

FRANZBLAU DRATCH
A Professional Corporation
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354 Eisenhower Parkway
Livingston, New Jersey 07039
(973) 992-3700
Attorneys for Plaintiff

RECEIVED
2013 APR -1 A 9:48
TOWNSHIP OF HANOVER

-----X
SARAH LANCELLOTTI, and on behalf of a
class of person similarly situated

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-653-12

Plaintiffs,

CIVIL ACTION

-vs-

SUMMONS

EDWARD V. ROCHFORD, SHERIFF OF
MORRIS COUNTY, in his individual and
official capacity; THE MORRIS COUNTY
SHERIFF'S OFFICE; THE COUNTY OF
MORRIS; MORRIS COUNTY
CORRECTIONAL FACILITY; JANE DOE
OF THE MORRIS COUNTY
CORRECTIONAL FACILITY (said name
being fictitious who performed the strip
search on plaintiff on October 18, 2011);
MORRIS COUNTY INTOXICATED
DRIVING RESOURCE CENTER; THE
STATE OF NEW JERSEY; CATHOLIC
SOCIAL SERVICES OF MORRIS COUNTY,
INC. d/b/a HOPE HOUSE; THE
TOWNSHIP OF HANOVER

Defendants

-----X
TOWNSHIP OF HANOVER

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

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 \$135.00 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 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. 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.

DATED: March 26, 2013

JENNIFER PEREZ
Clerk of the Superior Court

Name of defendant to be served: Township of Hanover
Address of the Defendant to be Served: 1000 Route 10
Whippany, NJ 07981

Copy Ref'd to N.J.A.

RECEIVED & FILED
SUPERIOR COURT
2013 MAR -5 A 11:17
IN THIS COUNTY
CIVIL DIVISION

FRANZBLAU DRATCH
A Professional Corporation
Plaza I
354 Eisenhower Parkway
Livingston, New Jersey 07039
(973) 992-3700
Attorneys for Plaintiff

-----X
SARAH LANCELLOTTI, and on behalf of a
class of person similarly situated

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-653-13

Plaintiffs,

CIVIL ACTION

-vs-

CLASS ACTION COMPLAINT AND
JURY DEMAND

EDWARD V. ROCHFORD, SHERIFF OF
MORRIS COUNTY, in his individual and
official capacity; THE MORRIS COUNTY
SHERIFF'S OFFICE; THE COUNTY OF
MORRIS; MORRIS COUNTY
CORRECTIONAL FACILITY; JANE DOE
OF THE MORRIS COUNTY
CORRECTIONAL FACILITY (said name
being fictitious who performed the strip
search on plaintiff on October 18, 2011);
MORRIS COUNTY INTOXICATED
DRIVING RESOURCE CENTER; THE
STATE OF NEW JERSEY; CATHOLIC
SOCIAL SERVICES OF MORRIS COUNTY,
INC. d/b/a HOPE HOUSE; THE
TOWNSHIP OF HANOVER

Defendants

-----X

FRANZBLAU DRATCH, P.C. attorneys for the plaintiff, by way of Complaint against
the defendants says:

PRELIMINARY STATEMENT

1. Plaintiff, Sarah Lancellotti, (hereinafter "Plaintiff") is an individual who
resides in Jersey City, New Jersey, and brings this action under the New Jersey State
Constitution under the enabling statute of N.J.S.A. 10:6-2; N.J.S.A. 2A:161A-1 et. seq as well

as well as under the New Jersey Tort Claims Act for injuries suffered as a EDWARD V. ROCHFORD, SHERIFF OF MORRIS COUNTY, in his individual and official capacity; THE MORRIS COUNTY SHERIFF'S OFFICE; THE COUNTY OF MORRIS; MORRIS COUNTY CORRECTIONAL FACILITY; JANE DOE OF THE MORRIS COUNTY CORRECTIONAL FACILITY (said name being fictitious who performed the strip search on plaintiff on October 18, 2011); MORRIS COUNTY INTOXICATED DRIVING RESOURCE CENTER; THE STATE OF NEW JERSEY; CATHOLIC SOCIAL SERVICES OF MORRIS COUNTY, INC. d/b/a HOPE HOUSE; and TOWNSHIP OF HANOVER as a result of the defendants' wrongful conduct. This is a civil action seeking damages against the defendants for committing acts under color of law, and depriving the plaintiff of rights secured by the Constitution of the State of New Jersey (N.J.S.A. 10:6-2) as well as common and statutory laws of the State of New Jersey.

THE PARTIES

2. Plaintiff is an individual residing in Jersey City, New Jersey.
3. At all relevant times, each individual defendant was and is, upon information and belief, a citizen of New Jersey
4. Upon information and belief defendant, Edward Rochford was and is the Sheriff of Morris County ("Rochford") and is in charge of operating the Morris County Correctional Facility as well as managing and supervising the personnel there, including Jane Roe who were corrections officers and/or employees of defendant Morris County Sheriff's Office. This defendant is being sued in her individual and official capacity.
5. At all relevant times, defendant Morris County Sheriff's Office was in charge of inmates including that of plaintiff at the Morris County Correctional Facility.
6. At all relevant times, the Morris County Correctional Facility operated under

state law and incarcerated plaintiff and subjected plaintiff to a strip search by its employees. These defendants are being sued in their individual and official capacities.

7. Defendant, The County of Morris is a body politic of the State of New Jersey which owns the defendant Morris County Correctional Facility.

8. The Morris County Intoxicated Driving Resource Center is a program for individual who have been convicted of driving while intoxicated offense within the State of New Jersey. Upon information and belief, the IDRC was enacted through statute and the State of New Jersey requires each county to run its own program.

9. At all relevant times, the State of New Jersey owns, operates, manages the Motor Vehicle Commission which is responsible for issuing driver's licenses and suspending driving privileges within the State of New Jersey.

10. Upon information and belief, defendant Charitable Social Services of Morris County, Inc. is a corporation organized and existing under the laws of the State of New Jersey that does business under the name of Hope House.

11. Defendant, Township of Hanover is a municipality within the State of New Jersey.

12. At the time of the alleged incident and at all times pertinent thereto, defendants acted under color of law, a statute, ordinance, regulation and custom or usage in the State of New Jersey and sometimes beyond that scope

FACTUAL ALLEGATIONS

13. In or around 1998, plaintiff was charged with driving under the influence in Hanover Township.

14. Plaintiff pled guilty to the charge and as a condition of her conviction, plaintiff was required to attend Intoxicated Driving Resource program.

15. Plaintiff, initially did not attend and a warrant was issued for plaintiff's arrest in or about 1999.

16. On October 21, 2000, plaintiff attended and completed the Intoxicated Driving Resource Program through Charitable Social Services of Morris County, Inc. d/b/a Hope House.

17. However, plaintiff's warrant out of Hanover Township was never recalled. *

18. On October 18, 2011, as a result of a random license plate check, plaintiff was pulled over by a member of the Bergen County Sheriff's Department and arrested for the outstanding warrant issued out of Hanover Township.

19. Following her arrest, plaintiff was picked up by the Morris County Sheriff's driven to the Morris County Correctional Facility where she was confined and subjected to a strip search.

CLASS CERTIFICATION

20. Plaintiff incorporates herein by reference the allegations contained in the aforementioned paragraphs.

21. Plaintiff brings this action relating to the unlawful strip search only under the ' New Jersey Court Rules regarding class actions on behalf of herself and a Class consisting of each person who, in the two years preceding the filing of this action up until the date this case is terminated, was or will be (a) upon being arrested processed or committed into the Morris County Correctional Facility, (b) on a charge other than a charge of drugs, weapons or felony violence; (c) was and is subjected to a blanket strip search without any finding of reasonable suspicion or probable cause that he or she was concealing drugs, weapons or other contraband.

20. Certification of Class under New Jersey Court Rules as set forth above is

appropriate because the Morris County Correctional Facility has a policy and engages in a pattern and practice of conduct that has uniformly affected all members of the Class.

21. Injunctive relief against defendants to enjoin the practice will benefit each plaintiff and each and every Class member unlawfully strip searched in the Morris County Correctional Facility.

22. The Class is entitled to injunctive relief by way of terminating the above

described policy and practice of subjecting detainees/arrestees to blank strip searches without any individualized finding of reasonable suspicion or probable cause that he or she is concealing drugs, weapons or other contraband in violation of plaintiff's New Jersey constitutional rights and in violation of N.J.S.A. 2A:161A-1, et seq.

23. Certification of a Class under the New Jersey Court Rules is also appropriate relating to unlawful strip searches in that common questions of law and fact predominate over any individual questions. A Class action is far superior for the fair and efficient adjudication of this controversy as detailed below.

24. As to plaintiff and other members of the Class, there are no individual questions on the issue of liability. Every detainee/arrestee committed to the Morris County Correctional Facility is subjected to blanket strip searches. Defendants cannot deny that any of the searches were conducted on an individual determination of reasonable suspicion. Should records exist demonstrating an individualized suspicion as to a particular individual, such an individual, by definition, not be a member of a class.

25. Among the questions of law and fact common to the Class are: (a) whether the defendants, the County of Morris, the Morris County Sheriff's Office, Edward Rochford, Sheriff and the Morris County Correctional Facility instituted a policy or acquiesced in a custom or practice of subjecting detainees/arrestees committed to the Morris County

Correctional Facility pending presentment to blanket strip searches without an individualized determination of suspicion that the detainees/arrestees were in possession of drugs, weapons, or other contraband, (b) whether such policy or practice if found to exist, violates New Jersey Constitution and N.J.S.A. 2A:161A-1 et seq. and (c) whether such written policy and/or de facto policy existed during the Class Period.

26. The County of Morris, the Morris County Correctional Facility and the Morris County Sheriff's Office had notice of the strip searches during the Class Period with county agents, inmates and other methods that they maintain a blanket policy of directing.

27. Defendants The County of Morris, the Morris County Correctional Facility and the Morris County Sheriff's Office have within their records the names and addresses of all current and past Class Members. This information is maintained in the Morris County Correctional Facility computer system, log books and other paper records maintained by those defendants.

28. The Class is so numerous that joinder of all members is impracticable. The exact number of Class members is unknown to plaintiff at this time. However, every week many persons are stripped searched and body cavity searched under a blanket strip search policy upon being committed into the Morris County Correctional Facility pending presentment. All are subject to illegal searches. Thus, this Class may exceed thousands of members.

29. Joinder of all these individuals is impracticable because a large number of Class members and the fact that Class Members are almost certainly dispersed over a large geographical area. Furthermore, many class members are likely to be low income persons, not fluent in English or unaware of their rights and would therefore have difficulty pursuing their rights individually. Thus the expense and burden of individual litigation would make

difficult or impossible for individual Class members to redress for the wrongs they suffered. The cost to the state court system to adjudicating thousands of individual cases would be enormous. Individualized litigation would magnify the delay and expense to all parties and the court system. By contract to proceed via this action as a Class action in this County presents far fewer management difficulties, conserves resources of the parties and the court system and protects the rights of each member of the Class.

30. Plaintiffs claims are typical of the claims of the Class members, as plaintiff and all other members of the Class were injured by the same means, blanket strip searches without any legal basis thereof.

31. Plaintiff will fairly and adequately protect the interests of the members of the Class. Plaintiff has retained competent and experienced counsel for state litigation, with criminal defense knowledge and experience applicable to this case.

32. Stephen N. Dratch and Brian M. Dratch, Esq. are experienced civil litigators and criminal defense attorneys who have handled numerous litigations in State and Federal Courts. Both Dratch's are members of the Bars of the States of New Jersey and New York and are admitted to the Second and Third Circuits as well as in all four districts in New York and as well as the district of New Jersey.

33. Plaintiff has no interest contrary to, or in conflict with those of the Class.

34. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a Class Action. Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a Class action. The Class action is superior to any other available means to resolve the issues raised on behalf of the Class. The Class action will be manageable because so many different records systems exist from which to ascertain the members of the putative

Class. Damages can be determined on a Classwide basis using a damages matrix set by a jury, or by trying the damages of a statistically valid sample of the Class to a jury and extrapolating those damages to the Class as a whole.

35. Class treatment will be superior because liability can be determined on a Classwide basis. Damages can also be determined on a Classwide basis through use of statistical sampling.

FACTS REGARDING THE CLASS ACTION

36. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 35.

37. The New Jersey State Constitution and N.J.S.A. 2A:161A-1 et seq. prohibits state officials, such as the defendants in this action and the employees they supervise, from performing blanket strip searches of detainees/arrestees who have been charged with misdemeanors or other minor crimes, are the subject of litigants' rights enforcement for failure to pay child support or are detainees as holdovers on warrants from other jurisdictions, unless there exists a reasonable suspicion to believe that the detainee/arrestee is concealing a weapon or contraband.

38. Nonetheless, defendants have instituted a written and/or de facto policy, custom or practice of strip searching all individuals who enter the custody of the Morris County Correctional Facility, regardless of the nature of their charged crime or violation and without the presence of reasonable suspicion to believe that the individual is concealing a weapon or contraband.

39. Defendants have instituted a written and/or de facto policy, custom or a practice of conducting visual body cavity searches (visual inspection of the vaginal and rectal cavities) upon all persons entering the custody of its correctional facility, regardless of the

individual characteristics or the nature of their charged crime/violation. For purposes of this Complaint strip and visual cavity searches are collectively referred to as "strip searches."

40. Defendants know, or should know, that they may not legally institute, enforce or permit enforcement of a blanket policy or practice of conducting strip searches without particularized reasonable suspicion.

41. Defendants' written and/or de facto policy, practice and custom mandating blanket strip searches of all arrestees/detainees has been promulgated, effectuated and/or enforced in bad faith and contrary to reason and to clearly established law.

42. Reasonable suspicion to conduct a strip search may only emanate from the particular circumstances in advance to the search, such as the nature of the crime charged, the particular characteristics of the arrestee/detainee, and/or the circumstances of the arrest/detention.

43. Defendants have promulgated, implemented, enforced and/or failed to rectify a written and/or de facto policy, practice or custom of strip searching all individuals taken into custody at the Morris County Correctional Facility without any requirement of reasonable suspicion, or any suspicion of any sort. This written and/or de facto policy has made the strip searching of pretrial detainees/arrestees routine; neither the nature of the offense charged, the characteristics of the arrestee/detainee, nor the circumstances of a particular arrest or detention are relevant to the enforcement of the policy, practice and custom of routine strip searches.

44. Pursuant to this written and/or de facto policy, each Class member, including plaintiff, was victim of a blanket strip search upon their entry into the Morris County Correctional Facility.

45. As a direct and proximate result of the unlawful strip search conducted

pursuant to this written and/or de facto policy, the victims of the unlawful strip searches are each Class members, including plaintiff, who have suffered or will suffer psychological pain, humiliation, physical pain and mental anguish.

46. Defendants, agents, employees conducted said strip searches.

47. None of the officers involved in the searches of plaintiff or any Class member bore any suspicion, reasonable or otherwise, that plaintiff or any Class member was

concealing a weapon or contraband at the time of the searches, and indeed, no reasonable basis existed for such a suspicion, given the nature of their alleged offense and detention.

48. The strip/body cavity searches of plaintiff and the Class members were unconstitutional.

49. Defendants are liable for exemplary damages as the strip searches were completely unreasonable and senseless under the law.

DECLARATORY JUDGMENT

50. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1 through 49

51. Plaintiff and the Class members request that this Court issue a declaratory judgment declaring the strip search policies of the defendants to be unconstitutional.

DAMAGES

52. As a direct and proximate result of the actions on the part of the defendants, plaintiff sustained pain, suffering, humiliation, embarrassment, invasion of privacy as well as emotional and mental pain and suffering.

53. Defendants' failure to provide adequate training and supervision to its officers and employees constitutes a willful and wanton indifference and deliberate disregard for human life and the rights of private citizens, including plaintiff and all Class members.

Plaintiff and the Class members are thus entitled to exemplary damages.

WHEREFORE, plaintiff, on behalf of herself and the Class of others similarly situated, request that this Honorable Court grant the following relief:

(a) an Order certifying the cause of action as a Class action pursuant to the New Jersey Court Rules with plaintiff as the Class representative.

(b) declaratory judgment adjudicating the practice of routinely strip searching arrestees and detainees, without reasonable suspicion warranting same, to be unconstitutional;

(c) compensatory and consequential damages;

(d) punitive damages;

(e) attorneys fees and cost of suit.

**COUNT AS TO SARAH LANCELIOTTI ONLY ARISING OUT OF ARREST
(NEGLIGENCE UNDER THE TORT CLAIMS ACT)**

54. Plaintiff repeats and realleges the allegations in the foregoing counts

55. As noted about in or about 1999, a warrant was issued by the defendant Township of Hanover regarding the plaintiff's failure to complete her mandated IDRC program. *

56. On or about October 21, 2000, plaintiff completed her mandated IDRC program, however, the warrant was never recalled which resulted on October 18, 2011, plaintiff being subjected to a false arrest and imprisonment. *

57. The defendants, State of New Jersey, Morris County IDRC, Catholic Services and the Township of Hanover had a duty to make certain that upon completion of the IDRC program by plaintiff that the warrant would be recalled.

58. The defendants breached their duty to plaintiff in that the warrant remained active for a period of approximately 11 years which caused plaintiff to become falsely arrested and imprisoned.

59. The vacating of a warrant is a ministerial task which is excluded under the Torts Claim Act and which allow plaintiff to recover for damages.

60. As a result of the defendants' negligence, plaintiff has been damaged.

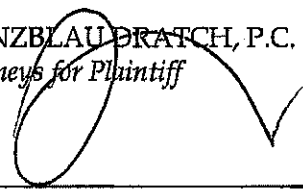
WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally for the following relief, as follows:

- (a) damages;
- (b) punitive damages;
- (c) attorney's fees;
- (d) interest;
- (e) costs of suit; and
- (f) for such other information as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a jury on all issues.

FRANZBLAU DRATCH, P.C.
Attorneys for Plaintiff

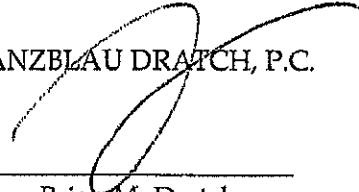
BY: 

Brian M. Dratch

TRIAL COUNSEL DESIGNATION

Plaintiffs hereby designate Brian M. Dratch, Esq. as their trial counsel in accordance
with the Rules of Court

FRANZBLAU DRATCH, P.C.

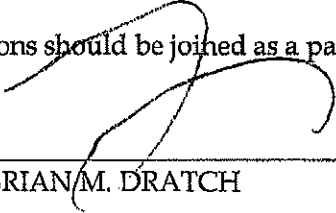
By: 

Brian M. Dratch

DATED: March 4, 2013

CERTIFICATION

I, Brian M. Dratch, Esq., hereby certify that in accordance with Rule 4:5-1 this is the
only action presently pending and that no other action or arbitration is contemplated and that
to plaintiffs' knowledge no other persons should be joined as a party in these proceedings.


BRIAN M. DRATCH

DATED: March 4, 2013

RECEIVED & FILED
SUPERIOR COURT
2013 MAR -5 A 11:18
HARRIS COUNTY
CIVIL DIVISION

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN

NJ 07960

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS

DATE: MARCH 11, 2013
RE: LANCELOTTI VS ROCHFORD
DUCKET: MRS L -000653 13

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 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 ROBERT J. BRENNAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4103.

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:

FRANZBLAU DRATCH
PLAZA ONE
354 EISENHOWER PARKWAY
LIVINGSTON NJ 07039-1022

JUXPHIO

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN NJ 07960

TRACK ASSIGNMENT NOTICE

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ATTENTION:

FRANZBLAU DRATCH
PLAZA ONE
334 EISENHOWER PARKWAY
LIVINGSTON NJ 07039-1027

JUXPHIO

Handwritten:
11-11-13
7-24-11