

Andrew M. Moskowitz 041721997
JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS, P.C.
505 Morris Avenue
Springfield, NJ 07081
(973) 379-4200
Attorneys for Plaintiff Michael J. Heller

MICHAEL J. HELLER,

Plaintiff,

v.

**GREEN BROOK POLICE
DEPARTMENT, G. CHRISTOPHER
KURZ, THE TOWNSHIP OF GREEN
BROOK,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY**

DOCKET NO.: L-000797-16

CIVIL ACTION

SUMMONS

From The State of New Jersey to the Above Named Defendant(s):

Township of Green Brook

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you 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. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

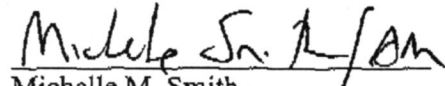
If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information 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 of

\$135.00 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 within 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 the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

DATED: June 27, 2016


Michelle M. Smith
Clerk of the Superior Court
(By Andrew M. Moskowitz, Per
Court Rule)

Name and Address of Defendant to be Served:

Township of Green Brook
111 Greenbrook Road
Green Brook, NJ 08812-2501

SOMERSET COUNTY SUPERIOR COURT
40 NORTH BRIDGE STREET
1ST FLR PO BOX 3000
SOMERVILLE NJ 08876-1262

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 231-7054
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 14, 2016
RE: HELLER VS GREEN BROOK
DOCKET: SOM L -000797 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARGARET GOODZEIT

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (908) 203-6034.

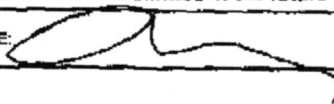
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: ANDREW M. MOSKOWITZ
JAVERBAUM WURGAPT HICKS KAHN E
201 WASHINGTON STREET
NEWARK NJ 07102-2922

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Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), 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 ☐ CC ☐ CA GCHICK NO. PM 1:01 AMOUNT: OVERPAYMENT: <i>EV</i> BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Andrew M. Moskowitz		TELEPHONE NUMBER (973) 379-4200	COUNTY OF VENUE Somerset
	FIRM NAME (if applicable) Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins		DOCKET NUMBER (when available) L-197-16	
	OFFICE ADDRESS 505 Morris Ave. Springfield, NJ 07081		DOCUMENT TYPE Complaint JURY DEMAND ☒ YES ☐ NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Michael J. Heller, Plaintiff		CAPTION Michael J. Heller vs. Green Brook Police Department, G. Christopher Kurz and Township of Green Brook		
CASE TYPE NUMBER (See reverse side for listing) 699	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT. IF YES, LIST DOCKET NUMBERS		
RELATED CASES PENDING? ☐ YES ☒ NO				
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 Rule 1:38-7(b).				
ATTORNEY SIGNATURE: 				



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)
- 899 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
- 608 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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/AREXIA | 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 |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 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

Andrew M. Moskowitz 041721997

JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS, P.C.

505 Morris Avenue

Springfield, NJ 07081

(973) 379-4200

Attorneys for Plaintiff Michael J. Heller

2016 JUN 13 PM 1:01

MICHAEL J. HELLER,

Plaintiff,

v.

**GREEN BROOK POLICE
DEPARTMENT, G. CHRISTOPHER
KURZ, THE TOWNSHIP OF GREEN
BROOK,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY**

DOCKET NO.: **L-797-16**

CIVIL ACTION

**COMPLAINT, JURY DEMAND,
R. 4:5-1 CERTIFICATION
AND DESIGNATION OF
TRIAL COUNSEL**

Plaintiff Michael J. Heller ("Plaintiff" or "Mr. Heller"), by way of Complaint against Defendants Green Brook Police Department ("Green Brook Police"), G. Christopher Kurz ("Defendant Kurz"), and Township of Green Brook ("Green Brook Township"), says the following:

FACTS COMMON TO ALL COUNTS

1. Plaintiff is an individual residing in Clark, New Jersey.
2. Upon information and belief, Green Brook Police is a public entity with an address at 109 Greenbrook Road, Green Brook, NJ 08812.
3. Upon information and belief, at all times relevant to this matter, Defendant Kurz has served as the Chief of the Green Brook Police.

4. Upon information and belief, Green Brook Township is a public entity with an address at 111 Greenbrook Road, Green Brook, NJ 08812-2501.

5. In or about June 2014, Mr. Heller became a police officer for the Green Brook Police. Prior to joining Green Brook Police, he had worked for eight and a half years for the Union County Sheriff's Department as a sheriff's investigator.

6. On or about June 14, 2015, Defendant Kurz told Mr. Heller that he was being "let go."

7. Defendant Kurz stated that Mr. Heller did not fit the role of "small town cop" and that he would be better suited in a larger municipality. He further informed Mr. Heller that he had until 5 p.m. to "resign or be fired."

8. The following day, June 15, 2015, the claimant returned to the Green Brook Police with Brian Schiller, Esq.

9. After a discussion with Mr. Schiller, Defendant Kurz promised that, in response to inquiries from prospective employers, Mr. Heller would receive a "neutral" recommendation. That same day, Mr. Heller submitted his resignation.

10. On or about November 16, 2015, Mr. Heller was informed that the Township of Parsippany-Troy Hills would no longer consider him for employment as a police officer.

11. Mr. Heller was told that the basis for this decision was a letter from Defendant Kurz that was communicated to the Township of Parsippany-Troy Hills stating, *inter alia*, that Mr. Heller had been "released from duty" due to "several incidents of poor judgment, inappropriate behavior with co-workers and the public, and failure to understand the purpose and responsibilities of his role while in uniform." ("Defendant Kurz's Defamatory Statements" or "the Defamatory Statements").

12. Defendant Kurz's Defamatory Statements purported to be factual but in fact were false and defamatory.

13. Defendant Kurz knew the Defamatory Statements were false and/or acted in reckless disregard of their truth or falsity. Alternatively or additionally, in making said statements, Defendant Kurz was primarily or chiefly motivated by actual malice and/or ill will.

14. Despite applying to dozens of law enforcement positions, Mr. Heller has been unable to obtain a job in law enforcement.

15. On or about December 23, 2015, Mr. Heller filed a Notice of Claim pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 *et seq.*

16. On May 5, 2016, Mr. Heller was informed by an officer at the Atlanta Police Department — where he had applied for a position— “that due to your previous work history your application was suspended.”

FIRST COUNT
(Defamation)

17. Plaintiff repeats and realleges each and every prior allegation as if set forth at length herein.

18. As set forth supra, Defendant Kurz's Defamatory Statements were communicated to at least one person other than plaintiff.

19. Defendant Kurz's Defamatory Statements purported to be statements of fact.

20. Defendant Kurz's Defamatory Statements contained many false and misleading statements.

21. Because Defendant Kurz either knew that many of the allegations in the Defamatory Statements were false or acted in reckless disregard of their truth or falsity, he

forfeited any alleged privilege he may have had to make a statement about Mr. Heller that was defamatory.

22. As a result of Defendant Kurz's' actions, Mr. Heller has been damaged.

23. Because Defendant Kurz purported to act within the scope of his authority, Green Brook Police and/or Green Brook Township are bound by his actions.

WHEREFORE Plaintiff Michael J. Heller demands judgment against Defendants Green Brook Police Department, G. Christopher Kurz and Township of Green Brook awarding him compensatory damages, punitive damages, attorney's fees, costs of suit, and any other relief the Court deems proper and just.

SECOND COUNT
(Promissory estoppel)

24. Plaintiff repeats and realleges each and every prior allegation as if set forth at length herein.

25. As set forth in paragraph 9, supra, Defendant Kurz promised that, in response to inquiries from prospective employers, Mr. Heller would receive a "neutral" recommendation.

26. Defendant Kurz made this promise with the expectation that Mr. Heller would rely on it.

27. Mr. Heller did reasonably rely on Defendant Kurz's promise and, as a result of said reliance, suffered a definite and substantial detriment.

28. Because Defendant Kurz purported to act within the scope of his authority, Green Brook Police and/or Green Brook Township are bound by his actions.

WHEREFORE Plaintiff Michael J. Heller demands judgment against Defendants Green Brook Police Department,, G. Christopher Kurz and Township of Green Brook awarding him

compensatory damages, attorney's fees, costs of suit, and any other relief the Court deems proper and just.

THIRD COUNT
(Fraud)

29. Plaintiff repeats and realleges each and every prior allegation as if set forth at length herein.

30. As noted in paragraph 9, supra, Defendant Kurz promised that, in response to inquiries from prospective employers, Mr. Heller would receive a "neutral" recommendation ("Defendant Kurz's Promise" or "the Promise").

31. The Promise was a representation of fact that Defendant Kurz knew was false and made with intent to deceive plaintiff.

32. Mr. Heller believed and justifiably relied upon Defendant Kurz's Promise and was induced by it to resign his employment.

33. As a result of said reliance upon Defendant Kurz's Promise, Mr. Heller sustained damage.

34. Because Green Brook Police and/or Green Brook Township placed Defendant Kurz in a position which enabled him, while apparently acting within his authority, to commit a fraud upon plaintiff, said defendants are liable to plaintiff for Defendant Kurz's fraud.

WHEREFORE Plaintiff Michael J. Heller demands judgment against Defendants Green Brook Police Department,, G. Christopher Kurz and Township of Green Brook awarding him compensatory damages, punitive damages, attorney's fees, costs of suit, and any other relief the Court deems proper and just.

FOURTH COUNT
(Intentional Interference with economic advantage)

35. Plaintiff repeats and realleges each and every prior allegation as if set forth at length herein.

36. Defendant Kurz's Defamatory Statements were made intentionally, wrongfully and without justification or excuse.

37. Particularly in light of his prior law enforcement experience as set forth in paragraph 5, supra, had there been no interference, there was a reasonable probability that Mr. Heller would have become re-employed in law enforcement and therefore realized an economic benefit.

38. Defendant Kurz had knowledge of such expectancy of economic advantage.

39. As a result of Defendant Kurz's actions, plaintiff has sustained damages.

40. Because Defendant Kurz purported to act within the scope of his authority, Green Brook Police and/or Green Brook Township are bound by his actions.

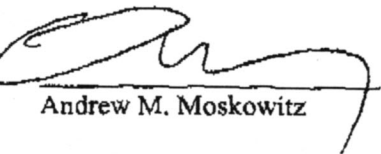
JURY DEMAND

Plaintiff Michael J. Heller demands trial by jury on all claims and issues so triable.

DESIGNATION OF TRIAL COUNSEL

Andrew M. Moskowitz is hereby designated as trial counsel pursuant to R. 4:5-1(c).

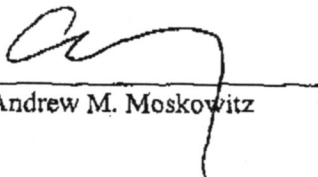
**JAVERBAUM WURGAFT HICKS KAHN
WIKSTROM & SININS, P.C.**
Attorneys for Plaintiff Michael J. Heller

By 
Andrew M. Moskowitz

Dated: June 13, 2016

R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, the undersigned certifies that, to the best of his knowledge, the within matters in controversy are not the subject of any other action pending in any other court or of a pending arbitration proceeding nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action.


Andrew M. Moskowitz

Dated: June 13, 2016