

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FRANCINE COLE,
Plaintiff

V.

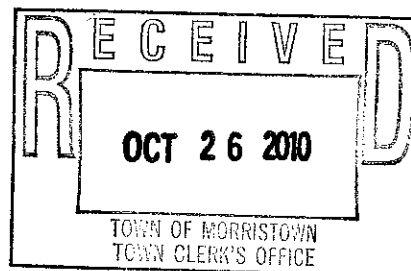
SUMMONS IN A CIVIL CASE

TOWN OF MORRISTOWN, ET AL.,
Defendant

CASE NUMBER: 2:10-CV-04706-WJM -MF

TO: *(Name and address of Defendant):*

Town Of Morristown
200 South Street
Morristown, New Jersey



A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Kenneth Rosellini
Attorney at Law
600 Valley Road, Suite 101
Wayne, New Jersey 07470

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

JACQUETTA BAKER

(By) DEPUTY CLERK



ISSUED ON 2010-09-17 12:15:34.0, Clerk
USDC NJD

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER <i>(PRINT)</i>	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- ☐ Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify) : _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FRANCINE COLE,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

TOWN OF MORRISTOWN, ET AL.,
Defendant

CASE NUMBER: 2:10-CV-04706-WJM -MF

TO: *(Name and address of Defendant):*

Town Of Morristown
200 South Street
Morristown, New Jersey 07960

A lawsuit has been filed against you.

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Kenneth Rosellini
Attorney at Law
600 Valley Road, Suite 101
Wayne, New Jersey 07470

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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_____ Address of Server

Kenneth J. Rosellini, Esq. (6047)
Attorney at Law
600 Valley Road, Suite 101
Wayne, NJ 07470
(973) 692-0001
Attorney for the Plaintiff, Francine Cole

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Francine Cole,

CIVIL ACTION

Plaintiff,

Case No. :

v.

JURY TRIAL DEMANDED

Town of Morristown, former Mayor Donald Cresitello, Mayor Tim Dougherty (Individually and in their capacity as

Employees of the Town of Morristown), Morristown Police Department, Mathew Edwards, Theodore Jones, Eric Petr, Valdar Chaudruc, Clarence Sofield, Deanna Dietrich (All Individually and in their Capacity as Employees of the Morristown Police Department), Police Chief Peter Demnitz Individually and in his Capacity of Chief of of Police), Mr. Jeff Hartke (Individually and in his position as the Director of the Morristown Department of Public Works), Rick Wise (Individually and in his position as Supervisor of the Morristown Department of Public Works' Clinton Street Garage), John Fugger (Individually and in his Capacity as Zoning Officer of the Town of Morristown Zoning Department), St. Clare's Hospital, Suman L. Jalan, Gary Brennan, Kim Telling (All Individually and in their Capacity as Employees, agents and/or Independent Contractors of St. Clare's Hospital), David Cole, Andrea Cole-Camel and John Does 1-15.

**VERIFIED COMPLAINT and JURY
DEMAND**

Defendants.

The Plaintiff, Francine Cole (hereinafter referred to at times as “Plaintiff” or “Francine Cole” or “Ms. Cole”), by way of Complaint against the above-named Defendants upon causes of action, alleges and says:

I. INTRODUCTION AND PRELIMINARY STATEMENT

1. This action is filed against the Defendants for, *inter alia*, perpetrating a pattern and practice of tortious and malicious, intentional conduct against Francine Cole in violation of her civil and constitutional rights, which began in November 1989 and continues today, and particularly on February 20, 2009, when the Plaintiff Francine Cole was falsely imprisoned by the Morristown Police, under the color of law, and in retaliation for constitutionally protected, verbal statements she made criticizing the Morristown Police in her own home.
2. The Plaintiff alleges that the Defendants caused her to be wrongfully seized, assaulted, battered, physically harmed, humiliated, emotionally harmed, falsely imprisoned in a hospital without articulable suspicion, probable cause or a compelling government interest, and defamed.
3. The above-named Defendants performed either acts of discrimination, harassment and intimidation or brutality, torture and other human rights violations under the color of law, and outside their official and legal capacity in order to punish Francine Cole (and some of her family) for her criticism of Town of Morristown officials to make an example of her and send a message to others not to do the same.

4. Upon information and belief and upon preponderance of evidence, Ms. Cole questions whether the death of her sister, Bevelyn D. Cole, which occurred under mysterious circumstances, exemplifies this. Bevelyn Cole died from blunt force trauma, a massive brain injury that she acquired between the hours that she was working at a school and was hospitalized at Morristown Memorial Hospital. Knowing she had the brain injury, Morristown Memorial injected her with a substance and she never woke up. Everything Morristown Memorial did was an outrage.
5. This is an action at law and equity being brought for the benefit of the Plaintiff to redress the deprivation under the color of statute, ordinance, regulation, custom or usage of rights, privileges or immunities secured by the Plaintiff by Federal Law and by the First, Fourth and Fourteenth Amendments to the Constitution of the United States, and also arising out of the law, statutes and Constitution of the State of New Jersey. In addition to civil rights and civil liberties violations, Ms. Cole alleges malicious prosecution, intentional infliction of emotional distress, and violations of the Americans with Disabilities Act and Honest Services Law, more particularly set out hereinafter.

II. PARTIES

6. Francine Cole, who identifies herself as an African American and part of a protected group, is a citizen of the State of New Jersey residing at 21 Liberty Street, in Morristown, New Jersey.

7. Defendant, Town of Morristown, is a municipality of the State of New Jersey organized under the Laws of the State of New Jersey and entrusted with preserving and protecting the persons within the geographical area of the Town of Morristown in accordance with the Laws of the State of New Jersey and the Constitution of the United States.
8. Defendant, Donald Cresitello, is an individual and a former mayor and chief executive of the Town of Morristown who upon information and belief was entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown and to protect the Constitutional rights of all those within its jurisdiction, in order to preserve the rights of those persons. At all times relevant hereto, Defendant Donald Cresitello was acting in the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the other individual Defendants herein or acted in concert with one or more of the individual Defendants in the performance or conduct of their actions.
9. In his capacity as the Mayor of Morristown, Mayor Donald Cresitello was a final policy maker of the Town of Morristown with respect to all his acts and decisions complained herein. Defendant Donald Cresitello is named as a Defendant individually and in his official capacity as the Mayor of Morristown.
10. Defendant, Mayor Tim Dougherty, is an individual and a public official and the sworn chief executive of the Town of Morristown who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown and to protect the Constitutional rights of all those

within its jurisdiction, in order to preserve the rights of those persons. At all times relevant hereto, Defendant Mayor Tim Dougherty was acting in the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one of more of the Defendants herein or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.

11. In his capacity as the Mayor of Morristown, Mayor Tim Dougherty was a final policy maker on behalf of the Town of Morristown with respect to all his acts and decisions complained herein. Defendant Mayor Tim Dougherty is named as a Defendant individually and in his capacity as the Mayor of Morristown.
12. Defendant, Morristown Police Department, is the department of police for the Town of Morristown, a government entity with the State of New Jersey, which is entrusted and empowered within its jurisdiction to enforce the Laws of the State of New Jersey and the Town of Morristown and to protect the Constitutional rights of all those within its jurisdiction, in order to protect and preserve the rights of those persons.
13. Peter Demnitz is an individual and public official and the sworn Chief of Police of the Town of Morristown who upon information and belief is entrusted with the power to enforce the laws of the State of New Jersey and Town of Morristown and to protect the Constitutional rights of all those within its jurisdiction, in order to protect and preserve the rights of those persons. At all times relevant hereto, Defendant Peter Demnitz was acting within the scope of his duties and authority under the color or title of state or municipal public law or ordinance or supervised

or controlled one or more of the individual Defendants in the performance or conduct of their actions.

14. In his capacity as the Chief of Police, Peter Demnitz was a final policy maker on behalf of the Town of Morristown with respect to his actions complained herein. Defendant Peter Demnitz is named both individually and in his capacity as Chief of Police for the Town of Morristown.
15. Mathew Edwards is an individual and a public official and sworn officer who is employed as a Sergeant by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Mathew Edwards is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Matthew Edwards is named as a Defendant both individually and in his capacity as an employee of the Morristown Police Department.
16. Eric Petr is an individual and a public official and sworn officer who is employed as a Police Officer by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Eric Petr is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state

or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Eric Petr is named as a Defendant both individually and in his capacity as an employee of the Morristown Police Department.

17. Theodore Jones is an individual and a public official and sworn officer who is employed as a Police Officer by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Theodore Jones is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Theodore Jones is named as a Defendant both individually and in his capacity as an employee of the Morristown Police Department.

18. Valdar Chaudruc is an individual and a public official and sworn officer who is employed as a Police Officer by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Valdar Chaudruc is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or

controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Valdar Chaudruc is named as a Defendant both individually and in his capacity as an employee of the Morristown Police Department.

19. Clarence Sofield is an individual and a public official and sworn officer who is employed as a Dispatcher by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Clarence Sofield is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Clarence Sofield is named as a Defendant both individually and in his capacity as an employee of the Morristown Police Department.

20. Deanna Dietrich is an individual and a public official and sworn officer who is employed as a Police Officer by the Morristown Police Department, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown. Defendant Deanna Dietrich is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of her duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or

more of the other individual Defendants in the performance or conduct of their actions. Defendant Deanna Dietrich is named as a Defendant both individually and in her capacity as an employee of the Morristown Police Department.

21. Jeff Hartke is an individual and a public official and sworn officer employed as the Director of the Morristown Department of Public Works, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and Town of Morristown with respect to public works issues. Defendant Jeff Hartke is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting in the scope of his duties and authority, under the color or title of state or municipal public law or ordinance and supervised and controlled one or more of the Defendants herein or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Jeff Hartke is named as a Defendant individually and in his capacity as an employee and Director of the Morristown Department of Public Works.

22. Rick Wise, is an individual and public official who is employed as a supervisor by the Town of Morristown Department of Public Works, Clinton Street Garage, who upon information and belief is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting in the scope of his duties and authority, under the color or title of state or municipal public law or ordinance and supervised and controlled one or more of the Defendants herein or acted in concert with one or more of the individual Defendants herein in the performance of their actions. Defendant Rick Wise is named as a Defendant

individually and in his capacity as an employee and supervisor of the Morristown Department of Public Works' Clinton Street Garage.

23. John Fugger is an individual and a public official and sworn officer who is employed as a Zoning Officer by the Morristown Department of Public Works, Land Use Division, who upon information and belief is entrusted with the power to enforce the Laws of the State of New Jersey and the Town of Morristown with respect to zoning issues. Defendant John Fugger is entrusted to protect the Constitutional rights of those he encounters and at all times relevant hereto was acting within the scope of his duties and authority, under color or title of state or municipal public law or ordinance and supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant John Fugger is named as a Defendant both individually and in his capacity as an employee of the Morristown Department of Public Works, Land Use Division.
24. St. Clare's Hospital is a private hospital in the State of New Jersey doing business in the State of New Jersey with a place of business in Denville, New Jersey.
25. Defendant Kim Telling is an employee for St. Clare's Hospital. Defendant Kim Telling either supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Kim Telling is named as a Defendant both individually and in her capacity as an employee of St. Clare's Hospital.

26. Defendant Gary Brennan is an employee for St. Clare's Hospital. Defendant Gary Brennan either supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Gary Brennan is named as a Defendant both individually and in her capacity as an employee of St. Clare's Hospital.
27. Defendant Suman L. Jalan, is upon information and belief a Medical Doctor and either an employee or an independent contractor for St. Clare's Hospital. Defendant Suman L. Jalan either supervised or controlled one or more of the Defendants herein, or acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions. Defendant Suman L. Jalan is named as a Defendant both individually and in her capacity as either an employee or independent contractor for St. Clare's Hospital.
28. Defendant David Cole is a citizen of the State of New Jersey. Defendant David Cole acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.
29. Defendant Andrea Cole-Camel is a citizen of the State of South Carolina. Defendant Andrea Cole-Camel acted in concert with one or more of the other individual Defendants in the performance or conduct of their actions.
30. Defendants John Does 1-15 are citizens of the State of New Jersey who acted in concert with one or more of the other Defendants in the performance or conduct of their actions.

III. JURISDICTION and VENUE

31. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 *U.S.C.* §§1331, 1343 and 1367 which confer original jurisdiction upon the Court, resulting in pendent and supplemental jurisdiction over related state law claims, on the grounds that the instant action arises under the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, the Civil Rights Act of 1871, as amended, 42 *U.S.C.* §§1981, 1983, 1985 and 1988, and Title II of the Americans with Disabilities Act (42 *U.S.C.* §§12131-12165).
32. Venue in the New Jersey District is properly laid pursuant to 28 *U.S.C.* §1391, in so far as the following alleged unlawful conduct complained of in this Complaint, which forms the factual and legal basis of the claims of the Plaintiff, arose within the geographical limits of this District.
33. However, Plaintiff, Francine Cole, respectfully requests a change of venue from the State of New Jersey because of notoriety, and because one New Jersey U.S. Senator's Aide told her, "The system is not working for you." For years, Francine Cole tried to work through the system at the local level in Morristown, the county level in Morris County and the state level in Trenton, New Jersey, and the system has subjected her to prejudice based on notoriety and had failed her.
34. The fact that the system has failed her, leads Ms. Cole to believe that she (and her immediate family) is on some sort of blacklist.
35. In fact, in January 2010, the Morris County Prosecutor announced a law enforcement initiative wherein local police departments were being ask to compile a list of the "worst" most "troublesome" individuals suspected to be

involved in criminal activities. While Ms. Cole is not a criminal, this list indicates the possibility that other lists exist, a list of people considered to be dissident, for example, which Francine Cole's name could be on, causing her (and her family's) blacklisting. If such a list exists and her name is on it demand is hereby made for that list, and such a list constitutes a further assault on Ms. Cole's civil rights, civil liberties and rights to privacy by officials in the State of New Jersey who are retaliating against Francine Cole for speaking out about corruption and filing valid complaints about malfeasance and other unethical acts that never should have happened.

IV. FACTS

A. Wrongful Arrest, Detainment, Mental Health Screening and Violation of Civil Rights in February of 2009

1) Francine Cole's Rights as Co-owner and Resident in 21 Liberty Street and her great-nephews' status as guests only at 21 Liberty Street in February of 2009

36. Prior to and in the week of February 15, 2009, Francine Cole was the sole resident and co-owner of 21 Liberty Street, Morristown (hereinafter referred to at times as "21 Liberty Street"), as well as Co-Administrator for the Estate of Anne Cole (the other co-owner).
37. 21 Liberty Street is a Two-Family Home.
38. As the co-owner and Co-Administrator for the Estate of Anne Cole (21 Liberty Street), and the only resident of 21 Liberty Street for five years, Francine Cole has the authority and right to decide whether guests may stay at 21 Liberty Street and to enter into a lease with a Tenant for the property. The other Co-Administrator,

Dr. Gwendolyn Cole-Hoover (residing in upstate New York) had granted this particular authority to Francine Cole.

39. In February of 2009, Francine Cole was in the process of performing maintenance work on the property at 21 Liberty Street, and the property was not in condition for rental to tenants.
40. Ms. Cole was living in the upstairs portion of the two-family home while she was performing and arranging for the maintenance work to rent 21 Liberty Street to tenants. She was using her microwave oven upstairs because the stove was not operational.
41. In fact, the stove, oven and refrigerator were not yet operational for the downstairs portion (and the oven was dangerous to use at the time because it needed maintenance), and the downstairs had an unfinished sink, bathroom and floors and heating problems.
42. Therefore neither the downstairs of 21 Liberty Street nor the upstairs was ready for accommodating tenants of any kind, confirmed by the fact that the Town of Morristown had not issued a Certificate of Habitability for either apartment, which is required before tenants can safely move into an apartment.
43. In the week of February 15, 2009, Francine Cole's great-nephews, Joseph Cole and George Johnson (both of whom were profiled and have been incarcerated in the Morris County Correctional Facility since September of 2009 but not charged), were temporarily residing at their great-great aunt's house, Lily Ruth Crew, at 12 Mt. Airy Place, Morristown (four houses away from 21 Liberty Street).

44. Joseph Cole and George Johnson were, though, permanent residents of South Carolina, and were in the process of making arrangements to return to South Carolina.
45. In the week of February 15, 2009, Francine Cole permitted Joseph Cole and George Johnson, to stay with her as house guests at 21 Liberty Street, intermittently, for a day or two at a time over a five or six day time frame, due to problems they were encountering at Lillie Ruth Crew's (and previously, everywhere else they had resided).
46. In fact, immediate family members with interest in the Estate of Annie L. Cole (21 Liberty Street) did not want them on the property.
47. Andrea Cole-Camel, however, became involved in February 2009 purposefully to help falsely imprison Francine Cole as she had done previously.
47. The Plaintiff permitted her great-nephews to stay at 21 Liberty Street as temporary house guests only, while she assisted in arranging for transportation for them back to South Carolina.

2) Incident at 21 Liberty Street on February 18, 2010 and Conduct of Morristown Police

48. On February 18, 2009, Ms. Cole called the Morristown Police Department because of difficulties she was having with Joseph Cole and George Johnson.
49. According to the incident report for February 18, 2009, the following officers appeared at Francine Cole's residence and approved the reports of the incident (which Francine Cole contested factually): Officer David Tissot, Officer LaBarre and Sergeant O'Grady.

50. Francine Cole informed the police at that time that George who had been treated for a disability, had kicked her leg, causing bruising, threatened her and closed the upstairs door on her in a manner that nearly caused her to fall down the stairs.
51. Ms. Cole further informed the police that Joseph Cole who the police knew had issues too, threatened to get a weapon, and would also close the door on her in a dangerous manner
52. Francine Cole also informed the police that she had also witnessed the nephews with marijuana upstairs.
53. The purpose for Francine Cole's call to the Morristown Police was that she was alone at 21 Liberty Street with her younger, much stronger nephews, and she needed the Morristown Police to help her assert control over her own household.
54. When the Morristown Police arrived, Francine Cole told them that her great-nephews had no ownership interests or rights as tenants in common or as tenants in 21 Liberty Street, that she had only allowed them to stay with her intermittently for a day or two for approximately five days or six days and that the great-nephews were in fact residing at their great great-aunt's house, Lily Ruth Crew, at 12 Mt. Airy Place in Morristown, during their temporary stay in New Jersey.
55. Lillie Ruth Crew's home is four houses away from Francine Cole's residence at 21 Liberty Street, yet the Morristown Police never made any attempt to contact Lily Ruth Crew, or anyone else, to confirm this fact.
56. Instead, due to the inclement weather, which was mixed rain, sleet and snow, the Morristown Police begged Francine Cole to allow Joseph Cole and George Johnson to stay overnight and leave in the morning. She reluctantly agreed but

only with the stipulation that they stay in the rooms she gave them, and then definitely leave in the morning. The great nephews had no beds to sleep on because the upstairs was unfurnished, except for a mattress and convertible couch which Francine Cole was using.

3) Incident at 21 Liberty Street on February 19, 2010 and Conduct of Morristown Police

57. The next day, February 19, 2009, Joseph Cole and George Johnson again refused to leave, began assaulting Francine Cole and closing the door on her in a dangerous manner. George Johnson had also opened the upstairs door and threw a liquid substance on her when she was praying in the hallway at 21 Liberty Street. As a result, Francine Cole called the police again to have them removed as per their agreement from the previous night.
58. On February 19, 2009, Officer Eric Petr and Officer Deanna Dietrich arrived separately at Francine Cole's residence, and on February 20, 2009, Eric Petr, completed a report of the incidents (which Francine Cole contested factually in writing).
59. Francine Cole told the officers Petr and Dietrich (who Ms. Cole had previously complained about) that the officers who came the previous night were aware that:
a) Joseph Cole and George Johnson were merely house guests whom she had only permitted to stay with her intermittently for a night or two for about five or six days b) that they were supposed to leave that morning, and c) that they had refused to do so. Francine Cole never told Officers Petr and Dietrich that Joseph Cole and George Johnson had been living with her for exactly six days or a week, because that was untrue.

60. Instead of telling Joseph Cole and George Johnson to leave 21 Liberty Street on February 19, 2009, as Officer David Tissot's February 18, 2009 report confirms they were supposed to do, Officers Petr and Dietrich, without any proper authority, simply indicated to Francine Cole that her great-nephews, who had no ownership rights in 21 Liberty Street whatsoever, or rights as tenants, had a right to stay in the upstairs portion of 21 Liberty Street, unless Francine Cole obtained an order of eviction from the court. Francine Cole reiterated to the officers that no order of eviction was necessary for their removal because the great-nephews were only temporary guests in her home.
61. Again, Francine Cole told the police that Joseph Cole and George Johnson were living at their great great-aunt Lillie Ruth Crew's house, and again, the police made no effort whatsoever to confirm this with Lillie Ruth Crew or anyone else.
62. Then, the police ordered Francine Cole, who was living in the upstairs at 21 Liberty Street, to move and sleep downstairs and coercively placed her great nephews in the upstairs, further jeopardizing Francine Cole because the Town of Morristown had not issued a Certificate of Habitability for the apartment, which is required before tenants can occupy an apartment legally and because Joseph Cole and George Johnson smoke cigarettes, and Ms. Cole once had to extinguish a cigarette which one of them had fallen asleep and left burning, creating a fire hazard.
63. The Police further ordered Francine Cole to bring the mattress she was using while she was staying upstairs to the downstairs portion of the residence which also had more serious habitability issues.

64. Before ordering her to move the mattress downstairs, Officer Dietrich searched through the refrigerator in the downstairs (which was not working), the closets and rooms of the upstairs and the downstairs, and observed their condition, without the consent of Francine Cole, constituting an illegal search.
65. This action by the Morristown Police in ordering her to bring down a mattress from the upstairs of 21 Liberty Street to the downstairs, aggravated pre-existing physical injuries to Francine Cole's upper body that she had sustained years before in athletic activities, causing her to feel pain in her arm and chest.
66. The above-mentioned orders by the Morristown Police were against Francine Cole's wishes, a violation of the sanctity of her home and her property rights as the co-owner of 21 Liberty Street, its sole resident, and the Co-Administrator of the Estate of Annie L. Cole which the other Co-Administrator, Dr. Gwendolyn Cole-Hoover had permitted Ms. Cole to manage.
67. Andrea Cole-Camel, a resident of South Carolina, who the police claim that the great-nephews told them owned one-half of 21 Liberty Street and had given them permission to stay at 21 Liberty Street, had no authority on February 19, 2009 to permit anyone other than herself to stay at 21 Liberty Street because it was in probate and no settlement establishing Andrea Cole Camel's specific ownership interest had been entered.
68. In fact, Andrea Cole-Camel who was residing in South Carolina, and had been more than thirty-three years had signed over her ownership interest to Francine Cole by affidavit.

69. As they had failed to investigate the fact that the great-nephews were residing at Lillie Ruth Crew's home, again the Morristown Police failed to make any investigation as to the claim that Andrea Cole-Camel had any legally established authority to permit the great-nephews to stay at 21 Liberty Street, where only tenants and common had a legal right to stay.
70. The Morristown Police ignored all legal documentation Francine Cole produced proving her authority and the great nephews' permanent address.
71. Instead, the Morristown Police took the great-nephews at their word even though that had knowledge that Francine Cole was the co-owner and sole resident of 21 Liberty Street. In fact, the Town of Morristown had itself removed Annie L. Cole's name from tax records and listed Francine Cole as the sole owner of 21 Liberty Street.
72. By coercively placing the nephews in the upstairs without supervision, the Morristown Police created a safety risk at Francine Cole's home, which is confirmed by the fact that she told Officer Petr on February 19, 2009 that she could not turn on one light downstairs because of an electrical problem.
73. As set forth above, the upstairs portion was not yet in habitable condition for any tenants, and Francine Cole herself had only stayed upstairs in its then present condition for purposes of performing maintenance work because it was the more habitable of the two apartments.
74. In addition, by coercing Francine Cole to leave the entrance door to 21 Liberty Street unlocked at all times, the officers showed more reckless disregard for her safety and put her in further jeopardy because anyone could have entered the

home. In fact, two men, who are antagonistic to Francine Cole, one of whom had been incarcerated several times, did trespass to harass her.

75. While she was falsely imprisoned at Saint Clare's Hospital, an intruder burglarized the downstairs and stole some of Ms. Cole's personal possessions, causing her to file a claim on her homeowner's policy and another with her credit card company. The stolen possessions given to her by her deceased family members, however, had sentimental value and can never be replaced.

76. Therefore, instead of addressing the incident which led to Francine Cole's call to the Police Department, the Morristown Police actually harmed Ms. Cole by undermining her authority, particularly with her great-nephews, who had no right to the property whatsoever, and placed Ms. Cole's health, safety and welfare in general in immediate jeopardy.

4) Incident at 21 Liberty Street on February 20, 2010, Conduct of Morristown Police, St. Clare's Hospital and Staff, Wrongful Arrest and Violation of Civil Rights

a) Francine Cole was Compelled to Call the Morristown Police to her Home again Because They had Failed to Protect her Civil Rights, including her Property Rights in 21 Liberty Street

77. By February 20, 2009, Francine Cole's great-nephews had still not made arrangements for their transport back to South Carolina, and were still staying in the upstairs portion of 21 Liberty Street.

78. By now, Ms. Cole's troubles with her great-nephews had only grown worse, exacerbated by the conduct of the Morristown Police two days before.

79. In fact, Francine Cole was still suffering from pain due to the fact that the Morristown Police had ordered her to bring down a mattress from the upstairs.

80. Because of the situation that the Morristown Police had created by coercively placing two incorrigible young men at 21 Liberty Street (whose integrity they had documented reason to question), Joseph Cole and George Johnson now improperly asserted control at 21 Liberty Street as if they had a right to stay there, and Francine Cole was forced again to call the Morristown Police on February 20, 2009 for her safety. This call (and those afterward) would not have occurred if the Morristown Police had removed the great-nephews from the home on February 18, 2009 or February 19, 2009, and had them return to Lillie Ruth Crew's residence where they had, in fact, been staying.
81. On February 20, 2009, the following officers appeared at the Francine Cole's residence, approved the reports of the incidents and/or participated in the Morristown Police's response to incidents at 21 Liberty Street: Eric Petr, Matthew J. Edwards, Valdar Chaudruc, Lori Bisang, Clarence Sofield and Bruce Summers.
82. Ms. Cole first called the Morristown Police Department and spoke to a female call taker.
83. She informed the call taker of the great-nephews' assaults, and also told the call taker that she was having pain in her arm and chest (which was not heart-related and hurting for reasons previously stated).
84. Francine Cole further informed the call taker that she did not need an ambulance.
85. Francine Cole told the police that, because her great-nephew, George Johnson, did not like religion, he had opened the door and thrown some sort of liquid on her.
86. In fact, her shirt was still wet and the carpet on the steps was still wet when the officer arrived.

87. Ms. Cole, who has a limited income, told the Police that her great-nephews, who had no income whatsoever to pay rent or bills, were upstairs stomping on the floors and turning on the water and running it unnecessarily, purposefully to run up her bill and harass her.
88. She further informed the Police that her great-nephews had allowed a friend of theirs to come to 21 Liberty Street who she had objected to because he had previously brought alcohol into the house, and she was concerned because Joseph Cole was under drinking age and she did not want to be liable if any of them became inebriated and/or harmed at 21 Liberty Street. Thus, the officers placed Francine Cole in another precarious position which was harmful to her.
89. These incidents would not have occurred if the Morristown Police had not coercively placed the great-nephews at 21 Liberty Street, emboldening and empowering them to Francine Cole's detriment.
90. When the Morristown Police arrived they brought two people from the Fire Department with a blood pressure monitor.
91. Francine Cole told them that she did not need to submit to a test by the blood pressure monitor because she had already performed one herself with her own blood pressure monitor and that there was no cause for concern.
92. She further explained that she exercised and practiced yoga daily, was totally in tune with her body, and did not need any health treatment.
93. In fact, the Morristown Police are aware that Francine Cole is a disciplined athlete.

94. Ms. Cole also told the Morristown Police that she no history of heart problems or high blood pressure. She only had the blood pressure monitor on the recommendation of an Aunt who was concerned about relatives monitoring for blood pressure.
95. She also explained that she was suffering from pain caused by the Morristown Police ordering her to move mattresses from upstairs to downstairs, during a previous incident when she called the Morristown Police to have her great-nephews removed from the house.
96. Because Ms. Cole was already physically strained from moving the mattress, the incidents with her great-nephews had aggravated her injuries, particularly her arm and chest injuries, but her heart was never an issue, and there were no other issues threatening her immediate safety other than the great-nephews.
97. Francine Cole further indicated to the Morristown Police and the Fire Department that she would not drive herself to the hospital unless she knew there was not a possibility of an immediate heart condition (which there was not), because she would not risk being a danger to herself and/or others.
98. Again Ms. Cole explained to the police that she was the co-owner of 21 Liberty Street, its sole resident, and the Co-Administrator of the Estate of Annie L. Cole, and that her great-nephews were only temporary house guests who had been staying intermittently for a day or two for approximately five or six days, while arrangements were being made for them to return to South Carolina. Ms. Cole also reiterated, that they were actually staying across the street at their great-

great-aunt Lillie Ruth Crew's home at 12 Mt. Airy Place, but again, the officers refused to investigate this fact because they were targeting Francine Cole.

99. Francine Cole further informed the police that the officers dispatched on February 18, 2009, were aware that George Johnson and Joseph Cole were supposed to leave on the morning of February 19, 2009, and their Police Incident Report confirms this.

100. The Police Incident Reports from the days of February 19 and February 20, 2009 allege that Francine Cole stated that George Johnson and Joseph Cole were living in the apartment for six days. This is untrue. Upon information and belief, Ms. Cole believes that the police stated this to justify coercively placing Joseph Cole and George Johnson at 21 Liberty Street, because someone who has been residing at a home for six days may be considered to be living there. Ms. Cole was never given any documentation of this. If, however, this is true, it has serious legal implications because it means that any temporary guests visiting someone's home can decide to stay there permanently, placing the homeowner in jeopardy of losses of various kinds, financial and otherwise.

101. In fact, even the Master Incident Report prepared on February 24, 2010 (13:28:49) Incident #09-004364 states that Joseph Cole's and George Johnson's address is 257 Boney Road, Blythewood, NC (the address is actually South Carolina).

102. The February 20, 2010 Police Incident Report also states that Francine Cole was advised of the procedures to institute an eviction action, as the Morristown Police had advised her the day before. In fact, no such advice was necessary because the

Morristown Police had determined on February 18, 2009 that Joseph Cole and George Johnson were leaving the premises the next morning (February 19, 2009); therefore there was no reason to even discuss instituting eviction proceedings.

103. Still, on February 20, 2010, the Morristown Police refused to do a proper investigation of the complaints that Francine Cole had made regarding her great-nephews that had precipitated her phone call to the Police.

b) The Morristown Police Improperly and without any Justification, Investigated Francine Cole on February 20, 2009 in a Time, Place and Manner that Violated Her Civil Rights

104. Instead, the Morristown Police, who have a history of mistreating Francine Cole and discriminating against her, targeted her and investigated her in a time, place and manner that violated her civil rights of, *inter alia*, Freedom Speech, Equal Protection of the Law, Freedom to Exercise Religion, Property, and the Right to be Let Alone, and the Police Incident Reports created from the February 20, 2010 investigation contain false and libelous comments against Ms. Cole.

105. Officer Chaudruc's Incident Report (#09-004499) states that Francine Cole said that she was "outside praying on the front porch (currently 33degrees outside)" This is false.

106. Francine Cole only indicated to the Morristown Police that she prays every morning facing the sun, and that for the last few days, she had been praying in the hallway and the living room because her nephews were upstairs.

107. She was raised to pray constantly and to bless her home.

108. The Police Incident Reports state that Francine Cole told them that "I do not trust the police or the court."

109. Ms. Cole never said this, but did say that whenever she calls the Police or files a complaint she has been victimized, and that she would be insane to continue filing complaints when municipal and county officials had a pattern and practice of not acting on her complaints, treating them as frivolous and voiding her complaints.
110. The Police Incident Report states that Francine Cole shouted to "remove the evil men from this house," as appears in the report by accusation of her nephews.
111. Francine Cole did not say this. She does recite psalms about removing evil and blessing the house, which is a practice encouraged by religions in general.
112. The Police Incident Reports state that Francine Cole played a tape purporting to be a recording of her great-nephews stomping, but that when she played the tape there was nothing on it.
113. In fact, there was the sound of stomping on the tape, but the recording was poor.
114. The Police Incident Report states that George and Joseph (the great-nephews) stated that Francine Cole had said, "God please send your most powerful angels here to rid this house of these demons" and that Officer Petr heard the same thing on a previous visit to the home. This is false.
115. Ms. Cole does recite the 91st Psalm which states in part: "Because thou hast made the Lord, which is my refuge, even the most High, thy habitation; There shall no evil befall thee, neither shall any plague come nigh thy dwelling."
116. The Police Incident Reports also states that Francine Cole started playing loud music downstairs. This is also false.
117. She was playing a tape of Joel Olstein on family loyalty, an author and senior pastor of Lakewood Church in Houston, Texas, who broadcasts to millions

weekly, and was playing it at an appropriate decibel level (in compliance with local zoning rules), but loud enough to be heard because of the quality of the Bose Waive System it was playing on.

118. When the officers complained, Ms. Cole turned the stereo off. The officers did nothing further with regard to the incident and left.
119. The stereo was not being played at an unreasonably high decibel level, no one was complaining about the level the stereo was being played at, and the officers had no basis for complaining to her about playing a stereo in her own home.
120. Each one of the purported "facts" that ended up in the Police Incident Reports as described above in paragraphs 101-119 touch on the civil rights of Freedom of Speech and Free Exercise of Religion, as well as Francine Cole's right to privacy in her own home.
121. Beyond the fact that the Police Incident Reports as described above are false, the fact that these allegations ended up in these Reports at all has a chilling effect on Francine Cole's rights to Freedom of Religion and Freedom of Speech under the United States Constitution.
122. In fact, Ms. Cole never threatened anyone, physically or otherwise, on that day, February 20, 2009, and she was neither "irrational" as described by the police nor a danger to anyone. This is confirmed by the fact that she told the police and Fire Department that she would not drive herself to the hospital if she thought that by doing so, she would risk being a danger to herself or others. It is further confirmed by the actions she took after being taken into custody. (1) She remained calm, preventing the matter from escalating; (2) She arranged for care

for her animals while she was falsely imprisoned; and (3) She showed concern about her appearance and asked to change into more appropriate attire.

123. Francine Cole, as a 57-year-old woman, was certainly no threat to her stronger, much younger nephews. In fact, it was Joseph Cole, George Johnson and the Morristown Police who were a threat to her.

124. What is clear is that the Morristown Police showed animosity and prejudice toward Francine Cole, and a reckless disregard for her safety, focusing on her instead of Joseph Cole and George Johnson, whose credibility the Morristown Police had evidence of reasons to be questioned. Francine Cole had merely treated her great-nephews compassionately and they showed no respect or appreciation, which is why she was removing them from the home.

c) The Morristown Police Fail to Investigate the False Accusations Against Francine Cole by her Great-Nephews made on February 20, 2009. This is Demonstrative of a Pattern and Practice of the Town of Morristown in Denying Francine Cole Her Civil Rights, Failing to Perform a Competent Investigation when those Civil Rights are at stake and Publishing Slanderous and Libelous Comments about Francine Cole's Mental Health, then using those Very Same Slanderous and Libelous Comments as Justification for Violating Francine Cole's Civil Rights

125. It is clear from the above-stated facts that Ms. Cole exhibited no behavior that would lead a reasonable person to conclude that she had mental health issues and was a danger to herself or to anyone else.

126. Continuing their pattern of victimizing Francine Cole and not taking her complaints seriously, the Morristown Police failed to take any action in response to her complaints against her great-nephews, and instead coercively allowed them to remain at 21 Liberty Street, forcing Francine Cole to sleep in unhealthy

conditions downstairs, which was also cold because of heating problems, and the cold exacerbated the symptoms associated with her injuries.

127. The Morristown Police would return to 21 Liberty Street later on the day of February 20, 2010, this time on the complaint of Francine Cole's great nephews.
128. Police incident Report 09-004512 states the officers returned because of a complaint from George Johnson that Ms. Cole had turned off the water when he was showering, and that he had heard her go downstairs to do it. This is false.
129. This Incident Report then further states that Joseph Cole advised the Morristown Police that Francine Cole "has been treated for mental health issues before. He added he's never seen her this bad before." This is a false accusation. Joseph Cole has never seen Francine Cole being treated for mental health issues.
130. The Morristown Police took Joseph Cole at his word without investigating further, even though they had knowledge of serious reasons to question his credibility. They did no investigation or made no effort whatsoever to confirm this false representation of previous mental health treatment witnessed by Joseph Cole.
131. The Police never asked Francine Cole whether or not this allegation was true.
132. In fact, Francine Cole has no history of being a danger to herself or to anyone else and has never been treated for any mental illness per se which would make her a danger to herself or anyone else.
133. After being evaluated due to false accusations, publicly humiliated, subjected to abusive mistreatment and subsequently released, Ms. Cole did suffer mental and emotional harm, but she has never been a danger to herself or others.

134. The only negative mental health effects on Ms. Cole occurred as a result of the false accusations and the abuse, mental health pain and suffering that she endured and continues to endure under the mental health screening system and the Town of Morristown officials' deliberate and willful abuse of power and control to affect her well-being and status. It is these incidents and the consequent shame, humiliation, emotional distress, anguish, disruption, devastating loss, and post-traumatic stress that Francine Cole suffers as a result, which caused her to consult a psychiatrist for the first time.
135. The physician, Dr. Kupra, determined that these events disabled Ms. Cole and that she needed time to try to recover from the damage if possible. Francine Cole might have been able to recover from the damage if her abuse under the mental health screening system had not continued.
136. There had been a previous mental health evaluation in Morristown as a result of malicious accusations which were determined to be false, and the evaluation was determined to be both uncalled for and unnecessary with medical certainty by a psychiatrist (who has and had previously participated in legal proceedings as a "friend of the court"). But there was never any mental health treatment performed on Francine Cole at the time that was medically necessary.
137. The Police Incident Reports states that Francine Cole "feels that there is some sort of conspiracy against her from the police, the courts and even her family."
138. By the officer's own words, Francine Cole never stated outright anything about a conspiracy to him which he assumed by presuming to know how she "feels," based on what she said.

139. Ms. Cole, however, does have a history of asserting her civil rights when necessary. Rather than engage with or constructively respond to or accommodate Ms. Cole's valid arguments or viewpoints, Morristown officials, including the police, directly or indirectly silence her via what appears to be blacklisting, rights abuse or some other form of oppression and suppression.
140. On February 20, 2009, Francine Cole reminded the police of a prior false petition circulated by her neighbors with malicious intent, including relatives and one former local politician. The Morristown Police were aware of the false petition which was signed by the antagonistic neighbors, many of whom had harassed and bullied Ms. Cole for twenty years with the aim to having her falsely imprisoned, and that Francine Cole had filed a defamation of character lawsuit against her neighbors in connection therewith; in fact, the Morristown Police were going to be called as witnesses by the defendant neighbors on the defamation suit to support the false petition before the disposition of the defamation suit.
141. Several of the officers involved in the February 20, 2009 incidents, including Officer Tissot, Officer Chaudric and Officer Summers, had been scheduled to testify in connection with the defamation suit, and therefore, they were aware of the petitioners' vicious attempt to falsely imprison Francine Cole, which the Honorable Judge Critchley refused to be a part of by having Francine Cole evaluated without reason.
142. During the hearing for Ms. Cole's defamation complaint, the malicious neighbors who signed the petition attempted to defame Francine Cole further by introducing as evidence a temporary restraining order (dated April 29, 2005) acquired

fraudulently by Francine Cole's family member, which Ms. Cole does not recall being served. None of the neighbors were a party to the temporary restraining order or witnesses to the false allegations. In fact, the temporary restraining order was never finalized because Francine Cole had committed no violent act.

143. According to written guidelines provided by the Morris County Prosecutor at the time, Michael Rubbinachio, all records pertaining to presumed cases of domestic violence were to be kept confidential. Therefore, the defendant neighbors introduced the temporary restraining order in violation of these guidelines.

144. The family member, Bevelyn Cole, filed the restraining order in retaliation for Francine Cole having found a weapon in one of her great-nephew's rooms upstairs at 21 Liberty Street, when they were residing there in April of 2005 with Bevelyn Cole, their guardian.

145. Francine Cole and Bevelyn Cole turned the weapon into the Morristown Police, but upon information and belief, the gun was never investigated.

146. Subsequently, when the great-nephew, then a juvenile, was incarcerated, Bevelyn Cole was embarrassed and sought to prevent Francine Cole from entering the upstairs to search the great-nephews' rooms for contraband they should not have, especially in the house, placing it in jeopardy of being lost through civil forfeiture.

147. Ms. Cole's malicious neighbors and estranged relatives were aware that the great-nephew possessed the gun before Francine Cole and Bevelyn Cole discovered it. In fact, due to their being harassed at the time, Bevelyn Cole believed that their harassers had turned to harassing and attacking the great-nephews, and that they

had set the great-nephew up with the gun to entrap him. Unfortunately, Bevelyn Cole died mysteriously at Morristown Memorial Hospital approximately two months later on June 18, 2005.

148. The petition itself was altered after Francine Cole had filed her defamation of character lawsuit, when approximately a year later, her neighbor, Gwendolyn Gilliam, was allowed to sign the petition and the petition appeared in the court record as if she had signed it the previous year.
149. Francine Cole reported the tampering with evidence to the Morris County Prosecutor, but Assistant Prosecutor, Michael Weber, took no action, claiming there was "no evidence of any criminal or administrative violation," despite the fact that alteration of evidence filed is a criminal or administrative violation -- confirmed by Prosecutor Robert Bianchi's words in an October 10, 2009 "Morris County Daily Record" article. Referring to law enforcement officials, Prosecutor Bianchi stated: "They also know that altering and manipulating official records to cover-up any fact is wrong and constitutes a violation of the law as well as ethical ... practices."
150. Gwendolyn Gilliam and whoever permitted her to sign the petition after it was filed with the court violated the law without punishment, additional proof of discrimination against Ms. Cole.
151. Two Weeks before Bevelyn Cole's mysterious demise, Gwendolyn Gilliam had filed false complaints against Bevelyn Cole and Francine Cole after Gwendolyn Gilliam had left a note on Bevelyn's vehicle and had it ticketed by the

Morristown Police. Gwendolyn Gilliam continued the false complaint against Francine Cole despite Francine Cole's loss of her favorite sister.

152. As a result, Francine Cole was forced to hire a lawyer who misrepresented her and who she later discovered, upon information and belief, had been charged with misconduct by the New Jersey Bar. Ms. Cole also learned that the lawyer had connections to Town of Morristown officials, which he told Francine Cole he did not.
153. Michelle Harris King, a councilwoman-at-large then and now, was also going to testify against Francine Cole, even though Francine Cole has never talked to her and any testimony which she would have given would have been hearsay testimony. Once, during a snow emergency, however, when Francine Cole was helping to clear snow from in front of 21 Liberty Street, Michele Harris King pointed to Francine Cole and yelled out, "Don't listen to anything she says. She has issues." Ms. King then apologized for openly defaming Francine Cole without cause.
154. Martin Newmark, Esq., a former Morristown Planning Board member, described as a "major Morristown player" in the "Morris County Daily Record," represented Defendants Connie Montgomery, her relatives, Charles and Lynette Mills and Lillie Ruth Crew, Francine Cole's estranged aunt. Part of defamation case was resolved when most of the petitioners apologized to Francine Cole. The other part was dismissed, despite the denial of Ms. Cole's right to personally confront these defendants in court.

155. Martin Newmark represented then Mayor Donald Cresitello in matters and continues to do so today.
156. In fact, upon information and belief, Mayor Cresitello, once posted on a MORRIS COUNTY DAILY RECORD internet blog (a political blog called "Fred's Blog") the directions for Francine Cole to go to "Greystone" Park Psychiatric Hospital.
157. Ed Rameriz, another municipal-affiliated official in Morristown who has never met Francine Cole, also posted a similar comment on the blog, which suggested that he too had been told that Francine Cole had mental health issues.

d) The Morristown Police and St. Clare's Hospital and Staff Used the Guise of the Mental Health Screening Act to Justify a False Arrest of Francine Cole and the Violation of Her Civil Rights on February 20, 2010

158. Instead of doing any proper investigations on February 20, 2010, the Morristown Police who clearly already had knowledge of mental health accusations against Francine Cole, called for a mental health screening for Ms. Cole from St. Clare's Hospital without necessity and probable cause.
159. Gary Brennan and Kim Telling of St. Clare's Hospital then arrived at 21 Liberty Street with the Morristown Police.
160. The police officers at the scene then told Francine Cole to explain what had occurred that day to Gary Brennan and Kim Telling of St. Clare's Hospital.
161. The officers gave no explanation to Francine Cole about the reason for Gary Brennan and Kim Telling being called to the scene.
162. In fact, Francine Cole was under the impression that they may have been there for her great-nephews.

163. Contrary to what appears in the Police Incident Reports, the Police Officers never said anything about "being concerned for her well being," as appears in the report. If they had, in fact, been concerned for Francine Cole's well-being, they would have removed Joseph Cole and George Johnson and sent them back to Lillie Ruth Crew's where they were staying in order to protect her Civil Rights and keep her free from harm. They would also have enforced the law instead of discriminating against Francine Cole and victimizing her willfully with malice aforethought.
164. Clearly, the previous incidents demonstrated that, other than her great nephews, there was no reason to be concerned for Francine Cole's mental health well-being.
165. Despite the fact the Morristown Police had violated her property rights by illegally evicting her and coercively placing her great-nephews in the upstairs at 21 Liberty Street, Ms. Cole was cooperative with the Morristown Police and had given no indication of mental illness and/or being a threat to harm herself or anyone around her. In fact, she was trying to remove the threat which the Morristown police coercively placed in her home to her detriment, and it appears, with ulterior motivation.
166. Each one of the purported "facts" that ended up in the Police Incident Reports as described above in paragraphs 101-165 demonstrate that the Defendants violated Francine Cole's Civil Rights of Freedom of Speech and Free Exercise of Religion.
167. Beyond the fact that the Morristown Police Incident Reports as described above are false, the fact that these false allegations ended up in these Reports at all has a

chilling effect on Francine Cole's rights to Freedom of Religion and Freedom of Speech under the Constitution of the United States of America.

168. In fact, Francine Cole never threatened anyone, physically or otherwise, on that day, February 20, 2009, and she was not and has never been a danger to herself or anyone else.

169. Francine Cole, as a 57-year-old woman, was certainly no threat to her stronger, much younger nephews.

170. Contrary to what appears in the Police Incident Reports, Ms. Cole did not see the mental health professionals have any conversations with her great-nephews.

171. The mental health professionals, Gary Brennan and Kim Telling, asked Francine Cole about the incidents that led to her calling the Morristown Police.

172. Ms. Cole informed them that she had knowledge about drug problems in the neighborhood at Mt. Airy Place in Morristown (that the Morristown Police appeared to already be aware of), that she was concerned that drugs not become a problem at 21 Liberty Street, and that Joseph Cole and George Johnson not succumb to that type of behavior, be influenced and/or exploited by the drug culture, become drug addicts themselves and ruin their lives--which they may have now being incarcerated in the Morris County Correctional Facility, though they have plead Not Guilty, police misconduct may have occurred and there has been no conviction to Plaintiff's knowledge as of the date of the filing of this Complaint.

173. In fact, Francine Cole expressed concerns about George Johnson being in the car with a mysterious man she once saw at a home on Mt. Airy Place after she once

complained to the police about frequently picking up paraphernalia in the yard at 21 Liberty Street prior to February 0f 2009. George Johnson claimed he had been passing out flyers for the man, but when Ms. Cole called the telephone number on the flyer, the man did not answer the telephone as a legitimate businessman would be expected to.

174. Shortly after February 20, 2009, when Francine Cole was doing yard work, her neighbor, Charles Mills tried to instigate an argument with her. Although Ms. Cole ignored him, the police began circulating the Liberty Street block several times. Then, the same man for whom George allegedly passed out flyers, stopped in front of 21 Liberty Street, began talking to Ms. Cole about George Johnson and informed her that George had told him that he was about to come into some money. Before he left, the man gave Francine Cole a yellow flyer indicating that he was a computer technician. However, Francine Cole's impression was that the man was with the police and that he was investigating her frame of mind.

175. Ms. Telling then asked Francine Cole what evidence she had about drugs in the neighborhood of Mt. Airy Place (which was subsequently raided in part), and emphatically demanded that Francine Cole provide her with whatever evidence she had, emphatically demanding "Give it to Me!"

176. Francine Cole responded that she was not obligated to provide her anything.

177. It was at this point that Ms. Telling stopped the conversation, took out some papers which she started to write upon, and then Francine Cole was taken into custody for a mental health evaluation and falsely imprisoned apparently in retaliation without articulable suspicion or probable cause.

178. The Police Incident Reports falsely state that the Police Officers “asked Cole if she would let us transport her to the hospital.”
179. Instead, the Police Officers told her that they were taking her to St. Clare’s, without any consent whatsoever from Francine Cole, and they took her there based on a series of actions by her that were perfectly rational and legal.
180. Ms. Cole then asked the Police Officer if they were taking her to St. Clare’s Hospital against her will, and the officer answered yes.

e) The Morristown Police and St. Clare’s Hospital and Staff Took Francine Cole into Custody without Regard for her Mental Health and Safety and for the Purpose of Subjecting her to Humiliation and Physical Invasion against her Will

181. Francine Cole asked that she be allowed to go into her room to change into more appropriate clothes, which she was allowed to do and which she did—alone.
182. The officers and the mental health professionals remained in the living room, (two rooms away) where they could not see or observe Francine Cole, and made no objections or expressions of concern about this—which would be expected of a competent mental health professional if there was a genuine concern that Ms. Cole might be a danger to herself or to anyone else, as the Mental Health Statute requires.
183. In fact, Officer Petr’s report on February 20, 2009, proves that he was more concerned about his own well-being than about Francine Cole’s. When she complained that Officer Petr was permitting Derrick Reid to trespass in her own home, Officer Petr wrote, “I explained to her that for my safety, because I was the only officer on the scene at the time, everybody was going to stay in one room where I could see them.” Clearly this demonstrates that Officer Petr had reason to

fear Derrick Reid who had previously been aggressive with Francine Cole in her own home, and Joseph Cole and George Johnson. If Officer Petr had fear of them, it was logical for Francine Cole to feel threatened by them too. It also demonstrates that the Morristown Police knew that Francine Cole was not harmful to herself or others, and that they had no concern about her wellbeing or anyone else's, or they would not have allowed her to step out of their sight—alone when they took custody of her on February 20, 2010.

184. Ms. Cole then called her lawyer, Kenneth Rosellini, Esq., and her nephew, Todd Johnson.
185. Francine Cole told Todd Johnson that the Morristown Police were making her go to St. Clare's against her will.
186. Francine Cole told the Police Officer that her attorney wanted to speak to a Police Officer, and the officer did not acknowledge the request.
187. Only Kim Telling agreed to speak to the Francine Cole's attorney, and she informed him that Francine Cole was being taken to St. Clare's pursuant to the New Jersey Screening Act.
188. The Police Officer again told Francine Cole that she had to go with them to St. Clare's.
189. Francine Cole was allowed to bring her cell phone with her.
190. At no time did any of the officers or mental health professionals advise Francine Cole that she was going voluntarily and that she did not have to go with them to St. Clare's Hospital.

191. When Francine Cole entered the ambulance, which humiliated her in front of her neighbors, particularly the antagonistic ones who had maliciously circulated the false petition, she was asked to sign documents.
192. Francine Cole refused to sign anything and told the ambulance workers (who were different from the mental health professionals) that she was being brought to St. Clare's involuntarily against her will.
193. A Police Report for an incident that occurred while Francine Cole was falsely imprisoned at St. Clare's Hospital, reveals that the Morristown Police Department was in communication with Francine Cole's brother, David Cole, and that David Cole had approved of the Morristown Police's conduct in taking Francine Cole from her home to St. Clare's Hospital involuntarily.
194. David Cole, a longtime alcoholic, who has animosity toward Francine Cole because of her authority over the management of 21 Liberty Street, has been estranged from Francine Cole and most of his immediate family, including his own son, daughter and grandsons, Joseph Cole and George Johnson, for many years. In fact, as stated in the police report, his reason for coming to 21 Liberty Street with Zandra Cole-Morgan after Francine Cole was taken to St. Clare's was "to make sure" that the great-nephews, his grandsons, "had not ruined the house."

**f) The Morristown Police and St. Clare's Hospital and Staff
Caused Francine Cole to Humiliation and Physical Invasion
against her Will**

195. Upon her arrival at St. Clare's, Francine suffered humiliation, shame, mental upset and emotional distress, when she was required to remove her clothes and wear a

hospital gown in a public area of the hospital, where other patients were waiting to receive treatment and visitors were present.

196. Francine Cole was then subjected to physically invasive medical testing including but not limited to the taking of x-rays, blood, urine and the performance of an EKG.

197. This constituted an invasive assault and battery to Francine Cole's person.

198. It took about five times of jabbing a needle into Francine's arm before the hospital workers were able draw blood for the testing.

199. This was very painful to Francine Cole and a complete violation of her physical being.

200. Francine Cole told the nurse to stop trying to take her blood, and the nurse told Francine Cole that the Morristown Police brought her to the hospital, and she could not tell them to stop.

201. After the testing, Francine Cole was then further embarrassed and humiliated by being brought, again in the hospital gown, through a public area to the Mental Health Emergency section of the Hospital, where she was locked in a room and videotaped.

202. At each procedure, Francine Cole told the health professional that she believed it to be unnecessary and unwarranted, and at each procedure she was informed by hospital employees that she had to undergo the procedure because she had been brought to St. Clare's Hospital involuntarily and therefore she could not refuse the diagnostic medical procedures.

203. Francine Cole spoke to a psychiatrist, Dr. Suman, at the hospital and she explained what had happened, including referring to a book of bound documents that she brought with her documenting a long history of antagonism in her neighborhood and with the Town of Morristown.
204. The documented history that Francine Cole presented to Dr. Suman, included a history of the Morristown Police and her family, and a history of harassment by neighbors and the Town of Morristown, including the Morristown Police, against her and her family, particularly against Francine Cole.
205. Francine Cole spoke to the psychiatrist and another health professional.
206. St. Clare's Hospital also spoke to her nephew Todd Johnson, who confirmed the history of antagonism by the neighbors, the Town of Morristown and the Morristown Police against Francine Cole, which the mental health professional acknowledged was consistent with Francine Cole's statements about the matter.
207. Todd Johnson's confirmation of this history of antagonism, however, was deliberately left out of the medical records of the incident with St. Clare's, and Todd has provided Francine Cole with an Affidavit verifying this fact.
208. During her false imprisonment at St. Clare's, another health professional spoke to Francine Cole's attorney (who had appeared before Judge Katherine Langlois with an Order to Show Cause regarding Ms. Cole's false imprisonment) and Francine Cole also spoke to her attorney and to her nephew Todd about the conditions of her time at St. Clare's and her will to be released immediately because she was being held against her will.

g) After being Subjected to Humiliation and Physical Invasion against her Will, Causing her Pain and Suffering, Francine

**Cole was Cleared and Released by St. Clare's Hospital Because
She was in Fact not a Danger to Herself or Anyone Else**

209. Francine Cole was released shortly after six hours of being held at the hospital against her will. Beforehand, she was compelled to sign a St. Clare's instruction form regarding behavior health services, which she did not and does not consent to nor approves of.
210. This release was signed under duress and prior to her release from the physical grounds of St. Clare's Hospital.
211. When she signed for the release, Francine Cole was informed that she was signing a release and not explained as to the purpose except that it was for the returning of her possessions.
212. She did not have her eyeglasses (or any other visual aid which she medically needs).
213. Because of the duress she was under as a result of the actions taken by the Defendants on February 20, 2009, Francine Cole did not make further inquiries as to the content of the release, believing the release to simply be a requirement for receiving her belongings.
214. At no time was there ever any indication that Francine Cole should be treated under the Mental Health Screening Law, and there was no justification for the screening.
215. New Jersey courts have long imposed a "probable danger" standard upon involuntary evaluation and commitment.
216. The fact that Francine Cole was not a danger to herself or anyone else was confirmed by the fact that the psychiatrist at St. Clare's Hospital immediately

released her upon completion of the screening, without any treatment whatsoever. Francine Cole did not need to speak to the psychiatrist or mental health workers because she was in control of her faculties.

217. Without reason or justification, the psychiatrist, Dr. Suman, who only spoke to Francine Cole (previously unknown to her) for only a few minutes before releasing her, recommended that Francine Cole contact Outpatient Services and find other ways to resolve issues with her great nephews. Dr. Suman's action had no medical basis whatsoever and has further defamed Francine Cole. In fact, it appears her intention was to assist the Morristown Police in using the mental health system to intimidate Ms. Cole and threaten her with further harm.

h) Once Again, the Morristown Police Use Their Own False Allegations Against Francine Cole as Justification to Chill Her Assertion of Civil Rights

218. Subsequently, on a call to Francine Cole's residence regarding an incident involving the great-nephews, who were still at 21 Liberty Street for weeks after February 20, 2009, at the Morristown Police Department's behest, Officer Theodore Jones warned Francine Cole: "Francine we just took you to St. Clare's, what, do you want to go back again?"
219. The action by Officer Theodore Jones in directly threatening a Mental Health Screening of Francine Cole, without any justification, is a deliberate and malicious act to deter Francine Cole, who lives alone, from asserting her right to call the Police whenever she is harassed or harmed by antagonists in the neighborhood.

220. It also suggests that Dr. Suman did, indeed, recommend that Francine Cole contact outpatient services to aid the Morristown Police in what appeared to be a scheme to deter her from contacting the Morristown Police Department when necessary, not because Ms. Cole was mentally ill. Ms. Cole pays taxes for police services which police are obligated by oath and law to perform honestly.

221. The polices' real intention is confirmed by and consistent with the fact that at the mental health screening Francine Cole was told to use other means to resolve the issues with her great-nephews outside of the Morristown Police Department.

222. The incidents after Francine Cole's first call on February 18, 2010 would not have occurred if the Police had removed Joseph Cole and George Johnson from 21 Liberty Street and had them return to Lillie Ruth Crew's house where they had, in fact, been staying. Therefore, it was the police's failure to investigate this fact, indeed, their negligent handling of the matter and their coercively placing the great nephew at 21 Liberty Street that led to all subsequent calls.

223. It appears that Francine Cole's neighbors who are employed by Morristown (or have been), have political connections in Morristown or friends at town hall receive favorable treatment and the law is not enforced against them while it is enforced arbitrarily against Francine Cole, which is a direct violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

B. The Wrongful Arrest, Detainment, Mental Health Screening and Violation of Civil Rights in February of 2009 is Part and Parcel of a Pattern and Practice of the Town of Morristown and the Morristown Police Department in Violating Francine Cole's Rights for More than Twenty Years

224. This conduct by the Morristown Police Department is part of a long time ongoing pattern and practice which constitutes a continuing tort, and which has been well documented.

225. There are, in fact, a voluminous number of incidents, and any incidents not specifically mentioned herein are not waived and are incorporated herein.

226. The within Complaint alleges that the incident of February 20, 2009 is both a separate incident and complaint and a parcel to a longstanding pattern and practice of the Town of Morristown's violation and suppression of Francine Cole's civil rights going back over twenty-years.

a) In November of 1989 the Morristown Police Falsely imprisoned Francine Cole when she Asserted Her Property Rights in 21 Liberty Street under the Guise of the Mental Health Screening Act and Francine Cole was Released Because She was in Fact no Danger to Herself or Anyone Else.

227. In November of 1989, Francine Cole's parents had retired and rented the downstairs portion of the two-family home at 21 Liberty Street.

228. At that time, Francine Cole was residing in the upstairs portion of the home.

229. On November 21, 1989, an incident occurred between Francine Cole and the downstairs tenant in which the tenant assaulted Francine Cole, who had simply asked the tenant to remove boxes from which she had remove furniture out of the front yard.

230. The Morristown Police were called to the scene by the downstairs' tenant.

231. A Morristown Police Officer arrived at the scene with an ambulance from Morristown Memorial Hospital.

232. The Officer ordered Francine Cole to be placed in the custody of the Morristown Memorial Hospital Ambulance Workers, put her under restraint and taken to the hospital for psychiatric evaluation.
233. This was the first time that this had ever happened to Francine Cole who was five weeks away from her Thirty-Eighth birthday.
234. Francine Cole objected to her being placed under custody and restraint for valid reasons, and the Ambulance Worker physically attempted to quiet her objections by saying, "shut up crazy" and placing a pillow over her face.
235. When Francine Cole arrived at the Hospital, Officer Tim Jones of the Morristown Police Department was there waiting for her.
236. Francine Cole has neither a history of violence nor of harming herself or others. Officer Tim Jones, however, falsely told the Morristown Memorial Medical Staff that she did have history of violence, and this is documented in the hospital record, still defaming Francine Cole to this day.
237. In fact, Francine Cole had exhibited no behavior in front of the Morristown Police, ambulance workers or Morristown Memorial staff that indicated she was a danger to herself or anyone else, and therefore no officer could have witnessed such behavior.
238. The officer who placed Ms. Cole under restraint, often worked out in the free weight exercise room at the local YMCA at the same time Francine Cole did, and was fully aware of her disciplined exercise routine and that she was not insane.
239. Every allegation of Francine Cole's behavior was either based on the false hearsay statements given by the neighbors who had a long history of being

antagonistic to Ms. Cole and her family, including a cousin of hers, who subsequently withdrew his accusations after being confronted with the fact that there was no actual behavior indicating that she was a danger to anyone.

240. Francine Cole was not uncontrollable; she was not aggressive; she was not confused.

241. In fact, Ms. Cole asked permission to call her job, and, no one, including the police, would permit her to—as a result she lost that job, which was one of the best jobs that Ms. Cole had ever had.

242. Francine Cole was indeed suffering from an iron deficiency and premenstrual syndrome (which was documented by Dr. Bell at St. Clare's), but received no treatment for these conditions.

243. Instead of receiving treatment for the ailments set forth above, in the presence of Officer Tim Jones, the psychotropic drug, Haloperidol, known as Haldol, was administered to Francine Cole, which was so powerful that she was knocked out and did not wake up until the next day.

244. Haloperidol ("Haldol") was the same drug that was used by the Soviet Union to break the will of dissidents.

245. Within their rights of Freedom of speech, Francine Cole and her family, but particularly Francine Cole, are considered by the Morristown Community to be outspoken when their civil and political rights are violated due to favoritism and discrimination, and are labeled troublemakers as a result.

246. The primary reason for the favoritism and discrimination, is as previously stated, that the neighbors surrounding Francine Cole's residence, some of whom are Ms.

Cole's extended family relatives, either worked for the town, are politically-connected there or associated with the police and Morristown government.

247. The favored and protected neighbors always targeted, harassed and defamed Francine Cole's family and particularly Francine Cole, after she began to live alone at 21 Liberty Street.

248. The hidden source of the trouble has always been and continues to be Francine Cole's mother's female relatives in the neighborhood, who harbored a destructive grudge against Francine Cole's mother, a favored child, which they are now directing upon Francine Cole.

249. As a result of the long history of antagonism exist in the family and in the neighborhood, especially on Liberty Street, and the police have been called to 21 Liberty Street, in particular, many times throughout the years. Invariably, when incidents occur, the police favor the protected neighbors, violate Francine Cole's rights and label her the troublemaker.

250. When this occurs, Ms. Cole is known to express her views about corruption in the Town of Morristown and she has said things that Morristown Police may take as negative, but which are within her rights to Freedom of Speech.

251. During the incident at Morristown Memorial Hospital in November of 1989, Francine Cole asserted that her civil rights were being violated and that she would sue everyone responsible.

252. Again, a Morristown Memorial worker placed a pillow over her face in the presence of Officer Tim Jones, who himself, had kicked in the front door of 21

Liberty Street and had once pulled out a loaded gun in the presence of children at 21 Liberty Street when he was dating Francine Cole's sister, Andrea Cole-Camel.

253. One of the doctors present seemed to grasp the fact that her rights were being violated, and stepped outside the room, but refused to get involved or report it.

254. Shortly thereafter, Ms. Cole's Nephew, Todd Johnson, came to the hospital to come to her assistance. Staff informed Todd Johnson that they had considered releasing Francine Cole but did not because of Tim Jone's false accusation that she had a history of violence.

255. Francine Cole protested that she would receive better treatment at St. Clare's Hospital, and she was ultimately transferred to St. Clare's Hospital.

256. When Francine Cole regained consciousness (after the effects of the Haldol) the next day at St. Clare's, she protested to the doctor, Doctor Bell, who was present, that there was no reason for her to have been held and for her to continue to be held against her will.

257. Doctor Bell was extremely discourteous, and Francine Cole insisted that she be able to talk to another doctor.

258. Francine Cole told Doctor Bell that she was being held without justification and that she would contact her friend, the television news reporter Reggie Harris, about Habeas Corpus.

259. Because no other doctor was offered (and in fact none would be available for a couple days), Francine Cole reluctantly agreed to speak to Doctor Bell.

260. Doctor Bell then offered to release Francine Cole to her family, when her mother and sister arrived.

- 261. When Francine Cole's mother and sister arrived, she was in fact released.
- 262. Prior to this incident Francine Cole had no psychiatric history whatsoever and was on a constructive career path.

b) Francine Cole Suffered Humiliation from the 1989 False Arrest by the Morristown Police Department and the Publishing of the Incident Caused Great Harm to Her Reputation, Career, Well-Being and was a Chill on Her Civil Rights

- 263. At the time of the incident in November of 1989, Francine Cole had already acquired a bachelor's degree from Florida A & M University and a master's degree from Florida State University and was producing the results she had strived for.
- 264. She was employed as a weight control counselor for Nutrisystem and was working various temp jobs to support her artistic endeavors, which were always her primary interests and which were getting significant support.
- 265. Francine Cole was also executive producer of her work in the performing arts, was buying studio time in professional recording studios and employing professional musicians.
- 266. Through her work as the New York editor of a music magazine, she had met successful people in the entertainment field, including a major producer at the time who had taken an interest in her initial work, and encouraged her to bring more songs.
- 267. Subsequent to the event with the Morristown Police Department and Morristown Memorial Hospital in 1989, Francine Cole was traumatized in a horrific way, and

since then, has had professional issues which made it difficult for her to pursue careers that she had spent a lifetime striving for.

268. Francine Cole did attempt to start over, but it was another long, uphill battle because she was now unjustly forced to endure the stigma of mental illness, of being perceived by others to suffer from mental disability.

269. In fact, Francine Cole had to overcome her deeply ingrained childhood insecurities, particularly shyness, in order to pursue her professional and artistic careers from the beginning, and the psychological trauma she suffered from the 1989 incident had an even more devastating effect than it might of otherwise have had because of this.

270. The incident with Morristown Memorial in 1989 was widely publicized among her community, family, friends and associates, so that Francine Cole's reputation was permanently damaged in the Morristown Community and beyond.

271. This was a major set-back for her in overcoming her shyness and insecurities, and it was more devastating because she was forced to start over again in her late thirties, and particularly because careers are more difficult to start then, especially in the performing arts which are generally started at a much younger age.

272. Both the stain to her reputation and the psychological trauma as result of the 1989 incident made it impossible for Francine Cole to pursue any career she had trained for confidently, and therefore, was disabling.

273. After the incident occurred, Francine Cole's neighbors and family constantly used it against her and continue doing so today. Not a day passes without one of them mentioning it or making a snide comment about it to others, including to new

people who move into the neighborhood, the most recent of which occurred on August 27, 2010, when her neighbor at 23 1/2 Liberty Street trespassed in Ms. Cole's driveway with her vehicle and afterward with her body and said to Ms. Cole, "You have some serious mental problems."

c) The 1989 False Arrest by the Morristown Police Department and the Publishing of the Incident Was Used as Justification for Further False Arrests, Damage to Francine Cole's Reputation and Violations of Francine Cole's Civil Rights

274. While she was living in South Carolina in the late 1990s, her sister, Andrea Cole-Camel, maliciously used the 1989 incident against her by calling the local police for an unnecessary mental health screening, using the 1989 incident as justification.
275. Once again Francine Cole was released after a determination that she was, in fact, not suffering from mental illness.
276. This time she brought a Federal Lawsuit in South Carolina in connection with the incident, because she was tired of being unjustly harassed by and through the mental health system.
277. The Defendants included, Richland Memorial Hospital and Dr. Michael Wade who under duress, prior to having Francine Cole involuntarily evaluated had admitted to one of Francine Cole's sisters, "Your sister is as sane as you and me."
278. While the case was dismissed (but not on the merits), Richland Memorial Hospital, Dr. Michael Wade and the local police department never again attempted to bring Francine Cole in for a mental health screening while she remained in South Carolina.

279. When Francine Cole returned to Morristown, numerous incidents occurred with her neighbors and the Morristown Police Department, including a longtime zoning issue and noise ordinance issue in which Morristown officials, including the police, mayor, town business administrator and zoning officer refused to enforce set-back and noise level regulations concerning the neighbor's home and air conditioning filtering unit at 19 Liberty Street.
280. The Town of Morristown's own records prove the zoning and noise violations, yet each time the police are called for an incident, it appears they will not enforce the law because the neighbors involved are related to the former councilwoman who built the home illegally, and have other connections to town hall and to influential and powerful people there and elsewhere.
281. These noise violations are a primary reason for many of the repeated calls to 21 Liberty Street which the police complain about and blame on Francine Cole.
282. Francine Cole is in effect improperly labeled the troublemaker, defamed, accused of filing false complaints, discriminated against and retaliated against.
283. The Morristown Police refuse to accept responsibility that their discrimination is the reason for many of the calls.
284. The incidents that occurred included a false police report regarding an incident where Francine Cole was falsely accused of damaging the car of an out-of-town, off-duty, police officer who was visiting the former councilwoman when she owned 19 Liberty Street.
285. Ms. Cole has been and continues to be repeatedly ridiculed and threatened with commitment from neighbors and people in the community, her estranged relatives

included, whenever any dispute arises and Francine Cole levies a legitimate complaint against her neighbors.

286. In particular, she has had disputes with Constance Montgomery who always targeted the Cole family and threatened Francine Cole with legal troubles and commitment.

287. Constance Montgomery is a former councilwoman and former neighbor of Francine Cole's who, upon information and belief the Town of Morristown knowingly permitted to build a new home with an air-conditioning filtering unit illegally at 19 Liberty Street which is in violation of the set-back requirements of Morristown's Zoning Code and have been the cause of noise level violations emanating from 19 Liberty Street.

288. The home -- itself which required a variance was built illegally without proper notice to Francine Cole's family -- the neighbors most affected by the violations.

289. In fact, a lawyer told Ms. Cole and her sisters that his firm has existed more than 50-years and that he has never seen anything like it. He stated further, "No town would have gone forward under such circumstances."

290. After the Morristown Polices' relentless refusal to enforce the noise ordinance, Francine Cole and her sisters discovered the violations through a records request and notified the town. In fact, the records indicated that the Town of Morristown had already been aware of the violations as per previous town records in the town's possession.

291. The Town of Morristown permitted this improper property use without proper notice to 21 Liberty Street (the property most affected by the violations), in violation of due process of law.
292. Upon the advice of her sisters, Ms. Cole had put a sign in her front yard as a protest to Morristown's failing to enforce their own ordinances and allowing the violations to continue at a detriment to Francine Cole's and her family's health, peace and well-being.
293. Instead of addressing the violations that Ms. Cole addressed on the protest sign, Constance Montgomery threatened to witnesses, one in the presence of Francine Cole, that Francine Cole would be "taken down" by her and "the Town of Morristown," and upon information and belief, appeared to incite an organized campaign of harassment that may have significantly contributed to Bevelyn Cole's collapsing from stress.
294. Subsequently, Bevelyn was hospitalized and died mysteriously at Morristown Memorial Hospital.
295. Francine Cole could not go to her favorite sister's, Bevelyn Cole, funeral because the Morristown police had filed a matter against George Johnson that required Francine Cole to testify before a grand jury at the time Bevelyn's funeral was occurring. The grand jury members were outraged!
296. After Bevelyn Cole's demise, Francine Cole's harassment continued and included discrimination by Morristown Code Enforcement inspectors who were not bothering Francine Cole's neighbors about the same matters about which they were harassing her.

d) The Failure of the Morristown Police to Protect Francine Cole's Civil Rights, In Particular the Failure of the Town of Morristown to Equal Apply and Enforce its Ordinances and Zoning Regulations as to Francine Cole and her Neighbors, has Continued and Places her Physical Well-Being in Immediate Harm

297. The noise violations on the property at 19 Liberty Street which Montgomery sold to her relatives, Charles and Lynette Mills, continues to be a primary reason for complaints that one of the officers wrote in a report, occur "about every six months," approximately the time the noise problems begin every year. It appears, however, that the officer's intention for stating that the calls occur "every six months" was to imply that Francine Cole suffers from bi-polar disorder to justify taking her for the mental health screening, because he never mentions that is about the time the noise problems resurface.
298. Because Constance Montgomery was a former Morristown councilwoman, neither the police nor Town of Morristown will enforce the law against her or her relatives, Charles and Lynette Mills and their son, Bryan Mills, a repeat offender and violent criminal who shot a man in the head and was convicted of the unlawful use of a firearm.
299. Each time the Morristown Police are called and refuse to enforce the law equally for Francine Cole, Bryan Mills has become more threatening to Ms. Cole, which jeopardizes her welfare, safety and potentially, her life.
300. As a result, Francine Cole fears that the Town of Morristown's abuse of power and failure to enforce the law against the Mills (and in general) could embolden Bryan Mills to commit another violent act.

301. Since Bryan Mills returned home, whenever issues come up regarding the violations on the Mills' property, Lynette Mills uses her son to intimidate Ms. Cole who lives alone and is unprotected.
302. Francine Cole informed the Morristown Police and Internal Affairs at the Morris County Prosecutor's Office of Bryan Mills' threatening behaviors, but as usual, nothing has been done in response, leaving her in physical danger and terrified that she could be attacked.
303. In Fact, on or about July 10, 2010, after Francine Cole grew tired of the constant, loud, droning noise causing her discomfort and mental upset, she called the police to enforce the noise ordinance, but again, they did not.
304. Instead, the officer dispatched, Officer Khouda, allowed an angry, hate mob to form in front of Francine Cole's home, and the mob was yelling for Ms. Cole to "move, get off the street, move."
305. Referring to 21 Liberty Street, Lynette Mills who was part of the angry, hate mob yelled, "They tried to sell it, and she would not let them."
306. Lynette Mills also screams out that Ms. Cole is "crazy and has been committed," that Ms. Cole "cannot keep a job and is not doing anything with her college degrees."
307. On or about July 10, 2010, Lynette Mills also screamed out to Francine Cole, "They took you to spend the night at the crazy house last February. Where did you spend the night last February?" This was a deliberate attempt by Lynette Mills to defame Francine Cole publicly about Francine Cole's false imprisonment on February 20, 2009.

308. The hate mob consisted of the Mills' friends and relatives, including Bryan Mills, who was attempting to approach Francine Cole on her front porch until people in the crowd held him back. Another man in the crowd opened Francine Cole's gate and came inside! Officer Khouda did nothing to stop him or the hate mob.
309. When Officer Khouda wrote the incident report for the July 10, he deliberately left out most of the true facts. Officer Khouda never mentioned that when he was about to open the gate at 19 Liberty Street, Brian approached him from where he had been at 17 Liberty Street and that Lynette Mills came outside when she heard Brian Mills talking loud, and that Lynette Mills first began verbally assaulting Francine Cole who remained quiet until Lynette Mills began defaming Ms. Cole and referring to the forced sale of 21 Liberty Street as if Mills -- herself -- was personally involved in forcing the sale.
310. If the Town of Morristown and Francine Cole's neighbors are, in fact, forcing the sale of 21 Liberty Street to make Francine Cole leave, they are violating the Federal Fair Housing Act as well as her civil rights.
311. Likewise, Officer Khouda never mentioned that the hate mob formed in front of Francine Cole's home, that Bryan Mills approached her on her porch in a threatening manner or that one man in the crowd opened the gate at 21 Liberty Street and came inside.
312. Instead, Officer Khouda falsely stated that Bryan Mills and Lynette Mills were on their front porch, that he did not observe or hear any threats against Ms. Cole from the Mills family and that he requested the Mills family return inside their residence, claiming they did.

313. Francine Cole took pictures that prove the Mills were part of the hate mob that formed in front of 21 Liberty Street and that Officer Khouda failed to act when the mob was verbally attacking Francine Cole, when Bryan Mills was approaching her on her front porch and when another man opened her gate and came inside. Officer Khouda, himself, behaved as if he wanted to see Francine Cole be harmed.
314. Once again, the Morristown police victimized Francine Cole simply for asking them to enforce the law so she could have some peace, the same peace that every other person on Liberty Street and in the neighborhood, including the Mills, get without having to fight for it relentlessly as Francine Cole, a taxpayer, must.
315. Despite complaints to the Town of Morristown, Francine Cole has not been informed of any action taken regarding her complaints.
316. It appears that no other taxpayer in her neighborhood and the Town of Morristown is being subjected to the violations and harassment that Ms. Cole is being forced to endure.
317. The noise violations are "so prolonged and annoying that they cause mental upset" to Francine Cole and are "physically harmful to her and are otherwise detrimental to her and her family's enjoyment of life, health, peace of mind and property," which is protected by the town's noise and zoning ordinances, but which Morristown officials will not enforce.
318. In fact, upon information and belief, a neighborhood watch group led by Constance Montgomery once had the local newspaper, the "Morris County Daily Record," put 21 Liberty Street on its front page, defaming it, based on

information that was not factual and blaming it for noise in the street—which the police control, not anyone at 21 Liberty Street.

319. Worse problems exists today, which upon information and belief, includes, one man who is awaiting a hearing for drug involvement, running out of their home stark naked into the street, and other neighbors being inebriated, cursing and fighting in the street. However, no complaints are being made because these incidents involve the antagonistic neighbors who defame Francine Cole, causing her to be labeled a mentally ill, troublemaker instead.
320. The fact that the Morristown Police addressed the noise in the street that was only blamed on 21 Liberty Street, but will not address the noise violations next door at 19 Liberty Street is clearly evidence of police bias.
321. Likewise, the fact that the antagonistic neighbors constantly target 21 Liberty Street in the past and now and formed a hate mob in front of 21 Liberty Street is clear evidence of the neighbors' hostility toward Francine Cole and thus, the history of antagonism in the neighborhood. Francine Cole had done nothing to these neighbors who were meddling in affairs that did not affect or concern them.
322. The noise at 19 Liberty Street has continued to be a problem, and has continued this summer, because Town of Morristown officials, including Mayor Tim Dougherty, Town Business Manager, Michael Rogers, and Zoning Officer, John Fugger, refuse to enforce the local ordinances due to discrimination toward Francine Cole. In fact, John Fugger refuses to enforce the setback violation, implying in a letter he wrote July 6, 2006 that it is grandfathered-in because it has been there for 25 years.

323. This argument is contradictory to the record of the matter because when John Fugger first notified the Mills of the violations on September 4, 2003, it had been 22 years in amount of time which is also "grandfathered."
324. It appears the records were altered in October of 2003 to make it seem that the violations had been abated.
325. Due to the favoritism the Mills receive, the complaint against them was dismissed though the violations still exist.
326. The reason the Mills did not abate the violations is that, when Mayor Donald Cresitello was elected in 2005-2006, he had John Fugger write a letter to Francine Cole alleging that no violations existed at 19 Liberty Street which, upon information and belief, was a political favor to the former councilwoman for helping him get re-elected.
327. In addition, other neighbors continue to interfere with Francine Cole's use and enjoyment of 21 Liberty Street by impeding on her property with their motor vehicles, deliberately blocking her driveway, and usually, the Town of Morristown does not do anything to prevent this impediment when Francine Call levies complaints. This is why it continues today.
328. The Morristown Police also ignore the trespasses by Francine Cole's neighbors on her property, even where Ms. Cole's no trespass signs are violated.
329. Instead, the Morristown Police actually impedes her use and enjoyment of the property by blocking the driveway at 21 Liberty Street with their own vehicles.
330. Town officials also fail to enforce the applicable zoning ordinances with respect to the fact that Francine Cole's next door neighbors on the opposite side park and

operate an excessive number of motor vehicles on their property, creating an environmental hazard and eyesore--when 21 Liberty Street was for sale.

331. Because these neighbors have been informed, in great part by Constance Montgomery and Francine Cole's mother's family in the neighborhood who assume that Francine Cole had been committed to a mental health facility, they too harass and defame Ms. Cole. Whenever she calls the Morristown Police to intervene on her behalf she is called "crazy" by the neighbors and told "We are going to get you put in Greystone" (the state psychiatric hospital).

332. Therefore, there continued to be, and continues to be, interference with the use and enjoyment of the property at 21 Liberty Street by Francine Cole.

C. Further Examples of the Town of Morristown and the Morristown Police Department in Violating Francine Cole's Rights for More than Twenty Years

333. In addition to the aforementioned incidents, there have been further incidents involving threats of commitment.

334. In fact, in a Morristown Police Report dated June 6, 1999, Francine Cole told the police that her neighbor and aunt Ollie Wall, Francine Cole's mother's sister, had told Francine Cole that she would have her put into Greystone, where Ollie Mae Wall worked more than fifty years.

335. In April of 2004, an Attorney, Harvey Michaelmann, Esq. (with offices in Dover, New Jersey and for whom she did temporary work for as his secretary), wrote a cease and desist letter on behalf of Francine Cole to her relatives and neighbors Ollie, Bernard and Rodney Wall regarding their harassing conduct and interference with tenants at 21 Liberty Street.

336. On or about March 4, 2005, Francine Cole and her sister, Dr. Gwendolyn Cole-Hoover, went to Police headquarters to file an incident report after someone informed Dr. Cole-Hoover that the Morristown Police were going to institutionalize Francine Cole. However, Francine Cole was not given the police report number when she requested it.
337. In addition to the aforementioned incidents, there have been further incidents of the Morristown Police failing to properly enforce the law as it applied to Francine Cole or her complaints, and in fact enforcing the law in an arbitrary, coercive and discriminatory manner against her.
338. For example, in the 1990s, Carolyn Salley and her husband Lance Salley, the nephew of then Morristown Police Lieutenant Willie Caldwell (now retired), told Francine Cole that they wanted to begin leasing the apartment at 21 Liberty Street several days before it was available for rent, which was to be the following week after their agreement was made. The Salleys were aware that the Morristown Building Inspector had to give Ms. Cole a Certificate of Habitability before they could take possession of the apartment.
339. Lance Salley, however, with his wife and children, arrived at the property beforehand, took Francine Cole's keys off a table and demanded to take immediate possession before the time agreed upon—while the property was still being prepared for rent, including electrical repair. When Francine Cole told them that they could not enter the apartment, Lance Salley began shouting, "We are going to own this place soon. We are going to own 21 Liberty Street. My uncle is a police lieutenant. I worked for the town."

340. The Morristown Police Department then arrived and, with Salley, forcibly entered the upstairs portion of the two-family home and placed the Sallys and their children inside.
341. The Morristown Police then required Francine Cole to rent to the Salleys earlier than their agreement allowed, despite the fact that Francine Cole had told them there were no lights upstairs, creating a serious hazard and that no Certificate of Habitability had been issued. In fact, the police report proves that the Salleys had not yet contacted the electric company.
342. Officer Dietrich (the same officer who did the illegal search on February 20, 2009), attempted to bully Francine Cole, pushed her aside, then illegally searched 21 Liberty Street (including the basement) and went around turning on light switches, even though Francine Cole told her that this action would risk sparking a fire because the electrical system was then being worked on in preparation for new tenants to have the lights turned on when they took possession.
343. Despite being pushed aside by Officer Dietrich, Ms. Cole remained calm, fearing that Officer Dietrich's bullying behavior might precipitate Officer Dietrich to cause unnecessary harm of some sort.
344. The property, however, was not ready to be rented.
345. Subsequently, the Building Inspector was brought in by a Police Supervisor to verify that the property was not yet able to be occupied, and this was the only way that Francine Cole was able to have the tenant removed for improper possession of the property.

346. When Officer Dietrich wrote her incident report, she deliberately falsified the facts to cover up the police's blatant misconduct, despite the Building Inspectors having been called to the scene as evidence of police wrongdoing
347. Francine Cole then wrote letters to the police chief about the false report, asking that it be corrected. Ms. Cole also requested an investigation into the matter, but decided instead to drop it, hoping to it would help her have better relations with the police which it did not.
348. Morristown officials also tried to force a lowering of the rent for the Salleys at 21 Liberty Street levels, even though the apartment was not designated as a rent controlled apartment and the rent was already low.
349. The lease with Salley was subsequently terminated by Francine Cole and Salley was evicted for cause, with Salley consenting to the eviction.
350. In June of 2001, Francine Cole went to see Dr. Gerome Goodman (who is a "Friend of the Court") for a psychiatric evaluation to prove her sanity, because she was tired of being falsely accused of insanity and having these false allegations of insanity act as a label and a libel against her reputation and good standing, and as a chill on her civil rights in general.
351. In order to do the evaluation Dr. Goodman saw Francine Cole approximately five times in session.
352. Dr. Goodman determined with medical certainty that Francine Cole was not bipolar and was in fact mentally healthy. Francine Cole included his report in her defamation lawsuit.

353. Despite Francine Cole being given a clean bill of mental health, she has been continually harassed by neighbors with threats of committal.
354. Francine Cole still suffers from the stigma that began in 1989, when, at the age of nearly Thirty Eight years, Tim Jones falsely made accusations against Ms. Cole, causing her false imprisonment for evaluation for the first time when she had no prior negative mental health history at all at the time.
355. In summary, the Town of Morristown (including the police, its building, zoning and recently, its public works department) has usually been non-responsive to complaints that Francine Cole has made with respect zoning issues (in essence voiding the complaints), including the issue with respect to a violation of a noise ordinance by her neighbor and other significant harassing incidents involving her neighbors, while complaints against her are responded to and enforcement action taken against her discriminatorily.
356. The Town of Morristown has refused to enforce ordinances to Francine Cole and her family's detriment, peace of mind and health.
357. As another example of bias, Francine Cole was fined approximately \$675 for the protest sign mentioned above, while Lillie Ruth Crew had a lighted, protest sign on her property for several years and was never given notice about the violation, investigated, fined, or questioned about it by the Town of Morristown, which was fully aware of the sign.
358. Shortly after the protest sign was placed up, an incident occurred when Felix King drove his car into a parked car of Francine Cole's late sister at 21 Liberty Street.

Actually, the car belonged to Francine Cole but the title had not yet been transferred.

359. Afterward, neighbors, tenants who live in property owned by present Morristown Councilwoman Ralene Smith-Reid, placed a note on Francine Cole's car, telling her where the vehicle that struck her car in a hit and run was located.

360. When the Police Officer called to the scene, his first comment was, "this car has a South Carolina tag." Francine Cole protested that the tag was proper and had nothing to do with the hit-and-run. The officer did not examine or remove the evidence on the ground or do a proper police report. (In fact, the South Carolina insurance company did refuse to repair the vehicle but after a six month investigation, Geico, the other car's insurance company did pay for the repairs). The other car belonged to Felix King, the neighbors' friend.

361. Ultimately Officer Beverly Downey did a proper police report.

362. Felix King, who mentioned that Francine Cole's neighbors hated her, subsequently filed a false complaint that Francine Cole was harassing him, when it was he, in fact, who was harassing and stalking her and that complaint was dismissed, but not before Francine Cole was forced to pay for a lawyer because the legal process was being used to abuse her.

363. In September 2004, Francine Cole again began work full-time as a teacher, hoping to revive her career. Shortly thereafter, someone called her job anonymously and told her supervisors that Ms. Cole was mentally ill, and since her supervisors did not approve of Francine Cole refusing to give students a "c"

whether they earned it or not, which was school policy and because of her age, this gave them a reason to terminate Ms. Cole before she signed a contract.

364. On or about January 23, 2008, Ms. Cole attempted to begin her career yet again and lost a teaching job she enjoyed at Sprout House in Chatham, New Jersey, where she had previously substituted almost daily because the Morristown Police placed a false disorderly person charge on a record.

365. The false charge was introduced as evidence to defame Francine Cole when she filed her defamation of character lawsuit.

366. Ms. Cole requested documentation of the false charge and filled out the proper paperwork with the police but nothing was ever done to correct the false charge, and Ms. Cole refused to expunge something she had not done. This is the second job Francine Cole lost because the Morristown Police acted inappropriately.

367. The loss of this job prevented Francine Cole from being able to sustain the property at 21 Liberty Street independently, and a court battle was forced in an attempt to illegally evict her to force the sale of 21 Liberty Street. This is the sale Lynette Mills referred to during the incident that occurred on July 20, 2010.

368. As a result of the loss of her job and the false charge on her record, Francine Cole has been unable to pay some of her other obligations which she is being relentlessly harassed about today.

369. Upon information and belief, Francine Cole also questions whether the Morristown Police may have had her illegally evaluated during a mediation hearing, which occurred after one of the defendants in her defamation of character

lawsuit was served and filed a municipal complaint against her in retaliation, forcing her to appear before a group of mediators from various professions.

370. Recently, in the month of August 2010, Francine Cole requested that the town remove a tree from in front of 21 Liberty for legitimate reasons. Instead of removing the tree and replacing it as the town had done in front of the homes of those connected to the Town of Morristown and to law enforcement in general, the town merely trimmed the tree, again leaving Ms. Cole's legitimate complaints unaddressed as usual.

371. The above listed material incidents of pattern and practice are to put the Plaintiffs on notice of the pattern and practice as part of this Complaint, and the Plaintiff reserves the right to present more detailed evidence and other incidents as proof of this pattern and practice at trial or any other stage of the proceeding.

372. While the February 20, 2009 incident is included as part of the pattern and practice, it is, of itself, a separate incident as well.

COUNT ONE UNLAWFUL ARREST

373. *N.J.S.A. 30:4-27.6* states that "A State or local law enforcement officer shall take custody of a person and take the person immediately and directly to a screening service if: a. On the basis of personal observation, the law enforcement officer has reasonable cause to believe that the person is in need of involuntary commitment" and the "involvement of the law enforcement authority shall continue at the

screening center as long as necessary to protect the safety of the person in custody and the safety of the community from which the person was taken.”

374. During the relevant time frame, *N.J.A.C.* 10:31-8.2 of the Regulations of the State of New Jersey, Department of Human Services, Division of Mental Health Services, Screening and Screening Outreach Program allows for a Police Request for Evaluation provided for the following standards for Police Request for Evaluation: “(a) A screening center shall evaluate an individual who is brought to the screening center **by a law enforcement officer if, based on personal observation, that officer has reason to believe that the individual meets the commitment standard;** and (b) A screening center should provide, whenever possible, **mobile screening outreach at the request of a law enforcement officer if the screening center determines that, based on clinically relevant information provided by a law enforcement officer with personal knowledge of the individual subject to screening, the person may need involuntary commitment** and is unwilling or unable to come to the screening center for assessment.” (Emphasis Added).

375. During the relevant time frame, *N.J.A.C.* 10:31-1.3 of the Regulations of the State of New Jersey, Department of Human Services, Division of Mental Health Services, Screening and Screening Outreach Program provided for the following definition of the commitment standard: “Involuntary commitment” means the procedure for enacting treatment of an adult who is mentally ill, **whose mental illness causes the person to be dangerous to self or dangerous to others or property,** and who is unwilling to be admitted to a facility for care, and who

needs care at a short-term care facility, psychiatric facility or special psychiatric hospital because other services are not appropriate to meet the person's health care needs." (Emphasis Added).

376. During the relevant time frame, *N.J.A.C.* 10:31-1.3 of the Regulations of the State of New Jersey, Department of Human Services, Division of Mental Health Services, Screening and Screening Outreach Program provided for the following definitions of "dangerous to self or dangerous to others or property": "Dangerous to self" means that, by reason of mental illness, **the person has threatened or attempted suicide or serious bodily harm, or has behaved in such a manner as to indicate that the person is unable to satisfy his or her need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonably foreseeable future**; however, no person shall be deemed to be unable to satisfy his or her need for nourishment, essential medical care, or shelter if he or she is able to satisfy such needs with the supervision and assistance of others who are willing and available"; and "Dangerous to others or property" means that, **by reason of mental illness, there is substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future**. This determination takes into account a person's history, recent behavior and any recent act or threat." (Emphasis Added).
377. There was no conduct that Francine Cole ever exhibited, or that any Morristown Police Officer had personal knowledge or observation of, that Francine Cole was

at any time even remotely a Danger to herself or a Danger to others or property so that any police officer or mental health professional had reason to believe that she was a candidate for involuntary commitment.

378. There was no conduct that Francine Cole exercised which demonstrated that it was necessary to place her at a screening center for her safety or the safety of the community—in fact nothing remotely reaching that threshold occurred.
379. The Morristown Police Department had no “reasonable cause” pursuant to *N.J.S.A. 30:4-27.6* to justify her being involuntarily taken to a screening center.
380. The detention and restraint was against Francine Cole’s will and unlawful. It was done with malicious intent and under the color of law. The action caused injury to Francine Cole’s person, character, reputation and general well-being and welfare in the community. The employees of the Town of Morristown, Morristown Police Department and St. Clare’s Hospital acted both willfully and beyond the scope of their employment.
381. All the Defendants willfully and deliberately, ordered, directed and participated in the arrest and detention of the Plaintiff, Francine Cole, without any warrant or other authority of law, and against the will of the Plaintiff, on Defendants’ charge that the Plaintiff was insane, and that Plaintiff was dangerous to herself and/or others.
382. Notwithstanding the remonstrance of Plaintiff, Francine Cole, and Plaintiff’s protest of Plaintiff’s sanity made to Defendants and to the arresting officers at the time and place of the arrest of Plaintiff, Defendants refused to receive such explanations and proof of Plaintiff’s sanity.

383. Rather, Defendants insisted on Plaintiff Francine Cole's arrest, and caused Plaintiff to be taken into custody and to be transported in shame, humiliation and degradation by such police officers to St. Clare's Hospital, in the City of Denville, County of Morris, State of New Jersey, where Plaintiff Francine Cole was confined and detained, against Plaintiff's will, in the emergency psychiatric ward on February 20, 2009.
384. Plaintiff Francine Cole subsequently was discharged from custody without charge of any kind being made against Plaintiff after a finding that plaintiff was mentally competent.
385. At all times mentioned in this Complaint, Plaintiff Francine Cole was mentally competent, and dangerous neither to herself nor to others.
386. Defendants well knew that Plaintiff Francine Cole was not insane or dangerous to herself or others.
387. However, Defendants nevertheless intentionally and willfully caused such arrest and detention to be made without any reason therefore, and without any warrant or process of law.
388. By reason of the unlawful arrest and detention, plaintiff has been caused to suffer disgrace, humiliation, shame and defamation.
389. Ms. Cole and her family have continued to be prejudicially harassed by Morristown officials, and Morristown officials have continuously arbitrarily and capriciously enforced (or not enforced as the case may be) the ordinances of Morristown and the Laws of the State of New Jersey as to Francine Cole and denied her honest and fair services to which she is entitled as a taxpayer.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally:

- A) In the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.

COUNT TWO CIVIL RIGHTS
(42 U.S.C. Section 1983)

390. The foregoing paragraphs are fully incorporated herein as though set forth at length.
391. The actions of all Defendants, collectively and individually in planning conducting, and carrying out the false arrests, assaults and batteries, defamations and slanders, chilling of free speech and free exercise of religion of and against the Plaintiff, and arbitrarily and capriciously applying the Laws of the State of New Jersey and the Town of Morristown to Plaintiff and to her property to her detriment, have deprived the Plaintiff of her constitutional rights as guaranteed by the First, Fourth, Fifth and Fourteenth Amendments of the Constitution of the United States of America, the Constitution of the State of New Jersey and 42 U.S.C. Section 1983.

392. Defendants were acting under the color of law, when they subjected Francine Cole to the deprivation of the following rights, privileges and immunities secured by the Constitution and the laws of the United States:

- a) Plaintiff Francine Cole was deprived of her right to equal protection when she was selectively targeted by the Defendants for both her race (as an African American) and perceived disability (alleged mental health condition);
- b) Plaintiff Francine Cole was deprived of her right to be free of unreasonable search and seizure;
- c) Plaintiff was deprived of her rights of free speech;
- d) Plaintiff was deprived of her rights of privacy;
- e) Plaintiff was deprived of her rights of free exercise of religion;
- f) Plaintiff was deprived of her property rights in 21 Liberty Street, Morristown New Jersey, including her rights to the use and enjoyment thereof, without due process of law.

393. Defendants were acting under the color of law, when they subjected Francine Cole to the deprivation of the following of those rights, privileges and immunities secured by the Constitution and the laws of the United States in the following manner:

- a) The unlawful arrests at the hands and actions of the Defendants;
- b) The threats of unlawful legal action to chill Plaintiff's rights of free speech, exercise of religion, and due process of law;
- c) Defamations and Slanders against Plaintiff which were used to chill Plaintiff's exercise of her rights, privileges and immunities;

- d) Arbitrary and Capricious enforcement of the Laws of the State of New Jersey and Town of Morristown as applied to the Plaintiff;
- e) The unreasonable use of force in detaining Plaintiff and forcing her to involuntarily undergo medical procedures;
- f) The unlawful restraint of the Plaintiff;
- g) The unlawful assault and battery at the hands of the Defendants;
- h) The intentional or negligent infliction of emotional distress upon the Plaintiff;
- i) The development, implementation, and carrying out of a policy, practice or procedure designed to allow the use of excessive force, unlawful searches and seizures, physical assaults on innocent citizens, unlawful arrests, and deprivation of Constitutional rights of citizens;
- j) In the development, implementation, and carrying out of a policy which posed a threat to the law abiding citizens of the Town of Morristown by the negligent retention of personnel and the negligent assignment of personnel;
- k) In the development, implementation, and carrying out of a policy, practice, procedure, or custom which amounted to cruel and unusual punishment and a deprivation of life and liberty under 42 U.S.C. Section 1983;
- l) In deliberately failing to train, or continue training of, all the Defendants in the recognition of the requirements of the Mental Health Screening Act of the State of New Jersey for involuntary commitment;

- m) In failing to oversee, monitor, control, curtail, or restrain the actions of the Defendants in carrying out involuntary commitments under the Mental Health Screening Act when the Defendants had prior knowledge that the Defendants had falsely arrested citizens under color of the Mental Health Screening Act (or its equivalent) before and that the deprivation of the Constitutional rights of innocent citizens would be substantial.
- n) In failing to enforce the zoning and noise ordinances in a fair and just manner, and instead enforcing them intentionally in a manner that deprived Francine Cole of the use and enjoyment of her property at 21 Liberty Street.

394. As a direct and proximate result of the aforesaid actions and omissions of all of the Defendants in developing, implementing and carrying out the aforesaid policy of policies or procedures, the Plaintiff had suffered injuries, losses and/or damages including, but not limited to by specification to, the following:

- a) The loss of the use, benefit, and enjoyment of life;
- b) Physical and mental pain and suffering and anguish, and embarrassment and humiliation;
- c) Physical injury, loss of valuable and inalienable rights to be free from unlawful search, free from illegal restraint and loss of freedom of speech and exercise of religion, as well as personal privacy;
- d) Loss of income;

- e) Punitive Damages, which are justified factually and legal due to the outlandish and outrageous conduct, actions and/or omissions of one or more of the Defendants as aforesaid; and
- f) Attorneys fees.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally:

- A) In the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.
- G) For such other relief as the Court may determine to be appropriate.

COUNT THREE
CIVIL RIGHTS
(42 U.S.C. Sections 1983 and 1986)

395. The foregoing paragraphs are fully incorporated herein as though set forth at length.

396. Defendants, all individually and in their official capacities, had knowledge of the discrimination/violation of constitutional rights perpetrated on Plaintiff, but neglected and/or failed to prevent said wrongful and illegal acts when they had the power and statutory obligation to do so.

397. Defendants' neglect, aid and refusal to prevent and/or rectify infringement of the constitutional rights of Plaintiff constitutes a violation of the Civil Rights Act, Section 1986.

398. As a proximate and direct result of the above mentioned acts, Plaintiff has been damaged and has suffered injuries and was forced to endure physical pain, suffering and emotional distress, as well as mental anguish stemming from the deprivation of her rights.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) Damages in the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.
- G) For such other relief as the Court may determine to be appropriate.

COUNT FOUR
CIVIL RIGHTS
(42 U.S.C. Sections 1983 and 1986)

399. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
400. At all times relevant herein, Defendants did conspire to deprive Plaintiff of her constitutionally and statutorily guaranteed rights pursuant to the Constitution of the United States of America.
401. At all times relevant herein, Defendants further conspired to conceal the deprivations of liberties set forth above.
402. These conspiracies constituted and continue to constitute ongoing violations of 42 U.S.C. Section 1985.
403. As a direct and proximate cause of Defendants' unlawful conspiracy to deprive Plaintiff of her aforesaid rights, Plaintiff has and continued to suffer the damages set forth herein.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) Damages in the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and

- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.
- G) For such other relief as the Court may determine to be appropriate.

**COUNT FIVE
MALICIOUS PROSECUTION**

- 404. The foregoing paragraphs are fully incorporated herein as though set forth at length.
- 405. Defendants Officers have instituted criminal, civil and involuntary commitment actions against the Plaintiff as set forth above.
- 406. Defendants had no probable cause and/or belief upon personal observations to initiate such proceedings and in fact were fully aware that Plaintiff had committed no criminal activity and/or had not taken any actions which would indicate to anyone that she was a danger to herself or to anyone else.
- 407. The Defendants actions were committed with malice against the Plaintiff.
- 408. The aforementioned proceedings, including but not limited to the Mental Health Screening Act Involuntary Commitment proceedings, were terminated in favor of the Plaintiff and the Plaintiff released.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) Damages in the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and

- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.
- G) For such other relief as the Court may determine to be appropriate.

**COUNT SIX
ASSAULT AND BATTERY**

- 409. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
- 410. Defendants intended to cause and did cause a harmful contact with the Plaintiff's person.
- 411. The Plaintiff did not consent to that harmful contact.
- 412. As a direct and proximate cause of Defendants' unlawful conduct, Plaintiff had and continues to suffer damages set forth herein.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) Damages in the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.

G) For such other relief as the Court may determine to be appropriate.

**COUNT SEVEN
INFLICTION OF EMOTIONAL DISTRESS**

413. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
414. The aforesaid extreme and outrageous conduct, acts, and/or omissions of the Defendants both individually and/or in the scope of the employment, or acting independently, were calculated, designed, and intended by the Defendants to intentionally inflict deliberate emotional distress, psychological trauma, and psychic pain and suffering upon said Plaintiff and to instill in her mind an immediate and permanent sense of fear and trepidation, and said conduct, acts or omissions surpass all bounds of decency universally recognized in a civilized society.
415. As a direct and proximate result and consequence of the aforesaid conduct, acts, and/or omissions of the Defendants, which constitute extremely outrageous conduct, said Plaintiff has suffered, is suffering, or will continue to suffer for an indefinite time in the future the following:
- a) Emotional and psychological distress and trauma; and
 - b) Mental anguish; and
 - c) Psychic pain and suffering; and
 - d) Severe fright, horror, and grief; and
 - e) Shame, humiliation, and embarrassment; and
 - f) Severe anger, chagrin, disappointment, and worry; and

- g) Justified punitive damages, both factually and legally, because of the outlandish and outrageous conduct, actions, and/or omissions of one or more of the Defendants.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) Damages in the amount of \$1,000,000.00; and
- B) Punitive Damages in the amount of \$5,000,000.00; and
- C) Awarding counsel fees to Plaintiff's legal counsel; and
- D) Awarding Costs of Suit; and
- E) Interest; and
- F) For such other relief as the Court may determine to be appropriate.
- G) For such other relief as the Court may determine to be appropriate.

COUNT EIGHT
(New Jersey Civil Rights Act)

416. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
417. Defendants have proximately caused the Plaintiff to suffer the deprivation of substantive due process, equal protection rights, privileges and/or immunities secured by the Constitution and/or laws of the United States, and substantive rights, privileges or immunities secured by the Constitution of the United States

of America and the laws of the State of New Jersey, by their interference with the rights of the Plaintiff.

418. In addition to the aforementioned Civil Rights and Constitutional Rights violations, the Defendants have violated Plaintiff's right to Freedom of Speech, Freedom from Unreasonable Search and Seizure, Freedom to Exercise Religion and Right to Privacy under the Constitution of the State of New Jersey.

419. By virtue of the foregoing acts, defendants have violated Plaintiff's rights under Section 10:6-2 of the New Jersey Statutes (the New Jersey Civil Rights Act), as a result which Plaintiff has been damaged.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) An award of money damages, including but not limited to economic damages, shame, humiliation, embarrassment, violation of civil rights and mental distress; and
- B) Civil penalties and other similar relief as provided by law; and
- C) Damages in the amount of \$1,000,000.00; and
- D) Punitive Damages in the amount of \$5,000,000.00; and
- E) Awarding counsel fees to Plaintiff's legal counsel; and
- F) Awarding Costs of Suit; and
- G) Interest; and
- H) For such other relief as the Court may determine to be appropriate.
- I) For such other relief as the Court may determine to be appropriate.

**COUNT NINE
(AMERICANS WITH DISABILITIES ACT)**

420. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
421. Defendants have refused to provide Plaintiff with law enforcement services to protect her civil and property right under the Laws of the Town of Morristown, the Laws of the State of New Jersey and the Laws of the United States of America.
422. These law enforcement activities are included but not limited to the following: receiving and properly processing Plaintiff's citizen's complaints, interrogating witnesses, arresting, booking, and holding suspects, and enforcing laws.
423. Defendants' actions have prevented Plaintiff from being gainfully employed as a school teacher in the public school system in the State of New Jersey.
424. Because of the actions of the Defendants, Plaintiff has been regarded and/or perceived as having a mental health impairment.
425. Defendants failed to provide any service or accommodation for the perceived mental health impairment and instead violated Plaintiff's rights by attempting to have her involuntarily committed to a mental health facility.
426. The attempt by the Defendants amounted to an unjustified institutional isolation of the Plaintiff as a person with a perceived disability (a perception unjustifiably placed upon the Plaintiff by the Defendants) and is a form of discrimination because it perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life.

427. By virtue of the foregoing acts, defendants have violated Plaintiff's rights under Title II of the Americans with Disabilities Act (42 U.S.C. §§12131-12165), and as a result which Plaintiff has been damaged.

WHEREFORE, Plaintiff, Francine Cole, respectfully demands judgment against the Defendants, jointly and severally, molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal and state law and for:

- A) An award of money damages, including but not limited to economic damages, shame, humiliation, embarrassment, violation of civil rights and mental distress; and
- B) Civil penalties and other similar relief as provided by law; and
- C) Damages in the amount of \$1,000,000.00; and
- D) Punitive Damages in the amount of \$5,000,000.00; and
- E) Awarding counsel fees to Plaintiff's legal counsel; and
- F) Awarding Costs of Suit; and
- G) Interest; and
- H) For such other relief as the Court may determine to be appropriate.

Dated: September 14, 2010

/s/ Kenneth Rosellini
KENNETH ROSELLINI, ESQ. (6047)
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Wayne, New Jersey 07470
(973) 692-0001
Attorney for Plaintiff,
Francine Cole

CERTIFICATION

I hereby certify that to the best of my information, knowledge and belief that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, that no other action or arbitration is contemplated, and I am not aware of any other person whom should be joined in this matter.

Dated: September 14, 2010

/s/ Kenneth Rosellini
KENNETH ROSELLINI, ESQ. (6047)
Attorney at Law
600 Valley Road, Suite 101
Wayne, New Jersey 07470
(973) 692-0001

TRIAL COUNSEL DESIGNATION

Kenneth Rosellini, Esq. is hereby designated trial counsel in this matter.

JURY DEMAND

Plaintiff, Francine Cole, by and through KENNETH ROSELLINI, ESQUIRE, her undersigned attorney, demands trial by jury as to all issues so triable in this action.

Dated: September 14, 2010

/s/ Kenneth Rosellini
KENNETH ROSELLINI, ESQ. (6047)
Attorney at Law
600 Valley Road, Suite 101
Wayne, New Jersey 07470
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