Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 3 of 13 PageID: 3 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 3 of 12 PageID: 23182

Randy P. Catalano, Esquire Sentry Office Plaza, Suite 100 216 Haddon Avenue Westmont, NJ 08108 (856) 858-1115

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

RONALD BROWN,

Plaintiff,

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CIVIL NO.

TOWNSHIP OF WINSLOW,
TOWNSHIP OF WINSLOW CHIEF
OF POLICE ANTHONY BELLO,
PATROLMAN SEAN RICHARDS,
JOHN DOES 1-25 (fictitious names)
and JOHN DOES 26-50 (fictitious
names), jointly, severally and/or in
the alternative,

CIVIL ACTION

COMPLAINT

JURY DEMAND

Defendants.

Plaintiff, Ronald Brown, residing in the Township of Winslow, County of Camden and State of New Jersey, by way of Complaint says:

#### JURISDICTION AND VENUE

1. Plaintiff, Ronald Brown, brings this action against defendants to recover damages for deprivation and violation of rights secured to him by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, by 42 U.S.C. § 1983 and by the New Jersey Constitution.

Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 4 of 13 PageID: 4 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 4 of 12 PageID: 23183

- 2. Plaintiff seeks redress for defendants' violation of his Fourth Amendment rights to be free from excessive force, unlawful arrest, false imprisonment, and malicious prosecution; for their violation of his 14<sup>th</sup> Amendment rights to due process of law; for their violation of his rights provided by 42 U.S.C. § 1983; for conspiring with each other to violate his rights under the Fourth and 15<sup>th</sup> Amendments; for their violation of constitutional rights including his right to be free from excessive force, false arrest, false imprisonment, malicious prosecution, malicious abuse of process, intimidation, retaliation, emotional distress and negligence; and for defendants conspiracy to commit these violations.
- 3. This court has jurisdiction over this action under 38 U.S.C. § 1331 and 1343 (a) for violation of constitutional rights as provided in 42 U.S.C. § 1983. Plaintiff seeks monetary damages as well as attorney's fees and costs pursuant to 42 U.S.C. § 1988.
- Plaintiff also invokes the supplemental jurisdiction of this court over a state law claims against defendants pursuant to 28 U.S.C. § 1367 because the state law claims form part of the same case or controversy.
- 5. Venue is proper in this District Court pursuant to 28 U.S.C. § 1391 because the initial acts complained of occurred in the Township of Winslow, County of Camden and State of New Jersey.

#### PARTIES

- 6. At all relevant times alleged herein, plaintiff was and is a citizen of the United States and the State of New Jersey, residing in Winslow Township, New Jersey.
- 7. At all relevant times alleged herein, defendant, Township of Winslow defendants and body (hereinafter "Township" or "Winslow") was the employer of the individual defendants and body politic of the State of New Jersey, and as such, was responsible for the institutionalized policies

Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 5 of 13 PageID: 5 Case 1:33-av-06001 Document 775 Filed 09/17/10 Page 5 of 12 PageID: 23184

and practices of the Police Department, had disciplinary control over subordinate members of its Police Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Police Department.

- 8. At all times alleged herein, defendant Township of Winslow was the employer of the individual defendants and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Police Department which fostered, permitted or acquiesced in violations of the constitutional rights of citizens including plaintiff, Ronald Brown.
- 9. At all relevant times, defendant John Does 1-25 (fictitious names) were individuals and/or employed by the Township of Winslow and/or Police Department ("Police Department") who were acting in such capacity and under color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff, but expect to be ascertained in discovery.
- 10. At all relevant times, defendant John Does 26-50 (fictitious names) were individuals employed by the Township of Winslow and/or Police Department ("Police Department") who may have been responsible for the actions or inactions of the other defendants and were acting in such capacity and under color of state law. These defendants are fictitious names for individuals whose identities are currently unknown to plaintiff, but expect to be ascertained in discovery.
- 11. At all relevant times, all named defendants are being viewed in their and individual and official capacity. Patrolman Richards and John Does 1-25 were at the time, police officers employed by defendant, Township of Winslow and/or Police Department and were acting in such capacity and under color of state law. They are being sued in their official and individual capacities.

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 6 of 13 PageID: 6 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 6 of 12 PageID: 23185

12. Chief Anthony Bello was at all relevant times alleged herein the Chief of Police for Township of Winslow. In that capacity, he was the official policy maker for the Township of Winslow with respect to the policy, practices and customs of the Police Department. Chief Anthony Bello is being sued in his both his individual and official capacities.

#### FACTS

- 13. On or about September 19, 2008, plaintiff, Ronald Brown, was sitting in a parked vehicle owned by a friend when he was approached by Patrolman Sean Richards who was on duty and assigned to bicycle patrol.
- 14. Patrolman Richards, without reasonable or probable cause, and without explanation, ordered the plaintiff to exit the vehicle and place his hands on the car.
- 15. After the plaintiff exited the vehicle as instructed, Patrolman Richards handcuffed the plaintiff and threw plaintiff to the ground, utilizing grossly excessive and unnecessary force, thereby causing the plaintiff to sustain serious injuries.
- 16. After being released from police custody, plaintiff was treated for his injuries which included injury to his right shoulder, lower back and right leg.
- 17. Defendant police officers, without reasonable or probable cause, and without explanation, detained the plaintiff and placed him under arrest, utilizing grossly excessive force.
- 18. Plaintiff Brown was taken into custody and transported by one or more of the individually named defendants by a police vehicle to the Winslow Township Police Station.
- 19. Upon arrival to the Winslow Township Police Station, plaintiff was then transported to the hospital for evaluation. Thereafter, he was taken to the Camden County prison where he remained in the infirmary for approximately one week receiving medical treatment.

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 7 of 13 PageID: 7 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 7 of 12 PageID: 23186

### FOURTH COUNT (Fourth Amendment Violations)

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- 20. Plaintiff hereby incorporates the previous allegations of the Complaint as if same were set forth at length herein.
- 21. Plaintiff's detention and arrest by the defendants, jointly, severally or in the alternative, and/or John Does 1-25, and/or John Does 26-50 was done with actual malice and knowledge that the detention was without any legal justification, probable cause or reasonable belief that probable cause existed.
- 22. The amount of force utilized in the arrest, detention, handcuffing and confinement of plaintiff, the harassment and intimidation of plaintiff by officers and/or John Does 1225 and/or John Does 26-50 was excessive under the circumstances and violated the plaintiff's federal and state constitutional rights to be free from unlawful arrest and seizure.
- 23. As a direct and proximate result of the unnecessary and grossly excessive use of force by the defendant officers, plaintiff sustained serious injuries of a temporary and permanent nature, was caused pain and suffering, emotional distress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, and was otherwise injured and damaged.
- 24. The defendants, Township of Winslow, Township of Winslow Chief of Police Anthony Bello, John Does 26-50 were responsible for the aforesaid actions of defendants, specifically, Patrolman Scan Richards and John Does 1-25 (fictitious names) by principles of common law agency, the doctrine of respondent superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Ronald Brown demands judgment for compensatory and punitive damages against defendants, Patrolman Soan Richards, John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment for

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 8 of 13 PageID; 8 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 8 of 12 PageID; 23187

compensatory damages against defendants, Township of Winslow, Township of Winslow Chief of Police Anthony Bello and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

#### SECOND COUNT

(Violation of New Jersey Civil Rights)

- 25. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.
- 26. The aforesaid improper actions of the defendants also violated the plaintiff's clearly established rights under the Constitution of New Jersey.
- 27. As a result, plaintiff is entitled to seek redress for such improper actions in a private action, pursuant to the New Jersey Civil Rights Act.
- State Law rights, he sustained the aforementioned injuries and damages.
- 29. In addition and pursuant to N.J.S.A. 10:6-2, the plaintiff is entitled to attorney fees in connection with the claims asserted herein.
- 30. The defendants, Township of Winslow, Township of Winslow Chief of Police Anthony Bello and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman Scan Richards and/or John Does 1-25 (fictitious names) by principals of common law agency, the doctrine of respondent superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Ronald Brown, demands judgment for compensatory and punitive damages against defendants, Patrolman Sean Richards, John Docs 1-25 (fictitious on a names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Township of Winslow, Township of Winslow Chief of Police

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 9 of 13 PageID: 9 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 9 of 12 PageID: 23188

Anthony Bello and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

#### THIRD COUNT

(42 U.S.C. Section 1983 Municipal Liability)

- 31. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.
- 32. The Township of Winslow and/or the Township of Winslow Police

  Department had a policy, practice and/or custom of permitting its police officers to infringe upon
  the civil rights of citizens, including but not limited to plaintiff, Ronald Brown.
- discipline officers, failed to investigate allegations of police violations and permitted the officers to continue to engage in conduct that violates the rights of citizens.
- 34. Township of Winslow Chief of Police Anthony Bello is the final policymaker for the Township of Winslow Police Department.
- 35. Chief Bello has a policy, practice and/or custom of failing to investigate allegations of police misconduct, failing to train officers on the proper use of force and probable cause to arrest, and acquiesoing in the police misconduct by his officers.
- 36. As a direct and proximate result of the acts/omissions of the Township of Winslow and the Police Department, plaintiff suffered and will continue to suffer injury.
- WHEREFORE, plaintiff, Ronald Brown, demands judgment for compensatory and damages against defendants, Township of Winslow, Township of Winslow Chief of Police

  Anthony Bello and John Does 26-50 (fiotitious names) together with interest, atterney fees and costs of suit.

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 10 of 13 PageID; 10 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 10 of 12 PageID: 23189

#### FOUR'TH COUNT (42.U.S.C. SECTION 1983 LIABILITY)

- 37. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.
- 38. The Township of Winslow and/or the Police Department failed to adequately train and/or supervise the officers to carry out their duties in a lawful manner.
- 39. The constitutional violation by the defendants was reasonably foreseeable, however the Township and the Police Department failed to take any actions to investigate, discipline, train and correct the actions of the officers from prior constitutional violations.
- 40. The supervisors of the named defendants knew of the unconstitutional behavior of the defendants, and failed to adequately supervise, train and/or intercede to stop the violations by the named defendants.
- Winslow, the supervisors, and the Police Department, plaintiff suffered and will continue to experience pain and suffering in the future.

WHEREFORE, plaintiff, Ronald Brown demands Judgment for compensatory and punitive damages against defendants, Patrolman Sean Richards, John Does 1-25 (fictitious names), together with interests, attorney fees and costs of suit, and a judgment for compensatory damages against defendants, Township of Winslow, the Township of Winslow Chief of Police Anthony Bello and John Does 26-50 (fictitious names) together with interest, attorney fees and costs of suit.

# (Negligence)

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42. Plaintiff hereby incorporates the contents of all previous paragraphs as if set

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Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 11 of 13 PageID: 11 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 11 of 12 PageID: 23190

forth at length herein.

- 43. To the extent that defendants' actions are found not to have been willful or intentional, then plaintiff asserts that said actions constituted ordinary negligence and/or showed an absence of good faith and plaintiff is entitled to recover damages under the common law of the State of New Jersey.
- 44. As a direct and proximate result of the negligence and absence of good faith on the part of defendants, the plaintiff sustained the aforementioned injuries and damages.
- The defendants, Township of Winslow, Township of Winslow Chief of Police Anthony Bello and/or John Does 26-50 (fictitious names) were responsible for the aforesaid actions of defendants, Patrolman Sean Richards and John Doe Police Officers 1-25 (fictitious names) by principles of common law agency, the doctrine of respondent superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Ronald Brown demands judgment for compensatory and pumitive damages against defendants, Patrolman Sean Richards and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of suit; and a judgment of compensatory damages against defendants, Township of Winslow, the Township of Winslow Chief of Police Anthony Bello and John Does 26-50 (fictitious names), together with interest, attorney fees and costs of suit.

#### SIXTH COUNT (State Law Torts)

- 46. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.
- 47. The defendant police officers, acting within the course and scope of their authority, wrongfully and unlawfully assaulted and battered the plaintiff, Ronald Brown.

Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 12 of 13 PageID: 12 Case 1:33-av-00001 Document 775 Filed 09/17/10 Page 12 of 12 PageID: 23191

- 48. The aforesaid actions of the defendant police officers placed the plaintiff, Ronald Brown, in reasonable fear of imminent bodily harm and resulted in his being unlawfully touched, assaulted and abused against his will.
- 49. As a direct and proximate result of the malicious, intentional and/or reckless actions of the defendant police officers, the plaintiff, Ronald Brown, was caused to suffer the aforementioned injuries and damages which are both permanent and substantial and satisfy the claims under New Jersey law.

50. The defendants, Township of Winslow, Township of Winslow Chief of Police Anthony Bello and/or John Does 26-50 were responsible for the aforesaid actions of defendants, Patrolman Sean Richards and John Doe Police Officers 1-25 (fictitious names) by principals of common law agency, the doctrine of respondent superior and otherwise by applicable statute.

WHEREFORE, plaintiff, Ronald Brown demands judgment for compensatory and punitive damages against defendants, Patrolman Sean Richards and John Doe Police Officers 1-25 (fictitious names), together with interest, attorney fees and costs of sult; and a judgment of compensatory damages against defendants, Township of Winslow, the Township of Winslow Chief of Police Anthony Bello and John Does 26-50 (fictitious names), together with interest, attorney fees and costs of sult.

## (Conspiracy)

- 51. Plaintiff hereby incorporates the contents of all previous paragraphs as if set forth at length herein.
- 52. Some of the aforesaid acts of the defendants were conducted recklessly or with intent of causing the plaintiff severe emotional distress.

Case 1:10-cv-04774-JBS -JS Document 1 Filed 09/17/10 Page 13 of 13 PageID; 13

53. The conduct of the defendants was extreme and outrageous, which caused the plaintiff to suffer severe emotional distress as a result of the previously mentioned conduct.

WHEREFORE, plaintiff, Ronald Brown demands judgment against defendants,
Patrolman Sean Richards and John Doe Police Officers 1-25 (fictitious names), jointly, severally
and in the alternative, together with interest, attorney fees and costs of suit.

Dated: September 16, 2010

### JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues.

Dated: September 16, 2010

ttorney for Daintiff

Attorney for Plaintiff

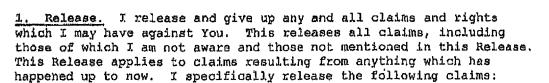
This Release, dated January 20, 2013, is given

BY the Releasor(s)

RONALD BROWN referred to as "I,"

TO

TOWNSHIP OF WINSLOW, ANTHONY BELLO, and OFFICER SEAN RICHARDS referred to as "YOU" and "YOUR."



Any and all claims for alleged State or Federal Constitutional violations, personal injuries, medical benefits, including liens of any nature whatsoever, pain and suffering, property damage, loss of use, and loss of enjoyment arising out of the alleged incident which occurred on or about September 19, 2008 and which is the subject of the captioned matter Ronald Brown v. Township of Winslow, et al., under the docket number 1:10-cv-04774-JBS-JS, filed in U.S. District Court, New Jersey

- 2. No Admission of Liability. This release is not meant to be construed as an admission of liability as to any party, as liability is disputed and denied. It is further specifically understood and agreed that You do not make any admission of liability by making payment pursuant to this Release and that the settlement is entered into solely for the purposes of terminating the legal proceedings in this matter.
- 3. Payment. In consideration for making this Release, You have agreed to pay me a settlement of \$42,500.00. I further understand and agree that I will not seek anything further including any other payments from You for consequential, property and/or punitive damages, costs, interest, and/or attorney fees.
- 4. Agreement to Satisfy and Indemnify with Respect to Bills and/or Liens. I agree to satisfy out of the proceeds of the within settlement any and all bills and/or liens which in anyway relate to the above referenced claims and alleged injury/damage, out of the monies that You are paying pursuant to this Release. In recognition of the Releasor's obligation to satisfy all such bills and/or liens out of the aforesaid settlement proceeds, I further agree to defend FEB 2 6 2013

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MEGELYCA JAN 2 Y 2012 and indemnify You, Your attorneys, and Your liability insurance carriers from and against any and all claims made or actions filed against You, Your attorneys, or Your liability insurance carriers for payment of any such bills and/or liens.

- 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 of my estate, is also bound. This Release is made for Your benefit and all who succeed to Your rights and responsibilities.
- 6. Warranty of Capacity to Execute. I represent and warrant that no other person or entity has or has had any interest in the claims, demands, obligations, or causes of action referred to in this Release except as otherwise set forth herein and that I have the sole right and exclusive authority to execute this Release and receive the sum specified above; and that I have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in this Release.
- 7. Representation of Comprehension of Document. In entering into this Release, I represent that I have relied upon the legal advice of my attorney, who is the attorney of my choice, and that the terms of this Release have been completely read and explained to me by my attorney, and I fully understand and voluntarily accept the terms of this Release. I represent and certify that no pressure has been exerted upon me to accept the terms of this Release and to settle this matter, and I have done so of my own free will.
- 8. Signature. I understand and agree to the terms of this Release.

| Witnessed or Attested by:                               | X Lonald Brown | (Seal) |
|---|----------------|--------|
|   | RONALD BROWN   |        |
| STATE OF NEW JERSEY, COUNTY OF I CERTIFY that on $2/20$ | , 2013,        |        |

RONALD BROWN personally came before me and acknowledged under oath to my satisfaction that this 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.

Karina Eden Notary Public My Commission Expires February 1, 2015

**CSI MT LAUREL** 

FEB 2 6 2013

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