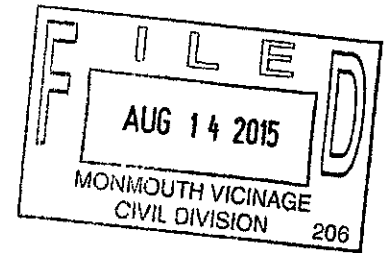


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MARK RAPPISI and CARLA RAPPISI,

Plaintiffs,

v.

**THE TOWNSHIP OF HAZLET, THE HAZLET
POLICE DEPARTMENT, CHIEF JAMES A.
BRODERICK, in his official, personal, and
individual capacities, OFFICER ANTHONY
FORLENZA, in his official, personal, and
individual capacities, OFFICER WILLIAM
MARVEL, in his official, personal, and individual
capacities OFFICER JOSEPH FORGIONE, in his
official, personal, and individual capacities,
OFFICER THOMAS ENRIGHT, in his official,
personal and individual capacities, SGT.
WILLIAM COWAN, in his official,, personal and
individual capacities, SGT. ROBERT
MULLIGAN, in his official, personal, and
individual capacities, JOHN DOES 1-5 (as yet
unidentified law enforcement persons in their
official, personal and individual capacities, and
ABC ENTITIES 1-5 (as yet unidentified entities),**

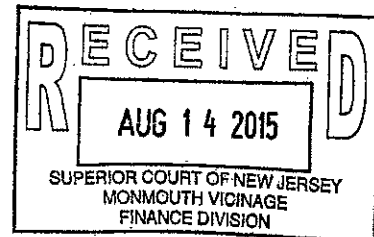
Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIV.: MONMOUTH COUNTY**

DOCKET NO: MON-L- 3070-15

CIVIL ACTION

**COMPLAINT
AND JURY DEMAND**



Plaintiffs **MARK RAPPISI and CARLA RAPPISI**, residing in the County of Monmouth, State of New Jersey, by way of complaint against Defendants **THE TOWNSHIP OF HAZLET, THE HAZLET POLICE DEPARTMENT, CHIEF JAMES A. BRODERICK, in his official, personal, and individual capacities, OFFICER ANTHONY FORLENZA, in his official, personal, and individual capacities, OFFICER WILLIAM**

MARVEL, in his official, personal, and individual capacities, OFFICER JOSEPH FORGIONE, in his official, personal, and individual capacities, OFFICER THOMAS ENRIGHT, in his official, personal and individual capacities, SGT. WILLIAM COWAN, in his official, personal and individual capacities, SGT. ROBERT MULLIGAN, in his official, personal, and individual capacities, JOHN DOES 1-5 (as yet unidentified law enforcement persons in their official, personal and individual capacities, and ABC ENTITIES 1-5 (as yet unidentified entities), states as follows:

1. At all relevant times herein plaintiffs **MARK RAPPISI and CARLA RAPPISI** ("plaintiff" or "**RAPPISI**") were and are residents of the County of Monmouth and State of New Jersey.
2. At all relevant times herein, upon information and belief, defendant **TOWNSHIP OF HAZLET ("HAZLET")** was and is a governmental entity, organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training and supervision of law enforcement officers, with a place of business at 1776 Union Avenue, PO Box 371, Hazlet, New Jersey 07730.
3. At all relevant times herein, upon information and belief, defendant **HAZLET POLICE DEPARTMENT** was and is an agency, department and/or subdivision of **HAZLET** organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training and supervision of law enforcement officers, with a place of business at 225 Middle Road, Hazlet, New Jersey 07730.
4. At all relevant times herein, upon information and belief, defendant **CHIEF JAMES A. BRODERICK, in his official, personal and individual capacities ("CHIEF BRODERICK")** was the Chief of the defendant **HAZLET POLICE DEPARTMENT,**

responsible for the supervision and oversight of the Department, including the development, promulgation, and implementation of policies, procedures and standards for the police department and more specifically policies, procedures and standards relating to the use of force, arrest procedures, internal affairs investigations, discipline and overall conduct of police officers.

5. At all relevant times herein, upon information and belief, defendant **OFFICER ANTHONY FORLENZA, in his official, personal and individual capacities** ("FORLENZA"), was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

6. At all relevant times herein, upon information and belief, defendant **OFFICER WILLIAM MARVEL in his official, personal and individual capacities** ("MARVEL"), was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

7. At all relevant times herein, upon information and belief, defendant **OFFICER JOSEPH FORGIONE, in his official, personal and individual capacities** ("FORGIONI"), was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

8. At all relevant times herein, upon information and belief, defendant **OFFICER THOMAS ENRIGHT, in his official, personal and individual capacities** ("ENRIGHT"), was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

9. At all relevant times herein, upon information and belief, defendant **SERGEANT**

WILLIAM COWAN, in his official, personal and individual capacities) ("COWAN"), was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

10. At all relevant times herein, upon information and belief, defendant **SERGEANT ROBERT MULLIGAN, in his official, personal and individual capacities) ("MULLIGAN"),** was a police officer employed by the defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**, acting as a police officer under color of law.

11. At all relevant times herein defendants **JOHN DOES 1 -5** were as yet individuals who were duly appointed police officers, employees, representatives and/or supervisors of defendants **TOWNSHIP OF HAZLET** and the **HAZLET POLICE DEPARTMENT**.

12. At all relevant times herein defendants **ABC ENTITIES 1-5** were as yet unidentified, public entities or units, departments or agencies thereof.

NOTICES OF CLAIMS

13. Plaintiff served Notice of Claims for damages in the form prescribed by New Jersey Statutes, Title 59:8-4, and signed by their representative, Shelley L. Stangler, Esq., upon Defendants **TOWNSHIP OF HAZLET, HAZLET POLICE DEPARTMENT, CHIEF JAMES A. BRODRICK, OFFICER FORLENZA, OFFICER MARVEL, OFFICER FORGIONE** and **SGT. MULLGAN** by Certified Mail, within the statutorily prescribed period.

14. More than six (6) months have elapsed since service of said Notices of Claims and the claims remain unresolved. This action is commenced within two (2) years from the date of the occurrence.

FACTUAL ALLEGATIONS

15. On August 18, 2013 at approximately 10:00pm, plaintiffs **MARK RAPPISI** and **CARLA RAPPISI** called crisis intervention at Monmouth Regional Medical Center for assistance with their 24 year old son, identified here as M.I.R. M.I.R. has a history of psychiatric and mental health problems which include a diagnosis of bipolar disorder and learning disabilities, which on occasion manifest themselves with aggression and anger.

16. M.I.R. has a history of interventions and treatment, including special needs classification in school, mental health counselling and psychiatric care with medical management including medications.

17. On the evening of August 18, 2013, while the family was at home, M.I.R. was exhibiting aggressive behavior, and increased agitation, which included throwing things, yelling and punching the bathroom door. He also made physical contact with his father, trying to get around him to get to his room. At no time did M.I. R. hit, punch, threaten or other attach, abuse or assault plaintiff **MARK RAPPISI**.

18. The counsellors at the crisis center called the police who arrived at the home of the plaintiffs in Hazlet, New Jersey. These officers included defendants **OFFICER FORLENZA, OFFICER MARVEL, OFFICER FORGIONE, OFFICER ENRIGHT** and **SGT. COWAN ("OFFICER DEFENDANTS")**.

19. By the time the police had arrived, there was no disturbance at the home and M.I.R was no longer a threat or aggressive. It was plaintiffs' intentions that M.I.R be taken to the crisis center for medical management and medical evaluation.

20. Plaintiffs **MARK RAPPISI** and **CARLA RAPPISI** were standing outside the front door on the stoop waiting for the police to arrive. When the first patrol car stopped,

plaintiff calmly walked down the walkway to meet the first officer. As they proceeded to walk down from the front door the Officer confronted them, telling them to "get back, get back" and out of the way in order to get into the house.

21. An **OFFICER DEFENDANT** said "I see a mark on your face I'm going to arrest your son" to which the father, plaintiff **MARK RAPPISI** expressed shock and surprise. Another **OFFICER DEFENDANT** asked out loud if the son would be brought to the hospital, but the first **OFFICER DEFENDANT** said no and proceeded into the home.

22. As the **OFFICER DEFENDANT** entered the home, all and/or some of them began to go upstairs and advise plaintiffs that they are going to arrest their son, M.I.R. The plaintiff parents did not believe their son should be arrested, had not called the police for a criminal investigation or to seek charges and instead believed their call to crisis management was for the purposes of seeking medical attention for their son.

23. The plaintiffs **MARK RAPPISI** and **CARLA RAPPISI** pleaded with the **OFFICER DEFENDANTS** not to arrest their son, and that he needed to go to a hospital, not to the police station or jail.

24. The plaintiffs were not the victims of assault, threats or abuse by their son, did not seek to press charges, and were not the victims of domestic violence or any other behaviors or actions justifying or requiring an arrest of M.I.R.

25. The plaintiffs expressed their concern that M.I.R. needed medical assistance. They were concerned about escalation of the situation and the ramifications for their son and his potential behaviors including self-harm.

26. The **OFFICER DEFENDANTS**, being untrained and heavy handed in their ability to address a situation involving a person suffering from mental health issues, insisted that

they needed to arrest MI.R and yelled at plaintiff **MARK RAPPISI** to stop following them up the stairs and go downstairs.

27. Plaintiff **MARK RAPPISI** followed the commands of the **OFFICER DEFENDANTS** and went back downstairs. He did not threaten the **OFFICER DEFENDANTS**. He did not touch them or attempt to. Nor did **MARK RAPPISI** tell the **OFFICER DEFENDANTS** that MI. R. had hit or assaulted him in any way. There was no mark on the face of **MARK RAPPISI**, contrary to the report prepared by the **OFFICER DEFENDANT(S)**, particularly **OFFICER FORGIONE** nor did plaintiff **MARK RAPPISI** ever state that his son "punched him in the face," as described by **OFFICER DEFENDANT WILLAIM MARVEL** in his report made in connection with the subject incident. **MARK RAPPISI** was, however, upset that the **OFFICER DEFENDANTS** planned to summarily arrest his son instead of taking him to the hospital.

28. Plaintiff **MARK RAPPISI** followed the commands of the **OFFICER DEFENDANTS** and went downstairs. As he went into the sun room/living room an **OFFICER DEFENDANT**, upon information and belief **OFFICER FORLENZA**, came up behind him, grabbed his arm with great force, yanked and pulled plaintiff's arm behind him with such force and violence as to cause serious injury during handcuffing.

29. Plaintiff **MARK RAPPISI** was arrested for Obstruction in preventing the police from completing their investigation in violation of N.J.SA 2C:29-1(A).

30. In the patrol car, plaintiff **MARK RAPPISI** advised an **OFFICER DEFENDANT** to get his wife because he needed his blood pressure medication. The **OFFICER DEFENDANT** finally went up to the wife, who advised that she had given it to the Plaintiff. When plaintiff **MARK RAPPISI** advised the **OFFICER DEFENDANT** that he did

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) 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		FOR USE BY CLERKS OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Shelley L. Stangler, Esq.		TELEPHONE NUMBER (973) 379-2500	COUNTY OF VENUE Monmouth
	FIRM NAME (if applicable) Shelley L. Stangler, P.C.		DOCKET NUMBER (when available)	
	OFFICE ADDRESS 155 Morris Avenue, Ste. 202 Springfield, NJ 07081		DOCUMENT TYPE Complaint	
			JURY DEMAND ☒ YES ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) MARK RAPPISI and CARLA RAPPISI, PLAINTIFFS		CAPTION THE TOWNSHIP OF HAZLET, THE HAZLET POLICE DEPARTMENT, CHIEF JAMES A. BRODERICK, ET ALS		
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 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: 