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**MARIE CHABOT, and
KEVIN CHABOT, her husband**

Plaintiff,

vs.

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY
TRENTON

Civil Action No.: 09-02991 (MLC-TJB)

**BOROUGH OF BEACHWOOD;
WILLIAM J. CAIRNS,**
Beachwood Chief of Police;
**LIEUTENANT ROBERT TAPP,
SERGEANT KENNETH HALUCHA,
SERGEANT JASON FROBERG,
SERGEANT BRUCE HARRIS,**

Civil Action

**AMENDED
COMPLAINT**

JOHN DOES 6-10, Personnel of the
Beachwood Police Departments in supervisory
capacities;
**GLEN DEMARCO, ERIC HARRIS,
SEAN LANGAN, and JOHN DOES 1-5**
Beachwood Police Officers

Defendants.

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America.

Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3). This Court has supplemental jurisdiction over Plaintiff's State law claims pursuant to 28 U.S.C. Section 1367.

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PARTIES

2. Plaintiff Marie Chabot, residing at 60 Elm Street, Beachwood, New Jersey, County of Ocean, is and was, at all times herein relevant, a citizen of the United States and a resident of the State of New Jersey.
3. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Borough of Beachwood Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of the Borough of Beachwood and under color of State law.
4. Defendants William J. Cairns and/or John Does 6-10 were at all times mentioned herein duly appointed and acting police officers of the Borough of Beachwood Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of the Borough of Beachwood Police Department and under color of State law.
5. Defendants William J. Cairns; Lieutenant Robert Tapp; Sergeant Kenneth Halucha; Sergeant Jason Froberg; Sergeant Bruce Harris and/or John Doe 3 and/or John Does 6-10 were acting in supervisory capacities over Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10, thereby responsible for the hiring, training, supervision, discipline, and conduct of Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10, and acting under color of State law.
6. Defendant Borough of Beachwood is a duly designated municipality of the State of New Jersey, under the laws of the State of New Jersey.
7. At all times relevant hereto, Defendant Borough of Beachwood employed the aforementioned Defendants. As such, it was responsible for the hiring, training, supervision, discipline, and conduct of Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10.

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FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

8. On 8/26/07, Plaintiff Marie Chabot was a passenger in her husband Kevin Chabot's vehicle along with their children.
9. Behind them, Defendant DeMarco, operating a marked Beachwood police car, activated his overhead lights.
10. Kevin Chabot pulled his vehicle into his driveway, and, along with Plaintiff Marie Chabot and their children, alighted from the vehicle.
11. Defendant DeMarco alighted from his vehicle and yelled to Kevin Chabot that his truck was unregistered and pushed him.
12. Without provocation or justification, Defendant DeMarco then maced Kevin Chabot. Some of the mace entered Plaintiff Marie Chabot's mouth and eyes.

13. Defendants Langan and Harris then arrived at the scene. Defendant DeMarco instructed them to arrest Plaintiff Marie Chabot.
14. Despite any lack of resistance, Defendant Harris forcefully pulled Plaintiff Marie Chabot's arms behind her back and handcuffed her despite her informing the officer that she had a pre-existing back condition.
15. Defendant Harris intentionally, recklessly and/or negligently applied excessive pressure in handcuffing Plaintiff Marie Chabot and in forcing her arms behind her back.
16. Specifically, the restraints applied by Defendant Harris were tightened to such an extent that they lacerated Marie Chabot's wrists.
17. Defendants Harris and Langan then forcefully bent Plaintiff Marie Chabot's body and pushed her into a police emergency vehicle. This was after she informed these officers that she could not get into the vehicle because of its height and because she was handcuffed. The force used against her caused injury to her back.

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18. On the date of the incident, Defendant DeMarco, Harris and Langan's vehicles were all equipped with Mobile Video Recorders which, pursuant to Police Department policy were supposed to record the incident.

19. Defendants' Mobile Video Recorders either did not record the incident or the recordings were destroyed by Defendants in violation of Department policy.

COUNT ONE
SECTION 1983 EXCESSIVE FORCE

20. The previous paragraphs are incorporated herein inclusively as if fully set forth.

21. As a direct and proximate result of the above-referenced unlawful, malicious and/or reckless physical abuse of Plaintiff by Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5, committed under color of state law, Plaintiff sustained bodily harm and was deprived of her right to be secure in her person against unreasonable seizure of his person, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States, made actionable through 42 U.S.C. Section 1983.

22. As a direct and proximate cause of the malicious, outrageous, unlawful and/or reckless conduct of Defendants as set forth above, Plaintiff suffered bodily injuries, damages in the form of medical expenses and will suffer additional special damages in the future in an amount which cannot yet be determined.

23. By reason of the above, Plaintiff was caused to suffer injuries, extreme emotional distress and a deprivation of her constitutional rights as described above.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper, equitable and just.

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COUNT TWO
§ 1983 FAILURE TO INTERVENE

_____24. The previous paragraphs are incorporated herein inclusively as if fully set forth.

25. Defendants DeMarco, Langan, Harris and/or John Does 1-5 were Beachwood Police Officers and at all times mentioned herein were acting under color of state law.

26. Defendants DeMarco, Langan, Harris and/or John Does 1-5 had a duty to intervene in the unjustified assaults and arrests of Plaintiff Marie Chabot by Defendants DeMarco, Langan, Harris and/or John Does 1-5.

27. The unjustified assault and arrest of Marie Chabot by Defendants DeMarco, Langan, Harris and/or John Does 1-5 deprived Plaintiff of her right to be secure in her person against unreasonable seizure of her person in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

28. Defendants DeMarco, Langan, Harris and/or John Does 1-5 had a reasonable opportunity to intervene in the unjustified arrest and assault of Plaintiff by Defendants DeMarco, Langan, Harris and/or John Does 1-5 and failed to intervene.

29. As a direct and proximate cause of Defendants' DeMarco, Langan, Harris and/or John Does 1-5 failure to intervene, Plaintiff Marie Chabot suffered physical injury, medical expenses, lost wages, and mental anguish in connection with the deprivation of her Constitutional Rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and made actionable through by 42 USC Section 1983.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants DeMarco, Langan, Harris and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

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COUNT THREE
§ 1983 CONSPIRACY TO VIOLATE CIVIL RIGHTS

____ 30. The previous paragraphs are incorporated herein inclusively as if fully set forth.

31. Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris, and/or John Does 1-10 acting under color of state law, conspired to deprive Plaintiff Marie Chabot of her right to be secure in her person and deprived her of due process in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States; made actionable through 42 U.S.C. Section 1983. Specifically, Defendants assaulted and used excessive force on Plaintiff and withheld evidence and/or destroyed evidence depicting the assault.

32. Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris, and/or John Does 1-10 agreed to ratify and cover-up the unlawful assault and use of excessive force on Plaintiff, and in furtherance of this agreement Defendants misrepresented the facts and circumstances of their encounter with Plaintiff, falsified police reports and/or other police records; destroyed evidence, and/or suppressed evidence.

33. Specifically, Defendants DeMarco; Eric Harris; Langan purposely did not record their assault and use of excessive force on Plaintiff Marie Chabot on their patrol car mobile video recorders in direct violation of Beachwood Police Department policy.

34. Defendants Tapp; Halucha; Froberg; Bruce Harris, and/or John Does 1-10, as supervisors and/or officers responsible for maintaining mobile vehicle recorders, failed to ensure that Defendants mobile vehicle recordings were preserved and/or destroyed the recordings depicting Plaintiff being assaulted and Defendants using excessive force on her, in direct violation of Beachwood Police Department policy.

35. Plaintiff Marie Chabot suffered physical injury; medical expenses; lost wages and mental anguish in connection with the deprivation of her Constitutional Rights guaranteed by the Fourth

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and Fourteenth Amendments to the Constitution of the United States made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris, and/or John Does 1-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FOUR
SECTION 1983 MALICIOUS ABUSE OF PROCESS

36. The previous paragraphs are incorporated herein inclusively as if fully set forth.

37. As set forth above, Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 maliciously used a "legal process" to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.

38. Specifically, Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 knew that the complaint initiated was groundless and made misrepresentations to gain an advantage over Plaintiff's certain constitutional claims and/or to protect their interest in their employment and/or to protect themselves from criminal prosecution and civil liability.

39. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 made false statements of fact; intentionally, recklessly, and/or negligently misrepresented the facts of their encounter with Plaintiff and her subsequent arrest and detention; falsified police and/or other official records, and testimony, and mishandled and/or withheld evidence in initiating and/or furthering a criminal prosecution against Plaintiff.

40. As a direct and proximate result of the acts of Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 as set forth herein, Plaintiff suffered physical injury,

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medical expenses, and mental anguish in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States, and made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT FIVE
SECTION 1983 SUPERVISORY LIABILITY

41. The previous paragraphs are incorporated herein inclusively as if fully set forth.

42. Defendants William Cairns; Lieutenant Robert Tapp; Sergeant Kenneth Halucha; Sergeant Jason Froberg; Sergeant Bruce Harris and/or John Doe 2 and/or John Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff was arrested and assaulted.

43. Defendants William Cairns; Lieutenant Robert Tapp; Sergeant Kenneth Halucha; Sergeant Jason Froberg; Sergeant Bruce Harris and/or John Doe 2 and/or John Does 6-10 had a duty to prevent subordinate officers Glen DeMarco; Eric Harris; Sean Langan; Lieutenant Robert Tapp; Sergeant Kenneth Halucha; Sergeant Jason Froberg; Sergeant Bruce Harris and/or John Does 1-10 from violating the constitutional rights of citizens and/or detainees.

44. Defendants Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Doe 2 and/or John Does 6-10 either directed, or had knowledge of, and acquiesced in the conduct of Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10 amounting to a violation of Plaintiff's constitutional rights.

45. As a direct and proximate result of the acts and/or omissions of Defendants Cairns;

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Tapp; Halucha; Froberg; Bruce Harris and/or John Does 2 and/or John Does 6-10, as set forth herein, Plaintiff suffered physical injury, medical expenses and mental anguish in connection with the deprivation of her constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States, and made actionable through 42 U.S.C. Section 1983.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants William Cairns; Lieutenant Robert Tapp; Sergeant Kenneth Halucha; Sergeant Jason Froberg; Sergeant Bruce Harris and/or John Doe 2 and/or John Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SIX
SECTION 1983

UNLAWFUL CUSTOM, PRACTICE, POLICY/INADEQUATE TRAINING

46. The previous paragraphs are incorporated herein inclusively as if fully set forth.

47. Defendants Borough of Beachwood, William J. Cairns; Robert Tapp; Kenneth Halucha; Jason Froberg; Bruce Harris; and/or John Does 6-10 are vested by state law with the authority to make policy on the use of force; effectuating arrests and police citizen encounters, and/or preservation of evidence. Specifically, Defendant William J. Cairns is the Chief of Police. Defendant Tapp is Lieutenant and Internal Affairs officer. Defendants Halucha, Froberg and Bruce Harris are Sergeants.

48. At all times mentioned herein, Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris; Cairns and/or John-Does 1-10, as police officers, agents, servants and/or employees of Defendant Borough of Beachwood were acting under the direction and control of Defendant Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris

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and/or John Does 6-10, and were acting pursuant to the official or unofficial policy, practice or custom of Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10.

49. Acting under color of law, Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline, on a continuing basis, Defendants DeMarco; Eric Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10 in their duties to refrain from: (1) unlawfully and maliciously assaulting, arresting and harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive force.

50. Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10 were provided actual and/or constructive notice of numerous similar police citizen encounters involving Defendants DeMarco; Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris; John Does 1-10 and/or other Borough of Beachwood Police Officers whereby citizens in custody were subjected to physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed. Further, said individuals intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or other official records; made false arrests, mishandled and/or withheld evidence, and/or used unreasonable and excessive force on citizen/arrestees.

51. Despite having prior notice of such activity, Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10 failed to employ any type

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of corrective or disciplinary measures against Defendants DeMarco; Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10, and/or other Borough of Beachwood Police Officers.

52. Defendants Borough of Beachwood; Cairns and/or John Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants DeMarco; Eric Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged, were about to be committed.

53. Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10 had power to prevent, or aid in preventing, the commission of said wrongs, and could have done so by reasonable diligence, and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

54. Defendants Borough of Beachwood, Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants DeMarco; Eric Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10 heretofore described.

55. As a direct and proximate result of the acts of Defendants Borough of Beachwood; Cairns; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 6-10 as set forth herein, Plaintiff suffered physical injury, medical expenses, and mental anguish in connection with the deprivation of her constitutional right to be free from unreasonable seizure as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States, and made actionable through 42 U.S.C. Section 1983.

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WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Borough of Beachwood; Cairns; Kenneth Halucha, Jason Froberg; Bruce Harris and/or John Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT SEVEN

§ 1983 DEMAND FOR PROSPECTIVE INJUNCTIVE RELIEF

56. The previous paragraphs are incorporated herein inclusively as if fully set forth.

57. Pursuant to 42 USC Section 1983, given that there exists no adequate remedy at law, Plaintiff is entitled to prospective injunctive relief against the Defendants. The relief sought by Plaintiff includes, but is not limited to, the following:

- a. An order permanently restraining and enjoining Defendants Borough of Beachwood; DeMarco; Eric Harris; Langan; Cairns; Tapp; Halucha; Froberg; Bruce Harris and John Does 1-10 from engaging in, encouraging, teaching, promoting or training Police Officers in falsely arresting, maliciously prosecuting, maliciously abusing process, and/or using excessive force against citizens and/or arrestees.
- b. An order compelling Defendant Borough of Beachwood to take prompt, appropriate and corrective measures to prevent any practices that encourage, teach, engage in, promote or train its officers in falsely arresting, maliciously prosecuting, maliciously abusing process and/or using excessive force against citizens and/or arrestees.
- c. An order compelling Defendant Borough of Beachwood to provide regular and consistent training sessions to Borough of Beachwood Police Officers.
- d. An order compelling Defendant Borough of Beachwood to implement a system whereby prompt, appropriate action is taken against any Borough of Beachwood Police Officer who engages in, teaches and/or condones falsely arresting, maliciously prosecuting, maliciously abusing process and/or using excessive force against citizens and/or arrestees.
- e. An order permanently restraining and enjoining Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and/or John Does 1-10 from arresting citizens without adequate probable cause, physically abusing and

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using excessive force against citizens and/or arrestees.

- f. An order permanently restraining and enjoining Defendant Borough of Beachwood from employing Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and John Does 1-10 as police officers or law enforcement personnel in any capacity except for clerical duty, solely and entirely confining them to Police headquarters and limiting them entirely to desk duty; enjoining Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and John Does 1-10 from any patrol duty, and enjoining Defendants DeMarco; Eric Harris; Langan; Tapp; Halucha; Froberg; Bruce Harris and John Does 1-10 from making arrests, assisting in making arrests and using any force in making arrests and/or assisting in making arrests.
- g. Any other relief as the Court deems proper and just.

WHEREFORE, Plaintiff Marie Chabot, demands judgment against Defendants Glen

DeMarco; Eric Harris; Sean Langan; Lieutenant Robert Tapp; Sergeant Kenneth Halucha;

Sergeant Jason Froberg; Sergeant Bruce Harris, William J. Cairns and/or John Does 1-10 on this Court, together with compensatory and punitive damages, attorney's fees, interest and costs of

suit incurred, and for any such further relief as the court deems proper and just.

COUNT EIGHT
SUPPLEMENTAL STATE CLAIMS
ASSAULT AND BATTERY

58. The previous paragraphs are incorporated herein inclusively as if fully set forth.

59. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 committed an assault and battery on Plaintiff by beating her and by putting her in reasonable apprehension of serious and imminent bodily harm.

60. The assault and battery committed by Defendants was contrary to the laws of the State New Jersey.

61. Defendant's actions deprived Plaintiff of her rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and the Constitution of the State of New Jersey.

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62. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 were acting under color of law and/or were acting in their individual capacities.

63. As a result of the intentional, reckless and/or negligent assault set forth above, Plaintiff sustained diverse personal injuries, permanent injuries, permanent disability, medical expenses, and pain and suffering and will incur same for some time to come.

64. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-10 on this Count, together with compensatory and punitive damages, interest and costs of suit incurred, and for any such further relief as the Court deems proper and just.

COUNT NINE
MALICIOUS ABUSE OF PROCESS

65. The previous paragraphs are incorporated herein inclusively as if fully set forth.

66. As set forth above, Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 maliciously used a "legal process" to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.

67. Specifically, Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 knew that the complaint initiated was groundless and made misrepresentations to gain an advantage over Plaintiff's certain constitutional claims and/or to protect their interest in their employment and/or to protect themselves from criminal prosecution and civil liability.

68. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 made false statements of fact; intentionally, recklessly, and/or negligently misrepresented the facts of

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their encounter with Plaintiff and her subsequent arrest and detention; falsified police and/or other official records, and mishandled and/or withheld evidence in initiating and/or instigating a criminal prosecution of Plaintiff.

69. Defendant's actions were in violation of the laws of the State of New Jersey, and deprived Plaintiff of her rights guaranteed by the Constitution of the State of New Jersey.

70 Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

71. As a direct and proximate result of the acts of Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 as set forth herein, Plaintiff suffered physical injury, medical expenses, and mental anguish in connection with the deprivation of his constitutional rights described above.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT TEN
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

72. The previous paragraphs are incorporated herein inclusively as if fully set forth.

73. The actions of Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 in their use of excessive force upon Plaintiff, their assault and battery of Plaintiff, their false arrest and imprisonment of Plaintiff, their malicious prosecution of Plaintiff and their abuse of process against Plaintiff was intentional and outrageous.

74. As a result of said conduct, Plaintiff sustained severe emotional distress that no person should be expected to endure.

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75. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

WHEREFORE, Plaintiff Marie Chabot demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 on this Count, together with compensatory and punitive damages, interest and costs of suit incurred and for such further relief as the Court deems proper and just.

COUNT ELEVEN
NEGLIGENCE

76. The previous paragraphs are incorporated herein inclusively as if fully set forth.

77. Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 had a duty to the plaintiff to not expose her to an unreasonable risk of injury.

78. Through the acts and omissions set forth at length above, Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5 breached that duty.

79. As a direct and proximate result of their breach of duty to plaintiff, she was caused to suffer significant and permanent physical and emotional injury, medical expenses, and pain and suffering and will continue to incur same in the future for some time to come

WHEREFORE, Plaintiff Marie Chabot, demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5, on this Count together with compensatory damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT TWELVE
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT (NJORA)

80. The previous paragraphs are incorporated herein inclusively as if fully set forth.

81. The excessive force used, malicious prosecution, false arrest/imprisonment, and abuse of process by Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Doe Individuals 1-5,

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set forth at length above, deprived plaintiff of her substantive due process right to be free from unlawful seizure of her person and her fundamental right to liberty secured by the Constitution of the United States and the Constitution of the State of New Jersey, in violation of N.J.S.A. 10:6-1, et seq. ("The New Jersey Civil Rights Act").

82. As a direct and proximate result of the aforesaid acts of Defendant Glen DeMarco, Eric Harris, Sean Langan and/or John Doe Individuals 1-5, Plaintiff suffered physical injury, medical expenses, and mental anguish.

WHEREFORE, Plaintiff Marie Chabot, demands judgment against Defendants Glen DeMarco, Eric Harris, Sean Langan and/or John Does 1-5, on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

COUNT THIRTEEN
LOSS OF CONSORTIUM/SOCIETY/SERVICES

83. The previous paragraphs are incorporated herein inclusively as if fully set forth.

84. At all times relevant herein, Plaintiff Kevin Chabot was the husband of Plaintiff Marie Chabot and, as such, was entitled to her services, society and consortium.

85. As a result of the Defendants' aforesaid actions, Plaintiff Kevin Chabot was deprived of the services, society and consortium of his wife, Plaintiff Marie Chabot, and will be so deprived for some time to come.

WHEREFORE, Plaintiff Kevin Chabot hereby demands judgment against all Defendants on this Count together with compensatory and punitive damages, interest and costs of suit incurred and for any such further relief as the court deems proper and just.

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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Please be advised that Thomas J. Mallon, Esquire is hereby designated trial counsel in the above captioned matter.

Dated: May 28, 2010

/s/ Thomas J. Mallon, Esquire
THOMAS J. MALLON, ESQUIRE

RELEASE

This Release, dated 9/22/11, 2011, is given

BY the Releasor(s) MARIE CHABOT and KEVIN CHABOT, Husband and Wife

referred to as "I",

TO BOROUGH OF BEACHWOOD, WILLIAM J. CAIRNS, Beachwood Chief of Police; LIETUENANT ROBERT TAPP, SERGEANT KENNETH HALUCHA, SERGEANT JASON FROBERG, SERGEANT BRUCE HARRIS, GLEN DeMARCO, ERIC HARRIS, and SEAN LANGAN

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 releases all claims, including those 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 claims including but not limited to claims for compensatory damages, punitive damages, medical costs, counsel fees and costs of suit arising out of an incident which occurred on or about August 26, 2007 in the Borough of Beachwood, County of Ocean, State of New Jersey, which forms the basis of an action filed in the United States District Court, District of New Jersey, Civil Action No: 09-2991 (MLC-TJB)

I further waive any right which I may have under Federal and/or State statutes to petition the Court for payment of counsel fees incurred concerning these claims.

The settlement of this matter is not to be construed as an admission of fault or liability on the part of the defendants and the parties acknowledge that the within settlement is being entered into for economic reasons only and to avoid the cost of protracted litigation.

I further agree that no further payments from the named defendants in the action pending in the United States District Court for the District of New Jersey will be sought.

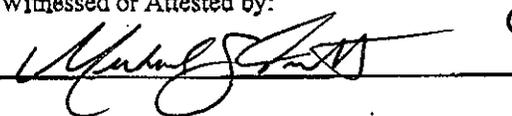
I further agree that there will be no press releases and no comments made to the media regarding the litigation or the settlement.

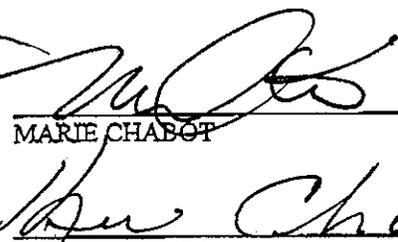
2. Payment. I have been paid a total of \$75,000.00, in full payment for making this Release. I agree that I will not seek anything further including any other payment from you.

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. 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:

 _____ (Seal)
MARIE CHABOT

 _____ (Seal)
KEVIN CHABOT

STATE OF NEW JERSEY, COUNTY OF
I CERTIFY that on

SS:
, 2011,