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SUPERIOR COURT OF NJ
SOMERSET COUNTY

2010 JUL -7 AM 11:32

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CIVIL DIVISION

JOEL I. RACHMIEL, ESQ.

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Springfield, New Jersey 07081
(973) 467-9200

Attorney for Plaintiff

STEPHEN LANCASTER,

Plaintiff,

vs.

BOROUGH OF NORTH PLAINFIELD
MUNICIPAL COURT, JODI HANSEN-
RODRIGUEZ In Her Capacity as
North Plainfield Municipal Court
Clerk, POLICE OFFICER JOSEPH
MAZZA, NORTH PLAINFIELD
POLICE DEPARTMENT, and JOHN
DOE (Fictitious Name),

Defendants.

* SUPERIOR COURT OF NEW JERSEY
* LAW DIVISION: SOMERSET COUNTY
* DOCKET NO. SOM-L- 11664-10
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Civil Action

**COMPLAINT, JURY DEMAND,
AND DEMAND FOR ANSWERS TO
FORM C INTERROGATORIES**

Plaintiff Stephen Lancaster, residing at 324 Franklin Place, Apt. B6, in the City of Plainfield, NJ, by way of Complaint against the defendants alleges and says :

FIRST COUNT

1. On April 20, 2009, plaintiff Stephen Lancaster is lawfully operating his motor vehicle in the Borough of North Plainfield when he is involved in a two-car motor vehicle collision to which North Plainfield Police Officer Joseph Mazza responds.

2. On or after April 20, 2009, Officer Mazza issues to plaintiff motor vehicle citations B-178964 charging him with disregard of a stop sign in violation of NJSA 39:4-144 and B-178965 charging him with careless driving in violation of NJSA 39:4-97. Officer Mazza negligently, recklessly, and carelessly fails to include plaintiff's identifying apartment number B6 on the address line of the citations and in the New Jersey Police Crash Investigation Report he files

despite the fact that Apt. B6 clearly appears on plaintiff's motor vehicle registration and insurance identification card plaintiff produces upon demand by Officer Mazza.

3. Upon information and belief, the North Plainfield Municipal Court thereafter mails plaintiff notices of court dates which are returned by the United States Postal Service with the indication they are undeliverable due to insufficient address, as a result of which on May 28, 2009, the North Plainfield Municipal Court issues a bench warrant for plaintiff's arrest, sets bail at \$250, and notifies the New Jersey Motor Vehicle Commission to suspend plaintiff's motor vehicle license, all for his failure to appear on the return date of the motor vehicle summons negligently issued by Officer Mazza.

4. On August 11, 2009, plaintiff is lawfully operating his motor vehicle in Bernards Township when he is stopped and arrested by the Bernards Township Police due to a random computer search of his license plate which indicates an outstanding bench warrant for his arrest issued from the North Plainfield Municipal Court with bail set at \$250 and a driver's license suspension all for his failure to appear on the return date of the motor vehicle summons negligently issued by Officer Mazza.

5. Upon plaintiff's request, the arresting Bernards Township police officer calls the North Plainfield Municipal Court and speaks with Court Clerk Jodi Hansen-Rodriguez who authorizes plaintiff's release on his own recognizance (ROR) as a result of which the Bernards Township Police ROR plaintiff after notifying him he must appear in the North Plainfield Municipal Court on September 3, 2009, the new court date set for the motor vehicle summons issued by Off. Mazza.

6. On August 12, 2009, plaintiff responds to the North Plainfield Municipal Court and speaks with Court Clerk Jodi Hansen-Rodriguez, as a result of which she gives plaintiff a letter requesting the Motor Vehicle Commission to reinstate plaintiff's driving privileges, but negligently, recklessly, and carelessly fails to

rescind the bench warrant that was erroneously entered against plaintiff despite his offer to post the required \$250 cash bail, which the Court Clerk Hansen Rodriguez refuses to accept, advising plaintiff to wait for the court hearing on September 3, 2009.

7. The conduct of defendants aforesaid, acting individually and together and in conspiracy with others, resulted in plaintiff being falsely, maliciously, and unlawfully arrested, incarcerated, detained, and imprisoned and thereby deprived plaintiff of his right to be free from unreasonable and unlawful seizure of his person, to the equal protection of law, and to due process of law in violation of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C.A. §1983, and the laws and Constitution of the State of New Jersey, including but not limited to N.J.S.A. 10:6-2.

10. As a direct and proximate result of the actions of the defendants as aforesaid, and particularly of their willful, intentional, false, malicious, reckless, or grossly negligent actions resulting in plaintiff's arrest, incarceration, detention, and imprisonment, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to his reputation and standing in the community, was forced to undergo the rigors and strain of a false arrest, detention, incarceration, and imprisonment, and has otherwise been damaged and injured in diverse other manners to his great detriment.

WHEREFORE, plaintiff Stephen Lancaster demands judgment for damages against defendants Joseph Mazza and Jodi Hansen-Rodriguez, both compensatory and punitive, together with reasonable attorney's fees, lawful interest, and costs of suit.

SECOND COUNT

1. Plaintiff repeats the allegations contained in the First Count of the Complaint as though set forth fully at length herein.

2. On August 18, 2009, plaintiff is lawfully operating his motor vehicle in the Township of Irvington when he is stopped and arrested by the Irvington Township Police due to a random computer search of his license plate which indicates an outstanding bench warrant for his arrest issued from the North Plainfield Municipal Court with bail set at \$250 and a driver's license suspension all for his failure to appear on the return date of the motor vehicle summons negligently issued by Officer Mazza.

3. As a result of the actions as set forth above, on August 18, 2009, plaintiff is incarcerated, detained, and imprisoned in the Irvington Township lock-up upon his inability to post \$250 bail and thereafter transported to the Essex County Correctional Center until August 21, 2009, when \$250 cash bail and \$30 filing fee is posted on his behalf.

4. The conduct of defendants aforesaid, acting individually and together and in conspiracy with others, resulted in plaintiff being falsely, maliciously, and unlawfully arrested, incarcerated, detained, and imprisoned and thereby deprived plaintiff of his right to be free from unreasonable and unlawful seizure of his person, to the equal protection of law, and to due process of law in violation of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C.A. §1983, and the laws and Constitution of the State of New Jersey, including but not limited to N.J.S.A. 10:6-2.

5. As a direct and proximate result of the actions of the defendants as aforesaid, and particularly of their willful, intentional, false, malicious, reckless, or grossly negligent actions resulting in plaintiff's arrest, incarceration, detention, and imprisonment, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to his reputation and standing in the community, was forced to undergo the rigors and strain of a false arrest, detention, incarceration, and imprisonment, and has otherwise been damaged and injured in diverse other manners to his great detriment.

WHEREFORE, plaintiff Stephen Lancaster demands judgment for damages against defendants Joseph Mazza and Jodi Hansen-Rodriguez, both compensatory and punitive, together with reasonable attorney's fees, lawful interest, and costs of suit.

THIRD COUNT

1. Plaintiff repeats the allegations contained in the First and Second Counts of the Complaint as though set forth fully at length herein.

2. At all times mentioned herein, defendants Borough of North Plainfield Municipal Court and the North Plainfield Police Department were the employers of the individual defendants and the individual defendants were acting as their agents, servants and employees.

3. Defendants failed to use reasonable care in the selection of their employees, agents and servants, failed to properly train and supervise the individual defendants and failed to provide appropriate safeguards to prevent the false arrest, detention, and imprisonment of plaintiff.

4. Defendants acted under color of law pursuant to their official policy or custom and practice and intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis the individual defendants in the performance of their duties and otherwise failed to refrain the individual defendants from unlawfully and maliciously conspiring to cause the false arrest and malicious prosecution of plaintiff in violation of the rights, privileges and immunities guaranteed to plaintiff by the Constitutions and laws of the United States and the State of New Jersey.

5. Defendants had knowledge of, or had it diligently exercised its duties to instruct, supervise, control and discipline the individual defendants on a continuing basis should have had knowledge of, the wrongs that were done as herein alleged and intentionally, knowingly, or with deliberate indifference to the rights of plaintiff failed or refused to prevent their commission.

6. Defendants directly or indirectly and under color of law, thereby approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of the individual defendants.

WHEREFORE, plaintiff demands judgment against the defendants Borough of North Plainfield Municipal Court and North Plainfield Police Department for both compensatory and punitive damages, together with reasonable attorney's fees, lawful interest, and costs of suit.

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues.

**DEMAND FOR CERTIFIED ANSWERS TO FORM C
INTERROGATORIES AND OTHER RELATED DOCUMENTS
PURSUANT TO RULE 4:17-1.**


Pursuant to Rule 4:17-1, the plaintiff hereby demands that the defendant upon whom this pleading is served furnish fully responsive and certified answers to Form C Interrogatories together with the attachments required therein within the time prescribed by the Rules of Court.

ATTORNEY CERTIFICATION PURSUANT TO R.4:5-1(b)2

The matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding, nor are any such actions or arbitrations contemplated. There are no other known parties who should be joined in this action.

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 for contempt of court.

Dated: July 6, 2010



JOEL I. RACHMIEL
Attorney for Plaintiff