

**UNITED STATES DISTRICT COURT**  
DISTRICT OF NEW JERSEY

**GERALD J. GREGOR,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**TOWN OF MORRISTOWN, ET AL.,**  
*Defendant*

CASE NUMBER: **2:15-CV-01192-ES-MAH**

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

*Mr. Karl Peter Deamitz*  
*Police Chief*  
*Morristown Police Dept.*  
*200 South St.*  
*Morristown, NJ 07960*

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:

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

**ANGELICA RICHARDSON**

(By) DEPUTY CLERK



ISSUED ON 2015-02-17 15:48:26, Clerk  
USDC NJD

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Gerald J. Gregor, Jr.,  
Plaintiff, (Pro Se)

vs.

**COMPLAINT**  
(42 U.S.C. §1983)

CIVIL ACTION NO. \_\_\_\_\_

Town of Morristown  
Morristown Police Department  
Officer Christopher Ravallese  
Captain Steven Sarinelli  
Lieutenant Robert Holtz  
Chief Karl Peter Demnitz

Defendants.

**RECEIVED**

**FEB 13 2015**

AT 8:30 1:10 PM  
WILLIAM T. WALSH, CLERK

The Plaintiff, Gerald J. Gregor, Jr., moves the Court for entry of judgment in his favor against the Town of Morristown, Morristown Police Department, Officer Christopher Ravallese, Lieutenant Matt Edwards, Captain Steven Sarinelli, Lieutenant Robert Holtz, Chief Karl Peter Demnitz in support of such Complaint as follows:

**NATURE OF ACTION AND JURISDICTION**

1. This is a civil action under 42 U.S.C § 1983 seeking damages against Defendants for committing acts, under color of law, with the intent and for the purpose of depriving Plaintiff of rights secured under the Constitution and laws of the United States; retaliating against Plaintiff for his exercise of constitutionally protected speech; and for refusing to intervene or neglecting to prevent such deprivations and denials to Plaintiff despite acknowledging that the officer's actions were inappropriate as Plaintiff was wrongfully charged. Jurisdiction is proper in this Court according to 42 U.S.C. §1983.



## PARTIES

2. Plaintiff, Gerald J. Gregor is a citizen of the State of New Jersey with a mailing address of: 3 Mountainside Drive Morris Township, NJ 07960-5142
3. Defendant: The Town of Morristown whose address is: 200 South Street - CN914 Morristown, NJ 07963-0914.
4. Defendant: Morristown Police Department whose address is: 200 South Street - CN914 Morristown, NJ 07963-0914.
5. Defendant: Christopher Ravallesse whose address is: Paterson Police Department 111 Broadway Paterson, NJ 07505. At the time of these events Mr. Ravallesse was employed by the Morristown Police Department as a patrol officer. He is sued for damages in his official capacity.
6. Defendant: Steven Sarinelli whose address is: American Red Cross 209 Fairfield Road Fairfield, NJ 07004. At the time of these events Mr. Sarinelli was employed by the Morristown Police Department as a police captain. He is sued for damages in his official capacity.
7. Defendant: Robert Holtz whose address is: 200 South Street - CN914 Morristown, NJ 07963-0914 and was employed by the Morristown Police Department as a police lieutenant. He is sued for damages in his official capacity.
8. Defendant: Karl Peter Demnitz whose address is: 200 South Street - CN914 Morristown, NJ 07963-0914 and was employed by the Morristown Police Department as police chief. He is sued for damages in his official capacity.
9. At all times relevant all Defendants' were acting under the authority or color of the law.



### **FACTUAL BACKGROUND**

10. This case arises where Plaintiff witnessed and attempted to report to former Morristown Police Officer Christopher Ravallese (later referred to as "officer") a traffic violation involving persons other than Plaintiff that nearly resulted in a collision in hopes the officer could act in some way.

11. When the officer's response was indifferent, the Plaintiff made a remark in frustration about the officer's hand-held cell phone use, and how it may have distracted him from seeing the traffic violation. The officer appeared to be very annoyed with the remark and for interrupting his phone conversation and then ordered Plaintiff to pull over.

12. It wasn't until Plaintiff made this comment that the officer ordered Plaintiff to pull over. Prior to this comment, the officer was raising up his window to drive away when the stop light turned green.

13. Plaintiff immediately complied with the officer's request by pulling off the roadway as requested into the nearby service station. The officer then approached the Plaintiff's and asked for his documentation.

14. Plaintiff asked why he was told to pull over when the officer approached the Plaintiff's vehicle. The officer was delayed in his response as to why he ordered Plaintiff to pull over. The officer subsequently responded... "Oh, ah, because you obstructed traffic."

15. Plaintiff asked the officer for his supervisor to be dispatched to the scene but officer never acknowledged Plaintiff's multiple requests. The officer threatened to arrest Plaintiff for not turning over documents quick enough despite the fact that Plaintiff was in the process of gathering the documents from two different locations in his car. Plaintiff was concerned because the officer appeared to be quite upset with Plaintiff.



16. Plaintiff asked for permission ahead of reaching for his documents.
17. After handing over paperwork to the officer, Plaintiff then called the police department and asked them to send the supervisor. Sergeant Matt Edwards (later referred to as "Sgt. Edwards") arrived and talked with the officer for a few minutes and then with the Plaintiff.
18. Plaintiff asked Sgt. Edwards what his position was regarding the incident. Sgt. Edwards said that the officer's and Plaintiff's recollections were consistent and based on that the Plaintiff should not be cited because no violation of law occurred.
19. Sgt. Edwards appeared to be upset with the actions of the officer for having ordered Plaintiff pull over for apparently getting upset with the cell phone comment. Sgt. Edwards explained that his behavior is not appropriate or acceptable. Sgt. Edwards informed Plaintiff of his right to file a complaint with the internal affairs department for the officer's demeanor.
20. Sgt. Edwards encouraged Plaintiff to file the complaint and explained the process offering his assistance in doing so.
21. Plaintiff expressed a willingness to not go forward with the complaint if the officer understood that his actions were inappropriate. Sgt. Edwards thanked Plaintiff for his willingness to resolve the matter without doing so.
22. Sgt. Edwards then told Plaintiff he was free to leave without having been cited for any wrongdoing.
23. Plaintiff informed Sgt. Edwards that the officer had his documentation and Sgt. Edwards said he would retrieve the documentation.
24. Sgt. Edwards returned with the documents along with one citation for Obstructing Traffic. Sgt. Edwards apologized and appeared to be upset with the officer for having written the citation. Sgt. Edwards again explained to Plaintiff his right to sign a complaint against the



officer and his willingness to assist with this process.

25. Plaintiff explained that he would likely sign a complaint against the officer for his demeanor and for issuing a citation under false pretenses for what appeared to be in retaliation for the Plaintiffs cell phone comment.

26. Sgt. Edwards explained that he would be available at the department until 5-5:30 P.M.

27. Subsequently after driving away Plaintiff discovered that there were two citations, the second for Obstructing View which the Plaintiff and Sgt. Edwards was unaware of.

28. The officer did not notify the Plaintiff nor Sgt. Edwards that he was citing the defendant for Obstructing View.

29. Plaintiff then later called Sgt. Edwards to notify him of the second citation and his intention to sign a complaint against the officer for his demeanor and for issuing the citations under false pretenses. Plaintiff then met with Sgt. Edwards later that day at approximately 5:00 P.M. The issues were discussed and a verbal complaint was initiated. Plaintiff explained that he would type a letter of complaint from notes drafted following leaving the scene.

30. Approximately one or two days later Plaintiff received a call from Captain Steven Sarinelli (later referred to as "Cpt. Sarinelli"). Cpt. Sarinelli apologized for what he described as "an ordeal". Cpt. Sarinelli explained that this is not the normal behavior of Morristown police officer's and that the officers actions and demeanor as described was not acceptable.

31. Plaintiff explained in detail what occurred and again Cpt. Sarinelli again apologized to Plaintiff for what he was put through should never had happened. Cpt. Sarinelli elaborated by adding that the officer was new to the department. Cpt. Sarinelli added that he didn't think the officer went through the Morris County Police Academy after being hired when the officer was laid off as a patrol officer in Paterson, New Jersey.



32. Plaintiff expressed willingness to not go forward with formal complaint against the officer if the citations were truncated in the interest of justice. Cpt. Sarinelli thanked Plaintiff for his willingness to not go forward if the two citations were truncated. Cpt. Sarinelli said he would talk with his police chief and get back to Plaintiff shortly.

33. About a week later and over the next two weeks the Plaintiff did not hear from Sgt. Sarinelli so Plaintiff called and left messages that went unanswered. Plaintiff continued to call and finally reached Cpt. Sarinelli via phone about three weeks later. Cpt. Sarinelli apologized for not following up. He then added that "they" had decided that the Morristown police would just go forward with sorting out the two citations through the court system.

34. To the Plaintiffs surprise the Cpt. could not explain as to why "they" had decided to go the route of prosecuting Plaintiff, when in fact it was acknowledged by Sgt. Edwards at the scene and by Cpt. Sarinelli that the officers actions were inappropriate and unacceptable.

35. Plaintiff then expressed interest in signing a complaint against the officer for his actions. Cpt. Sarinelli explained that he would assign Sgt. Edwards the internal affairs complaint. Plaintiff explained that Sgt. Edwards may be a witness if this goes to trial because he was the supervisor at the scene. Cpt. Sarinelli said, "yes that is a good point I'll assign it to Lieutenant Robert Holtz... he won't be happy because of his case load but I'm sure he'll do it."

36. Lieutenant Robert Holtz (later referred to as "Lt. Holtz") contacted Plaintiff and explained his role. Plaintiff explained what had occurred and Lt. Holtz said he would accept my written complaint and then gather the information and complete the whole process within 30 days. Plaintiff expressed his desire to perhaps have this matter resolved without going forward with the complaint provided the officer dismiss the citations. Lt. Holtz said he would speak with the officer to see if this can be worked out. He explained that he was the officer's supervisor and



it seemed to be a reasonable option.

37. Lt. Holtz subsequently explained that the officer would not agree to dismiss the citations despite multiple attempts to convince him to do so.

38. Lt. Holtz explained that he would have the conclusion of the internal affairs complaint complete well in advance of the court trial. Lt. Holtz explained the importance of completing his investigation and concluding report in advance of any possible trial as to eliminate any potential bias. Lt. Holtz did not want the court's outcome to influence the outcome of the internal affairs complaint and conclusion therefore he would have both matters decided separate and apart from one another. Lt. Holtz said he would complete everything within thirty days adding that it was a rather simple matter and that he would likely be done sooner than that. He then told Plaintiff his report was complete. Lt. Holtz then later said that he was told by Cpt. Sarinelli to not release the report until after the court trial in the event new developments come about.

39. Moving ahead, the internal affairs concluding report was not released until the end of August 2012 which was more than seven months from when the complaint was initiated. This despite numerous written requests for the internal affairs concluding report ahead of the May 24, 2012 and subsequent July 12, 2012 trials. This is contrary to the timeframe Plaintiff was told and far exceeded the 30 days standard. There were no extenuating circumstances for this standard to not be met.

40. Lt. Holtz serving as the internal affairs investigating officer for the internal affairs complaint was at both trials. After witnessing the direct testimony of the officer and then seeing the conflicting, contradicting and inconsistent statements made by the officer for the concluding report to reflect that the officer "followed the appropriate department policies and procedures and acted within performance guidelines" is a mystery and quite concerning.



41. Lt. Holtz following the second trial on July 13, 2012 at 7:00 A.M. talked with the plaintiff and subsequently acknowledged that Officer Ravallesse had told two different stories and that "his performance was outstanding". When Plaintiff questioned what he meant by this, Lt. Holtz said "that he was being facetious and that he understands that the officer told two different stories on the relevant facts", perhaps the most important of which was that the Plaintiff "... pulled over fairly quickly" when officer first testified, however, then subsequently testified during second trial that the Plaintiff refused to pull over multiple requests and used obscenities.

42. Lt. Holtz said he would refer to the previous court transcript and include the contradictions and conflicting statements and it would be reflected in his internal affairs concluding report. Lt. Holtz added that he was hopeful that Plaintiff would get to see his report. Plaintiff asked what Lt. Holtz meant by this, and he explained that he had concluded that the officer did not act appropriately by issuing citations in retaliation for the Plaintiff's comment regarding the officer using his hand-held cell phone.

43. The first trial was declared a mistrial when Plaintiff brought it to the attention of the Morristown Municipal Court Judge Troxell that the internal affairs complaint and concluding report had not been released. This was after the police officer provided his direct complete sworn testimony and ahead of cross examination. Judge Troxell appeared to be annoyed that it was more than three months later and it was still pending, this despite the standard of conclusion of the internal affairs process within thirty days.

44. In a preliminary hearing ahead of the first trial, Morristown Prosecutor Robert Rudy after hearing the story surrounding the incident with the officer wanted to dismiss the two citations. He rolled his eyes when he heard the story and appeared to be frustrated that this



matter was before the court. He attempted on several occasions to get the officer to dismiss the two citations. Mr. Rudy continued to try but was unsuccessful as he appeared to be pressured by the officer.

45. Plaintiff then ordered a copy of the first trial transcript in preparation of the second trial date that was being scheduled. Plaintiff also had to pay an expedited fee as the court date was moved around a few times to accommodate Lt. Holtz.

46. Upon receipt of the transcript it appeared as though from the testimony of the officer that the Plaintiff was not guilty of the charges that were levied against him so he then called the Chief of Police, Peter Demnitz (later referred to as "Chief Demnitz").

47. The Plaintiff and Chief Demnitz subsequently had two phone conversations that were revealing and concerning. The Chief acknowledged that the officers actions were not appropriate and he added that had the officer received proper training by the Morris County Police Academy this would not have happened to Plaintiff. He then added that he cannot be held responsible for the officer's actions.

48. Chief Demnitz told Plaintiff that "maybe the officer was having a bad day but despite that it would have not been right". The Chief added that the officer was approached on several occasions to dismiss the citations "but he has it in for you." The Chief added... "maybe you need to go to court and embarrass him for his actions". The Plaintiff was taken aback by this comment. Plaintiff asked should he have to continue going through this ordeal when it is quite obvious to all parties that the officer simply cited Plaintiff to retaliate against the cell phone comment and not because Plaintiff violated the law. Plaintiff said it shouldn't be his job to try and embarrass the officer.

49. Plaintiff tried to explain to Chief Demnitz that it isn't the Plaintiff's job to meet out any



revenge or discipline towards the officer for his actions and inappropriate conduct. The Chief said that he cannot be responsible for his officers actions, that he can only be responsible for his own. Plaintiff said that "if you are admitting that the officer's action's were inappropriate then you should intervene to prevent any further wrongdoing". Chief Demnitz responded by saying that he had to go because he was running off to umpire a baseball game. Plaintiff expressed his frustration that he as Chief was not taking action to truncate this matter in light of the facts and opinions articulated to the Plaintiff by his superior officer's Sgt. Edwards, Cpt. Sarinelli and Lt. Holtz.

50. The Plaintiff then received a phone call the morning in June 2012 from Lt. Holtz notifying him that officer Ravallese was resigning and going back to Paterson. Lt. Holtz also notified Plaintiff that he had received a copy of the first trial transcript. Lt. Holtz also asked if Sgt. Edwards had given Plaintiff his cell phone number which Plaintiff thought was odd but his reply was "no".

51. Lt. Holtz suggested that maybe the matter would be dismissed now that the officer was leaving the department.

52. Plaintiff happened to run into Sgt. Edwards outside of "Tito's Burrito's" in Morristown and interestingly was asked by the Sgt. if the matter was dismissed yet. Sgt. Edwards asked "have you gotten this dismissed yet? This is a joke". The Plaintiff agreed but explained that he was the one being prosecuted and could not get the matter dismissed unilaterally. Sgt. Edwards just shook his head... appearing to the Plaintiff to be disgusted. Sgt. Edwards also informed Plaintiff that officer Ravallese had resigned and was going back to work for the Paterson Police Department.

53. The second trial was rescheduled in Washington Township Municipal Court in Long



Valley, New Jersey.

54. Upon arrival, Plaintiff was directed by the court officer to get in line to speak with Maryann McCoy, prosecutor (later referred to as "prosecutor") ahead of the commencement of the trial.

55. The prosecutor initially appeared to be friendly and acted as though she knew Plaintiff until Plaintiff introduced himself, at which time she appeared to become hostile.

56. Plaintiff asked the prosecutor to please objectively take a look at the previous trial transcript and the answers the officer provided and compare against the two traffic charges and asked if she still wanted to prosecute Plaintiff in light of officer's responses in that the officer's testimony did not appear to support that the Plaintiff was guilty.

57. The prosecutor immediately rejected even taking a look at the transcript and got nasty with the Plaintiff. She went on to say that the previous court trial was declared a mistrial, therefore the trial and transcript are meaningless and irrelevant.

58. Plaintiff tried to explain the reason he purchased the transcript was to have a court record of the officer's responses in preparation for the second trial and to hold the officer accountable for his answers in the event the officer changed his answers.

59. The prosecutor then got loud and told Plaintiff that the transcript cannot be used and if you try to use it that she ("I") will object. She then yanked the transcript from the Plaintiff's hand and handed it over to the officer and told him to read it.

60. The prosecutor emphatically in a strong and intimidating voice told Plaintiff that he cannot use the transcript. The prosecutor did not return the transcript to the Plaintiff until after the judge read his decision and the trial was over.

61. Plaintiff was deprived of the opportunity to use prior inconsistent testimony as a means



for impeachment.

62. Plaintiff witnessed the officer and Lt. Holtz (investigating internal affairs officer) walk into the courtroom together. Plaintiff asked Lt. Holtz if he and the officer had driven up together and he acknowledged that he did, and said... "But why, my integrity is beyond reproach".

63. Shortly after arriving to the courthouse, the officer, Sgt. Edwards, and Lt. Holtz were all called over by the prosecutor to her office and she closed the door. They were in a closed door meeting for at least ten minutes.

64. It was concerning to Plaintiff that Lt. Holtz and Sgt. Edwards were meeting with the prosecutor as Lt. Holtz was there for the purpose of doing his internal affairs investigation and the Sgt. was a witness who was subpoenaed by the Plaintiff.

65. When the meeting concluded, the prosecutor then went into Judge Leanza's chambers for a meeting that lasted for approximately ten minutes before Plaintiff's matter was called for the trial.

66. The events described above was concerning as to why the prosecutor would be meeting behind closed doors with anyone other than perhaps the police officer and without the Plaintiff being present. It appeared as though the prosecutor was setting the stage for what was to unfold.

67. On cross examination the officer gave multiple answers to the same questions. The officer was up on the stand with his notes without notifying the court which is required and the prosecutor was aware of this. The officer did not bring to court his cell-phone records despite the fact that they were subpoenaed.

68. During cross examination the officer was receiving non-verbal cues from the prosecutor prior to answering the questions. The prosecutor was nodding her head up and down and left and right to questions being asked by the Plaintiff and this occurred on at least two occasions and



it is reflected in the court transcript. The prosecutor's explanation after the second time she did this was that she was cold and just shivering. This trial was in July.

69. Plaintiff pointed this out to the judge but the judge immediately came to the prosecutor's defense despite the fact that the judge did not appear to be looking at the prosecutor when she was engaging in this behavior. The judge was looking at the witness and taking notes and did not appear to be able to do four things at once. i.e. look at witness, take his notes, look at the Plaintiff and the prosecutor all at the same time. The prosecutor was aiding the officer on the stand on two separate occasions and it is reflected in the transcript.

70. The prosecutor was leaning over and into the Plaintiff's space while Plaintiff was asking questions on cross-examination in a manner to intimidate the Plaintiff.

71. The prosecutor frequently interrupted the Plaintiff while he was asking questions on cross-examination and objected quite a few times, never offering any basis for her objections.

72. It appeared as though the prosecutor was doing everything she could to try and unsettle the Plaintiff.

73. The prosecutor misinformed the Plaintiff of his right to use the first trial transcript on cross examination to potentially impeach the officers testimony and credibility and by taking and withholding the transcript until after judge rendered his decision.

74. Ironically, during Judge Leanza's decision said... "Had I found that you moved immediately upon this officer's request, you know, I may not find-- I may not have found you guilty of the offense." The officer testified during the first trial... "At that point Mr. Gregor (Plaintiff) said if you want me to pull over, he said fine, I'll pull over and then pulled fairly quickly in front of my vehicle into the Bolero Gas Station."

75. It was as a result of the prosecutor misinforming the Plaintiff of his right to use the



transcript that the Plaintiff did not introduce it. The Plaintiff relied upon the prosecutor and as an officer of the court respected what she had told plaintiff to his detriment.

76. The officer very clearly told two different stories as it related to the central issues of whether the Plaintiff followed the officer's directive to pull over and how quickly he responded. And whether or not there were any car's behind the officer and Plaintiff and did the actually obstruct traffic.

77. Perhaps the most central issue was whether or not Plaintiff pulled over and the manner in which Plaintiff followed the officers directive when the officer first testified by saying... "At that point Mr. Gregor said if you want me to pull over, he (I) said fine, I'll pull over and then pulled fairly quickly in front of my vehicle into the Balero (Valero) Gas Station."

78. However, when the officer subsequently testified during the second trial in Washington Twp Municipal Court he then gave several different answers to the same question to include when questioned by Judge Leanza... "I--I--what I think happened was I -- while he was communicating to me, I guess his frustration with me... but I guess to please move out of the roadway." The officer also provided additional answers to the same question all within the same testimony... "...please pull over", "...you didn't comply right away, but eventually you did pull over." "... no, not right away." "After I asked you to move at least twice and you refused." The officer also added that the Plaintiff used obscenities when he did not provide this testimony during the first trial only six weeks earlier. the officer also provided several different answers as to how many cars may have been behind the officer and Plaintiff. His answers appear to be vague and uncertain.

79. The Plaintiff was found guilty of the two citations and then subsequently appealed.

80. On Feb. 15, 2013 Plaintiff won a reversal on the Obstructing View conviction.

81. This was a matter where the officer retaliated against Plaintiff with the issuance of the citations for what was a brief and truthful comment made by the Plaintiff. It ultimately became complicated because of the subsequent actions and inactions of the defendants'. The superior officers were aware of the facts and acknowledged that the officers actions were inappropriate and that officer lacked proper training. The superior officers' failed to intervene and allowed the Plaintiff to continue to be prosecuted despite the fact that the citations were issued under false pretences and violating Plaintiff's rights.

### **CAUSES OF ACTION**

82. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations:

#### **COUNT ONE** **Malicious Prosecution and Abuse of Process** **(Against All Defendants)**

83. The foregoing allegations are incorporated as if re-alleged herein.

84. Plaintiff was wrongfully charged with Obstructing View as demonstrated by reversal by the Superior Court.

85. There was an awareness and admission of the facts by the Morristown superior officers that the citations were issued to retaliate against the Plaintiff.

86. The investigating officer Lieutenant Holtz had the benefit witnessing the officer's contradicting and conflicting testimonies on relevant facts but did not intervene.

87. Each of the superior police officers articulated to the Plaintiff that the officers actions were inappropriate but despite this they did not intervene to stop the prosecution and injustice from occurring by using the court as an abuse of process.



88. The defendants lacked probable cause in charging the Plaintiff with Obstructing View.
89. As a result, Defendants' committed the tort of malicious prosecution

**COUNT TWO**  
**Intentional Infliction of Emotional Distress**  
**(Against All Defendants)**

90. The foregoing allegations are incorporated as if re-alleged herein.
91. Defendants acted intentionally and with callous disregard for Plaintiff's clearly established constitutional rights.
92. The conduct of the officer and his superior officers was beyond what is considered reasonable conduct and regarded as atrocious and utterly intolerable in a civilized community.
93. The defendants' conduct was sufficiently severe to cause genuine and substantial emotional distress as a result of defendants' wrongdoing.

**COUNT THREE**  
**Constitutional and Civil Rights Pursuant to**  
**42 U.S.C. §§ 1983, 1988**  
**Violation of First Amendment Speech Rights**  
**(Against Christopher Ravallese)**

94. The foregoing allegations are incorporated as if re-alleged herein.
95. Plaintiffs comment regarding the officers use of his hand-held cell phone as it relates to the officer missing the traffic violation that nearly resulted in a collision are speech protected by the First Amendment to the U.S. Constitution.
96. Defendant, Christopher Ravallese, violated Plaintiff's right to free speech by retaliating with the issuance of the two baseless citations.
97. Defendant, Christopher Ravallese, acted intentionally and with callous disregard for Plaintiff's clearly established constitutional rights.

98. As a direct and proximate result of the Defendant, Christopher Ravalleses' violations of Plaintiff's constitutional rights, Plaintiff suffered damages because Plaintiff had to defend against the false charges resulting in lost wages and earnings capacity, lost business opportunities, litigation expenses including attorney fee, inconvenience, mental and emotional anguish and distress and other compensatory damages, in an amount to be determined by a jury and the Court.

**COUNT FOUR**  
**Unconstitutional Prior Restraint Pursuant to**  
**42 U.S.C. §§ 1983, 1988**  
**Violation of First and Fourteenth Amendment Rights of Free Speech**  
**(Against Christopher Ravallese)**

99. The foregoing allegations are incorporated as if re-alleged herein.

100. Defendant, Officer Christopher Ravallese acted intentionally and with callous disregard for Plaintiff's known statutory and constitutional rights.

101. As a direct and proximate result of the Defendant Christopher Ravallese' violations of Plaintiff's statutory and constitutional rights as described herein. Plaintiff has suffered damages related to mental and emotional anguish and distress and violation of right to free speech as protected under the Constitution as well as other compensatory damages, in an amount to be determined by a jury and the Court.

**INJURY**

Intentional infliction of emotional distress which has had a negative effect on Plaintiff's health and well-being. Plaintiff has had to spend an inordinate amount of time and expense seeking justice not limited to filing fees, transcript costs, loss wages, attorney fees and expenses for childcare. Plaintiff has spent a considerable amount of time defending against these baseless



charges. A considerable amount of time has been spent away from Plaintiffs family and has taken a toll on family and Plaintiff.

### **PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

There was no previous or pending lawsuits regarding this matter.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Gerald J. Gregor, Jr., requests judgment against Defendants as follows:

- A. For appropriate relief regarding the unlawful and unconstitutional acts and practices of Defendants.
- B. For appropriate compensatory damages in an amount to be determined at trial;
- C. For appropriate equitable relief against all Defendants as allowed by the Civil Rights Act of 1871, 42 U.S.C. Section 1983, including the enjoining and permanent restraining of these violations, and direction to Defendants to take such affirmative action as is necessary to ensure that the effects of the unconstitutional and unlawful policing practices are eliminated and do not continue to affect Plaintiff's, or others', whereas the police receive proper training and protocols that are followed as to not infringe upon citizen's rights.
- D. For an award of to include reasonable attorney's fees if counsel is subsequently retained at some point going forward and his costs on his behalf expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. Section 1988; and
- E. For such other and further relief to which Plaintiff may show himself justly entitled.
- F. Judgment against defendants for special damages for past, present and future medical bills, general damages for pain and suffering, and any other relief the Court deems just and

equitable under these circumstances.

**DESIGNATION OF TRIAL COUNSEL**

Plaintiff is appearing Pro Se but reserves right to be represented by legal counsel if and when appropriate.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands trial by jury on all issues.

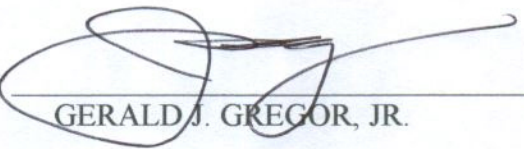
**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned hereby certifies that the matter in controversy herein is not the subject of any other action pending in any other court, nor of any arbitration proceeding, and further certifies that no such other action or arbitration proceeding is contemplated. Furthermore, there are no other parties which need be joined.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

By

  
GERALD J. GREGOR, JR.

Dated: February 11, 2015