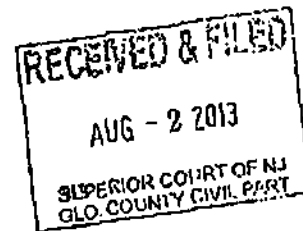


TRACEY F. OANDASAN, ESQUIRE
OANDASAN & COOPER, PC
28 EAST AVENUE
PO BOX 326
WODDSTOWN, NJ 08098
(856) 624-4074; Fax: (856) 624-4064

Attorneys for Defendant/Counterclaimant/Third-Party Plaintiff



BRIAN HORNE, Plaintiff, v. CHRISTINE MILLER Defendant/Counterclaimant/Third Party Plaintiff, v. BRIAN HORNE, SLRD COMPANY MULLICA HILL, LLC., AND ABC COMPANIES, 1-5, fictitious names, TOWNSHIP OF HARRISON, OFFICER BRENT DATZ, (individual and official capacities), SGT. RONALD CUNDEY, (individual and official capacities), SGT. RICHARD MALINOSKI, (individual and official capacities), POLICE CHIEF OF HARRISON TOWNSHIP (individual and official capacities), J/S/A, Third Party Defendants.	SUPERIOR COURT OF NEW JERSEY GLOUCESTER COUNTY LAW DIVISION DOCKET #: GLO-L-127-11 CIVIL ACTION SECOND AMENDED COUNTERCLAIM AND THIRD-PARTY COMPLAINT
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Christine Miller, residing at 3534 Coles Mill Road, Franklinville, New Jersey, by way of
Counterclaim and Third-Party Complaint hereby says:

PARTIES

1. Plaintiff/Defendant on the Counterclaim and Third-Party Complaint, Brian Horne is an individual residing at 283 Mullica Hill Road, Mullica Hill, New Jersey. Plaintiff, Horne and Defendant, Christine Miller began a personal relationship in 2005.

2. Upon information and belief, plaintiff, Horne is also the President/CEO/BoardMember/Member of SLRD Company Mullica Hill, LLC a/k/a Stags' Leap Ranch Development. SLRD, in addition to other business ventures including a trucking company, owns and operates a landfill project in Harrison Township, New Jersey. Horne is being sued individually and in his official business capacity.

3. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller, was at all relevant times alleged herein, an employee of Horne and/or SLRD and/or ABC Corporations 1-5, fictitious names.

4. SLRD Mullica Hill Company, LLC is, upon information and belief, a New Jersey Limited Liability Company engaged in the landfill business in the State of New Jersey.

5. ABC Companies 1-5, fictitious names, are, upon information and belief, companies owned, operated, and/or controlled by Horne and are the employer of Miller.

FACTS

BACKGROUND

6. Miller began working as an employee of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, in or around March of 2006.

7. Prior to becoming employed by Horne and/or SLRD and/or ABC Companies 1-5, fictitious name, Miller was involved in a personal relationship with Horne. Initially, the relationship was consensual.

8. Throughout the course of the parties' relationship, it was common for Horne to give Miller jewelry as gifts. On Thanksgiving, 2006, plaintiff, Horne stated that it was time for the

parties to get engaged.

9. The following day, the parties picked out and purchased a 2.51 carat diamond engagement ring. Horne formally proposed to Miller approximately 4 or 5 days later. However, no wedding date was set.

10. From December 2006 through June 2009, the parties' relationship was "on again, off again." The parties frequently fought about Horne's behavior and other issues.

11. In June of 2008, the parties were in Horne's swimming pool and spoke about getting a larger diamond, as plaintiff was making more money at that time. Horne welcomed the idea, but said that the new ring would be a diamond "right hand" ring.

12. On or about September 13, 2008, the parties were having lunch with Miller's mother in Florida. The parties discussed and agreed upon a wedding date of December 6, 2008.

13. In or about November of 2008, the parties were at Diana Michaels jewelry store in New Hope, Pennsylvania, to confirm the final design for Miller's wedding band to match the 2.51 carat ring.

14. At that time, Horne purchased, among other items, the 4.53 carat diamond "right hand" ring. Although plans were made for Miller's wedding ring, no other wedding plans were ever made.

15. From the time of purchase, Miller wore the "right hand" ring on her right hand. At various times or when going out, Horne instructed Miller to wear the "big" diamond.

16. There was no wedding in December of 2008. In January of 2009, Horne told Miller that he didn't want to marry her because he already had two failed marriages. However, Horne told Miller that he still loved her and wanted to be with her. At that time, Horne gave Miller all

of the paperwork and certifications for the 4.53 carat ring.

17. In the following year and a half, the parties broke up and got back together several times. Specifically, the parties broke up in the Spring of 2009. After that break up, Horne told Miller that she could keep the 2.51 carat diamond engagement ring, and had his attorney send her a letter confirming same. Horne gave her all of the paperwork and certifications, and even signed a computer generated release from Diane Michaels saying Miller could keep the ring, as the jeweler wasn't satisfied with the letter from Horne's lawyer.

18. Horne signed the jeweler's release, and Miller gave the ring to the jeweler to sell for her on consignment.

19. The 2.51 carat diamond ring did not sell immediately. The parties resumed their personal relationship in June of 2009. Miller then took the 2.51 carat ring back from the jeweler and began wearing it again. Horne never re-proposed marriage to Miller.

20. The parties went to Florida in December of 2009, and again had a huge fight due to Horne's drinking. When the parties came back to New Jersey the following month, Miller took the 2.51 carat ring back to Diana Michaels to be sold for her on consignment.

21. In February of 2010, Miller gave Diana Michaels her permission to release her 2.51 carat diamond to Horne. Horne picked up the ring in New Hope and again gave it to Miller. He told her that the ring was pretty and should be on her hand. He did not re-propose marriage when returning the aforesaid 2.51 carat ring.

22. In the months that followed, the parties broke up and reunited several other times. In the Summer of 2010, the parties were again in Horne's swimming pool. Horne handed Miller a small red box, which contained the wedding band to match her 2.51 carat diamond. Horne told

Miller to keep the ring, that he didn't need it, and that it goes with her other ring. He told her to do what she wanted with it. Again, there was no marriage proposal.

23. At this point in time, Horne had given Miller all three rings. Although she regularly wore the 4.53 carat "right hand" ring, she kept the 2.51 carat ring and wedding band in her jewelry box.

24. On November 8, 2010, Miller took the 2.51 carat ring to Diana Michaels, for the third time, and requested that the jeweler sell the ring on consignment for her.

COUNTERCLAIM

COUNT ONE

(Miller v. Horne)

Counterclaim for Possession of Rings/Gift Transferring Title

25. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

26. Miller accepted, at different times, the 4.53 carat "right hand" ring and the 2.51 carat ring and matching wedding band as gifts from Horne.

27. Horne, intentionally, at different times, gave the rings to Miller, who obtained all title and interest in the rings at the times Horne gave them to her.

28. At the times they were given to Miller, Horne surrendered ownership and dominion over the aforesaid rings.

29. As detailed above, in November of 2008, Horne gifted Miller the 4.53 carat ring.

30. As detailed above, in the Spring of 2009, Horne gifted the 2.51 carat diamond to Miller with no marriage proposal.

31. As detailed above, in the Summer of 2010, Horne gifted the wedding band to Miller with no marriage proposal.

WHEREFORE, defendant, Miller demands judgment against plaintiff, Horne for possession of all three rings previously gifted to her, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

ADDITIONAL FACTS

32. Miller and Horne began a personal, intimate relationship in 2005.

33. During the course of that relationship, Miller was faithful to Horne and was not intimate with anyone else.

34. After the parties separate in March of 2009, they resumed an intimate relationship in late June of 2009. Although Miller had not been intimate with anyone else during their separation, upon information and belief, Miller has since learned that Horne had been with another woman and/or other women.

35. Miller went for her annual gynecological exam in March of 2010.

36. In June of 2010, Miller received a phone call informing her that her PAP test came back abnormal, and, because of that, she needed to schedule a surgical procedure, a colposcopy.

37. On or about July 29, 2010, Miller had another PAP test to see if the condition resolved on its own.

38. In or about August of 2010, Miller received a phone call informing her that the second PAP test was still abnormal. The doctor explained to Miller that it was an HPV virus, which is transmitted via sexual intercourse.

39. Upset, Miller tried to talk to Horne about the HPV diagnosis. Miller asked Horne to

go to his doctor. Horne locked his door and wouldn't speak to Miller.

40. On or about October 11, 2010, Miller underwent a colposcopy procedure. Later that evening, when Miller attempted to talk to Horne about everything she had experienced earlier that day, Horne told Miller that he didn't want to talk about it and that she was ruining his dinner.

41. On or about October 25, 2010, Miller received a call from the doctor's office with the results of the colposcopy. She was informed that it showed severe dysplasia, and that she would need a more invasive LEEP, loop electrosurgical excision procedure.

42. On or about November 24, 2010, Miller had the excruciatingly painful LEEP procedure. Medically, it was the worst experience Miller ever had. She tried to contact Horne, but he would not respond to her phone calls.

43. Horne was the only man Miller has been intimate with since their relationship began in 2005.

44. As a direct and proximate result of Horne's negligence, Miller has suffered damages, including but not limited to pain, suffering, loss of income, and emotional distress.

COUNT TWO

(Miller v. Horne)

Negligent Transmission of a Venereal Disease

45. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

46. Upon information and belief, Miller is now aware that Horne had sexual intercourse with another woman and/or other women during the course of their "on again, off again" five year relationship.

47. When the parties resumed a sexual relationship in June of 2009, Horne did not inform Miller that he had been with another woman and/or other women during their separation.

48. Horne did not take reasonable care to avoid transmission of the HPV virus to Miller, in that he had unprotected sexual relations with her after he had been with another woman and/or other women.

49. As a direct and proximate result of Horne's negligence, Miller has suffered damages.

WHEREFORE, defendant, Miller demands judgment against plaintiff, Horne for the following:

- (a) Compensatory damages, including but not limited to pain, suffering, emotional distress, economic loss, loss of reputation and other damages;
- (b) Attorney's fees and costs of suit;
- (c) Punitive damages against plaintiff, Horne;
- (d) Other such relief as the Court deems reasonable and just.

COUNT THREE

(Miller v. Horne)

Negligent Infliction of Emotional Distress

50. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

51. Horne owed a duty of reasonable care to Miller, and he failed to take reasonable care in his sexual relationship with her.

52. Horne's negligence was the direct and proximate result of the injury to Miller. Horne's breach of duty and negligence caused Miller to suffer genuine and substantial emotional

distress.

WHEREFORE, defendant, Miller demands judgment against plaintiff, Home for the following:

- (a) Compensatory damages, including but not limited to pain, suffering, emotional distress, economic loss, loss of reputation and other damages;
- (b) Attorney's fees and costs of suit;
- (c) Punitive damages against plaintiff, Home;
- (d) Other such relief as the Court deems reasonable and just.

ADDITIONAL FACTS

53. During the course of the parties' personal relationship, and Miller's employment with SLRD and/or ABC Companies 1-5, fictitious names, Miller became aware of certain practices and activities by Home and/or SLRD and/or ABC Companies 1-5, fictitious names, which she reasonably believed were illegal and/or against public policy. These activities included, but are not limited to, removing contaminated dirt from the landfill property and dumping it at other, unapproved locations, removing waste dirt from the landfill without the necessary license for Brownfields remediation, accepting fly ash that exceeded the DEP levels of Benzo-a-pyrene which threatened adjoining properties and waterways, having trucks bypass scales and allowing an individual or individuals to reside in a house on the waste site, just to name a few, in violation of the laws of the State of New Jersey, NJDEP regulations and other township ordinances.

54. Home had been trying to cap off the landfill for several years, to make use of the property in a different manner. However, due to numerous disputes with the DEP over his violations and deficiencies, he has been severely delayed in capping the landfill.

55. Miller was personally aware of the deficiency notices that Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, received from the DEP. Miller was aware of the illegal and/or improper practices that Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, were engaging in and she objected to these practices.

56. Following Miller's objection to the illegal and/or improper practices of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, Horne threatened Miller numerous times with termination, eviction from her rented house, and other acts of retaliation.

57. In or about November 2010, Miller once again objected to the aforesaid illegal and/or improper practices of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names.

58. In or about November 2010, Miller became aware that Horne was in a personal relationship with the Deputy Commissioner of the DEP, Irene Kropp, who was, upon information and belief, involved with the oversight of Horne's and/or SLRD's and/or ABC Companies' 1-5, fictitious names, NJDEP deficiencies and/or violations.

59. On or about December 14, 2010, Miller called the NJDEP in Trenton, and spoke with a Magdellina Pedillia, the Chief of Staff, whom she was told was an attorney in charge of "ethics" matters. Before saying anything, Miller stated that she was afraid and nervous to talk to her, because of Horne's threats, but Miller reported the illegal and/or improper activities of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, and the questionable relationship between Horne and Kropp.

60. On the same date as Miller reported the conduct of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, and Kropp to the NJDEP, she received a telephone call from Horne stating her employment was terminated, demanding the return of the company vehicle, a

Cadillac Escalade which she had been driving since she and Horne picked out the vehicle together, and also demanding return of the 4.53 carat diamond.

61. Miller's employment with Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, was her sole source of income. Miller now receives only unemployment.

62. The retaliation continues in that Horne has also threatened and attempted to evict Miller from her residence, which he owns and formally rents to Miller.

63. As a direct and proximate result of Miller's reporting and/or objecting to the illegal and/or improper practices of Horne and/or SLRD and/or ABC Companies 1-5, fictitious names, Miller has suffered damages including but not limited to, pain, suffering, loss of income, emotional distress and attorney's fees in defending various actions by Horne.

THIRD-PARTY COMPLAINT

COUNT ONE

(Miller v. Horne, SLRD and ABC Companies 1-5, fictitious names)

CEPA

64. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

65. This cause of action permits recovery against individuals and employers. This Count is brought against Horne individually and in his business capacity.

66. Miller objected to participating in an activity that she reasonably believed was contrary to the laws of the State of New Jersey and/or violated the regulations of the NJDEP and/or New Jersey Constitution.

67. Miller reasonably believed that she and other employees were given orders requiring

them to violate the law and were against public policy.

68. Miller disclosed the perceived illegal activity to the NJDEP.

69. Immediately after Miller reported the perceived illegal activities, Horne and/or Third-Party Defendants retaliated against Miller by terminating her employment, taking away the vehicle that she had been driving for over four years, attempting to evict her from the home she formally rents from Horne, asking her to return the aforementioned rings and causing Miller to incur attorney's fees.

70. As a direct and proximate result of the actions of Horne and the Third-Party defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for the following:

- (a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;
- (b) Attorney's fees and costs;
- (c) Punitive damages against the individual third-party defendant;
- (d) Pre and post judgment interest;
- (e) Other such relief that the Court deems reasonable and just.

COUNT TWO

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

NEW JERSEY CONSTITUTION

71. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats

and realleges all contents of all previous paragraphs as if set forth at length herein.

72. Pursuant to Article I Paragraph 6 of the New Jersey Constitution, all citizens of the State of New Jersey have a guaranteed right to free speech.

73. Miller spoke out against the actions and directives of Horne and the Third-Party Defendants.

74. Miller objected to the instructions given by Horne and the Third-Party Defendants which she reasonably believed violated the rights of the citizens of the Township of Harrison and the laws of the State of New Jersey and/or regulations of the NJDEP.

75. Miller reasonably believed that the actions of Horne and the Third-Party Defendants were illegal and/or improper, and she objected even though Horne and the Third-Party Defendants had developed a policy, practice and/or custom of improperly utilizing discipline and punishment against employees who do not agree with their illegal and/or improper practices.

76. As a direct and proximate result of the actions of Horne and the Third-Party Defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for the following:

(a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;

(b) Attorney's fees and costs;

(c) Punitive damages against the individual third-party defendant;

(d) Pre and post judgment interest;

(e) Other such relief that the Court deems reasonable and just.

COUNT THREE

(Miller v. Horne, SLRD and ABC Companies 1-5, fictitious names)

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

77. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

78. Miller pleads this cause of action in the alternative to Count One of the Third-Party Complaint.

79. Horne and the Third-Party Defendants owed a duty of reasonable care to Miller in regard to her employment with them.

80. It is reasonably foreseeable that Horne's and/or the Third-Party Defendant's demands that Miller keep quiet about certain perceived illegal and/or improper activities and practices, and the threat of termination and/or eviction and/or removal of the company vehicle, would cause Miller to be seriously emotionally distressed.

81. It is reasonably foreseeable that Horne's and/or Third-Party Defendant's threats to terminate, evict and otherwise punish Miller if she spoke out would cause Miller to be seriously emotionally distressed.

82. As a direct and proximate result of the actions of Horne and the Third-Party Defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party

defendants, jointly, severally, and in the alternative for the following:

- (a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;
- (b) Attorney's fees and costs;
- (c) Punitive damages against the individual third-party defendant;
- (d) Pre and post judgment interest;
- (e) Other such relief that the Court deems reasonable and just.

COUNT FOUR

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

83. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if set forth at length herein.

84. Miller pleads this cause of action in the alternative to Count One of the Third-Party Complaint.

85. In order to keep Miller quiet, Horne and/or the Third-Party Defendants deliberately threatened Miller with things they knew would harm her the most. Horne and/or Third-Party Defendants were Miller's sole source of income, so she was threatened with termination. Miller was threatened with eviction from her 12 acre home that she formally rents from Horne for \$100 per month, as it was obvious that she did not have the financial means to quickly relocate herself and her 10 horses. When Miller called the DEP, the Cadillac, her only reliable form of transportation, was immediately taken away.

86. Home and/or Third-Party Defendants acted recklessly and in an extreme and outrageous manner that would knowingly cause Miller severe emotional distress.

87. As a direct and proximate result of the actions of Horne and the Third-Party Defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for the following:

- (a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;
- (b) Attorney's fees and costs;
- (c) Punitive damages against the individual third-party defendant;
- (d) Pre and post judgment interest;
- (e) Other such relief that the Court deems reasonable and just.

COUNT FIVE

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

WRONGFUL DISCHARGE

88. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all of the contents of all previous paragraphs as if fully set forth at length herein.

89. Miller pleads this cause of action in the alternative to Count One of the Third-Party Complaint.

90. This cause of action permits recovery against individuals and employers. This Count is brought against Horne individually and in his business capacity.

91. Miller had reasonable belief that Horne and/or Third Party Defendants were engaging in illegal and/or improper practices under the laws of the State of New Jersey and/or the regulations of the NJDEP.

92. Despite being threatened, Miller brought the illegal and improper practices to the attention of the NJDEP, which she reasonably thought would prevent and remediate the objectionable conduct.

93. Miller's reporting to the NJDEP resulted in Horne's immediate discipline of Miller and her eventual termination.

94. Miller's termination constitutes wrongful discharge in violation of public policy.

95. As a direct and proximate result of the actions of Horne and the Third-Party Defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for the following:

(a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;

(b) Attorney's fees and costs;

(c) Punitive damages against the individual third-party defendant;

(d) Pre and post judgment interest;

(e) Other such relief that the Court deems reasonable and just.

COUNT SIX

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

HOSTILE WORK ENVIRONMENT

96. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

97. Miller pleads this cause of action in the alternative to Count One of the Third-Party Complaint.

98. This cause of action permits recovery against individuals and employers. This Count is brought against Horne individually and in his business capacity.

99. Horne would take the men who worked for him and/or SLRD and/or ABC Companies 1-5, fictitious names, out to lunch, where they would drink alcohol. They would come back to work and make sexual remarks towards Miller.

100. Miller brought this harassment to Horne's attention. Horne told her that she would have to learn to deal with the men.

101. Horne told Miller on numerous occasions that she would be fired if she did not provide certain sexual services during work hours.

102. Frequently, Horne would be friendly with male employees, but hostile and condescending towards Miller. As a result of Horne's behavior, the other male employees began to treat Miller similarly, even though she was supposed to be their supervisor.

103. Horne permitted the male employees to use unwelcomed sexual language and gestures towards Miller.

104. Horne was at all relevant times the President/CEO/BoardMember/Member of SLRD Company Mullica Hill, LLC a/k/a Stags' Leap Ranch Development and/or ABC Companies 1-5, fictitious names, the employer of the male employees and took no action to correct and/or stop

the harassment.

105. As a direct and proximate result of the actions of Horne and the Third-Party defendants, jointly, severally, alternatively, and individually, Miller has suffered damages.

WHEREFORE, Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for the following:

- (a) Injunctive relief, declaratory judgment, compensatory damages including, but not limited to pain, suffering, emotional distress, past economic loss, future economic loss, back pay, front pay, loss of reputation, loss of benefits, and other damages;
- (b) Attorney's fees and costs;
- (c) Punitive damages against the individual third-party defendant;
- (d) Pre and post judgment interest;
- (e) Other such relief that the Court deems reasonable and just.

ADDITIONAL FACTS

106. In the late Winter of 2006, Horne asked Miller to attend an estate sale/auction with him at the Buena Country Club. Horne picked Miller up at her apartment and the parties went to the sale together.

107. A large, framed Salvador Dali print entitled "The Kingdom" immediately caught Miller's attention. Miller mentioned how much she loved the artwork and Horne said that he would buy it for her.

108. Horne purchased the Dali print for Miller, along with an emerald and diamond necklace. He also purchased two other prints for himself that day.

109. As mentioned above, it was not unusual for Horne to buy Miller expensive gifts.

110. Often, Horne purchased such gifts for Miller on his company (SLRD) American Express card.

111. Miller put on the necklace as soon as she got into Horne's car for the drive home, and Horne gave her the appraisal for same.

112. Horne asked Miller where she was going to hang the Dali print, which was very large, approximately three feet by four and a half feet.

113. Miller, not having room in her small apartment, decided to hang the print in Horne's bedroom. They both spent a lot of time in there, and she figured that they could both enjoy it, as they were planning to be married.

114. Horne frequently stated that he purchased the Dali print for her because the blonde in the picture was her.

115. In 2009, Miller began looking on-line to purchase a Friesian horse. While on vacation in Florida, Horne became involved in Miller's search.

116. In March of 2009, Horne and Miller traveled to Sonoma, California, to visit a horse named "Marquis" at Black Sterling Friesian.

117. The first day, Horne and Miller both went to see the horse and Miller rode him.

118. Miller went alone to see Marquis the following day.

119. The parties left California without purchasing Marquis.

120. The day after the parties got back from their trip, Horne asked Miller what her decision was in regard to purchasing Marquis. Miller replied that she thought at \$27,500, the asking price was too high, given his lack of training. She also expressed concern regarding her own financial situation, that she shouldn't be spending her whole savings on a horse.

121. Horne forcefully exclaimed that he thought Marquis was a great horse, Miller looked good riding him and that she should buy him.

122. The following day Horne called Miller with "good news." He said that he purchased Marquis for her and that he was being delivered in approximately one week.

123. The horse was delivered and Horne repeatedly stated that he purchased Marquis for Miller.

124. Marquis went for training in Maryland from October of 2009 until the Spring of 2010. Miller rode him every time she visited. When Marquis was finished with his training, he came home to Miller's residence.

125. When Miller contacted Horne's girlfriend, Kropp, via e-mail, Horne came to Miller's residence, intoxicated, and took Marquis.

COUNT SEVEN

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

Gift Transferring Title of Dali Print and Marquis

126. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

127. Miller accepted, at different times, the Dali print, "The Kingdom" and the Friesian horse known as Marquis as gifts from Horne.

128. Horne, intentionally, at different times, gave the print and the horse to Miller, who obtained all title and interest in the items at the time Horne gave them to her.

129. This Count is brought against Horne individually and in his business capacity as an agent/servant of SLRD and/or ABC Companies, 1-5.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for possession of the Dali print and horse Marquis previously gifted to her, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT EIGHT

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

Conversion

130. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

131. By reason of the foregoing, plaintiff and third-party defendants have converted defendant/counterclaimant/third-party plaintiff's property to their own use and benefit to the exclusion and damage of defendant/counterclaimant/third-party plaintiff.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

ADDITIONAL FACTS

132. In or about February of 2010 defendant/counterclaimant/third-party plaintiff entered into a lease with plaintiff for the rental of a house located at 261 Mullica Hill Road, Mullica Hill, New Jersey. She took possession of the property at the end of April 2010, moving all of her personal belongings onto the property at that time.

133. Defendant/counterclaimant/third-party plaintiff resided in the property for the

length of her lease, which was two years. At the end of the two year period, plaintiff sought to raise the rent from \$100 per month to \$2,500 per month, well aware that the proposed increase was excessive and impossible for defendant/counterclaimant/third-party plaintiff to pay.

134. Plaintiff filed a Landlord-Tenant Complaint seeking to evict defendant/counterclaimant/third-party plaintiff. Plaintiff subsequently was granted a judgment for possession on the basis of defendant/counterclaimant/third-party plaintiff's non-payment of rent.

135. On or about June 20, 2012, defendant/counterclaimant/third-party plaintiff filed an application for an emergency stay of eviction due to a lacerated finger, which stay was granted for 7 days. The 7 day stay expired on June 28, 2012.

136. At the expiration of the stay, on or about Thursday, June 28, 2012, defendant/counterclaimant/third-party plaintiff's landlord-tenant attorney spoke with plaintiff's counsel, who agreed that defendant/counterclaimant/third-party plaintiff would not be locked out of the property until July 5, 2012, after the holiday weekend.

137. On the morning of Friday, June 29, 2012, defendant/counterclaimant/third-party plaintiff saw two SLRD trucks blocking her driveway. At that point, unsure of what was happening, defendant/counterclaimant/third-party plaintiff immediately put all of her valuables, specifically all of her jewelry, in a black bag.

138. Shortly thereafter, the Gloucester County Sheriff's Department came to defendant/counterclaimant/third-party plaintiff's door. Defendant/counterclaimant/third-party plaintiff was told that she wasn't being locked out that day because of a problem with the paperwork, but that he would be back on Tuesday morning, July 1, 2012, to do the lockout.

139. Defendant/counterclaimant/third-party plaintiff told the officer that she, all of her belongings and all animals would be removed from the property before then.

140. Approximately two hours later, defendant/counterclaimant/third-party plaintiff received a phone call from a woman claiming to be from the Gloucester County Courts. She said she was in defendant/counterclaimant/third-party plaintiff's rented property with plaintiff. She stated that she was there to do the lockout and that defendant/counterclaimant/third-party plaintiff had to come immediately to get her dog.

141. Defendant/counterclaimant/third-party plaintiff arrived at the property approximately 10 minutes after receiving that phone call. There were three Harrison Township Police Officers present, Patrolman Dennis McGrail, Patrolman Brent Datz and Sergeant Ronald Cundey. Officer Datz informed defendant/counterclaimant/third-party plaintiff that she was being locked out and that she had an hour to get any personal property that she wanted out of the house.

142. Defendant/counterclaimant/third-party plaintiff picked up one of her cats, her dog a bag of clothes and fur coats.

143. The officers present were acting in their capacity as police officers employed by the Township of Harrison, State of New Jersey, and acting under color of state law. All police Defendants, Datz, Cundey, and Police Chief, are being sued in the individual and official capacities.

144. Patrolman Brent Datz had responded to calls involving domestic disputes between Horne and Miller prior to the date in question, and had knowledge of the history between the Plaintiff and Defendant.

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have access to it, so her belongings would be safe. Officer Datz tried to explain this policy to plaintiff, but plaintiff in his intoxicated state said that he would do and take whatever he wanted. When defendant/counterclaimant/third-party plaintiff didn't want to leave without her jewelry, Officer Datz again threatened her with arrest.

150. Defendant/counterclaimant/third-party plaintiff finally left the property after several more threats of arrest, as she did not want to be arrested, leaving behind two cats, five horses and almost all of her personal belongings, including her jewelry.

151. On or about June 29, 2012, plaintiff's counsel contacted defendant/counterclaimant/third-party plaintiff's landlord-tenant attorney to inform him that defendant/counterclaimant/third-party plaintiff would be permitted back on the property Monday, July 2, 2012 to pick up her horses and horse-related items, but she was not permitted to enter the house or take any other personal property.

152. When defendant/counterclaimant/third-party plaintiff returned the property on July 2, 2012, Plaintiff and one of his employees were present and drinking alcohol. It was obvious that they were drunk and agitated. When Defendant/counterclaimant/third-party plaintiff tried to take her Western-style saddle, plaintiff objected and called the police. Defendant/counterclaimant/third-party plaintiff was able to show the police the receipt for the saddle from 2008, and the officer permitted her to take it.

153. On or about July 3, 2012, defendant/counterclaimant/third-party plaintiff received correspondence from plaintiff's counsel stating that she would have to wait until July 12, 2012, to go back to the house to get her personal items because plaintiff was on vacation.

154. On or about July 3, 2012, defendant/counterclaimant/third-party plaintiff went to

145. Officer Datz prevented defendant/counterclaimant/third-party plaintiff from taking her belongings from the house, telling her that plaintiff had to first "approve" the personal items she was taking. Plaintiff approved the items listed in the paragraph above.

146. Still having 45 minutes left, defendant/counterclaimant/third-party plaintiff said she was going back to get more items and her jewelry. As soon as defendant/counterclaimant/third-party plaintiff mentioned jewelry to Officer Datz, plaintiff asked to speak with Officer Datz and Sergeant Cunday alone. Defendant/counterclaimant/third-party plaintiff was instructed by the Harrison Township Officers to wait outside while the two male officers went inside with plaintiff. The officers did not treat Miller equally based upon her gender.

147. After 45 minutes, Officer Datz came out and told defendant/counterclaimant/third-party plaintiff that she would not be permitted to take her jewelry, that the jewelry had to stay in the house, and was being moved from the kitchen table to the bedroom.

148. Defendant/counterclaimant/third-party plaintiff pleaded to take her jewelry, explaining that she could prove ownership. She expressed concern that plaintiff would steal it if the jewelry was left on the property. She finally asked to be permitted to at least see where Officer Datz moved the bag of jewelry to.

149. Officer Datz refused all of defendant/counterclaimant/third-party plaintiff's requests and threatened her with arrest. Defendant/counlerclaimant/third-party plaintiff made one last plea to Officer Datz to hide the jewelry in the house so that plaintiff could not steal it. Officer Datz again refused, and stated that the house would be locked and that plaintiff would not

the Gloucester County Courthouse to file an emergent application requesting immediate access to the property. The Court Clerk assisted in communication with plaintiff's counsel, Jane Capasso, Esquire, and it was arranged for defendant/counterclaimant/third-party plaintiff to return to the property at noon.

155. Defendant/counterclaimant/third-party plaintiff arrived with 7 of her friends so as to expedite the process as much as possible, even though she was informed that she could have all day if she needed it. When they arrived, plaintiff and several of his employees were already there, drinking beer in their vehicles. Ms. Capasso was also there. The doors to the property were already opened, and a dumpster was in the front of the house.

156. Defendant/counterclaimant/third-party plaintiff ran into the house and up to the bedroom, to retrieve her jewelry where Officer Datz claimed he had moved it three days earlier. The bag of jewelry, totaling approximately \$268,500, was not located in the bedroom or anywhere else in the house.

157. Defendant/counterclaimant/third-party plaintiff ran outside and approached Harrison Township Police Officer Sergeant Richard Malinoski, who was standing with plaintiff and his attorney, to ask where the bag of jewelry was. Plaintiff immediately reported that he took it and that he had it.

158. Sergeant Malinoski had responded to calls involving domestic disputes between Horne and Miller in the past.

159. Defendant/counterclaimant/third-party plaintiff then asked that the bag of jewelry be returned to her. Plaintiff then changed his story, and stated that his attorney was holding the jewelry.

160. Defendant/counterclaimant/third-party plaintiff asked Ms. Capasso if she had the jewelry, who responded that she did not have it.

161. Defendant/counterclaimant/third-party plaintiff turned to Sergeant Malinoski that she wanted to file theft charges against plaintiff. Sergeant Malinoski denied her request, saying "not today", and told her to take the rest of her things out of the house.

162. While moving her remaining property out of the house, defendant/counterclaimant/third-party plaintiff noticed several other items that were missing. She also noticed that some things were not where she left them at the time of the lockout and that there were empty beer cans all over her kitchen table. The house had clearly been ransacked following the lockout.

163. During the move, defendant/counterclaimant/third-party plaintiff had to call the Harrison Township Police several times because plaintiff was drunk and disrupting the move.

164. Defendant/counterclaimant/third-party plaintiff broom swept the house, and plaintiff's employee, Steve Freund thanked her for doing it, and said it wasn't necessary. After speaking on the phone to plaintiff, Mr. Freund instructed her to leave any food in the refrigerator and any bags of trash.

COUNT NINE

(Miller v. Horne, SLRD, and ABC Companies 1-5, fictitious names)

Conversion

165. Defendant/plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

166. By reason of the foregoing, Plaintiff and Third Party Defendants have converted

defendant/counterclaimant - third party plaintiff's property to their own use and benefit to the exclusion and damage of defendant/counterclaimant/third party plaintiff.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Horne and the Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT TEN

(Miller v. Township of Harrison, Police Defendants)

Violation of 42 U.S.C. § 1983 -Deprivation of Fourteenth Amendment

Substantive Due Process

167. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

168. Miller has the right to equal protection of the law, a guarantee under the Fourteenth Amendment to the United States Constitution, not to be deprived of her constitutionally protected property interest.

169. Defendants Township of Harrison and the individual police defendants (Datz, Cundey, Malinoski and Police Chief) created unjustifiable and arbitrary hurdles for Miller in order to unlawfully limit, interfere with and otherwise deprive Miller's property interest in her jewelry, pets and other items left in the house.

170. The conduct of said defendant was arbitrary and capricious, did not bear a substantial rational or compelling relationship with public health, safety, morals or general

welfare, shocked the conscience and thus was an invalid exercise of official power, in violation of Miller's constitutional rights.

171. As a consequence of said defendant's unlawful conduct, Miller was denied her right to substantive due process.

172. As a direct and proximate result of the defendants' violation of Miller's right of substantive due process under the Fourteenth Amendment pursuant to 42 U.S.C. § 1983, Miller has suffered harm including significant monetary losses.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT ELEVEN

(Miller v. Township of Harrison, Police Defendants)

Violation of 42 U.S.C. § 1983 -Deprivation of Fourteenth Amendment

Equal Protection Rights

173. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

174. Miller has the right to equal protection of the law, a guarantee under the Fourteenth Amendment to the United States Constitution, not to be deprived of her constitutionally protected property interest.

175. Defendants Township of Harrison and the individual Police Defendants (Datz,

Cundey, Malinoski and Police Chief) targeted Miller in an unjustifiable, arbitrary and discriminatory manner in an attempt to unlawfully limit, interfere with and otherwise deprive Miller of her constitutionally protected property interest in her jewelry, pets and other items left in the house. The said third-party defendants had no reasonable or rational basis for such disparate treatment.

176. As a consequence of said defendants' unlawful conduct, Miller was denied her constitutional right to equal protection.

177. As a direct and proximate result of the defendants' violation of Miller's right to equal protection under the Fourteenth Amendment pursuant to 42 U.S.C. § 1983, Miller has suffered harm including significant monetary losses.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT TWELVE

(Miller v. Horne, Township of Harrison and Police Defendants)

Violation of 42 U.S.C. § 1983 - Conspiracy to Interfere with

Miller's Civil Rights

178. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

179. Horne and the individual police defendants (Datz, Malinoski, Cundey and Police Chief) reached a combination, agreement or understanding among them to plot, plan

and conspire to carry out the events described above in order to deprive, and for the purpose of depriving, Miller of her constitutional rights.

180. Horne, while not occupying an official position with the Township, acted under color of state law in complicity with the other defendants and in furtherance of the conspiracy alleged herein and therefore is liable in the same manner as the other defendants.

181. The purpose of the defendants' conspiracy was to harm Miller by attempting to limit, interfere with and otherwise deprive Miller of her constitutionally protected property interest.

182. As a consequence of said defendants' unlawful conduct, Miller was denied her constitutional rights and privileges.

183. As a direct and proximate result of the defendants' conspiracy, Miller has suffered harm, including significant monetary losses

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Horne and Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT THIRTEEN

(Supervisor Liability 42 U.S.C. § 1983)

184. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

185. On the aforementioned date of the lock out, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, told Sgt. Cundey what Datz and Horne had done with

respect to the property in question.

186. On the aforementioned date, Sgt. Cundey had actual knowledge that the property inside of the building belonged to Miller.

187. On the aforementioned date, Sgt. Cundey was the supervisor on the scene where the incident took place involving Horne and Datz.

188. On the aforementioned date, Cundey knew that Datz and Horne were prohibiting Miller from retrieving her personalty, and acquiesced in the behavior.

189. Defendant Malinoski was, at all relevant times alleged herein, a Sgt. on the Harrison township police department.

190. At all relevant times alleged herein, Defendant Malinoski had actual and/or constructive notice of the incidents involving Horne and Miller, and the actions of the other police defendants.

191. At all relevant times alleged herein, Defendant Malinoski acquiesced and furthered the plan to deprive Miller of her personal property, and ratified the actions of Datz.

192. Defendants Cundey and Malinosky were deliberately indifferent to the violation of Miller's rights.

193. Defendant Police Chief was at all relevant times alleged herein, the Chief of the Harrison Township Police Department.

194. Defendant Police Chief was at all relevant times alleged herein, the policy maker for the Harrison Township Police Department.

195. Defendant Police Chief was at all relevant times alleged herein, the final decision maker for the Harrison Township Police Department.

196. Upon information and belief, the Harrison Township police department is a small municipal police Department in Gloucester County, NJ.

197. Upon information and belief, Defendant Chief had actual and/or constructive knowledge that the other police Defendants had acted and/or failed to act to deprive Miller of her personal property.

198. Upon information and belief, Defendant Police Chief acquiesced in the behavior of the other police Defendants.

199. As a direct and proximate result, Miller suffered, and will in the future continue to suffer damages.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against the police, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT FOURTEEN

(Municipal Liability 42 USC § 1983)

200. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

201. Upon information and belief, Defendant Police Chief is the final decision maker for the Harrison Township police department.

202. Upon information and belief, Defendant Police Chief is the highest ranking policy maker for the Harrison Township Police Department.

203. Upon information and belief, Defendant Police Chief had a custom,

policy and/or practice of acquiescing in the behavior of subordinate officers to violate the rights of citizens.

204. Upon information and belief, Defendant Police Chief had a custom, policy and/or practice of failing to train officers on the proper policies and/or procedures for protecting the rights of citizens.

205. Upon information and belief, Defendant Police Chief had a custom, policy and/or practice of failing to discipline officers who violate the rules, regulations, laws, and rights of citizens.

206. As a direct and proximate result, Miller suffered, and will in the future continue to suffer damages.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Chief Police and/or Harrison Township, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT FIFTEEN

(Miller v. Township of Harrison, Police Defendants)

Violation of New Jersey Constitution

Substantive Due Process

207. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

208. Miller has the right to equal protection of the law, a guarantee under the

manner in an attempt to unlawfully limit, interfere with and otherwise deprive Miller of her constitutionally protected property interest in her jewelry, pets and other items left in the house. The said third-party defendants had no reasonable or rational basis for such disparate treatment.

213. As a consequence of said defendants' unlawful conduct, Miller was denied her constitutional right to equal protection.

214. As a direct and proximate result of the defendants' violation of Miller's right to equal protection under the New Jersey Constitution, Miller has suffered harm including significant monetary losses.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

JURY DEMAND

Demand is hereby made for a trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller hereby designates, TRACEY F. OANDASAN, ESQUIRE as Trial Counsel in this matter.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to New Jersey Court Rule 4:10-2(b), demand is made that third party defendants

New Jersey Constitution, not to be deprived of her constitutionally protected property interest.

209. Defendants Township of Harrison and the individual police defendants (Datz, Cundey, Malinoski and Police Chief) violated Miller's right to substantive due process under the New Jersey Constitution.

210. As a consequence of said defendant's unlawful conduct, Miller has suffered harm including significant monetary losses.

WHEREFORE, Defendant/Plaintiff on the Counterclaim and Third-Party Complaint Miller demands judgment against Third-Party defendants, jointly, severally, and in the alternative for compensatory and punitive damages, prejudgment interest, attorney's fees and costs of suit, and such further relief as the Court deems equitable and just.

COUNT SIXTEEN

(Miller v. Township of Harrison, Police Defendants)

Violation of New Jersey Constitution

Equal Protection Rights

211. Defendant/Plaintiff on the Counterclaim and Third-Party Complaint, Miller repeats and realleges all contents of all previous paragraphs as if fully set forth at length herein.

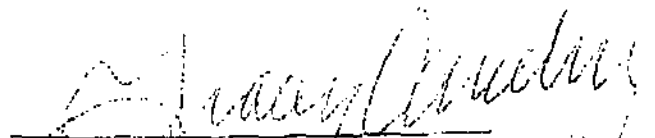
212. Miller has the right to equal protection of the law, a guarantee under the New Jersey Constitution, not to be deprived of her constitutionally protected property interest. Defendants Township of Harrison and the individual Police Defendants (Datz, Cundey, Malinoski and Police Chief) targeted Miller in an unjustifiable, arbitrary and discriminatory

disclose to defendant/counterclaimant's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which made be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide defendant/counterclaimant's attorney with true copies of those insurance agreements or policies, including but not limited to all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

CERTIFICATION PURSUANT TO R. 4:5-1

I, Tracey F. Oandasan, of full age, being duly sworn upon my oath, depose and say:

1. To my knowledge the matter in controversy in this action is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding.
2. To my knowledge no action or arbitration proceeding relating to the matter contained herein is contemplated.
3. I have no knowledge at this time of the names of any other parties who should be joined in this action.
4. I hereby 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.


TRACEY F. OANDASAN, ESQ.
Attorney for Defendant/Counterclaimant
Third Party Plaintiff

8/1/13