

Police

PIRO, ZINNA, CIFELLI, PARIS & GENITEMPO, L.L.C.

360 Passaic Avenue

Nutley, NJ 07110

Ph: 973-661-0710 / Fax: 973 661-5157

Attorneys for Plaintiff, KEITH POLE

Attorney ID: Alan Genitempo - Esq.-023181987

KEITH POLE, : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION, ESSEX COUNTY
: DOCKET NO.: ESX-L-6615-17

Plaintiff, :

: Civil Action

vs. :

: **SUMMONS**

TOWNSHIP OF ORANGE, :
ORANGE POLICE DEPARTMENT, :
and OFFICER #0285, named :
individually, JOHN DOES :
1-10 and ABC CORPS. 1-10 :
(fictitious names repre- :
senting any unknown :
Defendants), :

Defendant. :

From the State of New Jersey

RECEIVED
OCT 25 2017
CITY OF ORANGE TOWNSHIP
LAW DEPARTMENT

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ORANGE CITY CLERK'S OFFICE
2017 OCT 25 PM 2:32

To the Defendants Named Above: TOWNSHIP OF ORANGE

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. (The address of each deputy clerk of the Superior Court is provided.) 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, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written

answer or motion (with fee 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. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: October 24, 2017

/s/Michelle Smith

MICHELLE SMITH

Acting Clerk of the Superior Court

Name of Defendant to be Served: TOWNSHIP OF ORANGE

Address of the Defendant to be served: 29 North Day Street
Orange, NJ 07050

COPY

SUPERIOR COURT OF NJ
CIVIL DIVISION
ESSEX VICINAGE

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360 Passaic Avenue

Nutley, NJ 07110

Ph: 973-661-0710 / Fax: 973 661-5157

Attorneys for Plaintiff, KEITH POLE

Attorney ID: Alan Genitempo - Esq.-023181987

_____	:	SUPERIOR COURT OF NEW JERSEY
KEITH POLE,	:	LAW DIVISION, ESSEX COUNTY
	:	DOCKET NO.: ESX-L-6615-17
Plaintiff,	:	
	:	Civil Action
vs.	:	
	:	AMENDED COMPLAINT AND JURY DEMAND
TOWNSHIP OF ORANGE,	:	
ORANGE POLICE DEPARTMENT,	:	
and OFFICER #0285, named	:	
individually, JOHN DOES	:	
1-10 and ABC CORPS. 1-10	:	
(fictitious names repre-	:	
senting any unknown	:	
Defendants),	:	
	:	
Defendant.	:	

Plaintiff, KEITH POLE residing at 269 Reynolds Terrace, Unit 24 Orange, New Jersey, by way of this Amended Complaint against the above captioned Defendants, herein says:

FACTUAL BACKGROUND

1. At all times relevant hereto, Plaintiff, KEITH POLE, was and is an individual residing at 269 Reynolds Terrace Unit 24, in the City of Orange, County of Essex and State of New Jersey.

2. At all times relevant hereto, Defendant TOWNSHIP OF ORANGE AND ORANGE POLICE DEPARTMENT were public entities servicing the City of ORANGE.

3. On or about February 3, 2017, at approximately 8:30 p.m., Plaintiff was a motorist operating his vehicle through the Township of Orange.

4. On or about the aforesaid date, time, and place, Defendant, was parked outside of 167 Chapman Street in Orange, New Jersey.

5. On or about the aforesaid date, time, and place, Plaintiff was approached by Defendant Officer #0285 and three or four other officers of the Orange Police Department.

6. The officers interrogated the Plaintiff, asking if he was there to buy drugs, if he was a drug dealer, or if he was a junkie.

7. The officers took his wallet, cell phone, and searched the Plaintiff's car without permission.

8. Officer #0285 made Plaintiff stand outside in the cold for forty-five minutes while the officer threatened to arrest

Plaintiff for conspiracy to purchase drugs, tow his car, and give him a ticket for improper parking.

9. While these threats were being made, Officer #0285 did not allow Plaintiff an opportunity to speak, telling him to "Shut the fuck up".

10. Upon finding nothing in Plaintiff's car, Officer #0285 threw Plaintiff's cell phone, wallet, and money into the window of Plaintiff's car. Plaintiff was also issued an unlawful summons for improper parking.

11. At all times relevant hereto, Plaintiff KEITH POLE complied with any and all instructions given to him by the police officers in an orderly fashion.

FIRST COUNT

WRONGFUL IMPRISONMENT

12. The Plaintiff repeats each and every allegation above as if the same were set forth at length herein.

13. Defendants, through their agents, servants and employees, excessively and wrongfully imprisoned and detained Plaintiff in a far greater time period than warranted.

14. Such conduct included, but was not limited to, forcing the Plaintiff to remain outside his vehicle for nearly 45 minutes in the cold.

15. The wrongful imprisonment of Plaintiff by Defendant was intentional, willful, and malicious, as well as in reckless and/or

negligent disregard for the civil rights of Plaintiff afforded to him under the United States Constitution, and the New Jersey State Constitution, and Law Against Discrimination 10:5-1, et. seq.

16. As a direct and proximate cause of Defendants' actions, Plaintiff suffered severe emotional injuries and trauma of lasting nature, exacerbation of his previously diagnosed panic attack disorder, was forced to incur substantial expenses in treatment of those injuries, and was caused to miss time from work on account of said injuries.

WHEREFORE, Plaintiff, KEITH POLE, demands judgment against Defendants TOWNSHIP OF ORANGE and ORANGE POLICE DEPARTMENT, and OFFICER #0285 named individually for damages, punitive damages, interest and attorneys' fees and costs of suit.

SECOND COUNT

VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION, 10:5-1, et. seq.

17. Plaintiff repeats each and every allegation above as if the same were set forth at length herein.

18. Defendants' did maliciously and intentionally discriminate against Plaintiff, an African American, with regard to his race.

19. Throughout the Defendants' mistreatment of Plaintiff included: assuming he was there to buy drugs, sell drugs, or was a junkie, being made to wait outside in the cold for over 45

minutes while officers searched his car, being threatened with an arrest for conspiracy to purchase drugs with no evidence leading to that conclusion, and being told to "shut the fuck up" when attempting to respond to officers.

20. Through all the actions described at length herein, Defendants created and/or contributed to the creation of a discriminatory environment. Such abuse and discrimination is in direct violation of the New Jersey Law Against Discrimination, 10:5-2, et seq.

21. As a direct and proximate result of the defendants' actions, Plaintiff has suffered and will continue to suffer physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, Plaintiff, KEITH POLE, demands judgment against Defendants TOWNSHIP OF ORANGE and ORANGE POLICE DEPARTMENT, and OFFICER #0285 named individually for damages, punitive damages, interest and attorneys' fees and costs of suit.

THIRD COUNT

VIOLATION OF PLAINTIFF'S RIGHT TO PRIVACY

22. Plaintiff repeats each and every allegation above as if the same were set forth at length herein.

23. Defendants, through their agents, servants and employees, invaded Plaintiff's right to privacy in violation of the U.S. Constitution, the N.J. Constitution, and the common law.

24. Defendants invaded Plaintiff's privacy by subjecting him to intrusion that would be highly offensive to a reasonable person. Said conduct included, but was not limited to, searching through Plaintiff's car with no reasonable suspicion or warrant.

25. As a direct and proximate cause of Defendants' actions, Plaintiff suffered severe injuries and trauma of lasting nature, humiliation, exacerbation of his previously diagnosed panic attack disorder, was forced to incur substantial expenses in treatment of those injuries, and was caused to miss time from work on account of said injuries.

WHEREFORE, Plaintiff, KEITH POLE, demands Judgment against Defendant TOWNSHIP OF ORANGE AND ORANGE POLICE DEPARTMENT, and OFFICER #0285 named individually for damages, punitive damages, interest, attorneys' fees and costs of suit.

FOURTH COUNT

VIOLATION OF CIVIL RIGHTS UNDER THE NEW JERSEY CIVIL RIGHTS ACT

27. Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

27. Through the above referenced actions, Plaintiff was subjected to actions, which violated his Civil Rights and his rights of Due Process under the Constitution of the State of New Jersey. As a direct and proximate result of the assault and battery upon Plaintiff by the defendants plaintiff was caused to be placed in fear of physical harm, suffered severe physical injury,

emotional anguish and has otherwise been damaged. The aforesaid damages and injuries were caused solely and wholly by the intentional and willful assault and battery of the defendants without any fault of the Plaintiff.

28. Said claims include but are not limited to claims under the New Jersey Civil Rights Act.

29. As a direct and proximate result of the Defendants' actions, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, Plaintiff, KEITH POLE, demands judgment against Defendants TOWNSHIP OF ORANGE and ORANGE POLICE DEPARTMENT, and OFFICER #0285 named individually for damages, punitive damages, interest and attorneys' fees and costs of suit.

JURY DEMAND

Plaintiff demands trial by jury as to all matters herein.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Alan Genitempo, Esq., as trial counsel for the within matter.

RULE 4:5-1 CERTIFICATION

I hereby certify that the within matter is not currently the subject of any other action or arbitration proceeding now pending or hereafter contemplated and that no other parties should be joined in this action at this time.

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief.

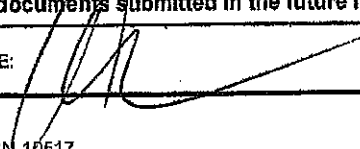
PIRO, ZINNA, CIFELLI,
PARIS & GENITEMPO, LLC
Attorneys for Plaintiff

By: _____

ALAN GENITEMPO
A Member of the Firm

Dated: October 17, 2017

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ ck ☒ cc ☐ ca CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY/PRO SE NAME Alan Genitempo, Esq.		TELEPHONE NUMBER (973) 661-7010	
	COUNTY OF VENUE Essex		DOCKET NUMBER (when available)	
FIRM NAME (if applicable) PIRO, ZINNA, CIFELLI, PARIS & GENITEMPO, L.L.C.			DOCUMENT TYPE Amended Complaint	
OFFICE ADDRESS 360 Passaic Avenue Nutley, NJ 07110			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Keith Pole		CAPTION Keith Pole v. Township Of Orange, Orange Police Department, and OFFICER #0285		
CASE TYPE NUMBER (See reverse side for listing)	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:83 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ Yes ☐ No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
☒  DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				

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CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW/AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOLIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 296 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 288 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | 624 STRYKER LFIT CoCr V40 FEMORAL HEADS |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

ESSEX COUNTY - CIVIL DIVISION
SUPERIOR COURT OF NJ
465 MARTIN LUTHER KING JR BLVD
NEWARK NJ 07102

COURT TELEPHONE NO. (973) 776-9300
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: SEPTEMBER 15, 2017
RE: POLE VS TOWNSHIP OF ORANGE
DOCKET: ESX L - 006615 17

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 DENNIS F. CAREY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (973) 776-9300.

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: ALAN J. GENTEMPO
PIRO ZINNA CIFEGLI ET AL
360 PASSAIC AVE
NOTLEY NJ 07110-2737

JUMJ33