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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RECEIVED

HAND DELIVERED
2014 NOV -11 A 11:18
TOWNSHIP OF HANOVER

STEPHANIE E. DROUILLARD,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF HANOVER, ET AL.,
Defendant

CASE NUMBER: 2:14-CV-06650-WJM-MF

TO: (Name and address of Defendant):

Township of Hanover
1000 Route 10
Whippany, NJ 07981

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas J. Mallon, Esq.
Law Offices of Mallon & Tranger
86 Court Street
Freehold, NJ 07728

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

WILLIAM T. WALSH

CLERK

Dianne C. Richards

(By) DEPUTY CLERK



ISSUED ON 2014-10-27 14:49:58.0, Clerk
USDC NJD

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RETURN OF SERVICE

Service of the Summons and complaint was made by me (I)

DATE

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- ☐ Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify) : _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

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

STEPHANIE E. DROUILLARD,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY
NEWARK

Civil Action No.: 14- (-)

**TOWNSHIP OF HANOVER;
STEPHEN W. GALLAGHER,**
Chief of Police; **SERGEANT
RYAN WILLIAMS; JOHN/JANE
DOES 6-10,** Personnel of the Hanover
Township Police Department in supervisory
capacities; and **JOHN/JANE DOES 1-5,**
members of the Hanover Township
Police Department,

Defendants.

COMPLAINT

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3).

PARTIES

1. Plaintiff Stephanie E. Drouillard, residing at 100 Center Grove Road, Apartment 4-15, Randolph, New Jersey, 07869, Morris County, is and was, at all times herein relevant, a resident of the State of New Jersey and a citizen of the United States of America.

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2. Defendants Ryan Williams and/or John / Jane Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Township of Hanover Police Department and at all times herein were acting in such a capacity as the agents, servants and/or employees of Township of Hanover and were acting under the color of law.

3. Defendants Chief of Police Stephen W. Gallagher, John/Jane Doe 2 and/or John / Jane Does 6-10 were at all times mentioned herein duly appointed and acting members of the Township of Hanover Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of the Township of Hanover and were acting under the color of law.

4. Defendants Chief of Police Stephen W. Gallagher, Williams, John/Jane Doe 2 and/or John / Jane Does 6-10 were acting in supervisory capacities over Defendants Williams and/or John / Jane Does 1-5 and responsible by law for the training, supervision and conduct of Defendants Williams and/or John / Jane Does 1-5.

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

6. At all times relevant hereto, Defendant Township of Hanover employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct of Defendants Gallagher, Williams, John Doe 2 and/or John / Jane Does 1-10.

7. All Defendants are named in their individual and official capacities.

FACTUAL ALLEGATIONS

1. On 8/23/14 at approximately noon, Defendant Township of Hanover Police Sergeant Ryan Williams and/or John Does 1-5 conducted a motor vehicle stop of Plaintiff.

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2. Defendants Williams and/or John Does 1-5 advised Plaintiff that she had an outstanding warrant for failure to pay a speeding ticket.

3. Defendants Williams and/or John Does 1-5 asked Plaintiff if she knew anyone who could post bail for her and Plaintiff said that she would call a friend.

4. Plaintiff was handcuffed, patted down by Defendants Williams and/or John Does 1-5 and transported to Hanover Township police headquarters.

5. Plaintiff was seated in a chair at headquarters and handcuffed to a desk.

6. Defendant Williams and/or John Does 1-5 went through Plaintiff's bag to obtain Plaintiff's credentials in order to prepare paper work.

7. Plaintiff was advised that she would be released upon paying bail in the amount of \$250 in cash.

8. Defendants Williams and/or John Does 1-5 got Plaintiff's phone from her bag, handed it to her and Plaintiff called a friend who agreed to bring her the bail money.

9. Defendants Williams and/or John Does 1-5 then took the phone and told Plaintiff's friend that he had better hurry or that Plaintiff would be put in jail.

10. Approximately an hour after being arrested, Defendant Jane Doe arrived and engaged in conversation with Defendant Williams.

11. Defendant Jane Doe was not in uniform.

12. Approximately half an hour later Defendant Williams and/or John Does 1-5 left the room to get bail forms for Plaintiff's signature and returned.

12. Plaintiff and Jane Doe engaged in conversation and Defendant Jane Doe said to Plaintiff; "I'm here to baby sit you. I'm here to make sure your rights are protected and his rights are protected."

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13. After approximately half an hour, Defendant Williams said: "We haven't searched her yet. We should probably do that. We haven't done it yet."

15. Defendant Jane Doe said: "OK. Come with me", at which time Plaintiff was taken into a holding cell, ordered to take off her shirt and pants and strip searched with the door of the holding cell remaining open.

16. The search of Plaintiff's person was humiliating and degrading.

17. Plaintiff was released at approximately 3 p.m. after her friend arrived and Plaintiff paid the bail.

SECTION 1983 ILLEGAL SEARCH / SEIZURE
COUNT ONE

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

2. The aforementioned acts of Defendants Williams and/or Jane Doe 1 committed under color of state law in conducting a strip search of Plaintiff was unjustified, without probable cause, reasonable suspicion or any other exception to the warrant requirements under the Fourth and Fourteenth Amendments of the Constitution of the United States.

3. Defendants Williams and/or Jane Doe 1's actions in conducting a strip search of Plaintiff's person was in violation of N.J.S. 2A:161A-1 restricting the use of strip searchers on citizens and/or N.J.A.C. 10A:31-8.4,

4. The aforementioned acts were in violation of Plaintiff's right to be free from unreasonable search and seizure under the Fourth Amendment of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

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5. By reason of the above Plaintiff was greatly injured; suffered great mental anguish humiliation and degradation; was deprived of her constitutional rights as described above, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Stephanie E. Drouillard demands judgment against Defendants Williams and/or Jane Doe 1 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

SECTION 1983 SUPERVISORY LIABILITY
COUNT TWO

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Williams, John/Jane Doe 2 and/or John / Jane Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff's person was searched and seized.
3. Defendants Williams, John / Jane Doe 2 and/or John / Jane Does 6-10 had a duty to prevent subordinate officers Defendants Williams and/or Jane Doe 1 from violating the constitutional rights of citizens and/or detainees.
4. Defendants Williams, John / Jane Doe 2 and/or John / Jane Does 6-10 either directed Defendants Williams and/or Jane Doe 1 to violate Plaintiff's constitutional rights or had knowledge of and acquiesced in his/their subordinates violations.
5. The aforementioned acts were in violation of Plaintiff's right to be free from unreasonable search and seizure under the Fourth Amendment of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

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6. As a direct and proximate result of the acts of Defendants Williams, John / Jane Doe 2 and/or John / Jane Does 6-10 as set forth herein, Plaintiff was injured; suffered great mental anguish, humiliation and degradation; was deprived of her constitutional rights as described above, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Stephanie E. Drouillard demands judgment against Defendants Williams, John / Jane Does 2 and/or John / Jane Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**SECTION 1983 UNLAWFUL CUSTOM, PRACTICE, POLICY/
INADEQUATE TRAINING
COUNT THREE**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Borough of Township of Hanover; Stephen W. Gallagher; Ryan Williams; John Does 2, and/or John / Jane Does 6-10, are vested by state law with the authority to make policy on effectuating arrests, searches and police citizen encounters. Specifically, Defendant Stephen W. Gallagher is the Chief of Police. Defendants John / Jane Does 6-10 are responsible for training Police Officers in the laws of search and seizure. Defendants Williams and/or John / Jane Doe 2 was the officer in charge when Plaintiff was illegally searched.
3. At all times mentioned herein, Defendants Gallagher; Williams; John / Jane Doe 2, and/or John Does 6-10 as police officers, agents, servants and/or employees of Defendant Township of Hanover were acting under the direction and control of Defendant Township of Hanover's Police Department; Chief Stephen W. Gallagher; Sergeant Ryan Williams; John / Jane Does 2, and/or John / Jane Does 6-10, and were acting pursuant to the official policy,

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practice and/or custom of Defendant Township of Hanover's Police Department.

4. Acting under color of law pursuant to official policy, practice, or custom, Defendants Township of Hanover; Gallagher; Williams; John / Jane Doe 2, and /or John / Jane Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline, on a continuing basis, Defendants Gallagher, Williams and/or John / Jane Does 1-10 in their duties to refrain from: (1) conducting illegal searches and seizures of citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive force.

5. Defendants Township of Hanover; Gallagher; Williams; John / Jane Doe 2, and/or John / Jane Does 6-10 were aware of numerous similar police citizen encounters involving Defendants Williams, John / Jane Does 1-10 and /or other Township of Hanover Police Officers whereby they customarily and frequently subjected citizens held in custody to illegal searches and seizures of their persons in the form of unjustified strip searches; physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed citizens; intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or other official records; made false arrests, mishandled and/or withheld evidence and/or used unreasonable and excessive force on citizen/arrestees.

6. Despite their awareness, Defendants Township of Hanover; Gallagher; Williams; John / Jane Does 2, and/or John / Jane Does 6-10 failed to employ any type of corrective or disciplinary measures against Defendants Gallagher; Williams; John / Jane Does 1-10, and/or other Township of Hanover Police Officers.

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7. Defendants Township of Hanover; Gallagher; Williams; John / Jane Doe 2, and/or John / Jane Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Gallagher; Williams; John / Jane Doe 2, and/or John / Jane Does 6-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

8. Defendants Township of Hanover; Gallagher; Williams; John / Jane Doe 2 and/or John / Jane Does 6-10 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

9. Defendants Township of Hanover; Gallagher; Williams; John / Jane Doe 2' and/or John / Jane Does 6-10, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Gallagher, Williams and/or John / Jane Does 1-10 heretofore described.

10. The aforementioned acts were in violation of Plaintiff's right to be free from unreasonable search and seizure under the Fourth Amendment of the Constitution of the United States, and the right to be free of the deprivation of liberty under the Fourteenth Amendment of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

11. As a direct and proximate result of the acts of Defendants Hanover Township; Stephen W. Gallagher; Ryan Williams, and/or John / Jane Does 6-10 as set forth herein, Plaintiff was injured; suffered great mental anguish, humiliation and degradation; was deprived of her constitutional rights as described above, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Stephanie E. Drouillard demands judgment against Defendants

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Township of Hanover; Gallagher; Williams, and/or John / Jane Does 6- 10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJCRA)
COUNT FOUR

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. The illegal search and seizure of Plaintiff by Defendants Williams and/or Jane Doe 1, set forth at length above, deprived plaintiff of her substantive due process right to be free from unlawful seizure of her person and her fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. ("The New Jersey Civil Rights Act").
3. As a direct and proximate result of the aforesaid acts of Defendants Williams and/or Jane Doe 1, Plaintiff was injured; suffered great mental anguish, humiliation and degradation; was deprived of her constitutional rights as described above, and will suffer additional special damages in the future in an amount which cannot yet be determined.

WHEREFORE, Plaintiff Stephanie E. Drouillard demands judgment against Defendants Williams and/or Jane Doe 1 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

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DESIGNATION OF TRIAL COUNSEL

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

Dated: October 27, 2014

/s/ Thomas J. Mallon, Esquire

THOMAS J. MALLON, ESQUIRE