

**Hardyston Township
LEL Claims
2012-2019**

Hardyston Township	CLAIMANT NAME	INCIDENT DATE	CLAIM STATUS	SUIT (Y/N)	LOSSES PAID	CLAIM DESCRIPTION
FALSE ARREST	GONZALEZ, RAFAEL	2/8/2014	Closed	Y	\$ -00	PLAINTIFF FILED SUIT ALLEGES FALSE ARREST, FALSE IMPRISONMENT, EXCESSIVE FORCE, MALICIOUS PROSECUTION, ETC. DOCKET NO: S
EXCESSIVE FORCE	HAANTZ, DAVID	9/24/2014	Closed	Y	\$ 130,000.00	UNLAWFUL ARREST
FALSE ARREST	SWEENEY, SEAN	1/12/2012	Closed	Y	\$ -00	PLAINTIFF CHARGED W/AGGRAVATED ASSAULT AND ALLEGES FALSE ARREST/IMPRISONMENT AND MALICIOUS PROSECUTION.

Attorney(s): Jeffrey M. Patti, Esq.
Law Firm: Patti & Patti, LLC
Address: 255 Woodport Rd.
Sparta, NJ 07871

Telephone No.: (973) 729-5040
Fax No.: (973) 729-4367
E-mail:
Attorney(s) for Plaintiff(s): Rafael Gonzalez

Rafael Gonzalez

Plaintiff(s)

Hardyston Township C/o Jane Bakalarczyk, Clerk

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SUSSEX COUNTY

DOCKET NO. SSX-L-708-14

CIVIL ACTION

Summons

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 directory of the addresses of each deputy clerk of the Superior Court is provided and available in the Civil Division Management Office in the county listed above or 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 \$ 175.00 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 (576-5629). 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 provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: November 26, 2014

Elizabeth Ann Strom

Clerk of the Superior Court

Name of Defendant to be Served: Hardyston Township C/o Jane Bakalarczyk, Clerk

Address of Defendant to be Served: Hardyston Township, 149 Wheatsworth Rd., Suite A, Hardyston, NJ 07419

Directory of Superior Court Deputy Clerk Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 343-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 483-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Court Facility
49 Rancocas Road
Mount Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4262
LEGAL SERVICES
(609) 493-4570

CLAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
First Floor, Hall of Justice
101 South High Street, Suite 100
Camden, NJ 08103
LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
1 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 488-0818
LEGAL SERVICES
(609) 485-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

DESEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
466 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-3204
LEGAL SERVICES
(973) 624-4500

B1 - Summons - Law or Chancery Divisions
Superior Court - Appendix XII-A - CN 10153
Rev. 11/10 P10/12

GLoucester County:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 543-4539
LEGAL SERVICES
(856) 848-6260

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Breunon Courthouse, First Floor
388 Newark Avenue
Jersey City, NJ 07308
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6353

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08522
LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 732-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
176 South Broad Street, P.O. Box 8058
Trenton, NJ 08650
LAWYER REFERRAL
(609) 535-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Middlesex Village, Second Floor - Tower
58 Paterson Street, P.O. Box 2638
New Brunswick, NJ 08903-2638
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7800

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1239
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 491-5544
LEGAL SERVICES
(732) 886-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets, P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 295-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2101
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3566
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division Court House
71 Hamilton Street
Paterson, NJ 07605
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2300

SALAM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
82 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 326-6629
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division, P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 281-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6078
LAWYER REFERRAL
(908) 363-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
413 Second Street
Belvidere, NJ 07822-1500
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(908) 475-2010

Legal Services of New Jersey statewide toll
free hotline 1-888-LSNJ-LAW (576-5523)

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www.alegal.com 800.222.0510 Page 2

SUSSEX COUNTY SUPERIOR COURT
JUDICIAL COMPLEX
43 - 47 HIGH ST PLAZA LEVEL
NEWTON NJ 07860-1738

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 579-1300
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 21, 2014
RE: GONZALES V BORRIGLIO ET AL
DOCKET: USX L-000798 14

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 WILLIAM J. MCCOY

IF YOU HAVE ANY QUESTIONS, CONTACT FRANK 001
NJ (973) 579-0705.

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: JEFFREY M. PATTI
PATTI & PATTI
255 WOODPORT ROAD
SPARTA NJ 07871

JUD001

PATTI & PATTI, LLC
Jeffrey M. Patti, Esq. (#050201998)
255 Woodport Road
Sparta, New Jersey 07871
(973) 729-5040
Attorneys for Plaintiff

RECEIVED & FILED
NOV 21 2014
SUSSEX COUNTY LAW Division

RAFAEL GONZALEZ,

Plaintiff,

v.

CHRISTIAN BONFIGLIO, PATRICK
ABELLO, ANDREW NORMAN,
BRET ALEMY John Doe 1-10
(a fictitious name), John Roe Supervising
Officer 1-10 (a fictitious name), ABC Corp.
1-10 (a fictitious name), HARDYSTON
TOWNSHIP,

Defendants.

SUPERIOR COURT OF NEW JERSEY
SUSSEX COUNTY: LAW DIVISION

DOCKET NO.: SSX-L-

SSX-L-708-14

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Rafael Rodriguez residing in Sparta Township, County of Sussex, and State of New Jersey by way of Complaint against the Defendants, hereby alleges:

I. PARTIES

1. Plaintiff Rafael Rodriguez is a citizen of the United States of America, and at all times relevant to this complaint was a resident of Sparta Township, County of Sussex, and State of New Jersey.

2. Defendant Christian Bonfiglio was at all times relevant herein a police officer employed by the Hardyston Township, Sussex County, State of New Jersey police department holding the rank of Sergeant, and responsible for upholding and enforcing the law and

maintaining the peace of communities within his jurisdiction including Hardyston Township, Sussex County, New Jersey, and was at all times relevant herein an arresting officer of Plaintiff. He is sued individually.

3. Defendant Patrick Abello was at all times relevant herein a police officer employed by the Hardyston Township, Sussex County, State of New Jersey police department holding the rank of Patrolman, and responsible for upholding and enforcing the law and maintaining the peace of communities within his jurisdiction including Hardyston Township, Sussex County, New Jersey, and was at all times relevant herein an investigating officer of Plaintiff. He is sued individually.

4. Defendant Andrew Norman was at all times relevant herein a police officer employed by the Hardyston Township, Sussex County, State of New Jersey police department holding the rank of Patrolman, and responsible for upholding and enforcing the law and maintaining the peace of communities within his jurisdiction including Hardyston Township, Sussex County, New Jersey, and was at all times relevant herein an investigating officer of Plaintiff. He is sued individually.

5. Defendant Bret Alemy was at all times relevant hereto Hardyston Township Police Chief responsible for upholding and enforcing the law and maintaining the peace of communities throughout Hardyston Township and was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. He is sued individually.

6. Defendant Hardyston Township is a Municipal entity incorporated pursuant to the Municipal Laws of the State of New Jersey and at all times relevant hereto maintained a police

department and furthermore, at all times relevant hereto had the duty to exercise its powers and authority over the police department pursuant to N.J.S.A. 40A:14-118, et. seq. and to provide training, supervision and/or overall management of the Hardyston Township Police Department and its employees.

7. Defendant John Doe 1-10 are fictitious persons/law enforcement officers whose identity are unknown at this time, and at all times relevant hereto were responsible for the investigation and/or enforcement of the laws within Hardyston Township police department and/or may have been responsible, directly and/or indirectly, for the injuries sustained by Plaintiff. At such time as their identity becomes known, this complaint will be amended to name the known person(s). They are sued individually.

8. Defendant John Doe Supervising Officer 1-10 are fictitious persons/law enforcement officers whose identity are unknown at this time and were at all times relevant hereto employees of the Hardyston Township Police Department and responsible for upholding and enforcing the law and maintaining the peace in Hardyston Township, Sussex County, and were also responsible for supervising and training subordinate officers and were also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. They are sued individually.

II. SUBSTANTIVE ALLEGATIONS

9. At all times relevant and for a number of years preceding the date that the subject of this incident, Plaintiff was employed by the United States Government, Department of Commerce, Census Bureau.

10. On February 8, 2014 and all times relevant herein Plaintiff was a man nearing the age of 80-years old.

11. On February 8, 2014, Plaintiff was lawfully carrying out his duties as a United States Census worker and at all times relevant possessed and was wearing around his neck his United States Government issued identification badge and affixed his vehicle identification placard in a visible location.

12. On February 8, 2014, Plaintiff lawfully presented himself to the residence of John and Joselin McCann in Hardyston Township, to carry out his census bureau duties.

13. The McCann residence was notified in advance by mail that a census worker would be presenting to their home.

14. After knocking on the door/ringing the door bell, Plaintiff was invited inside by Joselin McCann. After a few minutes John McCann swiftly emerged from downstairs and demanded that Plaintiff leave and then called 911 to falsely report a trespassing even though Plaintiff dutifully presented his credentials and explained his purpose for being at the home.

15. Once asked to leave and knowing 911 had been called, Plaintiff walked to his vehicle and entered same which was parked along the curb in front of the McCann residence and waited for the arrival of the police.

16. Defendant Bonfiglio as the first to arrive at the scene. Upon arrival at the scene Mr. Gonzalez exited his vehicle and displayed his census badge and identified who he was and why he was at that location.

17. Defendant Bonfiglio was parked only a short distance from Plaintiff and proceeded to draw his firearm and point same directly at Plaintiff yelling for him to re-enter his vehicle. Plaintiff complied.

18. Once Plaintiff re-entered his vehicle, Defendant Bonfiglio quickly approached Plaintiff's vehicle opened the door and physically and with excessive force extracted Plaintiff from the vehicle pulling at his arm(s) and body.

19. Defendant Bonfiglio proceeded to physically and in an excessively rough manner direct Plaintiff to the back of his vehicle and slammed him stomach forward into the trunk of Plaintiff's car.

20. Defendant Bonfiglio then proceeded to exert excessive use of force by attempting to place Plaintiff in a full nelson. During this time, Plaintiff was not resisting Defendant Bonfiglio's authority.

21. Thereafter, Defendants Abello and Norman arrived on the scene. The three of them proceeded to secure Plaintiff in handcuffs behind his back causing great pain and suffering as Plaintiff is a large elderly man.

22. Plaintiff thereafter was secured in the back of a patrol car and transported to the Hardyston Police Department where he was chained to a bench and held for several hours.

23. Thereafter, Plaintiff was charged without probable cause as to the commission of an offense under the penal laws of this State with 4th degree obstruction of the administration of justice and 4th degree defiant trespassing. The complaint was issued by Defendant Bonfiglio. Both charges were downgraded and remanded to the Hardyston Municipal Court by the Sussex County Prosecutor.

24. Plaintiff was caused to suffer great embarrassment and humiliation due to the actions of the Defendants.

25. Plaintiff was caused to suffer permanent and serious personal injury and emotional pain and suffering as a result of the excessive use of force used by Defendants.

26. The confrontation between Plaintiff and the individual Defendants was entirely propagated, instigated, initiated, and fueled by the actions of Defendants Bonfiglio, Abello, and Norman.

27. The events of February 8, 2014 were entirely the result of Defendants' unjustified and unlawful aggression towards Plaintiff. Their actions were an unlawful and excessive use of force and an unlawful search and seizure of Plaintiff's property and person.

28. The events of February 8, 2014 were the result of Defendants' unjustified and unlawful police/state created danger.

29. The events of February 8, 2014 were due in great measure to the lack of proper training and supervision by superiors of the Hardyston Police Department including Defendant Alemy.

30. The actions of Defendants were violative of standard police practice and procedure and/or the result of the existence of a policy or custom of civil rights violations and/or the lack of police policy and procedures at the Hardyston Police Department.

31. At all times relevant herein, Defendants were acting under color of state law and during the scope of their employment with the State of New Jersey.

COUNT ONE

(New Jersey State Constitutional Claim)

32. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

33. Plaintiff has a right protected by the Constitution of the State of New Jersey and N.J.S.A. 10:6-2 to be secure in his person, house, papers, and affects, against unreasonable searches and seizures.

34. Plaintiff also has a right protected the Constitution of the State of New Jersey and N.J.S.A. 10-6-2 not to be deprived of life, liberty, or property, without due process of law.

35. Through the Constitution of the State of New Jersey and N.J.S.A. 10-6-2, Plaintiff has a right to be protected against false, baseless and arbitrary arrest, detention, seizure of property, seizure of person, excessive use of force, and against arbitrary deprivations of his liberty and property, and malicious prosecution.

36. Defendants, under color of state law, deprived Plaintiff of his aforementioned Constitutional and statutory rights by, among other things:

- a. Detaining Plaintiff without probable cause;
- b. Searching and seizing the person and/or property of Plaintiff without probable cause;
- c. Using excessive force and restraining Plaintiff;
- d. Unlawfully and unjustifiably creating a danger and undue risk to Plaintiff's life and limb;
- e. Falsely arresting Plaintiff without probable cause;
- f. Falsely imprisoning Plaintiff;
- g. Maliciously prosecuting Plaintiff;
- h. Denying plaintiff the Equal Protection of the Law.

37. The actions of Defendants resulted from a policy, practice, procedure or custom of the Hardyston Police Department, in that those actions are part of a pattern of failing to implement standard police practice and/or procedure in dealing with investigating alleged criminal misconduct.

38. Because, *inter alia*, they failed to train and supervise their employees; were grossly negligent in the supervision of their subordinates; created and/or permitted a policy or custom under which unconstitutional practices occurred and/or because this problem had occurred on numerous previous occasions and by failing to take appropriate remedial measures, Defendants Alamy, and John Roe Supervising Officer 1-10, are liable to Plaintiff for damages.

39. Similarly, because they created and/or permitted a policy or custom under which unconstitutional practices occurred as evidenced by, *inter alia*, the affirmative conduct of Defendants Bonfiglio, Abello, and Norman, John Doe 1-10, and/or John Roe Supervising Officer 1-10, are liable for plaintiff's damages.

40. As a proximate result of Defendants' unlawful conduct, Plaintiff has been injured in that he was deprived of his Constitutional and statutory rights; was falsely arrested, falsely imprisoned without probable cause; and was caused to suffer severe physical, mental and emotional trauma, humiliation and embarrassment.

41. Because Defendants Bonfiglio, Abello, Norman, John Doe 1-10, and/or John Roe Supervising Officer 1-10 engaged in willful and wanton misconduct and/or in reckless or callous indifference to Plaintiff's rights, the imposition of punitive damages against these parties is warranted.

WHEREFORE, Plaintiff demands judgment against Defendants Alemy, Bonfiglio, Abello, Norman, John Doe 1-10, and/or John Roe Supervising Officer 1-10, for (1) compensatory damages; (2) punitive damages; (3) costs and reasonable attorney's fees pursuant to N.J.S.A. 10:6-2; and (4) such other relief as this court deems just and proper.

COUNT TWO

(New Jersey State Constitutional Claim)

42. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

43. At all times relevant herein, under color of state law, Defendants deprived, interfered with and/or attempted to interfere by threats, intimidation and/or coercion with the exercise and/or enjoyment of Plaintiff of his substantive due process, equal protections rights,

privileges and/or immunities secured by the Constitution and/or laws of the United States and/or State of New Jersey, in violation of N.J.S.A. 10:6-2.

44. As a direct and proximate result of Defendants violations of Plaintiff's civil rights guaranteed to him by N.J.S.A. 10:6-2, Plaintiff suffered damages.

45. The civil rights violations aforesaid were committed by Defendants with actual malice and/or a wanton and willful disregard of persons, including Plaintiff, who foreseeably might be harmed by Defendants actions.

46. Plaintiff seeks punitive damages pursuant to N.J.S.A. 2A:15-5.10, et. seq.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damage, statutory damages, punitive damages, interest, costs and reasonable attorney's fees, and such other relief as this court deems just and proper.

COUNT THREE
(N.J.S.A. 10:6-2 Civil Conspiracy)

47. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

48. At all times relevant herein, Defendants acted in concert to subject Plaintiff to false arrest and/or false imprisonment in violation of N.J.S.A. 10:6-2.

49. At all times relevant herein, Defendants entered into an agreement to subject Plaintiff to false arrest and/or false imprisonment.

50. At all times relevant herein, Defendants made overt acts in furtherance of their civil conspiracy to subject Plaintiff to false arrest and/or false imprisonment.

51. As a direct and proximate result of the civil conspiracy resulting in Plaintiff's false arrest and/or false imprisonment, Plaintiff was wrongfully detained and/or deprived of his freedom and liberty.

52. The actions aforesaid were committed by Defendants with actual malice and/or a wanton and willful disregard of persons, including Plaintiff, who foreseeably might be harmed by Defendants actions.

53. Plaintiff seeks punitive damages pursuant to N.J.S.A. 2A:15-5.10, et. seq.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damage, statutory damages, punitive damages, interest, costs and reasonable attorney's fees, and such other relief as this court deems just and proper.

COUNT FOUR

(False Imprisonment/False Arrest/Malicious Prosecution)

54. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

55. Defendants are law enforcement officers employed by Hardyston Township, Sussex County, State of New Jersey.

56. On February 8, 2014, Defendants wrongfully, unlawfully, maliciously, and without any warrant or pretense of legal process, detained, restrained, arrested, and confined Plaintiff against his will.

57. By reason of Defendants' actions, Plaintiff was deprived of his liberty, was subjected to embarrassment and humiliation, and was otherwise severely injured.

58. As a result of Plaintiff's false imprisonment and false arrest, he has been severely damaged.

59. The actions aforesaid were committed by Defendants with actual malice and/or a wanton and willful disregard of persons, including Plaintiff, who foreseeably might be harmed by Defendants actions.

60. Plaintiff seeks punitive damages pursuant to N.J.S.A. 2A:15-5.10, et. seq.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damage, statutory damages, punitive damages, interest, costs and reasonable attorney's fees, and such other relief as this court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all of the within issues.

DESIGNATION OF TRIAL COUNSEL

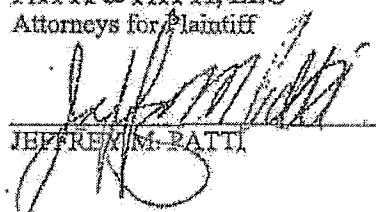
Pursuant to the Rules of Court, you are hereby notified that Jeffrey M. Patti, Esq. is hereby designated as trial counsel in the within matter for Plaintiff.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any action pending in any court or of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated other than the action pending in the Superior Court of New Jersey, Sussex County, Law Division. I know of no other parties who should be joined in this action at this time.

PATTI & PATTI, LLC
Attorneys for Plaintiff

By:


JEFFREY M. PATTI

Dated: November 18, 2014

Case 2:14-cv-00056-DMC-JBC Document 2 Filed 01/08/14 Page 1 of 2 PageID: 18

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SEAN E. SWEENEY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWNSHIP OF HARDYSTON, ET AL.,
Defendant

CASE NUMBER: 2:14-CV-00056-DMC-JBC

TO: (Name and address of Defendant):

Bret Flannery, Police Chief
Hardyston Police Dept.
1441 Wheatbourn Rd.
Hardyston, NJ 07419

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:

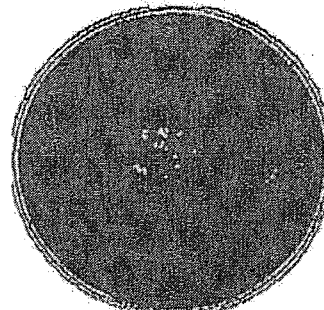
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

MURTUZA AKBARI

(By) DEPUTY CLERK



ISSUED ON 2014-01-08 09:11:55.0, Clerk
USDC NJD

Case 2:14-cv-00056-DMC-JBC Document 2 Filed 01/08/14 Page 2 of 2 PageID: 19

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 _____		

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 1 of 14 PageID: 1

Lora B. Glick, Esq.
The Maglione Firm, P.C.
ATTORNEYS AT LAW
186 Clinton Ave., 2nd Fl
Newark, New Jersey 07108
Ph: (973) 645-0777; Fax: (973) 645-0377
Attorneys for Plaintiff, Sean B. Sweeney

SEAN B. SWEENEY,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

TOWNSHIP OF HARDYSTON, BRET
ALEMY, Individually and Police Chief
of the Township of Hardyston, LT.
ROBERT J. ZICARELLI, Individually
and as a Police Officer of the Hardyston
Police Department, G. GEUTHER,
Individually and as a Police Officer of
the Hardyston Police Department, E.
O'ROURKE, Individually and as a
Police Officer of the Hardyston Police
Department, A. NORMAN, Individually
and as a Police Officer of the Hardyston
Police Department, CHRIS
BONFIGLIO, Individually and as a
Police Officer of the Hardyston Police
Department, ABC CORPORATIONS
(#1 thru #10), JOHN DOES (#1 thru
#10) and JANE DOES (#1 thru #10),

Defendants.

COMPLAINT AND JURY DEMAND

Document Filed Electronically

The plaintiff, Sean Sweeney, residing at 94 Burlington Court, Hamburg, New Jersey
07419, complaining of the defendants, says:

THE PARTIES

1. At all relevant times, plaintiff, Sean B. Sweeney ("Sweeney"), is an adult male
individual, citizen and resident of the State of New Jersey and the United States, a member of the

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 2 of 14 PageID: 2

Hells Angels' (singular) motorcycle club, and resides at 94 Burlington Court in Hamburg, Sussex County, New Jersey

2. Defendant, TOWNSHIP OF HARDYSTON, is a municipal corporation and corporate body politic of the State of New Jersey, established to provide, inter alia, essential government services for the health, safety and welfare of all its citizens.

3. Defendant, Hardyston Township Police Chief, BRET ALEMY ("Alemy"), at all times during the events herein set forth, was employed as Police Chief of the Hardyston Township Police Department by the Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

4. Defendant, LT. ROBERT J. ZICARELLI ("Zicarelli"), at all times during the events herein set forth, was employed as a police officer for the Hardyston Township Police Department by the Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

5. Defendant, G. GEUTHER, ("Geuther"), at all times during the events herein set forth, was employed as a police officer for the Hardyston Township Police Department by the Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

6. Defendant, E. O'ROURKE, ("O'Rourke"), at all times during the events herein set forth, was employed as a police officer for the Hardyston Township Police Department by the Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

7. Defendant, A. NORMAN, ("Norman"), at all times during the events herein set forth, was employed as a police officer for the Hardyston Township Police Department by the

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 3 of 14 PageID: 3

Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

8. Defendant, CHRIS BONFIGLIO, ("Bonfiglio"), at all times during the events herein set forth, was employed as a police officer for the Hardyston Township Police Department by the Defendant, TOWNSHIP OF HARDYSTON, and acted in his capacity as an agent, servant and/or employee of the city and/or individually.

9. Defendant(s) JOHN DOES (1-10), JANE DOES (1-10) and/or ABC CORPORATIONS (1-10), inclusive, represent other individuals and/or entities unknown to the plaintiff at this time, who participated in the causes of plaintiff's damages and who will be specifically identified through discovery.

JURISDICTION AND VENUE

10. This suit arises under the United States Constitution and the laws of the United States and is brought pursuant to 42 U.S.C. § 1983.

11. This Court has jurisdiction over plaintiff's federal claims pursuant to 28 U.S.C. §1331, as an action arising under the Constitution of the United States, and 28 U.S.C. §1343(a)(3), to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States, and over plaintiff's pendant state law claims pursuant to 28 U.S.C. § 1367.

12. This Court has authority to award costs and attorneys fees pursuant to 42 U.S.C. § 1988.

13. Venue is properly laid in the District of New Jersey, pursuant to 28 U.S.C. §1391(b), because all defendants reside in this district, and the events giving rise to these claims occurred in this district.

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 4 of 14 PageID: 4

INTRODUCTION

14. This case arises from the illegal and unjustified actions by the defendants in profiling, detaining and harassing the plaintiff, Sean B. Sweeney, and in the selective and malicious prosecution of Sweeney on sham charges thereafter.

15. As alleged more fully below, defendants acted in retaliation against Sweeney for his rights of expression and association as a member of the Hells Angels motorcycle club by illegally interfering with and denying him his liberty, by subjecting him to humiliation in danger, and by compelling his appearance for and defense of fabricated criminal charges in court -- all with substantial motivation to chill his rightful and constitutionally protected activity and freedoms.

16. Defendants' actions, as set forth more fully below were in violation of the Fourth Amendment of the United States Constitution, the First Amendment guarantees of free speech, expression and association, and the Fourteenth Amendment, including its equal protection and substantive and procedural due process components.

RELATIONSHIP, PRACTICE, CUSTOMS, USAGE, POLICIES AND TRAINING

17. At all relevant times, defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY, were supervisors, employers, principals, and masters of all the police officer defendants, who acted in their official and individual capacities and all of whom acted under color of state law,

18. At all relevant times, the Hardyston police officer defendants were employees, agents, servants, or workmen of the defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY and were acting within the course and scope of their employment or agency, and were acting under color of state law.

19. At all relevant times, the Hardyston police officer defendants, LT. ROBERT J.

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 5 of 14 PageID: 5

ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO were acting under practice, customs, policies, usage, edicts and directives of Defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY.

20. Each and all of the acts of the defendants, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO, alleged herein, were performed under the color and pretext of the statutes, ordinances, regulations, policies, usage, practice and customs of the defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY, and under color of state law.

21. Defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY, had knowledge of and acquiesced in the policy, practice, custom, and usage of the unconstitutional actions by the defendants, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO.

22. Defendants, TOWNSHIP OF HARDYSTON and POLICE CHIEF BRET ALEMY, as a matter of policy, custom, practice and usage, failed or declined or both, to promulgate policies that would have prevented the unconstitutional actions by the defendants, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO.

SUBSTANTIVE ALLEGATIONS

Motorcycle Club and Colors

23. Colors are collective membership marks, which are a form of trademarks. These colors are owned by the motorcycle club to which the individual is a member and not by the individual member. They are worn on the back of jackets or vests to indicate membership in the

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 6 of 14 PageID: 6

motorcycle club.

24. Colors are a form of expressive association protected by the First Amendment right of noncommercial free speech and expression, and the right of association.

25. The Hells' Angels motorcycle club is a brotherhood of motorcycle enthusiasts, who formed a corporation known as the Hells Angels Motorcycle Corporation, at which time they adopted their club colors.

26. The official colors of the Hells Angels are red lettering displayed on a white background over and under the "death head" insignia designed in 1953 by Frank Sadilek, past president of the San Francisco Chapter.

27. The Hells Angels colors has become a collective membership mark by its continued use by its members as a logo for the Hells' Angels Motorcycle Corporation.

January 12, 2012 Incident

28. On January 12, 2012, the plaintiff, Sean Sweeney, a member of the New Jersey Hells Angels was lawfully present on the premises commonly known as Tony's Bar and Pizzeria ("Tony's Pizza") located at 2771 State Highway 23 in Harlestone Township, Sussex County New Jersey.

29. Sweeney was with his girlfriend and some other friends attending a party celebrating his girlfriend's birthday. He had been so excited about the event that he has helped bake a cake for her. During the course of the evening, Sweeney was handing out pieces of the cake he helped bake to other guests of the party and encouraging them to join in on the festivities.

30. At some point during the evening, Barry Jackson ("Jackson"), a guest at the event,

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 7 of 14 PageID: 7

started acting rude and obnoxious and a barroom fight broke out stemming directly for his behavior. The incident was memorialized in a videotaped recording at the bar of the entire party.

31. The videotape shows that moments before the fight ensued, Jackson approached Sweeney from across the room in an aggressive and threatening manner and "chest-bumped" him, without provocation. Sweeney is then observed approaching Jackson in an attempt to calm him down and diffuse the situation.

32. Moments later, another patron at the bar who observed Jackson with a knife, yelled "knife" to alert Sweeney.

33. Immediately thereafter, Bernard Kryniaki, another guest at the party, struck Jackson with a glass in order to defend Sweeney and possibly other victims of an anticipated assault by Jackson. A commotion followed.

34. Jackson's wife, Cerisa Jackson ("Cerisa") then attempted to intercede into the melee. Sweeney, in a protective manner, reached his arm out to pull Cerisa away and prevent her from becoming injured. However in the process of doing so, he fell to the ground himself.

35. The video of the incident clearly depicts Sweeney reaching out in an effort to prevent Jackson's wife Cerisa from becoming physically involved in the melee.

36. On February 6, 2012, defendant Zioarelli, after investigating the incident, issued Complaint/Summons No. 1911-S-2012-000017 charging Sweeney with third-degree aggravated assault in violation of N.J.S.A. 2C:12-1b, for allegedly "attempting to punch the victim in the head while she aided her husband who had been knocked unconscious during an assault with the defendant's friend." See, Complaint/Summons No. 1911-S-2012-000017 attached as Exhibit A.

37. Sweeney was arrested and subsequently indicted on this fabricated charge, and his criminal proceedings are ongoing.

Casa 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 8 of 14 PageID: 8

Grand Jury Proceedings

38. At the grand jury hearing, defendant Zicarelli testified that he investigated the incidents which occurred at Tony's pizza on January 12, 2012., during his investigation of the incidents that occurred at Tony's Pizza on January 12, 2012. See, true copy of relevant excerpts of Transcript of Grand Jury Proceedings, Vol. I attached as Exhibit B at T7-16 to 24.

39. Zicarelli stated that defendant Bonfiglio, who was off-duty but present during the events at issue, spoke to Sweeney after the incident outside the restaurant and that Sweeney denied any assault or attempted assault on Cerisa. See, id. at T10-1 to 7. He stated that another off-duty Harleystown Police Officer named Gerardi, who had witnessed events at the scene, advised defendant Bonfiglio that he did not think Sweeney was involved in any assault. See, id. at T11-12 to 15.

40. Zicarelli testified that he obtained and reviewed surveillance footage of the incident and then provided his interpretation of what the footage shows, prior to presenting the video to the grand jurors. See, id. at T12-19 to 13-13. Specifically, he stated that both Sweeney and Barry Jackson engaged in "bumping and pushing each other" and that Jackson indicated later in the statement that he "believed this was all in fun. He didn't think that this was a serious matter." Ibid. He repeated Jackson's claim that he thought he and Sweeney were "just playing around" later in the presentation. Id. at T19-9 to 15. He stated further that when jurors viewed the video, they would see that Jackson's wife was bending forward to help him and that Sweeney lunged forward and try to strike her in the face, but "swings over her head because she is moving forward and he falls to the ground." Id. at T13-22 to 14-3. He also stated that it was not necessary to play the entirety of the video for the grand jurors, unless they asked to see it. Id. at T14-4 to 13. He stated that he himself only watched "most of it" and repeated his prior

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 9 of 14 PageID: 9

testimony that Sweeney took a swing at Cerisa while she was bending over to assist her husband once more prior to showing the video. Id. at T21-18 to 20.

41. Zicarelli went on to testify that Sweeney "openly acknowledges" his membership in the Hells Angels motorcycle club. Id. at T15-13 to 16. He then testified at length about the meaning of the expression "colors" and their significance in use in the club. Id. at T15-17 to 17-2. He stated the people in the Hells Angels wear their colors to announce that they are part of the club and are "proud" of that. Id. at T17-3 to 5.

42. Zicarelli testified further that the muscle you keep track of your souls this he learned that Bernard Krynioki, a co-defendant with Sweeney in the criminal proceedings against him, was a "prospect" for the Hells Angels and he described what such a status entails. Id. at T18-2 to 17.

43. Later in the proceedings, a small segment of the surveillance footage that capture the interaction between Sweeney and Barry Jackson and the altercation involving Jackson and Bernard Krynioki, was shown to the grand jury. See, true copy of relevant excerpts of Transcript of Grand Jury Proceedings, Vol. II attached as Exhibit C. Zicarelli played the footage from 6:39, Id. at T4-8, and testified as this portion of the footage appeared on the screen that Sweeney and Jackson are talking and that Jackson "doesn't believe that there is any, any animosity" and "they" (Jackson and Sweeney) are "pushing." Id. at T4-13 to 17.

44. A police investigative report authored by defendant G. Geuther indicates that a number of witnesses advised him during his investigation that, in moments preceding the incident, one or more persons shouted, "knife!" indicating that Barry Jackson had a knife in his possession. See, true copy of excerpt of Jan. 12, 2012 G. Geuther Narrative Report attached hereto as Exhibit D. These witnesses, in fact, advised defendant Geuther that a knife was being

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 10 of 14 PageID: 10

pulled from Jackson's pocket, Ibid. However, the names of these witnesses were not memorialized in any of the defendants' police reports, nor was information presented to the grand jury that, just moments before the melee began, multiple witnesses advised of this exclamation and observation of Jackson arming himself.

FIRST COUNT

(First, Fourth and Fourteenth Amendment Violations)

45. Plaintiff, Sean B. Sweeney, incorporates the averments of Paragraphs 1 through 44 as if fully set forth herein.

46. Sweeney has a right, protected by the First and Fourteenth Amendments to the United States Constitution, to freely speak by wearing and displaying Hells' Angels colors as well as his right to associate and assemble with other like-minded individuals such as other members of the Hells' Angels motorcycle club.

47. Sweeney has a right, protected by the Fourth and Fourteenth Amendments to the United States Constitution, against false, baseless and arbitrary arrest, detention, and prosecution on criminal charges, and against arbitrary deprivations of his liberty and property.

48. The actions of the defendants in this matter, in falsely and maliciously charging Sweeney with criminal offenses, violate those rights, in that those actions were baseless, and were undertaken to chill and discourage Sweeney from exercising his rights of free speech, as well as his right to freely assemble and associate, and as punishment and in retaliation for doing so.

49. The actions of the individual defendants were taken under color of state law.

50. The actions of the defendants constituted a policy, practice, procedure or custom of the defendant Township of Hardyston, in that they were undertaken to profile, harass, intimidate, detain and falsely arrest the plaintiff, Sean B. Sweeney, and in the selective and malicious prosecution of Sweeney on sham charges thereafter. The actions of the defendants were willful, deliberate and malicious, and

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 11 of 14 PageID: 11

were intended to retaliate against Sweeney for the exercise of his rights of free speech by wearing and displaying Hells' Angels colors, as well as his rights to freely assemble and associate with other members of the Hells' Angels Motorcycle Club.

51. The actions of the aforesaid defendants deprived Sweeney of his rights under the First and Fourth Amendments to the United States Constitution and his rights under the procedural and substantive due process components of the Fourteenth amendment to the United States Constitution.

52. As a proximate result of the defendants' conduct, Sweeney has been injured in that he was deprived of his aforesaid rights, was falsely arrested, charged and prosecuted without adequate basis; and was caused to suffer economic loss as well as physical, mental, and emotional distress.

WHEREFORE, plaintiff, Sean B. Sweeney, demands judgment in her favor and against the defendants, TOWNSHIP OF HARDYSTON, POLICE CHIEF BRET ALEMY, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO, ABC CORPORATIONS (#1 thru #10), JOHN DOES (#1 thru #10) and JANE DOES (#1 thru #10), as follows: (A) for compensatory damages; (B) for punitive damages; (C) for attorneys fees pursuant to 42 U.S.C. § 1988; and (D) for costs and other appropriate relief.

SECOND COUNT
(Civil Rights Conspiracy Under 42 U.S.C. § 1985(3))

53. Plaintiff, Sean B. Sweeney, incorporates the averments of Paragraphs 1 through 52 as if fully set forth herein.

54. The individual defendants, particularly Zicarelli, Geuther, O'Rourke, Norman and

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 12 of 14 PageID: 12

Bonfiglio conspired against Sweeney to deprive her of the equal protection of the laws by chilling or discouraging her right of free speech by wearing and displaying Hells' Angels colors as well as his right to freely assemble and freely associate with other members of the Hells' Angels Motorcycle Club.

55. In furtherance of that conspiracy, the aforesaid individual defendants agreed to file and prosecute false and baseless criminal complaint against Sweeney, purely in retaliation for the exercise of his rights of free speech by wearing and displaying Hells' Angels colors, as well as his rights to freely assemble and associate with other members of the Hells' Angels Motorcycle Club.

56. In addition, all of the individually named defendants, John Does (#1 thru #10) and Jane Does (#1 thru #10) participated in, and advanced, the conspiracy against Sweeney by failing to make timely discovery of materials relevant to Sweeney's defense to the criminal charges against her; spoliating or destroying evidence relevant to that defense; and by creating, after-the-fact, reports and other materials that supported the state's position in the criminal case against Sweeney.

57. Defendants' actions were motivated in significant part by discriminatory and unconstitutional animus against Sweeney, based on their observations of his exercising his rights of free speech by wearing and displaying Hells' Angels colors, as well as his rights to freely assemble and associate with other members of the Hells' Angels Motorcycle Club.

58. These actions were taken under color of state law and embodied a policy, practice, custom or procedure of the defendants, Township of Hardyston and Police Chief Brett Alamy.

59. As a proximate result of defendants' actions, Sweeney was deprived of his rights under the federal Constitution, as set forth above, and has suffered economic physical, mental and

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 13 of 14 PageID: 13

emotional injury.

WHEREFORE, plaintiff, Sean B. Sweeney, demands judgment in his favor and against the defendants, TOWNSHIP OF HARDYSTON, POLICE CHIEF BRET ALEM, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO, ABC CORPORATIONS (#1 thru #10), JOHN DOES (#1 thru #10) and JANE DOES (#1 thru #10), as follows: (A) for compensatory damages; (B) for punitive damages; (C) for attorneys fees pursuant to 42 U.S.C. § 1988; and (D) for costs and other appropriate relief.

THIRD COUNT

(False Arrest/False Imprisonment Under 42 U.S.C § 1983)

63. Plaintiff, Sean B. Sweeney, incorporates the averments of paragraphs 1 through 62 as if fully set forth herein.

64. Sweeney has a right, protected by the Fourth and Fourteenth Amendments to the United States Constitutions, to be protected against unreasonable searches and seizures of his person, including protection against false and arbitrary arrest and detention, in violation of 42 U.S.C. § 1983.

65. The foregoing actions of the individual defendants, Zicarelli, Geuther, O'Rourke, Norman and Bonfiglio caused Sweeney to be falsely arrested and deprived of his liberty, all in violation of the Fourth and Fourteenth Amendments to the United States Constitution, as protected by various statutes and other laws of the Constitution, including 42 U.S.C. § 1983.

66. At said time and place, it was the intent of the individually-named defendants to confine and/or imprison the plaintiff.

67. The aforesaid actions of the individual defendants deprived plaintiff of his rights under the Fourth Amendment to the Constitution and his rights under the Due Process Component of the Fourteenth Amendment to the Constitution in violation of 42 U.S.C. § 1983.

Case 2:14-cv-00056-DMC-JBC Document 1 Filed 01/04/14 Page 14 of 14 PageID: 14

68. The aforesaid actions of the individually-named defendants were taken under color of state law.

68. The aforesaid actions were taken under color of state law and embodied a policy, practice, custom or procedure of the defendants, Township of Hardyston and Police Chief Brett Alamy.

69. As a proximate result of defendants' actions, Sweeney was deprived of his rights under the federal Constitution, as set forth above, and has suffered economic physical, mental and emotional injury.

70. As a further result thereof, plaintiff was caused to hire legal counsel and to expend various sums of moneys for representation and sustained other damages.

WHEREFORE, plaintiff, Sean B. Sweeney, demands judgment in his favor and against the defendants, TOWNSHIP OF HARDYSTON, POLICE CHIEF BRET ALEMY, LT. ROBERT J. ZICARELLI and Officers G. GEUTHER, E. O'ROURKE, A. NORMAN, and CHRIS BONFIGLIO, ABC CORPORATIONS (#1 thru #10), JOHN DOES (#1 thru #10) and JANE DOES (#1 thru #10), as follows: (A) for compensatory damages; (B) for punitive damages; (C) for attorneys fees pursuant to 42 U.S.C. § 1988; and (D) for costs and other appropriate relief.

DEMAND FOR TRIAL BY JURY

The plaintiff demands a trial by jury as to all issues.

THE MAGLIONE FIRM, P.C.
Attorneys for Plaintiff, Moraima Medina

By: /s/ Lora B. Glick
LORA B. GLICK, ESQ.

Dated: January 4, 2014

Attorney(s): Jeffrey M. Patti, Esq.
Attorney Id No.: 050201998
Law Firm: Patti & Patti, LLC
Address: 255 Woodport Rd.
Sparta, NJ 07871

Telephone No.: (973) 729-5040
Fax No.: (973) 729-4367
E-mail:
Attorney(s) for Plaintiff(s): David A. Haantz

David A. Haantz

Plaintiff(s)

Hardyston Township

vs.

Defendant(s)

RECEIVED

OCT 19 2016

HARDYSTON TOWNSHIP

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SUSSEX COUNTY

DOCKET NO.: SSX-L-512-16

CIVIL ACTION

Summons

FROM THE STATE OF NEW JERSEY

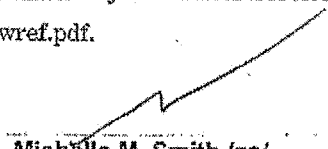
To the Defendant(s) Named Above:

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 directory of the addresses of each deputy clerk of the Superior Court is provided and available in the Civil Division Management Office in the county listed above or 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 \$ 175.00 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 (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 provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: **October 18, 2016**


Michelle M. Smith /ss/

Clerk of the Superior Court

Name of Defendant to be Served: **Hardyston Township**

Address of Defendant to be Served: **C/o Jane Bakalarczyk, Clerk, Municipal Building 149 Wheatsworth Rd., Ste. A.,
Hardyston, NJ 07419**

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 845-8444
LEGAL SERVICES
(609) 848-4200

BERGEN COUNTY

Deputy Clerk of the Superior Court
Civil Division, Room 118
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice, First Floor
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY

Deputy Clerk of the Superior Court
9 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 468-0818
LEGAL SERVICES
(609) 468-8001

CUMBERLAND COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-6550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
466 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake, First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4539
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Department
Brennan Court House, First Floor
553 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6963

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
Civil Division
66 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 685-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
Middlesex Vicinage
Second Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 628-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY

Morris County Courthouse
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(973) 267-5382
LEGAL SERVICES
(973) 235-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3686
LEGAL SERVICES
(732) 841-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 528-2900

SALEM COUNTY

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 985-6629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0340

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5382
LEGAL SERVICES
(973) 383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6078
LAWYER REFERRAL
(908) 358-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
418 Second Street
Belvidere, NJ 07828-1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

Updated: 8/21/13

SUSSEX COUNTY JUDICIAL CENTER
43-47 HIGH STREET
RENTON, NJ 07860-1738

PATTI & PATTI, ESQS. Fax: 1-973-729-4367

Oct 18 2016 06:29pm P003

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 579-0927
COURT HOURS 8:30 AM - 4:30 PM

DATE: SEPTEMBER 23, 2016
RE: HANNAH V NORMAN ET AL
DOCKET: ESX E -000512 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 30 DAYS AND MUST BE FILED WITHIN 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ROBERT M. HANNA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 579-0700.

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.
PLAINTIFFS MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:58-2.

ATTENTION:

ATT: JEFFREY M. PATTI
PATTI & PATTI
355 WOODPORT ROAD
SPARTA, NJ 07871

OUTSIDE

RECEIVED & FILED

SEP 23 2016

Sussex County LAW Division

PATTI & PATTI, LLC
 Jeffrey M. Patti, Esq. (# 050201998)
 255 Woodport Road
 Sparta, New Jersey 07871
 (973) 729-5040
 Attorneys for Plaintiff

DAVID A. HAANTZ,

Plaintiff,

v.

ANDREW NORMAN, Officially and in
 his Individual Capacity, RICHARD
 NUDO, Officially and in his Individual
 Capacity, ROBERT ZICARELLI,
 Officially and in his Individual Capacity,
 BRET ALEMY, Officially and in his
 Individual Capacity, TOWNSHIP OF
 HARDYSTON, John Doe Officer 1-10
 (a fictitious name), John Roe Supervising
 Officer 1-10 (a fictitious name), ABC Corp.
 1-10 (a fictitious name),

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: SUSSEX COUNTY

DOCKET NO. ~~SSX-L~~ - 512-16
Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff David A. Haantz, residing in the Township of Vernon, County of Sussex, and
 State of New Jersey, by way of Complaint against the Defendants, alleges:

PARTIES

1. Plaintiff, David A. Haantz at all times relevant was/is a citizen of the United
 States of America, and at all times relevant was of the Borough of Hamburg, County of Sussex,
 and State of New Jersey.

2. Defendant Andrew Norman was at all times relevant herein a police officer holding the rank of patrolman in the police department of the Township of Hardyston, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the Township of Hardyston, and was at all times relevant herein an arresting officer. He is sued individually and in his official capacity.

3. Defendant Richard Nudo was at all times relevant herein a police officer holding the rank of patrolman in the police department of the Township of Hardyston, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the Township of Hardyston, and was at all times relevant herein an arresting officer. He is sued individually and in his official capacity.

4. Defendant Robert Zicarelli was at all times relevant herein a police officer holding the rank of Lieutenant in the police department of the Township of Hardyston, and at all times relevant was responsible for upholding and enforcing the law and maintaining the peace of the Township of Hardyston, was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices in the Township of Hardyston Police Department, and was at all times relevant herein an arresting officer. He is sued individually and in his official capacity.

5. Defendant Bret Alerny was at all times relevant hereto Chief of the Township of Hardyston Police Department and was responsible for upholding and enforcing the law and maintaining the peace of the Township of Hardyston and was responsible for supervising and training subordinate officers and was also responsible for creating and implementing policy

statements, ordinances, regulations, official decisions and well settled customs and practices. He is sued individually and in his official capacity.

6. Defendant Township of Hardyston is a municipal entity incorporated pursuant to the municipal laws of the State of New Jersey and at all times relevant hereto maintained a police department and at all times relevant had the duty to exercise its powers and authority over the police department pursuant to N.J.S.A. 40A:14-118, et. seq. and to provide training, supervision and/or overall management of the Township of Hardyston Police Department.

7. Defendant John Doe 1-10 are fictitious persons/law enforcement officers whose identity is unknown at this time, and at all times relevant hereto was responsible for the investigation and/or enforcement of the laws within the Township of Hardyston and/or may have been responsible, directly and/or indirectly, for the injuries sustained by Plaintiff. At such time as their identity becomes known, this Complaint will be amended to name the known person(s). They are sued individually and in their official capacity.

8. Defendant John Doe Supervising Officers 1-10 were at all times relevant hereto officers in the Township of Hardyston Police Department responsible for upholding and enforcing the law and maintaining the peace in the Township of Hardyston and was also responsible for supervising and training subordinate officers and were also responsible for creating and implementing policy statements, ordinances, regulations, official decisions and well settled customs and practices. They are sued individually and in their official capacity.

9. Defendants ABC Corp. 1-10 are fictitious names for entities who were responsible for the investigation and/or enforcement of the laws within the Township of Andover and/or were responsible for training, supervision and/or management of the Township of Hardyston police officers who may have been responsible, directly and/or indirectly, for the

injuries sustained by Plaintiff. At such time as their identities become known, this Complaint will be amended to name the known persons. They are sued individually and in their official capacity.

SUBSTANTIVE ALLEGATIONS

10. On September 24, 2014, at approximately 11:00 a.m., was asleep on his couch in his Borough of Hamburg home.

11. On said date and time, Defendant Norman appeared at Plaintiff's home and began pounding on his door awakening Plaintiff.

12. Plaintiff answered the door and Defendant Norman without reasonable suspicion or probable cause for the commission of an offense or crime under the laws of the State of New Jersey or local ordinance, and without an arrest warrant or search warrant, advised Plaintiff he was going to the hospital.

13. Simultaneous to this advisement and without reasonable suspicion or probable cause for the commission of an offense or crime under the laws of the State of New Jersey or local ordinance, and without an arrest warrant or search warrant, forcefully and with excessive use of force grabbed Plaintiff by the arm and pulled him out the door.

14. Shortly thereafter members of the Sparta Township Ambulance Squad arrived on the scene.

15. Soon thereafter, Defendants Nudo and Zicarelli arrived at Plaintiff's home.

15. Immediately thereafter, Defendants Norman, Nudo, and Zicarelli handcuffed Plaintiff to a gurney supplied by the Sparta Ambulance Squad.

16. At all times relevant Plaintiff posed a threat to neither himself nor others. The use of physical force was entirely unwarranted, unnecessary, and provocative.

17. Thereafter Plaintiff was involuntarily transported by EMS to Newton Medical Center where he remained involuntarily committed for the next approximately six hours.

18. The events of September 24, 2014 were entirely the result of Defendants' unjustified and unlawful, search and seizure, excessive and unlawful use of force, and unlawful involuntary commitment of Plaintiff. Their actions were undertaken without reasonable suspicion or probable cause and without any legal justification.

19. The unlawful and unjustified actions of the Defendants caused Plaintiff a great deal of physical and emotion pain and suffering, embarrassment, and humiliation.

20. The actions of Defendants were violative of standard police practices and procedures and/or the lack of police policy and procedures at the Township of Hardyston Police Department, especially as it related to involuntary commitments.

21. At all times relevant herein, Defendants were acting under color of state law and during the scope of their employment with Defendant Township of Hardyston.

COUNT ONE

22. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

23. Plaintiff has a right under the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 to be secure in her person, house, papers, and affects, against unreasonable searches and seizures.

24. Plaintiff has a right protected by the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 not to be deprived of life, liberty, or property, without due process of law.

25. Through the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, Plaintiff has a right to be protected against false, baseless and arbitrary arrest, detention, seizure of property, seizure of person, excessive use of force, unlawful involuntary commitment, and against arbitrary deprivations of his liberty and property.

26. Defendants, under color of state law, deprived Plaintiff of his aforementioned New Jersey Constitutional rights and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 by, among other things:

- a. Detaining Plaintiff without probable cause;
- b. Searching and seizing the person and/or property of Plaintiff without probable cause;
- c. Using excessive force and restraining Plaintiff;
- d. Unlawfully and unjustifiably creating a danger and undue risk to Plaintiff's life and limb;
- e. Falsely arresting Plaintiff without probable cause;
- f. Falsely imprisoning Plaintiff;
- g. Unlawfully involuntarily committing Plaintiff; and
- h. Denying Plaintiff the Equal Protection of the Law.

27. The actions of Defendants constituted a policy, practice, procedure or custom of the Township of Hardyston Police Department and/or the lack thereof in that those actions are part of a pattern of failing to implement standard police practice and/or procedure in effectuating involuntary commitments of individuals including Plaintiff.

28. Because, *inter alia*, they failed to train and supervise their employees; were grossly negligent in the supervision of their subordinates; created and/or permitted a policy or

custom under which unconstitutional practices occurred and/or because this problem had occurred on previous occasions and by failing to take appropriate remedial measures, Defendants Alemy, Township of Hardyston, John Roe Supervising Officer 1-10, are liable to Plaintiff for damages.

29. Similarly, because they created and/or failed to create and/or permitted a policy or custom under which unconstitutional practices occurred as evidenced by, *inter alia*, the affirmative conduct of Defendants Norman, Nudo, Zicarelli, and John Doe Supervising Officer 1-10, Defendant Township of Hardyston is liable for Plaintiff's damages.

30. As a proximate result of Defendants' unlawful conduct, Plaintiff has been injured in that he was deprived of his New Jersey Constitutional rights; was unlawfully searched and seized, falsely arrested, and unlawfully involuntarily committed without adequate basis; and was caused to suffer physical, mental, and emotional trauma and humiliation and embarrassment.

31. Because Defendants Norman, Nudo, Zicarelli and John Doe Supervisor 1-10 engaged in willful and wanton misconduct and/or in reckless or callous indifference to Plaintiff's rights, the imposition of punitive damages against these parties is warranted.

WHEREFORE, Plaintiff demands judgment against Defendants Norman, Nudo, Zicarelli, Alemy, John Doe Supervisor 1-10, and the Township of Hardyston for (1) compensatory damages; (2) punitive damages; (3) costs and reasonable attorney's fees pursuant to N.J.S.A. 10:6-2; and (4) such other relief as this court deems just and proper.

COUNT TWO

(False Imprisonment/False Arrest)

32. Plaintiff hereby repeats and re-alleges all of the allegations set forth above as if set forth at length herein.

33. Defendants are police officers employed by the Township of Hardyston.

34. Defendant Township of Hardyston a municipality, organized and existing under the laws of the State of New Jersey.

35. On September 24, 2014, Defendants wrongfully, unlawfully, maliciously, and without any warrant or pretense of legal process, detained, restrained, arrested, involuntarily committed, and confined Plaintiff against his will.

36. By reason of Defendants' actions, Plaintiff was deprived of his liberty, was made was subject to embarrassment and humiliation, and was otherwise injured.

37. As a result of Plaintiff's false imprisonment and false arrest, he has been damaged.

38. The actions aforesaid were committed by Defendants with actual malice and/or a wanton and willful disregard of persons, including Plaintiff, who foreseeably might be harmed by Defendants actions.

39. Plaintiff seeks punitive damages pursuant to N.J.S.A. 2A:15-5.10, et. seq.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, statutory damages, punitive damages, interest, costs and reasonable attorney's fees, and such other relief as this court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all of the within issues.

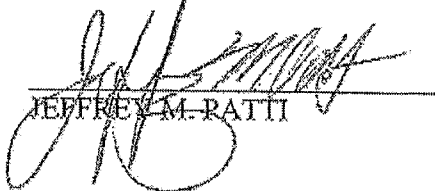
DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, you are hereby notified that Jeffrey M. Patti, Esq. is hereby designated as trial counsel in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any action pending in any court or of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated other than the action pending in the Superior Court of New Jersey, Sussex County, Law Division. I know of no other parties who should be joined in this action at this time.

PATTI & PATTI, LLC
Attorneys for Plaintiff

By: 

JEFFREY M. PATTI

Dated: September 22, 2016