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COPY

KEVIN ALI,

Plaintiff,

v.

TOWNSHIP OF MONTCLAIR,
MONTCLAIR TOWNSHIP POLICE
DEPARTMENT, DAVID SABAGH,
Individually and in his official capacity as
Police Chief, POLICE OFFICER
LOCKLEAR, Individually and in his official
capacity as Police Officer, POLICE OFFICER
RUSSO, Individually and in his official
capacity as Police Officer, and JOHN DOES 1-
10 (fictitious names for presently unidentified
officers),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY

DOCKET NO.: L-7172-14

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff Kevin Ali, residing at 25 Franklin Place, in the City of Montclair, County of Essex,
State of New Jersey, by way of Complaint against the Defendants, says:

PARTIES

1. Plaintiff KEVIN ALI personally witnessed the occurrences described herein.
2. Defendant TOWNSHIP OF MONTCLAIR is a public entity doing business at 205
Claremont Avenue, Montclair Township, New Jersey 07042.

3. Defendant MONTCLAIR TOWNSHIP POLICE DEPARTMENT is a public entity doing business at 647 Bloomfield Avenue, Montclair Township, New Jersey 07042.
4. Defendant DAVID SABAGH was the Police Chief of the Montclair Township Police Department at all times relevant to this Complaint.
5. At all relevant times, Defendant POLICE OFFICER LOCKLEAR was employed as a police officer by Defendants TOWNSHIP OF MONTCLAIR and MONTCLAIR TOWNSHIP POLICE DEPARTMENT.
6. At all relevant times, Defendant POLICE OFFICER RUSSO was employed as a police officer by Defendants TOWNSHIP OF MONTCLAIR and MONTCLAIR TOWNSHIP POLICE DEPARTMENT.
7. Defendant POLICE OFFICER RUSSO aided and abetted and/or conspired and/or acted in concert with Defendant POLICE OFFICER LOCKLEAR to deprive Plaintiff of his civil rights.
8. Defendants JOHN DOES 1-10 are presently unknown police officers employed by Defendant TOWNSHIP OF MONTCLAIR as officers acting under the authority of Defendant MONTCLAIR TOWNSHIP POLICE DEPARTMENT.

FACTS COMMON TO ALL COUNTS

9. On or about October 12, 2012, at approximately 9:30 a.m., Plaintiff KEVIN ALI was a passenger riding in his friend Adele Perdue's automobile which she was driving.
10. Ms. Perdue was driving on Bloomfield Avenue near Park & Midland.
11. At this point, with Ms. Perdue operating the motor vehicle, she was directed by the police to pull her automobile over.

12. When Ms. Perdue stopped her vehicle, Plaintiff KEVIN ALI asked the officer what was the reason for the stop.
13. The officer replied that Ms. Perdue did not yield to a pedestrian.
14. At this point the officer ordered Plaintiff KEVIN ALI out of the car.
15. When Plaintiff KEVIN ALI began to exit the vehicle the officer told him to get back into the car.
16. When Plaintiff KEVIN ALI got back into Ms. Perdue's vehicle, police once again ordered him out, this time to place him under arrest.
17. Plaintiff KEVIN ALI complied with their instructions, and conducted himself peaceably throughout the encounter.
18. Nevertheless, the Defendants caused Plaintiff KEVIN ALI to be charged with violating N.J.S.A. 2C:33-2a(1) (Disorderly Conduct) and N.J.S.A. 2C:29-1(a) (Obstructing Administration of Law or Governmental Function) under Complaint No. S 2012 000642.
19. Plaintiff KEVIN ALI was taken to Defendant MONTCLAIR TOWNSHIP POLICE DEPARTMENT's local station.
20. While in the custody of Defendant MONTCLAIR TOWNSHIP POLICE DEPARTMENT, Plaintiff was ordered to take his clothes off in a humiliating manner while officers around him ridiculed and laughed at Plaintiff.
21. Defendant POLICE OFFICER LOCKLEAR wrote up and signed the criminal complaint but Defendant POLICE OFFICER RUSSO was the officer that arrested the Plaintiff.
22. At the criminal trial, the officers affirmed that there was no tape of the incident.
23. At the conclusion of the criminal trial, Plaintiff was found not guilty of all charges and was exonerated of the allegations that Defendants TOWNSHIP OF MONTCLAIR,

MONTCLAIR TOWNSHIP POLICE DEPARTMENT, POLICE CHIEF DAVID SABAGH, POLICE OFFICER LOCKLEAR and POLICE OFFICER RUSSO brought against him.

COUNT ONE

VIOLATION OF CIVIL RIGHTS

24. At the all times alleged, Officers Locklear, Russo and John Does 1-10 were citizens of the State of New Jersey and were employed by the Township of Montclair as police officers.
25. At the all times alleged, David Sabagh was a citizen of the State of New Jersey and was employed by the Township of Montclair as Police Chief.
26. On or about October 12, 2012, at approximately 9:30 a.m., Officers Locklear, Russo and John Does 1-10 unlawfully detained Plaintiff when he had committed no crime or offense.
27. The officers ordered Plaintiff out of the car he was seated in as a passenger and then ordered him to reenter the car.
28. The officers fabricated a set of facts claiming that Plaintiff was shouting and threatening officers and pedestrians.
29. These false allegations resulted in Plaintiff being wrongfully arrested and charged with Disorderly Conduct and Obstructing Administration of Law or Governmental Function contrary to N.J.S.A. 2C:33-2a(1) and N.J.S.A. 2C:29-1(a), respectively.
30. In fact, there was no probable cause for either offense.
31. All charges against the Plaintiff were dismissed.

