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 Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

JEAN BELIZAIRE,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. _____
-vs-	:	
	:	
CITY OF ELIZABETH, a municipal	:	
corporation, ELIZABETH POLICE	:	COMPLAINT
DEPARTMENT, a division of the City,	:	FOR DECLARATORY
MICHAEL GREGORY, VICTOR ARENA,;	:	RELIEF AND DAMAGES,
SGT. STEPHEN NEGREY, and	:	AND DEMAND FOR JURY TRIAL
LT. JOHN BASTARDO, individually	:	
and in their official capacities as officers of	:	
the Elizabeth Police Department,	:	
	:	
Defendants.	:	

INTRODUCTION

1. Plaintiff comes to this Court for relief because the City of Elizabeth (“City” or “Elizabeth”), and members of its Police Department, violated his civil rights when he was stopped arbitrarily and interrogated without reasonable suspicion or probable cause, assaulted without provocation or justification, falsely arrested, falsely accused and maliciously prosecuted in violation of his fundamental right to be free from unreasonable searches and seizures, to due process and equal protection of the law as guaranteed by the United States Constitution, the Constitution of the State of New Jersey, 42 U.S.C. § 1983 *et seq.* and N.J.S.A. 59:1-1 *et seq.*

JURISDICTION AND VENUE

2. This case arises under the Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C § 1983 *et seq.*, under Article 1, Paragraph 7 of the Constitution of the State of New Jersey and N.J.S.A. 59:1-1 *et seq.*

3. This Court has federal question jurisdiction over the subject matter of this case, pursuant to 28 U.S.C. §1331, 1343, and has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. §1367(a).

4. This Court has authority to award costs and attorney's fees under 28 U.S.C. § 1988 and N.J.S.A. 59:9-5.

5. Venue is proper in this district under 28 U.S.C. §1391(b) because the Defendants reside in this District and all events giving rise to the claims set forth in this Complaint occurred in this District.

THE PARTIES

6. Plaintiff JEAN BELIZAIRE is a United States citizen and a resident of the City of Elizabeth. He resides at 75 Prince Street, Apartment 1B, in Elizabeth, New Jersey 07208.

7. Defendant CITY OF ELIZABETH is a municipal corporation organized and existing under the laws of the State of New Jersey. City Hall is located at 50 Winfield Scott Plaza, Elizabeth, New Jersey 07201.

8. Defendant ELIZABETH POLICE DEPARTMENT is a division of the City of Elizabeth existing under the laws of the City. Police headquarters is located at One Police Plaza, Elizabeth, New Jersey 07201.

9. Defendant MICHAEL GREGORY is a police officer with the Elizabeth Police Department. He is charged with following the established policies of the Elizabeth Police

Department and enforcing the law in the City of Elizabeth. His headquarters is located at One Police Plaza, Elizabeth, New Jersey 07201.

10. Defendant VICTOR ARENA is a police officer with the Elizabeth Police Department. He is charged with following the established policies of the Elizabeth Police Department and enforcing the law in the City of Elizabeth. His headquarters is located at One Police Plaza, Elizabeth, New Jersey 07201

11. Defendant SGT. STEPHEN NEGREY is a detective with the Elizabeth Police Department. As a detective and a Sergeant he is charged with establishing and enforcing policies of the Elizabeth Police Department and enforcing the law in the City of Elizabeth. His office is located at One Police Plaza, Elizabeth, New Jersey 07201.

12. Defendant LT. JOHN BASTARDO is a detective with the Internal Affairs Division of the Elizabeth Police Department. As a member of Internal Affairs and a Lieutenant he is charged with establishing and enforcing policies of the Elizabeth Police Department and enforcing the law in the City of Elizabeth. His office is located at One Police Plaza, Elizabeth, New Jersey 07201.

THE FACTS

13. On Friday, January 9, 2004, at approximately 2:00 p.m., Plaintiff was walking on Madison Avenue in Elizabeth, New Jersey on his way to work.

14. As he walked Plaintiff was approached and stopped by Defendant police officers Michael Gregory and Victor Arena in plain clothes and traveling in an unmarked vehicle.

15. Defendants did not identify themselves as police officers when they approached and stopped the Plaintiff.

16. At the time of the stop Defendants Gregory and Arena did not have reasonable suspicion or probable cause to stop or otherwise detain, seize or question the Plaintiff.

17. Upon stopping the Plaintiff, Defendants proceeded to interrogate him.

18. Defendants asked Plaintiff several questions, such as where he lived and whether he knew anyone in the neighborhood.

19. Plaintiff expressed confusion at such questions from strangers in an unknown vehicle. He stated that he could not answer that type of question, explained he lived far away from the area and was walking to his car to get to work. He then suggested Defendants pose their questions to someone else and proceeded to walk away.

20. Immediately Defendants moved their vehicle closer to the Plaintiff and stepped out of it to confront him.

21. As Defendant Gregory stepped forward he approached the Plaintiff in an untoward and hostile manner, and sarcastically called him a “big mouth.”

22. Plaintiff questioned the insult. Plaintiff explained to Defendant Gregory that he had merely suggested they speak to someone else, and emphasized that he did not know who Defendants were. As Plaintiff spoke Defendant Gregory advanced closer and closer to Plaintiff’s person in an intimidating, bullying manner, invading Plaintiff’s personal space.

23. Defendant Arena then requested to see Plaintiff’s identification.

24. Once again Plaintiff questioned the request and directly asked Defendants to identify themselves.

25. Defendants did not identify themselves.

26. Instead, Defendant Gregory responded by ordering Plaintiff to “shut up” and to do as he was told.

27. Suspecting Defendants to be police officers Plaintiff grudgingly surrendered his identification.

28. While Defendant Arena reviewed Plaintiff's identification and contacted Police headquarters to ascertain whether there were outstanding warrants for Plaintiff's arrest, Defendant Gregory taunted, harassed and intimidated the Plaintiff.

29. Plaintiff asked Defendant Gregory if he had been stopped because he was a young black man walking down the street.

30. Plaintiff also questioned Defendant Gregory's behavior and attitude toward him.

31. Suddenly Defendant Gregory lost his temper and began to scream at the Plaintiff, spitting as he spoke, "We are only asking you a f_ _ _ ing question. What is your f_ _ _ ing problem."

32. Plaintiff told Defendant Gregory he had no right to stop him.

33. "Well we're f_ _ _ ing stopping you anyway," Defendant Gregory responded.

34. As he spoke, Defendant Gregory stepped upon Plaintiff's feet forcing Plaintiff to reel backwards.

35. Defendant Gregory then suddenly grabbed and wrestled Plaintiff to the ground as Defendant Arena rushed in and pressed his knee into Plaintiff's back.

36. Defendant Gregory then stood his foot on the left side of Plaintiff's face, pressing the right side of Plaintiff's face against the curb of the sidewalk causing abrasions and injuries on that side as Plaintiff's face scraped against the curb.

37. Defendant Arena then restrained Plaintiff with handcuffs and as Defendants lifted Plaintiff to his feet Arena told Gregory there were no warrants for Plaintiff's arrest.

38. As Defendants Gregory and Arena waited for backup, Plaintiff overheard Arena ask Gregory what to criminally charge the Plaintiff with doing.

39. Defendant Gregory responded that they would decide the charge back at the station.

40. Moments later a marked police vehicle arrived at the scene and Plaintiff was transported to Police Headquarters.

41. Throughout this incident, by their actions, Defendants Gregory and Arena caused Plaintiff to feel as though he could not walk away or terminate the encounter, despite repeated pleas that he needed to stop talking to them and walk away because he would be late for work.

42. Throughout this incident Defendants Gregory and Arena made it clear to Plaintiff that his responses to their questions were obligatory and that he was required to stay and consent to their demands.

43. As Plaintiff was processed and placed into a cell at Police Headquarters he overheard police officers refer to him as another one of "Gregory's girlfriends." Plaintiff understood the comment to mean that Defendant Gregory had a reputation for the use of excessive force.

44. At Police Headquarters Defendants Gregory and Arena maliciously misrepresented the facts of the incident on their Investigation Report.

45. Defendants Gregory and Arena charged Plaintiff with violations of N.J.S. 2C:29-1 (interference with official police function), N.J.S. 2C:29-2(a) (resisting arrest), and N.J.S. 2C:33-2 (disorderly conduct).

46. Plaintiff was held for hours at Police Headquarters and was ultimately released after posting a bail bond.

47. Thereafter, Plaintiff proceeded to the emergency room of Trinitas Hospital in Elizabeth, New Jersey where he was treated for his injuries in the early morning hours of the following day, January 10, 2004.

48. On January 12, 2004, the date of Plaintiff's first court appearance, he met with Defendant Lt. John Bastardo of the Internal Affairs Division of the Elizabeth Police Department to complain and file a report about the stop and the excessive force used by Defendant Gregory.

49. Several months later Plaintiff met and spoke with Defendant Sgt. Stephen Negrey about the incident.

50. Defendants Negrey, Bastardo, the Elizabeth Police Department and the City of Elizabeth never contacted Plaintiff again about his report to Internal Affairs.

51. Defendants Negrey, Bastardo, the Elizabeth Police Department and the City of Elizabeth never notified Plaintiff about the outcome of any investigation of his report to Internal Affairs.

52. Defendants Negrey, Bastardo, the Elizabeth Police Department and the City of Elizabeth never asked Plaintiff to appear at any meeting, conference, or hearing regarding his report to Internal Affairs or the conduct of Defendants Gregory and Arena towards him.

53. Upon information and belief neither Defendant Negrey, Bastardo, the Elizabeth Police Department nor the City of Elizabeth ever conducted an adequate investigation of Plaintiff's complaint to Internal Affairs.

54. Upon information and belief Defendants Negrey, Bastardo, the Elizabeth Police Department and the City of Elizabeth never reprimanded, discharged or otherwise disciplined Defendants Gregory or Arena for their misconduct towards the Plaintiff.

55. Defendants Bastardo, Negrey, the Elizabeth Police Department or the City of Elizabeth did not properly train, supervise or control Defendants Gregory and Arena in the performance of their duties.

56. Defendant Bastardo, Negrey, the Elizabeth Police Department or the City of Elizabeth never interceded on Plaintiff's behalf to halt the unlawful criminal proceedings against him, even though they were aware of them.

57. By their inaction, recalcitrance, and/or willful blindness Defendants Bastardo, Negrey, the Elizabeth Police Department and the City of Elizabeth condoned the actions of Defendants Gregory and Arena, including the manner in which they seized Plaintiff, assaulted him, arrested him, and charged him in violation of his civil rights.

58. By their inaction, recalcitrance, and/or willful blindness Defendants Bastardo, Negrey, the Elizabeth Police Department and the City of Elizabeth condoned the malicious prosecution of the Plaintiff in violation of his civil rights.

59. For a year, from January 12, 2004 to January 10, 2005 Plaintiff was compelled to appear in Elizabeth municipal court on more than ten separate occasions to answer for the unlawful charges asserted against him by Defendants Gregory and Arena, incurring criminal defense expenses, lost time and compensation from work, frustration and aggravation.

60. After a year, upon information and belief, the prosecutor resolved not to prosecute the charges against the Plaintiff because Defendant Gregory did not cooperate with the prosecution or could not substantiate the charges.

CAUSES OF ACTION

COUNT ONE

**(Violation of Fourth Amendment Prohibition Against
Unreasonable Searches and Seizures Guaranteed by the United States Constitution)**

61. Plaintiff repeats and realleges paragraphs 1-60.

62. The Fourth Amendment to the Constitution of the United States establishes the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.

63. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently stopped and seized Plaintiff without reasonable suspicion or probable cause in violation of Plaintiff's Fourth Amendment rights.

64. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently interrogated Plaintiff unreasonably and beyond the scope of their lawful authority in violation of Plaintiff's Fourth Amendment rights.

65. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently used excessive force to restrain Plaintiff in violation of his Fourth Amendment rights.

66. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently falsely arrested or imprisoned Plaintiff by imposing unlawful threats, insults, force, injury and restraints upon Plaintiff's freedom of locomotion without legal justification or authority in violation of his Fourth Amendment rights.

67. Defendants Gregory and Arena purposely and maliciously prosecuted false charges against Plaintiff, thereby commencing a criminal proceeding against Plaintiff without

probable cause in violation of his Fourth Amendment rights, although said proceeding terminated in Plaintiff's favor.

68. By failing to adequately train, supervise, control, investigate, reprimand or otherwise discipline Defendants Gregory and Arena, Defendants Bastardo, Negrey, the Elizabeth Police Department and the City of Elizabeth purposely and maliciously, knowingly, recklessly or negligently condoned, caused and or exacerbated the conduct of Defendants Gregory and Arena towards the Plaintiff in furtherance of a policy in violation of his Fourth Amendment rights.

COUNT TWO

(Violation of Due Process and Equal Protection of the Law Guaranteed by the Fourteenth Amendment to the United States Constitution)

69. Plaintiff repeats and realleges paragraphs 1-68.

70. The Fourteenth Amendment to the Constitution of the United States establishes that no State shall deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

71. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently targeted Plaintiff and selected him arbitrarily for unlawful treatment and examination, in a manner unrelated to any legitimate governmental objective, depriving Plaintiff of liberty and property without due process or the equal protection of the law in violation of his Fourteenth Amendment rights.

72. By failing to adequately train, supervise, control, investigate, reprimand or otherwise discipline Defendants Gregory and Arena, Defendants Bastardo, Negrey, the Elizabeth Police Department and the City of Elizabeth purposely and maliciously, knowingly, recklessly or negligently condoned, caused and or exacerbated the conduct of Defendants Gregory and Arena towards the Plaintiff in furtherance of a policy in violation of his Fourteenth Amendment rights.

COUNT THREE

(Violation of 42 U.S.C. § 1983 *et seq.*)

73. Plaintiff repeats and realleges paragraphs 1-72.

74. Defendants in their individual and official capacities have violated 42 U.S.C. § 1983 in that they have, acting under color of law, intentionally deprived Plaintiff of his civil rights in violation of the Fourth and Fourteenth Amendments to United States Constitution.

75. Defendants in their individual and official capacities have violated 42 U.S.C. § 1983 in that they have, acting under color of law, intentionally treated Plaintiff differently from others similarly situated, with no compelling state interest, important governmental objective, or rational basis for the difference in treatment, in violation of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

76. Defendants' different treatment of Plaintiff is arbitrary and capricious, or based solely on animus against Plaintiff, which is not a legitimate state purpose. Defendants' conduct is irrational and wholly arbitrary, and Plaintiff alleges on information and belief that it was motivated wholly by ill will.

COUNT FOUR

(Violation of Unreasonable Searches and Seizures
under Article 1, paragraph 7 of the New Jersey Constitution)

77. Plaintiff repeats and realleges paragraphs 1-76.

78. Article 1, paragraph 7 of the New Jersey Constitution establishes that the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

79. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently stopped and seized Plaintiff without reasonable suspicion or probable

cause in violation of Plaintiff's civil rights under Article 1, paragraph 7 of the New Jersey Constitution.

80. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently interrogated Plaintiff unreasonably and beyond the scope of their lawful authority in violation of Plaintiff's civil rights under Article 1, paragraph 7 of the New Jersey Constitution.

81. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently used excessive force to restrain Plaintiff in violation of his civil rights under Article 1, paragraph 7 of the New Jersey Constitution.

82. Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently falsely arrested or imprisoned Plaintiff by imposing unlawful threats, insults, force, injury and restraints upon Plaintiff's freedom of locomotion without legal justification or authority in violation of his civil rights under Article 1, paragraph 7 of the New Jersey Constitution.

83. Defendants Gregory and Arena purposely and maliciously prosecuted false charges against Plaintiff, thereby commencing a criminal proceeding against Plaintiff without probable cause in violation of his civil rights under Article 1, paragraph 7 of the New Jersey Constitution, although said proceeding terminated in Plaintiff's favor.

84. By failing to adequately train, supervise, control, investigate, reprimand or otherwise discipline Defendants Gregory and Arena, Defendants Bastardo, Negrey, the Elizabeth Police Department and the City of Elizabeth purposely and maliciously, knowingly, recklessly or negligently condoned, caused and or exacerbated the conduct of Defendants Gregory and Arena towards the Plaintiff in furtherance of a policy in violation of his civil rights under Article 1, paragraph 7 of the New Jersey Constitution.

COUNT FIVE

(Violation of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 *et seq.*)

85. Plaintiffs repeat and reallege paragraphs 1-84.

86. Defendants Gregory, Arcna, Negrey and Bastardo are public employees within the meaning of the New Jersey Tort Claims Act.

87. Defendants City of Elizabeth and the Elizabeth Police Department are public entities within the meaning of the New Jersey Tort Claims Act.

88. A public employee is liable for injury caused by his act or omission to the same extent as a private person.

89. A public entity is liable for injury proximately caused by an act or omission of a public employee within the scope of his employment in the same manner and to the same extent as a private individual under like circumstances.

90. During the course and within the scope of their employment Defendants Gregory and Arena purposely and maliciously, knowingly, recklessly or negligently deprived Plaintiff of his civil rights causing him injury and damages in violation of the New Jersey Tort Claims Act.

91. During the course and within the scope of their employment Defendants Gregory and Arena by their actions purposely and maliciously, with the intent to harm, offend or cause apprehension, knowingly, recklessly or negligently assaulted, invaded and battered Plaintiff's person without authorization or consent causing him personal indignity, pain, injury, suffering and or damages in violation of the New Jersey Tort Claims Act.

92. During the course and within the scope of their employment Defendants Gregory and Arena by their actions purposely and maliciously, knowingly, recklessly or negligently by force, threats and or unlawful restraints upon Plaintiff's freedom of locomotion constrained him

without legal justification, arrested him without legal authority and wrongfully deprived him of his freedom in violation of the New Jersey Tort Claims Act.

93. During the course and within the scope of their employment Defendants Gregory and Arena purposely and maliciously prosecuted false charges against Plaintiff, thereby commencing a criminal proceeding against Plaintiff without probable cause in violation of the New Jersey Tort Claims Act, although said proceeding terminated in Plaintiff's favor.

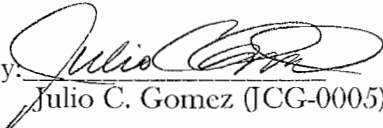
94. During the course and within the scope of their employment Defendants Negrey, Bastardo, the Elizabeth Police Department and the City of Elizabeth purposely and maliciously, knowingly, recklessly or negligently failed to adequately train, supervise, control, investigate, reprimand or otherwise discipline Defendants Gregory and Arena, thereby condoning, causing and or exacerbating Plaintiff's personal indignity, pain, injury, suffering and or damages in violation of the New Jersey Tort Claims Act.

WHEREFORE, plaintiff respectfully requests that the Court:

- (a) Declare that Defendants' actions constitute violations of the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and Article 1, Paragraph 7 of the Constitution of the State of New Jersey.
- (b) Award plaintiff compensatory damages pursuant to 42 U.S.C. §1983 and/or N.J.S.A. 59:1-1 *et seq.*;
- (c) Award plaintiff punitive damages pursuant to 42 U.S.C. § 1983 and/or N.J.S.A. 59:3-14;
- (d) Award plaintiff costs and attorney's fees pursuant to 42 U.S.C. § 1988 and/or N.J.S.A. 59:9-5;
- (f) Grant plaintiff such other and further relief as the Court deems just and proper.

Respectfully submitted.

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By: 
Julio C. Gomez (JCG-0005)

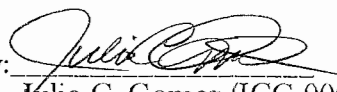
Attorney for Plaintiff
Jean Belizaire

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

The matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: January 6, 2006.

JULIO C. GOMEZ
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Fanwood, New Jersey 07023
Telephone: (908) 490-0360
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By: 
Julio C. Gomez (JCG-0005)

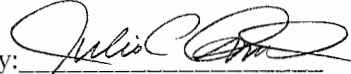
Attorney for Plaintiff
Jean Belizaire

DEMAND FOR JURY TRIAL
PURSUANT TO FED. R. CIV. P. 38(B)

Pursuant to Rule 38(b) of the *Federal Rules of Civil Procedure* Plaintiff Jean Belizaire hereby demands a trial by jury of all issues triable of right by a jury in the above-captioned matter.

Dated: January 6, 2006

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By: 
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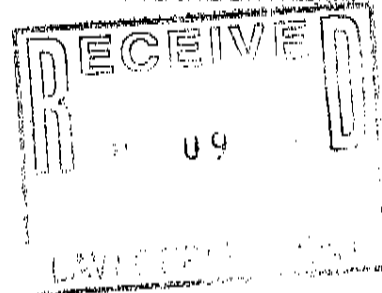
* NY BAR
* CERTIFIED CIVIL TRIAL ATTORNEY

E-Mail: LBVKlaw@LBVKlaw.com

NICHOLAS S. LA CORTE (1911-1978)
GARY A. BUNDY
ROBERT F. VARADY **
CHRISTOPHER J. KINSELLA *

RICHARD M. BROCKWAY
JOSEPH L. ROSELLE

IN REPLY REFER TO FILE NO.



November 3, 2006

Jackie Lynch
Qualcare, Inc.
PO Box 309
Piscataway, NJ 08854

Re: **Jean Belizaire vs. City of Elizabeth**
D/A: January 29, 2004
Your File No. 36187

Dear Ms. Lynch:

Enclosed please find a release, a Charles Jones search and a stipulation of dismissal with prejudice which I have received from plaintiff's attorney. Would you kindly issue the settlement check in the amount of \$7,500 made payable to Jean Belizaire and Julio C. Gomez Attorney at Law LLC.

I am circulating the stipulation of dismissal amongst defense counsel and I will file the fully executed document.

Very truly yours,

LaCorte, Bundy, Varady & Kinsella

By: _____

Robert F. Varady, Esq.

RFV/sm

Encl.

cc: William Holzapfel, Esq., w/encl.

RELEASE

This Release, dated this 30th day of October, 2006, is given by the Releasor, Jean Belizaire, referred to as "I" or "Releasor(s)" to the City of Elizabeth, Elizabeth Police Department, including but not limited to the individually named defendants, Michael Gregory, Victor Arena, Sgt. Stephen Negrey and Lt. John Bastardo, individually and in their official capacities as officers of the Elizabeth Police Department, referred to as "You" or "Releasees."

1. RELEASE: I release and give up any and all rights and claims which I may have against You, inclusive of all direct claims against You as well as any claim for vicarious liability regarding your employees and/or agents of the City of Elizabeth and the Elizabeth Police Department. This releases all claims, including any claim that may be made by me, or on my behalf, for attorney's fees and costs, including claims of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. I specifically release the following claims:

Any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, loss of services, expenses and compensation of any nature whatsoever based on a tort, contract or other theory of recovery, and whether for compensation or punitive damages I now have, or which may hereafter accrue or otherwise be acquired against You or your agents, servants and employees directly or indirectly, including by way of example and not limitation, those which may be or could have been the subject matter of a lawsuit instituted in the United States District Court of New Jersey, bearing Docket No. 06-99 (WJM).

Releasor hereby releases Releasees from any further compensation beyond the amount referenced in Section 6 of this Release, for any and all injuries Releasor has sustained, known, unknown or unknowable, and in full compensation for any and all personal injuries, past, present or future, physical pain and suffering, mental suffering, psychological injuries, emotional distress, loss of consortium, services or society, loss of wages now or in the future, and for any development, whether foreseen or unforeseen, which may or may not relate to the life, death or life expectancy of Releasor, including, but not limited to, any and all potential damages which could possibly be covered pursuant to the Federal Civil Rights Statute, 42 U.S.C. §1983, or other legal authority which absent this Release might permit me or any other person authorized by law to make such a claim or claims. It is expressly understood that this Release is for the settlement, release, discharge and elimination of any and all such claims. I hereby acknowledge that by executing this Release and accepting the monies paid hereunder I and those who otherwise might be entitled to make such a claim or claims in the future have received fair, just and adequate compensation for all such claims in exchange for which all such claims, past, present and future are forever released and discharged. Even if additional facts become known which are not known at the time this Release was executed, I waive my right to bring a lawsuit against the above identified Releasees.

2. NON-ADMISSION OF LIABILITY: It is expressly understood that this Release shall not constitute an admission of liability on the part of the Releasees or any admission by Releasees that care and treatment rendered was, in any way, negligent or below the accepted standards of practice.

3. NON-DISCLOSURE: Ad additional consideration for the payments represented by this Release, it is further understood and agreed that neither I nor any agents, servants, attorneys or representatives of Releasor shall, in any way, at any time disclose for any reason or purpose whatsoever to any other person or entity (other than members of Releasor's immediate family, members of the law firm of Releasor's attorneys, accountants or financial advisors, or as otherwise may be required by law) either the fact of this settlement, the facts underlying the claims leading to this settlement, or the terms of the consideration, compensation or settlement reached with You.

4. PAYMENT: I have been paid a total of Seven Thousand Five Hundred Dollars (\$7,500.00) in full and final payment for agreeing to and executing this Release. I agree that I will not seek anything further, including any other payment(s) from You or your insurance company. I agree that the payment of Seven Thousand Five Hundred Dollars (\$7,500.00) is inclusive of all attorney fees and costs claimed by my attorneys related to the claims made against the City of Elizabeth and the Elizabeth Police Department in the matter that is the subject of this Release. Therefore, any attorney fees and costs that are due to my attorneys based upon their representation of me against the City of Elizabeth and the Elizabeth Police Department in the matter that is the subject of this Release shall be taken out of the Seven Thousand Five Hundred Dollars (\$7,500.00) full and final payment. No additional payment shall be made on behalf of the City of Elizabeth and the Elizabeth Police Department or any of the individually named defendants, for any of my attorney's fees and costs. In sum, this Release extinguishes any and all claims that I may have against You for my attorneys' costs and fees.

5. WHO IS BOUND: I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor(trix) of my estate, is also bound. This release is made for the benefit of You, and all who succeed to the rights and responsibilities of Releasees, such as Releasees' heirs or the executor(trix) of Releasees' estate.

6. SIGNATURE: I have read, understand and agree to the terms of this Release. I have consulted with counsel prior to signing this Release.


JEAN BELIZAIRE