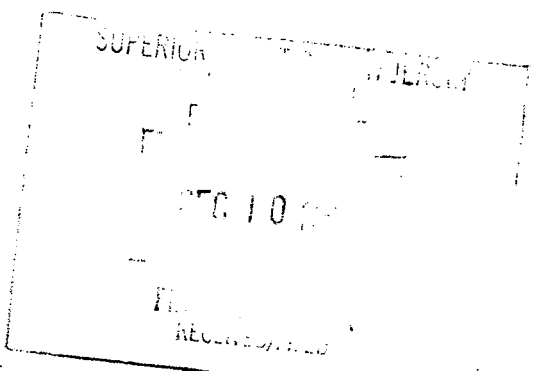


**BRESLIN AND BRESLIN, P.A.**

41 Main Street  
Hackensack, New Jersey 07601  
(201) 342-4014  
Attorneys for Plaintiff



LESTER SEELEY,  
  
*Plaintiff,*  
  
v.  
  
ESSEX COUNTY CORRECTIONAL FACILITY, ESSEX COUNTY SHERIFF'S DEPARTMENT, ESSEX COUNTY SHERIFF ARMANDO C. FONTOURA, CORRECTIONS OFFICER JERMAINE BAPTISTE, CORRECTIONS OFFICER BRUCE MOORE, CORRECTIONS OFFICER DANNY SMITH, CORRECTIONS OFFICER FUQUAN COUNTRYMAN, JOHN DOE 1 through X, (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or JOHN ROE 1 through X, (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown,  
  
*Defendants.*

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO. L-10050-09

CIVIL ACTION

**COMPLAINT  
AND  
JURY DEMAND**

Plaintiff, Lester Seeley, residing at 119 Union Avenue, Township of Irvington, County of Essex, State of New Jersey, says by way of Complaint against the Defendants:

**PARTIES**

1. Defendant Jermaine Baptiste was a corrections officer and/or sheriff's officer of the Essex County Sheriff's Department and at all times herein was on duty and acting in the capacity

of agent, servant and employee of the Essex County Sheriff's Department and/or Essex County Correctional Facility. He is sued individually and in his official capacity.

2. Defendant Bruce Moore was a corrections officer and/or sheriff's officer of the Essex County Sheriff's Department and at all times herein was on duty and acting in the capacity of agent, servant and employee of the Essex County Sheriff's Department and/or Essex County Correctional Facility. He is sued individually and in his official capacity.

3. Defendant Danny Smith was a corrections officer and/or sheriff's officer of the Essex County Sheriff's Department and at all times herein was on duty and acting in the capacity of agent, servant and employee of the Essex County Sheriff's Department and/or Essex County Correctional Facility. He is sued individually and in his official capacity.

4. Defendant Fuquan Countryman was a corrections officer and/or sheriff's officer of the Essex County Sheriff's Department and at all times herein was on duty and acting in the capacity of agent, servant and employee of the Essex County Sheriff's Department and/or Essex County Correctional Facility. He is sued individually and in his official capacity.

5. Defendant Armando B. Fontoura was at all times relevant to the incident which is the subject of this lawsuit, the Sheriff of Essex County. He is sued in his official capacity.

6. Defendant Essex County Sheriff's Department is a department organized and existing under the laws of the State of New Jersey which employed all Defendants.

7. Defendant Essex County Correctional Facility is an entity organized and existing under the laws of the State of New Jersey which employed all Defendants.

8. Defendants John Doe I through X were Essex County Corrections Officer(s) and/or Sheriff's Officers (s), other individuals or entity(ies) who at all pertinent times were on duty and acting on behalf of the Defendants Essex County Sheriff Armando B. Fontoura, Essex County

Sheriff's Department and/or Essex County Correctional Facility and/or Sheriff's Officers and the they are sued individually and in their official capacity.

9. Defendants John Roe 1 through X were Essex County Corrections Officer(s) or other individuals or entity(ies) of the Essex County Sheriff's Department and/or Essex County Correctional Facility who at all pertinent times were on duty and acting on behalf of the Defendants Essex County Sheriff Armando B. Fontoura and/or Essex County Sheriff's Department and/or Essex County Correctional Facility in a supervisory role and they are sued individually and in their official capacity.

**FIRST COUNT**  
(42 U.S.C. § 1983)

1. On or about December 15, 2007, Plaintiff, **Lester Seeley**, was in the custody of the Essex County Correctional Facility located at 354 Doremus Avenue, City of Newark, County of Essex, State of New Jersey.

2. Acting under the color of state law, Defendants, **Jermaine Baptiste, Bruce Moore, Danny Smith, Fuquan Countryman, and/or John Doe 1 through X (X being a number as yet unknown)**, being persons and/or corporations whose identities are presently unknown, (hereinafter collectively referred to as "**Corrections Officers**") deliberately, maliciously and with willful indifference were reckless, careless and/or grossly negligent when they accosted Plaintiff, **Lester Seeley**, then proceeded to assault him repeatedly, said malice, deliberate and willful indifference, recklessness, carelessness and/or gross negligence resulted in violations of the civil rights of plaintiff guaranteed by the Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America. In addition the conduct of the Defendants, or any

of them, jointly, severally or in the alternative constitutes a further violation of Plaintiff's rights under 42 U.S.C. §§ 1983, 1985 and 1986.

3. As a direct and proximate result of the willfully, malicious, deliberately, indifferent, reckless, careless and/or grossly negligent behavior of Defendants, Plaintiff was caused to sustain severe and permanent injuries, was caused great pain, both mental and physical, was required to seek medical care and attention in an attempt to cure him and his injuries, was required and will in the future be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages;
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**SECOND COUNT**  
(42 U.S.C. §1983)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Jermaine Baptiste, Bruce Moore, Danny Smith, Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown**, acting under the color of state law, were deliberately, maliciously and willfully indifferent, reckless, careless and/or grossly negligent of their responsibility and duty to Plaintiff while he was in their care, custody and control as their prisoner, and which such deliberate, malicious and willful indifference, recklessness, carelessness and/or gross negligence caused Plaintiff further pain and suffering, both mental and physical, in violation and gross disregard of the civil rights of Plaintiff guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States of America. In addition the conduct of the Defendants, or any of them, jointly, severally or in the alternative constitute a further violation of Plaintiff's rights under 42 U.S.C. §§ 1982, 1985 and 1986.

3. As a direct and proximate result of the willfully, malicious, deliberately, indifferent, reckless, careless and/or grossly negligent behavior of Defendants, Plaintiff was caused to sustain severe and permanent injuries, was caused great pain, both mental and physical, was required to seek medical care and attention in an attempt to cure him and his injuries, was required and will

in the future be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages;
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**THIRD COUNT**  
(42 U.S.C. § 1983)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Acting under color of state law, Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose**

**identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown, through their officers, agents and/or employees, failed to adequately supervise, train, instruct and control its corrections officers and/or sheriff's officers, agents and/or employees with respect to the actions or inactions of these officers, agents and/or employees on or about December 15, 2007.**

**3. Defendants, Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown, knew or should have known that such failure supervise, train, instruct and control its officers, agents and/or employees would result in such acts as were directed at Plaintiff on or about December 15, 2007.**

**4. There existed within Defendants a custom, practice and policy of using excessive force in the performance of their employment.**

**5. Defendants knew or should have known that such failure to properly supervise, train, instruct and control its officers, agents and/or employees would result in the injuries caused to Plaintiff on or about December 15, 2007, while Plaintiff was detained at the Essex County Correctional Facility.**

**6. The failure of Defendants to adequately supervise, train, instruct and control its officers, agents and/or employees, and as a direct and proximate result of the actions, inactions, customs and policies taken, created and implemented by defendants was a direct violation of the civil rights of Plaintiff guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the**

Constitution of the United States of America. In addition the conduct of the Defendants, or any of them, jointly, severally or in the alternative constitute a further violation of Plaintiff's rights under 42 U.S.C. §§ 1983, 1985 and 1986.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**FOURTH COUNT**  
(Assault)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendants, **Corrections Officers**, or any of them, jointly, severally or in the alternative, did commit an assault upon Plaintiff on or about December 15, 2007, whereby



Plaintiff was beaten, kicked, bruised, wounded, and ill-treated, and as a result of which Plaintiff received severe and grievous wounds, cuts, bruises and other injuries in, upon, over and across his head, face, skull, teeth, shoulders, arms, legs, back and other parts of his body in addition to emotional and psychological injuries.

3. Defendants, **Corrections Officers** did maliciously commit this assault upon Plaintiff.

4. These beatings and blows delivered upon Plaintiff by Defendant **Corrections Officers**, were well in excess of any reasonably necessary force.

5. Defendant **Corrections Officers** also inflicted emotional distress upon Plaintiff.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**FIFTH COUNT**  
(Negligent Supervision and Hiring)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendant, **Essex County Sheriff Armando B. Fontoura** was and is the responsible party the supervision, training, instruction, discipline, control, conduct, inspection, monitoring and hiring of the other Defendants, or any of them, and is also charged with promulgating all orders, rules, instructions and regulations of the Essex County Sheriff's Department and Essex County Correctional Facility.

3. Defendant, **Essex County Sheriff Armando B. Fontoura**, under color of law, negligently, carelessly, and/or recklessly failed to properly supervise, train, instruct, discipline and control the conduct of Defendant **Corrections Officers** by failing to train members of the Essex County Sheriff's Department and Essex County Correctional Facility to comply with the laws of the State of New Jersey and/or by failing to promulgate, issue and enforce appropriate procedures and regulations.

4. As a direct and proximate cause of the negligent, careless and/or reckless conduct of Defendant, **Essex County Sheriff Armando B. Fontoura**, Plaintiff was caused to sustain severe and permanent injuries, was caused great pain, both mental and physical, was required to seek medical care and attention in an attempt to cure him and his injuries, was required and will be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department,**

**Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**SIXTH COUNT**  
(Respondeat Superior)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendant, **Essex County Correctional Facility, Essex County Sheriff's Department and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown** was and is responsible for the supervision, training, instruction, discipline, control, conduct, inspection, monitoring and hiring of the corrections officers and/or sheriff's officers and/or other individuals employed by the Essex County Sheriff's Department and/or Essex County Correctional Facility.

3. On or about December 15, 2007, the aforesaid Defendant **Corrections Officers** did threaten to kill Plaintiff **Lester Seeley** and did also negligently inflicted emotional distress upon Plaintiff.

4. Defendant, **Essex County Correctional Facility, Essex County Sheriff's Department and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown** was and is the responsible party for the supervision, training, instruction, discipline, control, inspection, monitoring, and hiring of the Defendant **Correction Officers** and is also charged with promulgating all orders, rules, instructions and regulations of the Essex County Sheriff's Department and Essex County Correctional Facility.

5. Defendant, **Essex County Sheriff's Department and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown**, under color of law, negligently, carelessly, and/or recklessly failed to properly supervise, train, instruct, discipline, control, inspect, monitor and hire Defendant **Corrections Officers** by failing to train members of the Essex County Sheriff's Department and/or Essex County Correctional Facility to comply with the laws of the State of New Jersey and/or by failing to promulgate, issue and enforce appropriate procedures and regulations.

6. As a direct and proximate cause of the negligent, careless and/or reckless supervision, inspection, training, instruction, discipline, control, inspection, monitoring, and hiring by the Defendants, or any of them, specifically with respect to Defendant **Corrections Officers**, Plaintiff was caused to suffer severe and permanent injuries, both mental and physical as well as mental anguish, was required to seek medical care and attention in an attempt to cure him and his

injuries, was required and will be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

7. Defendant, **Essex County Sheriff's Department and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown** is further liable to Plaintiff for the acts and/or omissions of its employees and/or agents under the laws of the State of New Jersey and/or the Doctrine of Respondeat Superior.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**SEVENTH COUNT**  
(Negligent Supervision and Hiring)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown**, through their officers, agents and/or employees, was negligent, careless and reckless by failing to adequately supervise, train, instruct, discipline, control, inspect, monitor, train and hire its officers, agents and/or employees with respect to the actions or inactions of the Defendant **Corrections Officers and/or other officers, agents and/or employees on or about December 15, 2007.**

3. Defendants, or any of them, jointly, severally or in the alternative, knew or should have known that such negligence, carelessness and recklessness would result in such acts and threats as were directed at Plaintiff at the Essex County Correctional Facility on or about December 15, 2007.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1**

**through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**EIGHTH COUNT**  
(Negligence)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. Defendants, or any of them, jointly, severally or in the alternative owed Plaintiff a duty of care to supervise and safely detain Plaintiff while in their custody and use no more than reasonable force when detaining Plaintiff in the Defendant's custody on or about December 15, 2007.

3. Defendants, or any of them, jointly, severally or in the alternative, breached that duty of care on or about December 15, 2007, by failing to adequately supervise, train, instruct, discipline, control, inspect, monitor, hire and prevent and/or restrain Defendants, **Corrections Officers** from using unnecessary and unreasonably excessive force upon Plaintiff which caused Plaintiff to receive many serious and grievous blows about his face and body resulting in both serious physical and mental injury to Plaintiff.

4. This breach of duty in connection with the detention of Plaintiff on or about December 15, 2007, was the proximate cause of the physical, psychological and emotional injuries suffered by Plaintiff.

5. As a direct and proximate cause of the negligent, careless and/or reckless supervision, inspection, training, instruction, discipline, control, inspection, monitoring, and hiring by the Defendants, or any of them, specifically with respect to Defendant **Corrections Officers**, Plaintiff was caused to suffer severe and permanent injuries, both mental and physical as well as mental anguish, was required to seek medical care and attention in an attempt to cure him and his injuries, was required and will be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages;
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and



(f) Any other such relief as the Court deems just and equitable.

**NINTH COUNT**

(Intentional Infliction of Emotional Distress)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. At the aforesaid time and place, Defendant **Corrections Officers** did willfully, wantonly and without regard to the well being of Plaintiff threaten to kill Plaintiff and wrongfully cause Plaintiff to be placed in segregation and/or to suffer other mistreatment and in doing so intentionally inflicted emotional distress upon Plaintiff.

3. As a direct and proximate result of the aforesaid willful, wanton and intentional actions of the Defendant **Corrections Officers**, Plaintiff was caused to sustain severe permanent injuries, both emotional and psychological as well as mental anguish, was required to seek medical care and attention in an attempt to cure him and his injuries; was required and will in the future be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste, Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**TENTH COUNT**  
(Negligent Infliction of Emotional Distress)

1. Plaintiff repeats and realleges the allegations containing the preceding paragraphs as if more specifically set forth herein.

2. At the aforesaid time and place, Defendants, or any of them, jointly, severally or in the alternative did negligently, carelessly or recklessly and without regard to the well being of Plaintiff wrongfully cause Plaintiff to be placed in segregation and/or to suffer other mistreatment and in doing so negligently inflicted emotional distress upon Plaintiff.

3. As a direct and proximate result of the aforesaid willful, wanton and intentional actions of the Defendants, or any of them, Plaintiff was caused to sustain severe permanent injuries, both emotional and psychological as well as mental anguish, was required to seek medical care and attention in an attempt to cure him and his injuries; was required and will in the future be required to seek medical care and attention, and further was and will be prevented from engaging in his usual pursuits and occupations.

**WHEREFORE**, Plaintiff, **Lester Seeley**, respectfully prays for the following relief against Defendants, **Essex County Correctional Facility, Essex County Sheriff's Department, Essex County Sheriff Armando B. Fontoura, Corrections Officer Jermaine Baptiste,**

**Corrections Officer Bruce Moore, Corrections Officer Danny Smith, Corrections Officer Fuquan Countryman, John Doe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown and/or John Roe 1 through X (X being a number as yet unknown), being persons and/or corporations whose identities are presently unknown:**

- (a) Compensatory Damages
- (b) Punitive Damages;
- (c) Costs of Suit and Pre-Judgment and Post-Judgment Interest;
- (d) Reasonable Attorneys Fees pursuant to 42 U.S.C. § 1988;
- (e) Attorneys fee including applicable lodestar enhancements; and
- (f) Any other such relief as the Court deems just and equitable.

**BRESLIN AND BRESLIN, P.A.**  
Attorneys for Plaintiff

By:   
Kevin C. Corrison

Dated: 12/10/09

**DESIGNATION OF TRIAL COUNSEL**

**KEVIN. CORRISTON** is hereby designated as trial counsel for the Plaintiff.

**BRESLIN AND BRESLIN, P.A.**  
Attorneys for Plaintiff

By:   
Kevin C. Corrison

Dated: 12/10/09

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury on all issues so triable herein.

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiff

By:   
Kevin C. Corrison

Dated: 12/10/09

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

I certify that the matter in controversy is the subject of a criminal action pending in the Superior Court of New Jersey - Essex County entitled State v. Countryman and State v. Baptiste, Indictment No. 2008-11-3304. I am unaware of any other pending action involving this subject matter.

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiff

By:   
Kevin C. Corrison

Dated: 12/10/09

**CERTIFICATION**

I hereby certify that a Tort Claim Notice was filed pursuant to N.J.S.A. 59:1-1 et seq on March 14, 2008.

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiff

By:   
Kevin C. Corrison

Dated: 12/10/09

**RELEASE**

This Release, dated June 18, 2012, is given

BY THE RELEASOR(S)

**LESTER SEELEY,**

REFERRED TO AS "I",

**TO: ESSEX COUNTY CORRECTIONAL FACILITY, COUNTY OF ESSEX, ESSEX COUNTY SHERIFF'S DEPARTMENT, ESSEX COUNTY SHERIFF ARMANDO C. FONTOURA, CORRECTIONS OFFICER BRUCE MOORE, CORRECTIONS OFFICER DANNY SMITH,**

REFERRED TO AS "YOU"

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. Release. I release and give up any and all claims and rights which I may have against you. This Release applies to all claims resulting from anything which has happened up to now. I specifically release the following claims: For any and all claims of personal injury, pain, suffering and permanence which may have been sustained by **LESTER SEELEY** as a result of a certain incident which occurred on or about December 15, 2007, while on premises located at 354 Doremus Ave, City of Newark, County of Essex, State of New Jersey, more commonly known as the Essex County Correctional Facility; being more particularly described in a certain lawsuit instituted in the Superior Court of New Jersey, Essex County, Law Division, bearing ESX-L-10050-09 and United State District Court Civil Action No. 2:10-00706

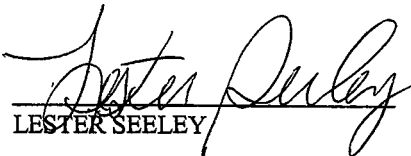
2. Payment. I will be paid a total of \$30,000.00, in full payment for making this Release. I agree that I will not seek anything further including any other payment from you.

3. Who is Bound. I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or the executor of your estate.

4. Liens. All outstanding medical bills or liens, (including but not limited to Medicare, Medicaid or ERISA liens) to the extent required to be paid in accordance with the law, will be satisfied out of the proceeds of the within settlement.

5. Signatures. I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:

\_\_\_\_\_  
  
LESTER SEELEY


STATE OF NEW JERSEY, COUNTY OF *Bergen* SS:

I certify that on *June 23*, 2012, **LESTER SEELEY** personally came before me and acknowledged under oath, to my satisfaction, that the person (or if more than one, each person):

- a. is named in and personally signed this document, and
- b. signed, sealed and delivered this document as his or her act and deed.

Prepared by:

  
\_\_\_\_\_  
KEVIN C. CORRISTON, ESQ.

  
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Notary Public State of New Jersey  
MICHELLE CALVELLO  
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