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Attorney for Plaintiff Jennifer Keenan

JENNIFER KEENAN,

Plaintiff,

vs.

DETECTIVE ADAM A. McEVOY,
SERGEANT DAVID MARRO,
OFFICER KYLE L. STUART AND
THE HARRISON TOWNSHIP
POLICE DEPARTMENT BY AND
THROUGH HARRISON TOWNSHIP,

Defendants.

) SUPERIOR COURT OF NEW JERSEY
) GLOUCESTER COUNTY
) LAW DIVISION

) DOCKET NO.

Civil Action

) COMPLAINT FOR DAMAGES AND
) EQUITABLE RELIEF AND DEMAND
) FOR JURY TRIAL

PLAINTIFF JENNIFER KEENAN, residing at 1002 April Court in the Township of

Mullica Hill, Gloucester County, State of New Jersey, by way of Complaint says:

INTRODUCTORY ALLEGATIONS

1. Plaintiff Jennifer Keenan is an individual who was residing at 1002 April Court, Mullica Hill, New Jersey and has resided at that location for all times relevant herein.
2. Defendant Adam A. McEvoy, sued in his personal capacity and official capacity was, at all relevant times employed with Defendant Harrison Township Police Department and was serving in his capacity as Detective at all times relevant hereto.

3. Defendant David Marro, sued in his personal capacity and official capacity was, at all relevant times employed with Defendant Harrison Township Police Department and was serving in his capacity as Sergeant at all times relevant hereto.
4. Defendant Kyle L. Stuart, sued in her personal capacity and official capacity was, at all relevant times employed with Defendant Harrison Township Police Department and was serving in her capacity as Officer at all times relevant hereto.
5. The Police Department of Harrison Township is an entity subsumed within the governmental unit of the Defendant Harrison Township.
6. Defendant Harrison Township is a municipality in the State of New Jersey, Gloucester County and has governance over the Harrison Township Police Department and the Officers employed therein.
7. Defendants McEvoy and Marro were involved in surveillance and effecting undercover purchases of prescription pills for a period of time extending from at least May through November 12, 2013 in Mullica Hill. As a result of the surveillance, Defendants McEvoy and Marro observed Ryan Cera selling prescription drugs to confidential informants selected by Defendants McEvoy and Marro to engage in those illegal purchases of drugs.
8. Application by way of preparation of an Affidavit by Defendants McEvoy and Marro was made for search warrants of the vehicle being operated by Ryan Cera and the home in which Ryan Cera was residing. An Affidavit was jointly prepared by Defendants McEvoy and Marro and presented on November 4, 2013 to a Superior Court Judge in Gloucester County. A search warrant for search of the vehicle issued on November 4, 2013.
9. A search warrant for search of the home at 1002 April Court also issued on November 4, 2013.

10. The police reports which were prepared, completed and reviewed by Defendants McEvoy and Marro listed as the only suspect engaged in criminal activity, the male Ryan Cera.
11. Ryan Cera was arrested on November 12, 2013 at a location on Route 45 in Gloucester County. He was arrested, handcuffed and then taken to his residence at 1002 April Court.
12. Upon information and belief, Ryan Cera advised the Defendants of the location of additional pills in the basement of the home.
13. Plaintiff was residing at 1002 April Court at the time of entry of the police officers and was handcuffed and confined to the kitchen area of the home.
14. Sometime after entry of Defendants McEvoy and Marro into the home, a female police officer, Defendant Kyle Stuart was summoned and took Plaintiff to a bathroom on the first floor, a room of very close quarters and conducted a strip search of plaintiff. Defendant Kyle Stuart informed Plaintiff that the strip search was standard procedure and a matter of policy with the Harrison Township Police Department.
15. Defendant Kyle Stuart, after conducting the strip search and finding no drugs, remained in the bathroom while Plaintiff attempted to void but because of Plaintiff's embarrassment, humiliation and distress, she was not able to perform any bodily function.
16. Plaintiff was again handcuffed and led back out to the kitchen and was required to remain there in that handcuffed state for a significant period of time until the Police Officers left the home.
17. Eventually Plaintiff's handcuffs were taken off and the Defendant Police Officers left with Ryan Cera.
18. Plaintiff did not consent to being handcuffed or strip searched nor did Plaintiff sign any consent form.

19. Plaintiff was caused distress and was otherwise harmed and continues to suffer emotional distress, shame, humiliation and other psychological consequences as a result of the unconstitutional and illegal conduct by the Harrison Township Police Department and its Officers including exacerbation of previous emotional distress.
20. No criminal charges were filed against Plaintiff.
21. During the extended months of surveillance of the residence in which Ryan Cera resided and the vehicle which he operated, same conducted by Defendants McEvoy and Marro, there was never any indication or report of any involvement of Plaintiff in any unlawful activity which may have been undertaken by Ryan Cera.
22. All observed criminal conduct of Ryan Cera occurred at the Ella Harris Park or other public locations.

COUNT ONE

1. The allegations of Paragraphs 1 through 22 are incorporated as if specifically set forth herein.
23. The conduct of Defendant Police Officers in handcuffing and confining Plaintiff violated Plaintiff's constitutional and statutory rights, which include a right not to be subjected to unreasonable searches and seizures and is protected by the United States Constitution, 42 U.S.C. §1983 et seq., Article One, Section 7 of the New Jersey Constitution and the Civil Rights Act as found at N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff Jennifer Keenan demands judgment against those individual Defendants in their personal and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and laws. Plaintiff seeks compensatory, nominal and punitive damages along with attorney's fees, expert and other fees and such other relief as is fair and just.

COUNT TWO

1. The allegations of Paragraphs 1 through 23 are incorporated as if specifically set forth herein.
24. Plaintiff Jennifer Keenan was subjected, without reasonable cause or exigency, to a strip search in violation of the Attorney General Guidelines of New Jersey [established in 1993 and revised and again published in 1995] as well as being in violation of Federal and State Constitutional principles and laws.
25. Plaintiff Jennifer Keenan was, inter alia, falsely imprisoned, handcuffed and transported (seized), without lawful authority, to the bathroom where she continued to be restrained and strip searched, improperly and unconstitutionally, and in violation of, inter alia, Federal and State Constitutional principles and laws, the New Jersey Attorney General's Guidelines and, inter alia, Florence v. Bd. of Chosen Freeholders of County of Burlington, 132 S.Ct. 1510 (2012).

WHEREFORE, Plaintiff Jennifer Keenan demands judgment against those individual Defendants in their personal and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and laws. Plaintiff seeks compensatory, nominal and punitive damages along with attorney's fees, expert and other fees and such other relief as is fair and just.

COUNT THREE

1. The allegations of Paragraphs 1 through 25 are incorporated as if specifically set forth herein.
26. Plaintiff Jennifer Keenan was subjected to unconstitutional assault, improper touching, false imprisonment, harassment, invasion of privacy and violation of her due process and

other rights as a consequence of her right to be free from unreasonable strip searches and bodily seizures.

WHEREFORE, Plaintiff Jennifer Keenan demands judgment against those individual Defendants in their personal and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and laws. Plaintiff seeks compensatory, nominal and punitive damages along with attorney's fees, expert and other fees and such other relief as is fair and just.

COUNT FOUR

1. The allegations of Paragraph 1 through 26 are incorporated as if specifically set forth herein.
27. The strip search of Plaintiff involving, among other things, physical touching of Plaintiff, was conduct initiated and ordered by Defendant McEvoy and Defendant Marro so as to intentionally harass and humiliate Plaintiff, knowing that Plaintiff was the girlfriend of Ryan Cera, the sole individual being surveilled and investigated by those two Defendant Police Officers for at least a 7 month period.

WHEREFORE, Plaintiff Jennifer Keenan demands judgment against those individual Defendants in their personal and official capacity for violation of her civil rights as guaranteed by the Federal and State Constitutions and laws. Plaintiff seeks compensatory, nominal and punitive damages along with attorney's fees, expert and other fees and such other relief as is fair and just.

COUNT FIVE

1. The allegations of Paragraphs 1 through 27 are incorporated as if specifically set forth herein.
28. The conduct of the Defendant Harrison Township Police Officers was in violation of Federal and State Constitutional principles as well as the Attorney General Guidelines on

strip searches and search warrants and, thus far, those officers have not received adequate training or instruction as to the proper contours of those constitutional, statutory and regulatory restrictions upon their conduct.

29. The Defendant Harrison Township has failed to provide adequate instruction and training to its Police Officers.

WHEREFORE, equitable relief is sought compelling the Township and the Police Department to conduct training sessions for its police officers as to proper search and seizure protocols in executing search warrants and in conducting searches and strip searches.

NOTICE PURSUANT TO THE RULES

TAKE NOTICE that the undersigned attorney, counsel for the Plaintiff does hereby demand, pursuant to Rules 1:5-1(a) and 4:17(c) that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all pleadings, answered interrogatories and other discovery materials received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and

TAKE NOTICE that this is a continuing demand.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury as to all issues so triable.

DESIGNATION OF TRIAL COUNSEL

It is hereby stated pursuant to R. 4:5-1(c) and 4:25-4 that John P. Morris, Esquire is designated as trial counsel for Plaintiff for this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding at this time. Nor is any contemplated. There are no non-parties who should be joined

pursuant to R. 4:28 or 4:29-1(b). I also certify that Notice under New Jersey's Tort Claims Act was not required as the claims are either federally based or based on New Jersey law which does not require compliance with the notice provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-1 et seq. .

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



JOHN P. MORRIS, ESQUIRE
Attorney for Plaintiff Jennifer Keenan

Dated: November 12, 2015