically describe the document sought so that the records may be readily and reasonably identified within the short time frame within which government custodians must respond. *Bent v. Stafford Twp. Police Dep't*, 381 N.J. Super. 30, 36 (App. Div. 2005). Similarly, OPRA "is not intended as a research tool." *MAG Entm't*, 375 N.J. Super. at 546. A public entity is not compelled to manually search and analyze its voluminous files in order to procure documents with a particular "identifier" and then collate that information for the requester. *Id.* at 549. The Township also objects to your request to the extent it seeks judicial records. OPRA does not apply to the New Jersey Judiciary, and requests for judicial records and administrative records within the custody and control of the Judiciary are governed by New Jersey Court Rule 1:38 and must be sought directly from the New Jersey Courts.

Here, your OPRA request is vague and overbroad as it fails to seek a particular record which can be readily and reasonably identified. Furthermore, complying with your OPRA request would

impermissibly require the Township to conduct an unbounded, record-by-record search of its voluminous files for the requested records. In this case, the Township does not maintain a list of “all lawsuits and cases in which any officer of the police department was involved,” and is not the custodian of judicial records. The Township likewise has no way to conduct an electronic search for records that meet this criterion. Accordingly, the only way the Township can respond to your request is to conduct a record-by-record review for lawsuits that meet your criteria, create a list of those records, and then obtain from the judiciary any corresponding complaints.

Nevertheless, subject to and without waiving this objection, the Township has compiled the below list based on its good faith review of its records, and supplied any related complaints:

Case Caption	Docket No.
James Johnson v. Frank Provenzano, et al.	3:12-cv-01253-FLW-TJB
James Johnson v. Frank Provenzano, et al.	MER-L-0591-17
James Johnson v. Frank Provenzano, et al.	MER-L-2764-17
Joseph Ambroise v. Patricia Thompson	MER-L-000196-15
Christina Wallace v. Ewing Township Police Dept.	MER-L-001797-14
Arnold White v. Patrick Holt, et al.	MER-L-001253-17
Donna Murphy v. Summit Oaks, et al.	MER-L-1006-16
Talaya McNeil, individually, Tanajah McNeil and Raymond B. Williams, Jr., minors by their Guardian Ad Litem, Talaya McNeil v. Charles M. Nemes, IV, et al.	MER-L-1264-16
Agatha Mich v. City of Trenton, et al.	MER-L-002267-16
Octavius Covington v. Ewing Township Police, et al.	MER-L-001764-17
Arnold Anderson v. Michael Pellegrino, et al.	MER-L-2447-18
Arnold Anderson v. Michael Pellegrino, et al.	19-CV-8365-BRM-DEA

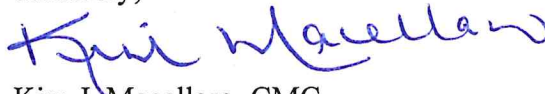
Please note, the Township is still reviewing its records for any applicable lawsuits and reserves its right to supplement its response at a later date.

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 Ewing Township

Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609) 538-7609.

Sincerely,



Kim J. Macellaro, CMC
Ewing Municipal Clerk

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
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Web Address: www.ewingnj.org

July 27, 2020

Kim Taeho

Opra+request-12452-b95325d7@requests.opramachine.com

Re: OPRA Request

Dear Kim Taeho:

The Ewing Township Clerk's Office received your OPRA Request on May 27, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request was June 5, 2020. We have sought several extensions since then and your new recall date should be today, July 27th, 2020. I apologize in advance, but we need just a little more time. **We are seeking an extension to Friday, August 7th, 2020.** If we should have the information sooner, we will email to you immediately. Thank you in advance for your patience during these unprecedented times.

Your OPRA request sought access to the following:

- 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 above.***

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 Ewing Township Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

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Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

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July 16, 2020

Kim Taeho
Opra+request-12452-b95325d7@requests.opramachine.com

Re: OPRA Request

Dear Mr. Taeho:

The Ewing Township Clerk's Office received your OPRA Request on May 27, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request was June 5, 2020. We sought a seven (7) business day extension, bringing your new recall date to today, June 16, 2020. We requested another extension on June 16th, 2020 for a new recall date of today, June 25th, 2020. We requested yet another extension on June 25th bringing your new recall date to today, July 7th, 2020. On July 7th, we sought another seven (7) business day extension bringing your new recall date to July 16th, 2020. **We are again seeking another seven (7) business day extension, bringing your new recall date to Monday, July 27th, 2020.**

Your OPRA request sought access to the following:

- 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 above.***

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 Ewing Township Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

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Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

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July 7th, 2020

Kim Taeho

Opra+request-12452-b95325d7@requests.opramachine.com

Re: OPRA Request

Dear Mr. Taeho:

The Ewing Township Clerk's Office received your OPRA Request on May 27, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request was June 5, 2020. We sought a seven (7) business day extension, bringing your new recall date to today, June 16, 2020. We requested another extension on June 16th, 2020 for a new recall date of today, June 25th, 2020. We requested yet another extension on June 25th bringing your new recall date to today, July 7th, 2020. **We are again seeking another seven (7) business day extension, bringing your new recall date to Thursday, July 16th, 2020.**

Your OPRA request sought access to the following:

- 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 above.***

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 Ewing Township Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609)538-7609.

Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

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June 25, 2020

Kim Taeho

Opra+request-12452-b95325d7@requests.opramachine.com

Re: OPRA Request

Dear Mr. Taeho:

The Ewing Township Clerk's Office received your OPRA Request on May 27, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request was June 5, 2020. We sought a seven (7) business day extension, bringing your new recall date to today, June 16, 2020. We requested another extension on June 16th, 2020 for a new recall date of today, June 25th, 2020. We are again requesting another seven (7) business day extension, bringing your new recall date to Tuesday, July 7th, 2020.

Your OPRA request sought access to the following:

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 above.

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 Ewing Township Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609)538-7609.

Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

June 16, 2020

Kim Taeho

Opra+request-12452-b95325d7@requests.opramachine.com

Re: OPRA Request

Dear Mr. Taeho:

The Ewing Township Clerk's Office received your OPRA Request on May 27, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request was June 5, 2020. We sought a seven (7) business day extension, bringing your new recall date to today, June 16, 2020. We are again requesting another seven (7) business day extension, bringing your new recall date to Thursday, June 25, 2020.

Your OPRA request sought access to the following:

- 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 above.***

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 Ewing Township Clerk's Office 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 P.O. Box 819, Trenton, NJ 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609)538-7609.

Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

Recall 6.5.2020
New Recall 6.16.2020

5.27.2020 Police Attorney

Susan Bate

From: Kim Macellaro
Sent: Wednesday, May 27, 2020 6:22 PM
To: Susan Bate
Subject: Fw: OPRA request - OPRA: police officer-involved lawsuits 2012-2019

Kim Macellaro, RMC, CMC
Ewing Municipal Clerk
2 Jake Garzio Drive
Ewing, New Jersey 08628
Work: (609)538-7609
Fax: (609)771-0480

Thank you for contacting Ewing Township. We are open but with minimal staff in the office Monday through Friday, and other essential Officials working alternate schedules or remotely. The building is closed to the public every day, regardless of whether staff is present.

This e-mail is being monitored, however there may be a delayed response to your e-mail. For further information regarding the changes in effect in response to the COVID-19 outbreak, please go to ewingnj.org

Stay home and stay healthy!

From: Taeho Kim <opra+request-12452-b95325d7@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 2:28 PM
To: Kim Macellaro
Subject: OPRA request - OPRA: police officer-involved lawsuits 2012-2019

Dear Ewing Township,

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 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-12452-b95325d7@requests.opramachine.com

Is kmacellaro@ewingnj.org the wrong address for OPRA requests to Ewing Township? If so, please contact us using this form:

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

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_58

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.

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

June 5, 2020

Taeho Kim

Email: opra+request-12452-b95325d7@requests.opramachine.com

Taeho Kim:

The Ewing Township Clerk's Office received your Open Public Records Act (OPRA) request on May 27, 2020. The official Records Custodian, Kim Macellaro, received your OPRA request on May 27, 2020. As such, the seven (7) business day deadline to respond to your request is June 5, 2020. This response to your request is being provided to you on the 7th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

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 case described above.

OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

The Township requests additional time. The new recall date is June 16th, 2020.

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 Ewing Township Clerk's Office 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 P.O. 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 GRC 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.

Sincerely,

Susan Bate, Deputy Municipal Clerk
Township of Ewing
Tel: 609 883 2900 ext. 7658

Susan Bate

From: Susan Bate
Sent: Friday, June 5, 2020 5:30 PM
To: opra+request-12452-b95325d7@requests.opramachine.com
Subject: OPRA
Attachments: doc06527220200605173016.pdf

Taeho Kim:

Please see the attached letter regarding your OPRA request - Police Department lawsuits.

Thanks,
Susan Bate
Deputy Municipal Clerk
Ewing Township
Tel: 609 883 2900 ext. 7658

-----Original Message-----

From: DoNotReply@ewingnj.org <donotreply@ewingnj.org>
Sent: Friday, June 5, 2020 6:30 PM
To: Susan Bate <sbate@ewingnj.org>
Subject:

Please see attached document.

EXHIBIT A

14376425

LEE H. ENGELMAN, P.A.
 #006481975
 116 Washington Crossing Road,
 Pennington, NJ 08534
 (609) 737-8800
 Attorney for Plaintiff

DULY SERVED

DATE 12-16-16
 John A. Kemler, Sheriff
 BY [Signature]
 Special Agent

Agatha Mich

Plaintiff,

vs.

City of Trenton, Lawrence Township, Ewing
 Township and/or XYZ Corporation,
 Township or Entity, JOHN DOE and/or JANE DOE,
 Trenton Patrolman Kopezynski, Lawrence
 Patrolman Laux, Lawrence Patrolman Robert
 Wagner, New Jersey Manufacturers and/or
 Entities names and designations, being
 fictitious, individually, jointly, severally,
 and/or, in the alternative

Defendants.

SUPERIOR COURT
 OF NEW JERSEY
 LAW DIVISION -
 MERCER COUNTY :
 DOCKET NO. MER-1-2267-16

Civil Action

SUMMONS

MCS
 RECEIVED

DEC 16 2016 10:00

NJM INSURANCE GROUP

THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT(S): Lawrence Township New
 Jersey Patrolman Laux

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. If you dispute this complaint, your or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the County listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion with 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling the New Jersey State Bar Association Lawyer Referral Services toll free 1-800-852-0127 (within New Jersey) or 1-609-394-1101 (from out of state). The phone numbers for the County in which this action is pending are: for Lawyer's Referral Services, 609-585-6200 or Legal Services Offices, 609-392-7952.

Dated: 12/8/16

/s/ DONALD F. PHELAN

Phelan, Clerk

Donald F.

Superior Court of New Jersey

Address of Defendant to be served: 301 Sullivan Way W. Trenton, NJ 08628

*\$105.00 FOR CHANCERY DIVISION CASES OR \$110.00 FOR LAW DIVISION CASES

12/16/2016-3656405

() Cash () Money Order
 Fee Paid & Entered

NOV 16 2016
 Amount \$ 250.00
 Batch # 376
 Sue Regan
 Deputy Clerk of Superior Court

DEPUTY CLERK
 SUE REGAN
 NOV 15 PM 12:52

RECEIVED
 MERCER COUNTY

FILED

NOV 15 2016

SUPERIOR COURT OF NJ
 MERCER VICINAGE
 CIVIL DIVISION

LEE H. ENGELMAN, P.A.

#006481975

116 Washington Crossing Road,

Pennington, NJ 08534

(609) 737-8800

Attorney for Plaintiff

COPY

Agatha Mich

Plaintiff,

vs.

City of Trenton, Lawrence Township, Ewing
 Township and/or XYZ Corporation,
 Township or Entity, JOHN DOE and/or JANE DOE,;
 Trenton Patrolman Kopezynski, Lawrence
 Patrolman Laux, Lawrence Patrolman Robert
 Wagner, New Jersey Manufacturers and/or
 Entities names and designations, being
 fictitious, individually, jointly, severally,
 and/or, in the alternative

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION - MERCER COUNTY
 DOCKET NO. -MER-L 2267-16

Civil Action

COMPLAINT AND JURY DEMAND
 DEMAND FOR ANSWERS TO
 INTEROGATORIES

Plaintiff, Agatha Mich, residing at 1720 Prospect Street. in the Township of Ewing, Mercer County and State of New Jersey, by way of Complaint against the defendants, says that:

1. On or about November 15, 2014, at approximately 18:24 hours, the Plaintiff, Agatha Mich was the operator and owner of a motor vehicle which was stopped after being involved in an accident, at the intersection of Princeton Ave and Spruce Street, in the Township of Lawrence, County of Mercer and State of New Jersey.

2. At the time and place aforementioned, Jenna Stutz was the operator of a certain motor vehicle which collided with Plaintiff Agatha Mich's vehicle aforesaid.

3. At or about the same time and place aforementioned, the defendants, The City of Trenton, Patrolman Koperzynski, Township of Lawrence, Patrolman Laux and Patrolman Wagner,

Township of Ewing and/or Jane Doe and/or John Doe and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, and each of them, in a negligent, careless and reckless manner, so as to be responsible for the collision aforesaid, in that, while Plaintiff Agatha Mich's vehicle was disabled, in the dark, in the intersection, officers failed to place flairs at the scene, or use other reasonable means to secure Plaintiff's safety causing Jenna Stutz to fail to see the Plaintiff Agatha Mich's vehicle and to collide with it.

4. As a direct and proximate result of the aforesaid negligence, carelessness and recklessness of the defendants aforesaid, the plaintiff, Agatha Mich, was violently tossed in said motor vehicle and suffered severe and grievous bodily injuries, causing permanent disability, has incurred and will in the future incur expenses for the treatment of said injuries in excess of the threshold amount, has been disabled and in the future will be disabled and unable to perform her usual functions, working and performance of other activities, causing her great pain and suffering and requiring medical treatment, to her great loss and property damage and the cost of alternate transportation and towing.

WHEREFORE, the plaintiff, Agatha Mich demands judgment against the defendants, The City of Trenton, Patrolman Koperzynski, Township of Lawrence, Patrolman Laux and Patrolman Wagner, Township of Ewing and/or Jane Doe and/or John Doe and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, for damages, together with interest, attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiff hereby repeat the allegations contained in the First Count as if same was set forth at length herein.

2. Defendants, New Jersey Manufacturers Insurance Company, under policy number F70066-9 is responsible for the personal injury medical bills and all other benefits.

WHEREFORE, the plaintiff, Agatha Mich, demands judgment against the defendant New Jersey Manufacturers Insurance Company, and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, for damages, together with interest, attorney's fees and costs of suit.

JURY DEMAND

Plaintiff demands a trial by jury on all issues of fact.

CERTIFICATION AS TO OTHER MATTERS

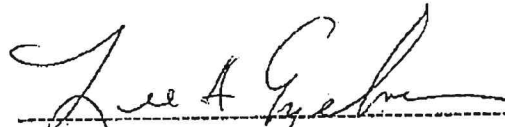
The matter in controversy is not the subject matter of any other action pending in any court or of a pending arbitration proceeding nor of any contemplated action or arbitration proceeding.

DEMAND FOR INTERROGATORY ANSWERS

Plaintiff hereby demands answers to Form C and Form C1 Interrogatories of Appendix II in the Court Rules according to the Court Rules.

Dated:

11/14/16



LEE H. ENGELMAN, ESQ.
ATTORNEY FOR PLAINTIFF

LEE H. ENGELMAN, P.A.
 #006481975
 116 Washington Crossing Road,
 Pennington, NJ 08534
 (609) 737-8800
 Attorney for Plaintiff

Agatha Mich

Plaintiff,

vs.

City of Trenton, Lawrence Township, Ewing
 Township and/or XYZ Corporation,
 Township or Entity, JOHN DOE and/or JANE DOE:
 Trenton Patrolman Kopezynski, Lawrence
 Patrolman Laux, Lawrence Patrolman Robert
 Wagner, New Jersey Manufacturers and/or
 Entities names and designations, being
 fictitious, individually, jointly, severally,
 and/or, in the alternative

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION –MERCER COUNTY
 DOCKET NO. –MER- L 2267-16

Civil Action

AMENDED COMPLAINT AND JURY
 DEMAND FOR ANSWERS TO
 INTERROGATORIES

Plaintiff, Agatha Mich, residing at 1720 Prospect Street. in the Township of Ewing, Mercer County and State of New Jersey, hereby amends the **SECOND COUNT, ONLY**, of the Complaint filed on November 15, 2016 against the defendant, New Jersey Manufacturers Insurance Company, to set forth uninsured/underinsured motorist claim as follows:

1. On or about November 15, 2014, at approximately 18:24 hours, the Plaintiff, Agatha Mich was the operator and owner of a motor vehicle which was stopped after being involved in an accident, at the intersection of Princeton Ave and Spruce Street, in the Township of Lawrence, County of Mercer and State of New Jersey.

2. At the time and place aforementioned, Jenna Stutz was the operator of a certain motor vehicle which collided with Plaintiff Agatha Mich's vehicle aforesaid.

3. At or about the same time and place aforementioned, the defendants, The City of Trenton, Patrolman Koperzynski, Township of Lawrence, Patrolman Laux and Patrolman Wagner, Township of Ewing and/or Jane Doe and/or John Doe and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, and each of them, in a negligent, careless and

reckless manner, so as to be responsible for the collision aforesaid, in that, while Plaintiff Agatha Mich's vehicle was disabled, in the dark, in the intersection, officers failed to place flairs at the scene, or use other reasonable means to secure Plaintiff's safety causing Jenna Stutz to fail to see the Plaintiff Agatha Mich's vehicle and to collide with it.

4. As a direct and proximate result of the aforesaid negligence, carelessness and recklessness of the defendants aforesaid, the plaintiff, Agatha Mich, was violently tossed in said motor vehicle and suffered severe and grievous bodily injuries, causing permanent disability, has incurred and will in the future incur expenses for the treatment of said injuries in excess of the threshold amount, has been disabled and in the future will be disabled and unable to perform her usual functions, working and performance of other activities, causing her great pain and suffering and requiring medical treatment, to her great loss and property damage and the cost of alternate transportation and towing.

WHEREFORE, the plaintiff, Agatha Mich demands judgment against the defendants, The City of Trenton, Patrolman Koperzynski, Township of Lawrence, Patrolman Laux and Patrolman Wagner, Township of Ewing and/or Jane Doe and/or John Doe and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, for damages, together with interest, attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiff hereby repeat the allegations contained in the First Count as if same was set forth at length herein.

2. **Defendant, New Jersey Manufacturers Insurance Company, under policy number F770066-9, is responsible for the uninsured/underinsured motorist coverage and benefits.**

WHEREFORE, the plaintiff, Agatha Mich, demands judgment against the defendant New Jersey Manufacturers Insurance Company, and/or XYZ Corporation and/or entity, individually, jointly, severally and/or in the alternative, for uninsured/underinsured motorist claims/damages, together with interest, attorney's fees and costs of suit.

JURY DEMAND

Plaintiff demands a trial by jury on all issues of fact.

CERTIFICATION AS TO OTHER MATTERS

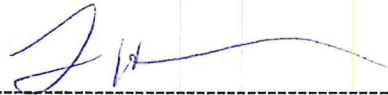
The matter in controversy is not the subject matter of any other action pending in any court or of a pending arbitration proceeding nor of any contemplated action or arbitration proceeding.

DEMAND FOR INTERROGATORY ANSWERS

Plaintiff hereby demands answers to Form C and Form C1 Interrogatories of Appendix II in the Court Rules according to the Court Rules.

Dated:

1/9/18



LEE H. ENGELMAN, ESQ.
ATTORNEY FOR PLAINTIFF

By: Te. D Smith, Esq. (229812017)
Johnson & Associates, P.C.
33 Wood Avenue South Suite 600
Iselin, NJ 08830
P: 848-229-2254
Attorney for Plaintiff, *Arnold Anderson*

ARNOLD ANDERSON.,
Plaintiff,

vs.

MICHAEL PELLEGRINO, EWING
POLICE DETECTIVE; JOHN P.
STEMLER, CHIEF OF POLICE EWING,
NEW JERSEY; EWING NEW JERSEY
POLICE DEPARTMENT; JACK
DANIELS, CONSTRUCTION OFFICIAL,
HOUSING/CODE ENFORCEMENT,
EWING NEW JERSEY ZONING BOARD
CHAIRMAN, EWING NEW JERSEY;
EWING NEW JERSEY, ZONING
BOARD; JOHN HALL, EWING NEW
JERSEY FIRE MARSHALL; CHIEF
THOMAS LEESE OF PROSPECT
HEIGHTS FIRE CO.; PROSPECT
HEIGHTS FIRE CO.; CHIEF RALF
BRANDMAIER OF WEST TRENTON
FIRE CO.; WEST TRENTON FIRE CO.;
CAPTAIN JEFFREY LENARSKI OF
PENNINGTON ROAD FIRE CO.;
PENNINGTON ROAD FIRE CO.;
MAYOR BERT H. STEINMANN OF
EWING TOWNSHIP; TOWNSHIP OF
EWING, NEW JERSEY;; JOHN DOE.,

Defendants.

SUPERIOR COURT OF
NEW JERSEY CIVIL
DIVISION MERCER COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT

Plaintiff, **ARNOLD ANDERSON**, through his attorney, Johnson &

Associates, P.C. complaining of the Defendants sets forth and alleges as follows:

THE PARTIES

I. Plaintiff, Arnold Anderson (“Anderson” or “Mr. Anderson” or “the Andersons”

“Plaintiff”) is a natural person domiciled in the State of New Jersey and owner of a rental property located at: 1653-59 Pennington Road. Ewing, New Jersey 08628.

- II. Plaintiff Merle Anderson (“Mrs. Anderson” or “the Andersons” or “Plaintiff”) is a natural person domiciled in the State of New Jersey and is the wife of Mr. Anderson and owner of a rental property located at: 1653-59 Pennington Road. Ewing, New Jersey 08628.

- III. At all times relevant thereto, Defendants, ; EWING NEW JERSEY POLICE DEPARTMENT; EWING NEW JERSEY ZONING BOARD; PROSPECT HEIGHTS FIRE CO; WEST TRENTON FIRE CO; TOWNSHIP OF EWING, NEW JERSEY; MERCER COUNTY (“The Government” or “The Township” or “The Fire Department” or “The Police Department”) are municipal corporations (city); political subdivision of a county (township); the principal subdivisions of a state (county); government contracted/affiliated/employed bodies sanctioned by local/state/national government to first respond to civic needs (Police Department/Fire Company/Medical Response Company) of the State of New Jersey.

- IV. Defendants, MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; and MAYOR BERT H. STEINMANN OF EWING TOWNSHIP, (“The Police” or “Officer” or “ Fire Marshall” or “The

Inspector(s)” or “Firefighters” or “Chief Stemler or “Chief Leese” or “Chief Brandmaier” or “Captain Lenarski” or “Mayor Steinmann” or “Defendants”) are natural persons domiciled in the State of New Jersey and are employees or elected officials for the State of New Jersey; City of Ewing, NJ; Township of Ewing, NJ; County of Mercer and are public servants.

COUNT 1.
V. AMENDMENT OF THE U.S. CONSTITUTION
“TAKING CLAUSE”

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. Mr. and Mrs. Anderson are the owners of a property located at: 1653-59 Pennington Road. Ewing, New Jersey 08628.
3. The Andersons used this property as an investment property.
4. The Andersons rented out units at this property for profits.
5. This property was properly registered in accordance to local and state regulations.
6. The Andersons rental property was low-income affordable housing.
7. Octavius R. Covington is and African-American whose mother lived at the building in question,
8. Covington was reported to have caused problems within the neighborhood.
9. First responders answered complaints regarding Covington’s actions.
10. Police officers where dispatched to this property on one or more occasions.
11. Mr. Covington was the cause of police presence to frequent the Anderson property.
12. Surrounding neighbors had issue with Mr. Covington.
13. In response to numerous complaints to the Township of Ewing, the township sent notice to the Andersons of their intent to pursue action against the Andersons.

14. The Township alleged due to incidents on or about March 16, 2017 involving Mr. Covington, the Township was required to pass ordinances against the Andersons.
15. The Township subsequently condemned the Anderson property forcing the tenants at said property to vacate.
16. As a result of the Townships action, Mr. Anderson was required to house the tenant in hotels until the tenants could find alternative housing.
17. To present date the Andersons cannot rent out units in there building.
18. The Andersons have lost all use and value of the property as a result of the government taking.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY,; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses

as allowed by law, and for all other just and proper relief the court deems appropriate.

i. 5th AMENDMENT “JUST COMPENSATION”

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. The Andersons spent thousands of dollars to relocate tenants from there former rental property.
3. The Andersons were also fined abnormally high penalties from the government.
4. The Anderson property is still currently condemned and unprofitable to the owners.
5. There is no reasonable alternative use of the property while the Township continues to unjustly enforce newly enacted ordinances against the Anderson property.
6. The government has not compensated the Andersons for the taking of there property.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR**

BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY; JOHN DOE, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses as allowed by law, and for all other just and proper relief the court deems appropriate.

ii. **5th AMENDMENT "DUE PROCESS"**

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. The government enforced penalty and action which has deprived the Plaintiff of liberties and property without first being afforded due process of law.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY;; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually,

jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses as allowed by law, and for all other just and proper relief the court deems appropriate.

COUNT 2.
XIV. AMENDMENT OF THE U.S. CONSTITUTION
"EQUAL PROTECTION CLAUSE"
42 U.S.C. §1983

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. The Township of Ewing effectuated governmental proceedings against the Andersons.
3. The Township sought these actions against the Andersons due to the presence of Mr. Covington at their rental property.
4. Government actors threatened and coerced The Anderson to file trespassing and various charges against Mr. Covington for his continued visitation to the property.
5. Mr. Covington's mother was a tenant at the property in question.
6. Mr. Covington was not named on a lease for any unit at the rental property.
7. Government actors instructed Mr. Anderson to evict Mr. Covington's mother in hopes that Mr. Covington himself would no long visit the area.
8. The Anderson's refused to evict said tenant at the instruction of authorities.
9. As a result the Township enacted an ordinance which permitted them to enforce penalties against the Andersons

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK**

**DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT,
EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY;
EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE
MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.;
PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST
TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI
OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR
BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW
JERSEY,; JOHN DOE, in the form of permanent injunctive relief to prevent any
further irreparable harm together with money damages assigned individually,
jointly, severally, or in the alternative damages, treble damages, together with
lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses
as allowed by law, and for all other just and proper relief the court deems
appropriate.**

COUNT 3.
**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,
42 U.S.C. §2000d et seq.**

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. All Defendants of this matter in some form of another all receive financial benefit from monies traced back to Federal spending.
3. As such the Defendants are Federal government actors.
4. Defendants singled out and targeted the Plaintiffs for being minorities who provided affordable living to other minorities or low-income households.
5. The Defendants used threats, harassment, and vested governmental powers to

condemn the Plaintiff's property based on their race, color and religion.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY;; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses as allowed by law, and for all other just and proper relief the court deems appropriate.

COUNT 4.
XIV. AMENDMENT OF THE U.S. CONSTITUTION
"DUE PROCESS CLAUSE:
42 U.S.C. §1983

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. Defendants are government actors within the State of New Jersey.
3. Plaintiffs are United States citizens residing in the State of New Jersey.

4. The Defendants condemned plaintiff's property.
5. The Defendants did not give the Plaintiffs' a proper opportunity to defend against the condemnation and other governmental proceeds.
6. As a result, Plaintiff has lost total use and enjoyment of the property.
7. Plaintiff was also denied Due Process under the law and did not receive a chance to defend.
8. Had Plaintiff been given the opportunity, Plaintiff would have defended through all proper legal means.
9. As such, Plaintiff was denied due process, which resulted in the Defendants depriving the Plaintiffs of their liberties and property.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY,; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses

as allowed by law, and for all other just and proper relief the court deems appropriate.

COUNT 5.
NEW JERSEY STATE CONSTITUTION
“EQUAL PROTECTION CLAUSE”
NJ Rev Stat §10:6-2

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. Defendants are government actors within the State of New Jersey.
3. Plaintiffs are United States citizens residing in the State of New Jersey.
4. As it is relevant to the case and this cause of action, Plaintiffs are Black/African American and are considered members of a protected class.
5. State and local laws establish the standard for which landlords must keep their property in compliance of if they intend to rental space for profit.
6. In the event a property does not meet those standards, notice of the defect(s) and a time to cure is given to the landlord.
7. Mr. and Mrs. Anderson did not receive proper notice and/or was not afforded the opportunity to cure any alleged defects.
8. As a result the Plaintiffs property was condemned.
9. Similar situated non-Black/African American landlords where given notice and/or an opportunity to cure alleged defects.
10. Defendants intentionally singled out the Plaintiffs because they provided housing to minorities and low-income households; and are minority landlords.
11. As such, Mr. and Mrs. Anderson were not afforded equal protection under the law and were discriminated against due to their membership of a protected class.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY,; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses as allowed by law, and for all other just and proper relief the court deems appropriate.

COUNT 6.
NEW JERSEY STATE CONSTITUTION
"LAW AGAINST DISCRIMINATION"
NJSA §10:5-1

1. Plaintiff repeats and re-alleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
2. Defendants are government actors within the State of New Jersey.
3. Plaintiffs are United States citizens residing in the State of New Jersey.
4. As it is relevant to the case and this cause of action, Plaintiffs are Black/African

American and are considered members of a protected class.

5. Defendants have subjected Mr. and Mrs. Anderson to different treatment based on their race, creed, color, national origin, nationality and ancestry.
6. As such Defendants have discriminated against the Andersons by improperly enforcing government actions effectively taking away property and the fruits thereof from the Andersons.

WHEREFORE, Plaintiff demands judgment against Defendants, **MICHAEL PELLEGRINO, EWING POLICE DETECTIVE; JOHN P. STEMLER, CHIEF OF POLICE EWING, NEW JERSEY; EWING NEW JERSEY POLICE DEPART; JACK DANIELS, CONSTRUCTION OFFICIAL, HOUSING/CODE ENFORCEMENT, EWING NEW JERSEY ZONING BOARD CHAIRMAN, EWING NEW JERSEY; EWING NEW JERSEY, ZONING BOARD; JOHN HALL, EWING NEW JERSEY FIRE MARSHALL; CHIEF THOMAS LEESE OF PROSPECT HEIGHTS FIRE CO.; PROSPECT HEIGHTS FIRE CO.; CHIEF RALF BRANDMAIER OF WEST TRENTON FIRE CO.; WEST TRENTON FIRE CO.; CAPTAIN JEFFREY LENARSKI OF PENNINGTON ROAD FIRE CO.; PENNINGTON ROAD FIRE CO.; MAYOR BERT H. STEINMANN OF EWING TOWNSHIP; TOWNSHIP OF EWING, NEW JERSEY;; JOHN DOE**, in the form of permanent injunctive relief to prevent any further irreparable harm together with money damages assigned individually, jointly, severally, or in the alternative damages, treble damages, together with lawful interest, plus Plaintiffs' reasonable attorney's fees and litigation expenses as allowed by law, and for all other just and proper relief the court deems appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all triable issues raised in the various Counts of the Complaint.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Te D. Smith, Esq., as trial counsel in this matter.

DATE: October 22, 2018

JOHNSON & ASSOICATES, PC
Attorney for Plaintiff

/s/Te D. Smith, Esq
Te D. Smith , Esq

PATRICK J. WHALEN, ESQ.
ATTORNEY AT LAW, LLC
109 S. Warren Street
P.O. Box 23653
Trenton, NJ 08608
Tel. 609-393-6970
Fax 609-393-6971
Attorney for Plaintiff

DEPUTY CLK/SUP CT
SUE REGAN
2017 JUN -1 PH 2: 52
RECEIVED IN FINANCE
MERCER COUNTY
() Cash () Charge
() MO () Charge
Fee Paid & Entered
JUN - 2017
5219
Amount \$ 250-
Batch # 096
Sue Regan
Deputy Clerk of Superior Court

ARNOLD WHITE,

Plaintiff,

vs.

EWING POLICE DETECTIVE PATRICK
HOLT; THE TOWNSHIP OF EWING; THE
EWING POLICE DEPARTMENT; EWING
POLICE CHIEF JOHN P. STEMLER, III;
MERCER COUNTY PROSECUTOR'S
OFFICE; LOIS BEATRICE HART,
individually and as Guardian of VIMARIS
WILLIAMS, and JOHN AND JANE DOES #1-
10

Defendants.

SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY
DOCKET NO. MER-L-

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, Arnold White, through his attorney Patrick J. Whalen, by way of Complaint against the Defendants alleges as follows:

I. INTRODUCTION AND FACTUAL BACKGROUND

1. This case involves claims based upon violations of the United States Constitution, the New Jersey Constitution and the New Jersey Civil Rights Act, and common law causes of action. *No Federal claims are asserted herein.*

2. Specifically, Plaintiff asserts that he was (a) negligently and falsely arrested and imprisoned (that false imprisonment lasted approximately 5 months); (b) falsely charged with

and maliciously prosecuted for the following offense: multiple counts of aggravated sexual assault.

II. PARTIES

3. Plaintiff, Arnold White, is an individual who currently resides at 16 Anchor Court, Trenton, New Jersey.

4. Defendant Ewing Police Detective Patrick Holt, at all times relevant to this Complaint, was employed by the Ewing Police Department. He is being sued in both his individual and official capacities.

5. At all times relevant to this Complaint, Defendant the Ewing Police Chief, John P. Stemler, III, was responsible for actions engaged in by Defendant Ewing Police Officer Holt. He is being sued in both his individual and official capacities.

6. Defendant, the Township of Ewing, was at all times relevant herein a municipal corporation organized under the laws of the State of New Jersey, and was the legal entity responsible for all actions engaged in by Defendants from the Ewing Police Department ("EPD"). For the purposes of all causes of action pleaded herein under N.J.S.A. 10:6-2 et seq., Defendant Township of Ewing is a person under law.

7. Defendant Ewing Police Department ("EPD") was at all times relevant herein a policymaking agency/department of the Township of Ewing, organized under the laws of the State of New Jersey. It was responsible for enforcing all criminal laws of the State of New Jersey and criminal municipal ordinances of the Township of Ewing, as well as for the hiring, supervision, training and retention of police officers in the Township of Ewing and all other respective duties of a municipal law enforcement agency. At all times relevant herein, Defendant EPD was the

employer of the individual Defendants, Ewing Police Officer Patrick Holt and Police Chief Stemler. For the purposes of all causes of action pleaded herein under N.J.S.A. 10:6-2 *et seq.*, Defendant EPD is a person under law.

8. Defendant MCPO was at all times relevant herein a policymaking agency/department of Defendant the County, organized under the laws of the State of New Jersey. It was responsible for the hiring, supervision, training and retention of law enforcement personnel and all other respective duties of a law enforcement agency. For the purposes of all causes of action pleaded herein under N.J.S.A. 10:6-2 *et seq.*, Defendant MCPO is a person under law.

9. Defendant, Lois Beatrice Hart, as Guardian of Vimar Williams, an incapacitated person, is an adult individual residing at 845 Hunt Avenue, Hamilton, New Jersey.

10. Defendants John and Jane Does #1-8 were past and present supervisors, policy makers, decision makers, employees and/or agents of either the EPD or the MCPO who acted individually and under color of state law, including the statutes, regulations, policies, customs and usages of the Township of Ewing, the County of Mercer and State of New Jersey at all times relevant herein. Defendants John and Jane Does #1-8 also includes other unknown Law Enforcement Officers who participated in the misconduct described herein, specifically the false imprisonment of the Plaintiff and the delays associated with his release, including the withholding of exculpatory evidence which directly lead to the wrongful 5-month incarceration, as well as any and all responsible Sergeants and Lieutenants, other Superior Officers, of the EPD or MCPO.

11. Defendants, Ewing Police Officer Patrick Holt, Ewing Police Chief Stemler, the Township of Ewing, the Ewing Police Department, and John and Jane Does #1-8, hereinafter, collectively, are referred to as the "EPD Defendants".

12. At all times mentioned herein, Defendant Ewing Police Officer Patrick Holt, Ewing Police Chief Stemler, and John and Jane Does #1-8, were acting within the scope of their duties and employment, under color of state law, as police officers and agents/representatives of the EPD in the County of Mercer, State of New Jersey.

FACTUAL BACKGROUND

13. In 2015, Plaintiff was employed by Senior Care Center of America, which operated a daycare program for the disabled at 1450 Parkside Avenue in Ewing, New Jersey.

14. Part of Plaintiff's job responsibilities included the transport of participants in that daycare program by use of a transport bus.

15. Vimaris Williams was a participant in that program and Plaintiff did transport her from her home to the daycare program. Upon information and belief, Vimaris resided at 745 Hunt Avenue in Hamilton, New Jersey with Defendant Lois Beatrice Hart.

16. Upon information and belief, currently and during the pertinent time period, Defendant Lois Beatrice Hart was the paternal grandmother of Vimaris Williams, and her legal Guardian.

17. At some point after January 8, 2015, Defendant Lois Beatrice Hart negligently presented false and malicious accusations against the Plaintiff to the EPD Defendants and the MCPO. Specifically, Defendant Hart negligently and falsely accused the Plaintiff of having sexually assaulted Vimaris Williams on the transport bus.

18. Upon information and belief, Defendant Hart has made similar false allegations of sexual assault, sexual harassment and sexual misconduct against others involved in the transport and care of Vimaris Williams.

19. Defendant Hart has recently repeated these false accusations against the Plaintiff in a civil action also pending in this Court and referenced by Docket Number: MER-L-35-17.

20. As a result of these false accusations, Plaintiff has been severely damaged. He was incarcerated wrongfully for 5 months, had his name put in a false light and had his reputation damaged. He also experienced severe mental and emotional distress.

21. Plaintiff was falsely charged by Defendant Holt with 4 aggravated sexual assault offenses.

22. Upon information and belief, exculpatory evidence was available and either negligently or deliberately ignored or withheld by the EPD Defendants, the MCPO, Defendant Hart, and John/Jane Does #1-8. This includes, potentially, certain DNA evidence and lab results that quickly exonerated the Plaintiff.

23. Inexplicably, Plaintiff was held for over 5 months, despite the complete lack of any justification or factual basis for him to be held.

24. On July 1, 2015, after the Grand Jury refused to indict, the charges were dropped and Plaintiff was released.

25. His employer took him back, however, he lost more than 5 months of wages. More importantly, he lost the ability to stay in that position as the damage to his reputation, spirit, and mental/emotional health was too much. He voluntarily resigned shortly after returning.

26. As a direct and proximate result of the aforesaid carelessness, maliciousness, negligence and recklessness of the Defendants, the Plaintiff suffered and continues to suffer mental anguish, emotional stress, embarrassment, humiliation, pain, and suffering, some or all of which may be permanent.

FIRST COUNT

**(United States Constitution, New Jersey Constitution and New Jersey Civil Rights Act:
Unreasonable Seizure - False Arrest & Imprisonment)**

27. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if set forth at length herein.

28. The above-described conduct of the EPD Defendants and Defendant MCPO constitutes a deprivation of Plaintiff's right to be secure in his person against unreasonable seizure of his person in violation of the United States Constitution, the New Jersey Constitution, and the New Jersey Civil Rights Act, N.J.S.A 10:6-1, *et. seq.*

29. In particular, the Defendants' actions violated the Fourth Amendment to the United States Constitution, as well as his procedural and substantive due process rights.

30. The actions of the EPD Defendants and Defendant MCPO, as well as the John and Jane Does Defendants, acting under color of state law, deprived Plaintiff of his rights, privileges and immunities under the laws and Constitution of the State of New Jersey, in particular, Article I, Paragraph 7, which provides that:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable...seizures, shall not be violated. . ."

31. The actions of the EPD Defendants and Defendant MCPO, as well as the John and Jane Does Defendants, acting under color of state law, deprived Plaintiff of his rights, privileges and immunities under the laws and Constitution of the State of New Jersey, in particular Article I, Paragraph 1, which provides that:

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and

protecting property, and of pursuing and obtaining safety and happiness.

32. As a direct and proximate result of the negligence and unconstitutional acts of the EPD Defendants and Defendant MCPO, as well as the John and Jane Does Defendants, Plaintiff was detained and held in custody without just and probable cause.

33. The EPD Defendants lacked probable cause to arrest, seize and/or imprison Plaintiff.

34. At no time did Plaintiff commit any offense against the laws of the State of New Jersey for which an arrest may lawfully be made.

35. There was no legal justification for his seizure and incarceration.

36. By reason of the unlawful and unconstitutional conduct described above, engaged in by the aforementioned Defendants, Plaintiff was required to and did employ legal counsel to (a) ensure protection and redress for the deprivation of his civil rights; and (b) defend against the aforementioned baseless charges.

37. The acts and omissions of the Defendants, as set forth above, were intentional, wanton, malicious, and oppressive, thus entitling Plaintiff to an award of punitive damages.

SECOND COUNT
Malicious Prosecution
(As To The EPD Defendants and Defendant MCPO.)

38. Plaintiff repeats each and every allegation contained in the foregoing paragraphs as if set forth at length herein.

39. Plaintiff was charged with several aggravated sexual assault type charges.

40. The aforementioned criminal charges were improperly issued by the EPD Defendants, Defendant MCPO and the John and Jane Does Defendants. Specifically, these

Defendants lacked reasonable or probable cause for these charges.

41. Over five months later, on July 1, 2015, the baseless charges against Plaintiff were dismissed by the State.

42. As a proximate result of the aforementioned acts, Plaintiff has been damaged, including violation of his civil rights, and has suffered mental distress and anguish and other proximately caused damages

THIRD COUNT
Malicious Prosecution – Civil & Criminal
(As To Defendant Lois Beatrice Hart.)

43. Plaintiff repeats each and every allegation contained in the foregoing paragraphs as if set forth at length herein.

44. At some point after January 8, 2015, Defendant Lois Beatrice Hart negligently, recklessly and/or deliberately presented false and malicious accusations against the Plaintiff to the EPD Defendants and the MCPO. Specifically, Defendant Hart negligently, recklessly and falsely accused the Plaintiff of having sexually assaulted Vimaris Williams on the transport bus.

45. Plaintiff was charged with several aggravated sexual assault type charges.

46. Defendant lacked any basis for these accusations.

47. Defendant Hart has recently repeated these false accusations against the Plaintiff in a civil action also pending in this Court and referenced by Docket Number: MER-L-35-17.

48. Over five months later, on July 1, 2015, the baseless charges against Plaintiff were dismissed by the State.

49. As a proximate result of the aforementioned acts, Plaintiff has been damaged, including violation of his civil rights, and has suffered mental distress and anguish and other

proximately caused damages.

FOURTH COUNT
NEGLIGENT MISREPRESENTATION
(As To Defendant Lois Beatrice Hart.)

50. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs as if set forth fully herein.

51. Defendant Lois Beatrice Hart negligently misrepresented to and omitted certain material facts from the EPD Defendants and Defendant MCPO with regard to the false and fabricated claims of sexual assault.

52. As a result of these negligent misrepresentations and omissions by Defendant Hart, Plaintiff was arrested, incarcerated and had his life turned upside down.

53. Plaintiff has sustained definite and substantial detriment, as more fully described above.

54. As a proximate result of Defendant Hart's negligent misrepresentations and omissions, Plaintiff has been damaged. Those damages include economic and consequential damages, as well as pain and suffering.

FIFTH COUNT
NEGLIGENCE

55. Plaintiff repeats and realleges each and every aforementioned allegation of the Complaint as though set forth herein more fully at length.

56. Defendant Lois Beatrice Hart negligently presented false and malicious accusations against the Plaintiff to the EPD Defendants and the MCPO.

57. The EPD Defendants and Defendant MCPO participated in the false imprisonment of the Plaintiff and the delays associated with his release, including the withholding of exculpatory

evidence which directly lead to the wrongful 5-month incarceration of Plaintiff.

58. At the time of the aforesaid incident, the EPD Defendants and Defendant MCPO were in a position of authority to prevent the misconduct.

59. The Defendants were aware or should have been aware of the misconduct and intervened earlier to prevent Plaintiff from being unlawfully incarcerated.

60. Defendants negligently failed to monitor and supervise the investigation process and negligently failed to ensure that a thorough and meaningful investigation was performed.

61. Defendants had the authority to prevent or avoid the commission of the wrongs described above, could have done so by reasonable diligence and neglected or refused to do so.

62. Defendants had the authority and were required by the laws and statutes of the State of New Jersey, to exercise due diligence with respect to the investigation process and Plaintiff's wrongful arrest and incarceration, however, said Defendants negligently failed to perform said duties as required by law.

63. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues to suffer serious mental anguish, psychological and emotional stress, humiliation, physical pain and suffering, bodily injury with physical manifestations, some or all of which may be permanent. Defendants' misconduct has also had a detrimental impact upon Plaintiff's employment efforts and status.

SIXTH COUNT
(TORTIOUS INTERFERENCE WITH A CONTRACTUAL RELATIONSHIP
AND PROSPECTIVE ECONOMIC ADVANTAGE
(As To Defendant Lois Beatrice Hart)

64. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs as if set forth fully herein.

65. A contractual relationship between the Plaintiff and his employer, Senior Care Centers of America existed.

66. As set forth in more detail above, Defendant Hart without privilege or justification, negligently, deliberately, maliciously, intentionally, and/or recklessly, interfered with (a) the contractual relationship with his employer; and (b) Plaintiff's prospective economic advantage.

67. The aforesaid conduct of the Defendants negligently interfered with or was intended to interfere with Plaintiff's employment status with Senior Care Centers.

68. The aforesaid conduct of Defendant Hart negligently interfered with or was maliciously intended to interfere with Plaintiff's economic advantage by disrupting his continued employment with Senior Care Centers.

69. Defendant Hart's interference was negligent and careless, based on her misunderstanding of certain facts and information and was otherwise unreasonable.

70. In the alternative, Defendant Hart acted willfully and wantonly in total disregard of Plaintiff's rights, with the deliberate intent of causing economic harm to him.

71. As a proximate result of Defendant Hart's interference with Plaintiff's contractual relationship and his prospective economic advantage, Plaintiff has been damaged.

SIXTH COUNT
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

72. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if set forth more fully at length herein.

73. As set forth more fully above, Defendant Lois Beatrice Hart engaged in intentional and outrageous conduct. Defendant Hart's conduct was extreme and outrageous.

74. Defendant Hart intended to engage in this conduct and also intended to cause Plaintiff Arnold White emotional distress. Her acts were malicious, vindictive and mean-spirited.

75. Defendant Hart's willful misconduct reflected a gross and wanton disregard of the rights of Plaintiff Arnold White.

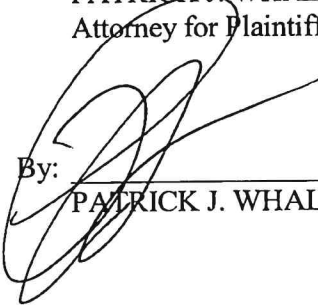
76. Defendant Hart's extreme and outrageous conduct toward Plaintiff was performed in deliberate disregard of the high degree of probability that emotional distress of Plaintiff would follow.

77. As a direct and proximate result of the Defendant Hart's intentional wrongful acts and omissions, Plaintiff suffered serious injuries, including substantial emotional, and mental anguish, humiliation, and embarrassment, as well as economic damages.

78. As a result of Defendant Hart's malicious and intentional misconduct, Plaintiff is entitled to recover punitive damages.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, nominal damages, punitive damages, attorneys fees, interest, and costs incurred and such other relief, including equitable relief, as the Court deems just and proper.

PATRICK J. WHALEN, ESQ.,
Attorney for Plaintiff

By: 

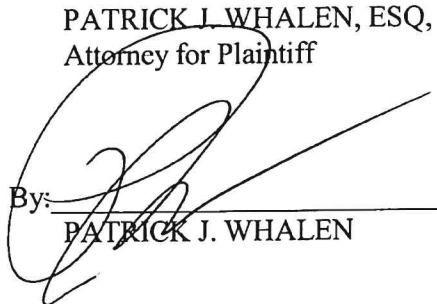
PATRICK J. WHALEN

DATED: June 1, 2017

JURY DEMAND

Plaintiff Arnold White demands a trial by jury on all issues contained in the Complaint.

PATRICK J. WHALEN, ESQ.,
Attorney for Plaintiff

By: 

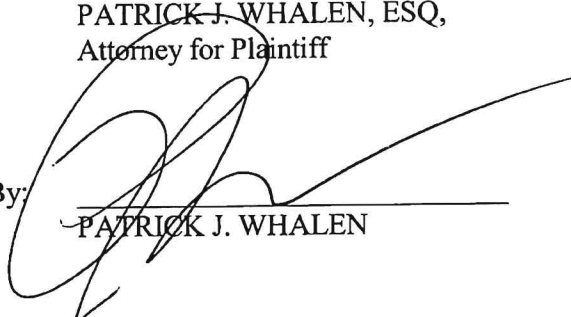
PATRICK J. WHALEN

DATED: June 1, 2017

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Patrick J. Whalen, Esq., is hereby designated as trial counsel in the above matter on behalf of Plaintiff.

PATRICK J. WHALEN, ESQ.,
Attorney for Plaintiff

By: 

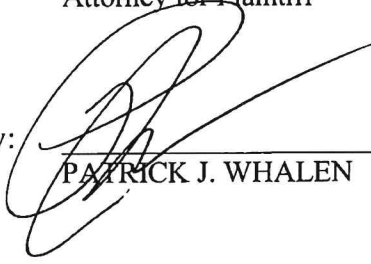
PATRICK J. WHALEN

DATED: June 1, 2017

CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R. 4:5-1, the undersigned certifies that the matter in controversy is the subject of another action pending in this same Court, entitled: *Lois Beatrice Hart v. Senior Care Center of America and Arnold White*, Docket Mer-L-35-17. Indeed, Defendant Lois Beatrice Hart is being sued in this action for her false accusations alleged in *Hart v Senior Care, et als*, MER-L-35-17. I am aware of no other party who should be joined in the within action at this time.

PATRICK J. WHALEN, ESQ,
Attorney for Plaintiff

By: 

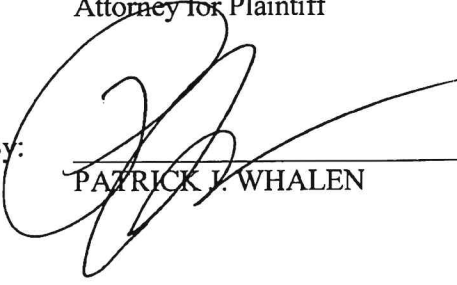
PATRICK J. WHALEN

DATED: June 1, 2017

DEMAND FOR INSURANCE COVERAGE

In accordance with R. 4:10-2, all the Defendants are demanded to provide a complete copy of their applicable insurance policies and declaration sheets, including Defendant Hart's Homeowner's Insurance policy/policies, within thirty (30) days of service of this Complaint.

PATRICK J. WHALEN, ESQ,
Attorney for Plaintiff

By: 

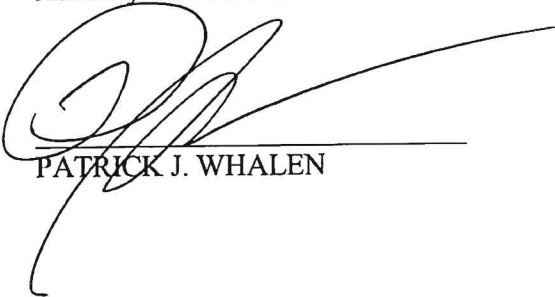
PATRICK J. WHALEN

DATED: June 1, 2017

DEMAND FOR INTERROGATORIES

Plaintiff demands that all the Defendants answer Form C Interrogatories within the time prescribed by the Court Rules.

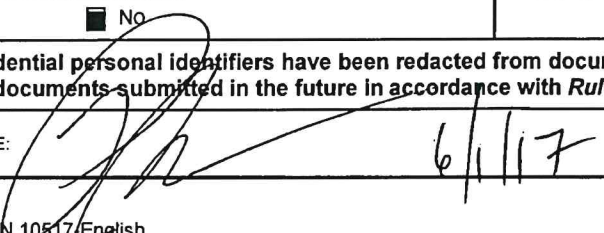
PATRICK J. WHALEN, ESQ,
Attorney for Plaintiff

By: 

PATRICK J. WHALEN

DATED: June 1, 2017

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	
			CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY / PRO SE NAME Patrick J. Whalen, Esquire		TELEPHONE NUMBER (609) 393-6970		COUNTY OF VENUE Mercer
FIRM NAME (if applicable) Attorney at Law, LLC		DOCKET NUMBER (when available) MER-L		
OFFICE ADDRESS 109 S Warren Street Trenton NJ 08608		DOCUMENT TYPE Complaint		
		JURY DEMAND ☒ Yes ☐ No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Arnold White, Plaintiff		CAPTION Arnold White v. Ewing Police Detective Patrick Holt, Township of Ewing, Ewing Police Dept., Ewing Police Chief John P. Stemler, III, MCPO, and Lois Beatrice Hart and John & Jane Does		
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☒ YES ☐ NO		IF YES, LIST DOCKET NUMBERS MER-L-35-17		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE:  6/1/17				

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☒ Title 59

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Trenton, New Jersey 08608
Phone: (609) 393-6970
Fax: (609) 393-6971

Patrick J. Whalen, Esquire
pwhalenlaw@aol.com

Angelique Yonkauskas
Paralegal & Office Manager
pjwoffice@verizon.net

June 1, 2017

Court Clerk
Superior Court of New Jersey
175 S. Broad Street
P.O. Box 8068
Trenton, New Jersey 08650-0068

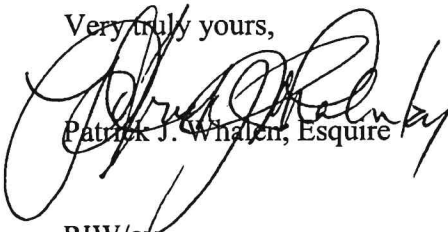
Re: *Arnold White v. Ewing Police Department, et als*
Docket Number: MER-L-

Dear Sir/Madam:

Enclosed for filing please find an original and two (2) copies of a Complaint and CIS with regard to the above-referenced matter. Kindly file the original and return a time stamped copy to our office. Additionally, enclosed please find a check in the amount of \$250.00 to cover the filing fee.

Thank you for your assistance in this matter.

Very truly yours,



Patrick J. Whalen, Esquire

PJW/ay
Enclosures

DEPUTY CLK/SUP CT
SUE REGAN
2017 JUN -1 PM 2:52
RECEIVED IN FINANCE
MERCER COUNTY