

## SUMMONS

Attorney(s) Anthony L. Marchetti, JR 050531994  
Office Address Marchetti Law, PC  
Town, State, Zip Code 900 N. Kings Hwy. Suite 306  
Cherry Hill, NJ 08034  
Telephone Number 856-414-1800  
Attorney(s) for Plaintiff Darryl Sanders  
Darryl Sanders

## Superior Court of New Jersey

Camden County  
Law Division

Docket No: CAM-L-001465-19

\_\_\_\_\_  
Plaintiff(s)

vs.

Lindenwold Borough, Lindenwold

Borough Police Department, et al.

\_\_\_\_\_  
Defendant(s)

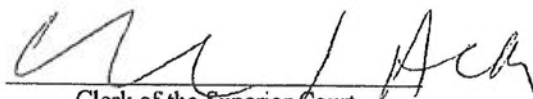
## CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

  
Clerk of the Superior Court

DATED: 04/13/2019

Name of Defendant to Be Served: Patrolman Justin Stippick

Address of Defendant to Be Served: 2001 Egg Harbor Road, Clementon, NJ 08021

## Civil Case Information Statement

### Case Details: CAMDEN | Civil Part Docket# L-001465-19

Case Caption: SANDERS DARRYL VS LINDENWOLD  
BOROUGH

Case Initiation Date: 04/12/2019

Attorney Name: ANTHONY L MARCHETTI JR

Firm Name: MARCHETTI LAW, PC

Address: 900 N KING HIGHWAY SUITE 306

CHERRY HILL NJ 08034

Phone:

Name of Party: PLAINTIFF : Sanders, Darryl

Name of Defendant's Primary Insurance Company  
(if known): None

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same  
transaction or occurrence)? NO

### 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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? 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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO

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 *Rule 1:38-7(b)*

04/12/2019  
Dated

/s/ ANTHONY L MARCHETTI JR  
Signed

Anthony L. Marchetti, Jr. (050531994)  
MARCHETTI LAW, P.C.  
900 N. Kings Hwy., Suite 306  
Cherry Hill, NJ 08054  
(856) 824-1001  
(267) 219-4838 (Fax)  
Attorney for Plaintiff

DARRYL SANDERS

Plaintiff,

v.

LINDENWOLD BOROUGH,  
LINDENWOLD BOROUGH POLICE  
DEPARTMENT, PATROLMAN JUSTIN  
STIPPICK, SGT. BALMER, OFFICER  
DOUGLAS REYNOLDS, JOHN DOES (1-  
30), JANE DOES (1-30) AND JOHN DOE  
CONTRACTORS (1-20) (FICTITIOUS  
NAMES)

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CAMDEN COUNTY  
LAW DIVISION

DOCKET NUMBER:

CIVIL ACTION

COMPLAINT, JURY DEMAND, RULE  
4:5-1 CERTIFICATION, DESIGNATION  
OF TRIAL COUNSEL & DEMAND FOR  
DISCOVERY

Plaintiff, Darryl Sanders, by way of Complaint against the Defendants, hereby state as follows:

#### INTRODUCTION AND OVERVIEW

1. Plaintiff Darryl Sanders is an individual resident of the State of New Jersey, residing at 3309 Highland Avenue, Camden, NJ 08105.
2. This action is brought under New Jersey state law, including common law negligence, claims under the New Jersey Civil Rights Act, N.J.S.A. Section 10:6-1 et seq, and the Law Against Discrimination as set forth more fully below.

#### THE PARTIES

3. The Defendant Lindenwold Borough is a political body or other public entity organized and existing under the laws of the State of New Jersey. The Lindenwold Borough Police Department is a borough-run agency with the design and purpose of providing police services in Lindenwold, Camden County. Collectively, these defendants are referenced as "Lindenwold" in this Complaint.

4. Individual Defendant, patrolman Justin Stippick was, at the time of the events complained of herein, a police officer employed by Lindenwold who engaged in the unconstitutional and tortious acts complained of herein.

5. Individual Defendant, Sergeant Balmer was, at the time of the events complained of herein, a police officer employed by Lindenwold who engaged in the unconstitutional and tortious acts complained of herein.

6. Individual Defendant, Officer Douglas Reynolds was, at the time of the events complained of herein, a police officer employed by Lindenwold who engaged in the unconstitutional and tortious acts complained of herein.

7. As for each of the Individual Defendants, Plaintiff's claims are asserted against them in their individual capacities.

8. Defendants John Does (1-10) and Jane Does (1-10) are fictitious names for one or more additional Lindenwold officers, officials and/or staff who violated Mr. Sanders' rights and/or negligently caused the harm complained of and/or otherwise contributed to Plaintiff's injuries, loss and damages.

9. Defendants, John Does (11-20) and Jane Does (11-20) are fictitious names for one or more additional public entities, officials or individuals, and/or its/their predecessors and/or successors and/or superiors who were responsible for the supervision and/or training of its/their

officers, employees or agents, within the scope of employment, including but not limited to detainee care and safety, conditions of custody, policies, procedures and protocol at the time of the actions that are the subject of this Complaint and/or otherwise contributed to Plaintiff's injuries, loss and damages.

10. Defendants John Does (21-30) and Jane Does (21-30) are fictitious names for one or more individuals, their employer, principals, and/or agents who were involved in or instigated the events complained of and negligently, recklessly or intentionally caused Plaintiff's claimed damages.

11. Defendant John Doe Contractors (1-20) are fictitious names for one or more contractors, individuals or entities that were contracted to provide police services, security, and care to Plaintiff.

12. At all times relevant hereto, Defendants were acting in their own right and or by and through their respective agents, servants, representatives and or employees, who were acting within the scope and course of their agency (actual, apparent and/or implied), representation and/or employment. Some or all the Defendants were or may have been agents, servants and/or employees of each other.

13. Each of the above Defendants are believed to be citizens of the State of New Jersey, employed by or through Lindenwold and/or one or more of the Doe Defendants.

14. The Doe Defendants are the fictitious names of individuals, corporations or entities that are or may be liable to Plaintiff for the acts and omissions complained of, whose identities are not yet known.

**FACTS COMMON TO ALL COUNTS**

15. Plaintiff brings this action because Mr. Sanders was the victim of Defendants' unlawful "Stop and ID" program, because, on April 15, 2017, Defendants unlawfully arrested Mr. Sanders specifically because of a perceived failure (incorrect) to promptly comply with the illegal "Stop and ID" Program, and because, when the Defendant officers decided to make this unlawful arrest, they grabbed him by his shoulder, lifted him in the air, and violently threw him to the ground, causing injury.

16. All the above was recorded on video. Although Lindenwold does not maintain video footage of officers' encounters with members of the public, Mr. Sanders' cell phone as recording his encounter with the Defendants.

17. The Officers, prior to arresting Mr. Sanders, said "that camera crap is not going to help you" or words to that effect.

18. Mr. Sanders camera was pointed forward, but in "selfie" mode. Therefore, the officer who took Mr. Sanders down violently was in the camera's plain view.

19. The camera fell to the ground, and recorded the audio of Mr. Sanders being accosted and asking why the officers were doing this to him, as he was known to these officers and had been previously stopped and asked for ID.

20. After the officers were finished battering Mr. Sanders, the officers attempted to destroy the video Mr. Sanders took.

21. The phone, still in "selfie" mode recorded the Caucasian officer picking up the phone and attempt to push a button on the screen of the phone. Fortunately, the screen locked precluding the erasure of the video.

- g. Using said "Stop and ID" practice in minority-based communities as a policing mechanism;
- h. Maintaining a policy, practice and procedure as to all the above to establish Monell liability for Lindenwold;
- i. Failing to intervene to stop the above actions;
- j. Otherwise depriving Mr. Sanders of his constitutionally-protected rights.

55. Defendants' actions also violate Article I, Paragraph 1 of the New Jersey Constitution, which provides that "All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness." They also violation Paragraph 7 of same.

56. The CRA also provides a State remedy for violations of Federally protected rights.

57. The Defendants' actions and omissions also violate the State Bill of Rights.

58. Mr. Sanders suffered significant and permanent physical harm and other damages as a result of the Defendants' actions.

59. Further, as a result of Defendants' conduct as set forth herein, Mr. Sanders proximately suffered embarrassment, disability, physical pain and anguish and mental distress, harms that continue to affect his daily life.

60. Plaintiff is therefore entitled to compensatory damages, punitive damages, and an award of fees and costs under both 42 U.S.C. 1983 and the New Jersey Civil Rights Act, N.J.S.A. Section 10:6-1 et seq.



61. Defendants denied Plaintiff these rights intentionally, recklessly and with reckless and deliberate difference to Plaintiff's rights and the serious risk of harm.

62. Defendants failed to exercise due care under the circumstances, failed to intervene to protect Mr. Sanders, employed improper policies and/or practices and/or violated their own policies and practices, failed to provide a custodial situation that was free from a state-created dangerous situation, but rather rendered Mr. Sanders more vulnerable to danger and/or harm and/or illness had he not been in the custody and control of the Defendants; and committed other violations.

63. The Individual Defendants acted directly and under color of law in creating the cited violations.

64. Plaintiff is entitled to an award of punitive damages.

65. As a direct and proximate result of Defendants' violations, Mr. Sanders suffered economic, noneconomic injuries and hedonic losses as described above.

66. The New Jersey Civil Rights Act, as does Section 1983, authorizes payment of attorney's fees and expenses to Plaintiff's counsel, and Plaintiff seeks that relief.

### **COUNT III – ABUSE OF PROCESS**

67. Plaintiff repeats the above allegations as if set forth herein at length.

68. Defendants' issued charges and prosecuted Mr. Sanders for "Obstruction" for failure to provide identification.

69. These charges are legally insufficient, because it is well settled under New Jersey law that failure to provide identification to a police officer is not illegal in New Jersey.

70. New Jersey does not have a "Stop and ID" law.



71. Defendants were trained as New Jersey Police Officers and had actual or constructive knowledge of same.

72. Lindenwold and the Defendants nevertheless persisted in prosecuting these charges, forcing Plaintiff to retain counsel, file motions to dismiss and take other actions to defend himself.

73. The Obstruction charge was the basis for the arrest, that led to other charges.

74. The Obstruction charge was dismissed by consent, with lesser charges resulting in a resolution with a specific civil reservation under New Jersey law.

75. Plaintiff was therefore damaged as a result of the unlawful arrest and subsequent charges.

#### Count IV - Battery

76. Plaintiff repeats the above allegations as if set forth herein at length.

77. Defendants assaulted Mr. Sanders, as set forth above, causing personal injuries.

78. Defendants' actions were intentional, or at least made with reckless disregard of the risk that Mr. Sanders would be injured.

#### Count V – Conversion

79. Plaintiff repeats the above allegations as if set forth herein at length.

80. Defendants took Mr. Sanders telephone after the assault and attempted to use it as their own – specifically by attempting to erase his video.

81. There is no other explanation for the officer to (in clear view on the video) touch or tinker with the telephone after the arrest.

82. At no point is there any indication that the officer sought Mr. Sanders' permission to do so, nor is there any valid police reason for the officer's actions – which are not memorialized in any of the police reports.

**COUNT VI – DECLARATORY JUDGMENT**

83. Plaintiff repeats the above allegations as if set forth herein at length.

84. Defendants' pattern, practice and policy of using "Stop and ID" tactics and arresting those who are deemed not to comply violates New Jersey law and the civil rights of those to whom it is applied.

85. Such actions deprive citizens of their basic rights and expose those without the means to contest such actions of legal jeopardy and other harms.

86. The Court should therefore declare the practice to be illegal, enjoin Lindenwold and its Police Department from enforcing same.

87. Defendants' "Stop and ID" tactics present an actionable controversy between the parties.

88. Mr. Sanders is an adequate Plaintiff to bring said actions.

**Count VII – Spoliation**

89. Plaintiff repeats the above allegations as if set forth herein at length.

90. Defendants had video evidence of the events described above.

91. Defendants destroyed that evidence despite the undersigned's request for same in discovery in the municipal court action.

92. Plaintiff's ability to provide video evidence of events that occurred on April 15, 2017 is diminished as a result of the Defendants' destruction of this evidence.

93. The destruction was done even though Defendants knew that they had charged Mr. Sanders and he had a right to this evidence to defend himself.

94. The destruction was therefore knowing and intentional, or at least done with reckless disregard of Mr. Sanders' rights.

95. Plaintiff was therefore harmed by Defendants' actions.

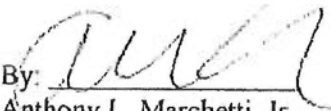
96. As a result of Defendants' actions, Mr. Maro suffered, and continues to suffer, personal injuries, additional pain and suffering, economic and non-economic damages, loss of the enjoyment of life, lost earning capacity, medical expenses, and other damages.

97. Defendants' actions were palpably unreasonable and contrary to well-established law.

**WHEREFORE**, Plaintiff demands judgment against Defendants, jointly, severally or in the alternative:

- a. For compensatory damages, exemplary and punitive damages in an amount to be determined;
- b. For attorney's fees, costs of suit, interest and pre-judgment interest;
- c. For such other and further relief as the Court deems equitable and just.

MARCHETTI LAW, P.C.  
Attorneys for Plaintiff

By:   
Anthony L. Marchetti, Jr.

Dated: April 12, 2019

22. While in the station house, Defendants attempted repeatedly to get Mr. Sanders to agree to unlock his phone, including suggesting that he had a call coming in and other made up excuses.

23. The Lindenwold Police Station does maintain video. However, the video of Mr. Sanders during the time he was arrested was not maintained by Lindenwold. This is even though Plaintiff's counsel had written on April 26, 2017 requesting discovery including video recordings of Plaintiff.

24. Lindenwold then pressed false charges against Mr. Sanders. These charges were resolved, with an explicit civil reservation and the payment of a small fine.

25. As support for these charges, the Defendants prepared police reports that specifically indicate that the reason for the arrest was Mr. Sanders' failure to provide identification.

26. This is, *per se*, an improper reason for an arrest – New Jersey does not have a "Stop and ID" law.

27. The reports further include other information, such as falsely suggesting that Mr. Sanders was flailing his arms prior to the takedown. The video shows otherwise.

28. The officers violated standard practices and procedures in the method of confrontation and use of force, including failure to sound a clear warning, improper take down procedure, beating Mr. Sanders while he was on the ground and in the way they lifted/tackled Mr. Sanders. Mr. Sanders suffered a severe shoulder injury, cuts to his face, and other injuries as a result of the Officer's actions.

29. The officers violated Mr. Sander's civil rights, including the right to be free from unreasonable searches and unreasonable use of force.

30. Lindenwold established or permits a policy or procedure of enforcing this non-existent "Stop and ID" law.

31. These policies and procedures violate New Jersey and Federal Law, and improperly infringes upon the rights of individuals such as Mr. Sanders.

32. These policies and procedures are systemic, and therefore amenable to Class treatment.

33. The Borough condones and permits a pattern or practice of its officers using excessive force and unreasonable and unconstitutional tactics in Lindenwold – especially in the highly poor and African American areas such as Arborwood.

34. From a tort perspective, the Defendant officers negligently violated standard practices and procedures related to the stop and take down. They also committed intentional torts, including the assault, battery, abuse of the legal process and spoliation, real and attempted.

35. The Borough failed to properly train, supervise, discipline and control its employee officers, and is otherwise responsible for their action under a respondeat superior theory. The Borough is directly responsible for the actions set forth above, and vicariously liable for its officer's actions.

36. Plaintiff complied with the New Jersey Tort Claims Act's notice requirement.

37. This action is brought pursuant to 42 U.S.C. §1983 for violations of United States Constitution, the New Jersey Constitution, as well as common law claims for negligence as well as other theories as set forth more fully below.

#### **COUNT I: NEGLIGENCE**

38. Plaintiff repeats the above allegations as if set forth herein at length.

39. Defendants had a duty to exercise reasonable care during their interaction with Mr. Sanders and while he was in their custody and control.

40. Defendants breached these duties by improperly and suddenly grabbing Mr. Sanders from the back, using improper take down procedures and by lifting Mr. Sanders and throwing him to the ground.

41. Defendants breached that duty, in creating the condition described above and in failing to protect Mr. Sanders from the foreseeable risk that he would be injured by the officer's conduct.

42. The Other officers at the scene were negligent in failing to intervene to stop the improper arrest and physical assault on Mr. Sanders.

43. There was no legitimate police reason for Defendants' breaches.

44. Defendants' actions were objectively and palpably unreasonable.

45. Lindenwold is liable for its own negligence and through the doctrine of respondeat superior, for the actions and inactions of their employees and agents.

46. Lindenwold is also liable for its failure to train, manage and discipline the subject officers.

47. Plaintiff suffered significant injuries as a result of Defendants' negligence, palpably unreasonable actions and fault.

48. As a result of Defendants' actions, Plaintiff has suffered physical injuries, has incurred and will continue to incur medical expenses, has incurred and will continue to incur economic and non-economic damages, including but not limited to pain, suffering, embarrassment, emotional distress and hedonic damages such as lost enjoyment of life. Plaintiff's physical injuries are significant and are believed to be permanent in nature.

49. Plaintiff complied with the Notice requirement of the Tort Claims Act.

50. Plaintiff's injuries meet the threshold of the Tort Claims Act, in that Plaintiff has suffered a permanent and significant limitation and has incurred medical expenses meeting the monetary threshold.

**COUNT II – VIOLATION OF CIVIL RIGHTS, STATE AND FEDERAL**

51. Plaintiff repeats the above allegations as if set forth herein at length.

52. The Defendants breached these duties and the clear rule of law under the New Jersey State Constitution (including the State Bill of Rights and Article 1, Paragraph 1 (inalienable right to safety and happiness) and paragraph 7 (no unreasonable searches and seizures, and warrants shall only be issued on probable cause)) in arresting, charging and prosecuting Mr. Sanders for failure to provide ID, and for the other conduct described herein.

53. Defendants violated the Fourth, Fifth, Fourteenth and other Amendments to the United States Constitution, actionable under Section 1983.

54. These violations include, but are not limited to:

- a. Arresting Mr. Sanders for something that not a crime;
- b. Depriving Mr. Sanders of his liberty interest without due process or probable cause;
- c. Making false reports about the altercation to justify their actions;
- d. Attempting to erase Mr. Sanders' phone recording;
- e. Using unreasonable and unnecessary force while making said improper arrest;
- f. Charging/Prosecuting Mr. Sanders for Obstruction because of a claimed failure to produce identification, which is not required under New Jersey law;

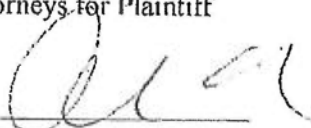


**JURY DEMAND**

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

MARCHETTI LAW, P.C.  
Attorneys for Plaintiff

Dated: April 12, 2019

By:   
Anthony L. Marchetti, Jr.

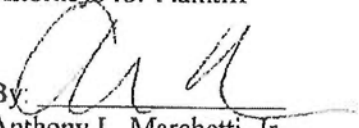
**CERTIFICATION PURSUANT TO R. 4:5-1**

1. I hereby certify that to my knowledge the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

2. I have no knowledge at this time of the names of any other parties who should be joined in this action. There are Doe Defendants named herein, who will be name upon further discovery.

MARCHETTI LAW, P.C.  
Attorneys for Plaintiff

Dated: April 12, 2019

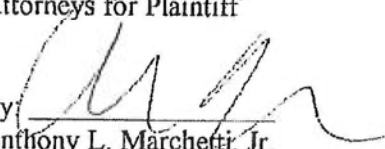
By:   
Anthony L. Marchetti, Jr.

**DESIGNATION OF TRIAL COUNSEL**

Please take notice that pursuant to R.4:25-4, Anthony L. Marchetti, Jr., is hereby designated as trial counsel in the above-captioned litigation on behalf of the Plaintiff.

MARCHETTI LAW, P.C.  
Attorneys for Plaintiff

Dated: April 12, 2019

By:   
Anthony L. Marchetti, Jr.