



official capacity as Chief of Police of the City of Bridgeton (“Chief Ott”); (iii) Police Lieutenant J. Branch (“Lt. Branch”), in his official and individual capacity as a Lieutenant of the City of Bridgeton Police Department; and (iv) the City of Bridgeton, New Jersey, through its Police Department (the “City of Bridgeton”).

2. As alleged in more detail below, the Individual Police Officer Defendants made an illegal arrest of plaintiff, Phillip A. DuBose after what was at most a minor parking violation, using violent physical force that resulted in a concussion, two orbital fractures, eye injuries, shoulder injuries and multiple abrasions, in violation of the laws of the United States and of the State of New Jersey. See Exhibit A (post-incident photograph of Mr. DuBose in the hospital).

3. The serious bodily injuries inflicted on Mr. DuBose during the assault by the Individual Police Officer Defendants caused him to incur significant medical bills and other monetary damages, including lost wages and other income arising from Mr. DuBose’s inability to work for several months after the incident.

4. The violations of Plaintiff’s rights that are described in this Complaint arose from the policies and customs of the City of Bridgeton, as implemented by its Police Department under the direction of Chief Ott, to: (i) inflict unreasonable force on persons suspected of committing minor offenses, particularly where the suspects, as in this case, are of African-American or other racial minority descent; and (ii) refrain from providing effective training, oversight, and discipline to members of the City of Bridgeton Police Department (the “Police Department”), as a result of which the Individual Police Officer Defendants expected that their mistreatment of Mr. DuBose would not result in adverse consequences to them, and could be inflicted with impunity under color of law.

5. The aberrant culture that prevailed in the Police Department at all times relevant

to this Complaint is exemplified by the case of Rigoverto Diaz, a Mexican immigrant worker who was arrested by Bridgeton police officers Carl Holliday and Gregory Willis on November 10, 2006 and then driven to a parking lot at Mary Elmer Lake, where Mr. Diaz was beaten and robbed. Similar to Mr. DuBose, Mr. Diaz sustained serious internal injuries at the hands of Bridgeton police officers, which required emergency room treatment.

6. As a result of the Diaz incident, Officer Willis resigned as a police officer and later pleaded guilty to official misconduct. Diaz filed a claim with the New Jersey Victims of Crime Compensation Board, which paid \$1,600 towards Diaz's medical bills. Although the amount of the settlement with Diaz was confidential, by information and belief the City of Bridgeton paid at least \$25,000 to settle the Diaz case.

7. By information and belief, the Diaz case and the DuBose case are not the only incidents where City of Bridgeton police officers have violated the rights of arrestees with impunity. To the contrary, City of Bridgeton police officers are believed to have pursued a policy and custom of "roughing up" immigrant workers, and of maliciously abusing criminal suspects in custody.

#### **PARTIES**

8. Plaintiff, Phillip A. DuBose ("Mr. DuBose"), at all times relevant, was a resident of the City of Bridgeton and married to plaintiff Cheryl DuBose.

9. Plaintiff Cheryl DuBose ("Mrs. DuBose"), at all times relevant, was a resident of the City of Bridgeton and married to Mr. DuBose.

10. The City of Bridgeton is a municipal corporation of the State of New Jersey with offices located at 181 E. Commerce Street, Bridgeton, NJ 08302. At all times relevant to this Complaint, the City of Bridgeton: (i) was the public employer of the Individual Police Officer

Defendants, (ii) was the public employer of Chief Ott and Lt. Branch; and (iii) operated the City of Bridgeton Police Department.

11. The City of Bridgeton Police Department is a department and/or instrumentality of defendant City of Bridgeton, with offices located at 330 Fayette Street, Bridgeton, NJ 08302.

12. The Individual Police Officer Defendants were at all times relevant to this Complaint duly appointed officers of the Police Department, acting under color of law, pursuant to the statutes, ordinances, regulations, policies, customs, and usages of the City of Bridgeton.

13. Chief Ott was at all times relevant to this Complaint a duly appointed and acting officer of the City of Bridgeton, and was vested by state law with the authority to make policy on: (i) the use of force by police officers; (ii) internal affairs investigations; (iii) effectuating arrests; (iv) police-citizen encounters; and (v) disciplining officers.

14. Lt. Branch was the duty officer in charge when Mrs. DuBose went to the City of Bridgeton Police Department to locate her husband.

15. The residence addresses of the Individual Police Officer Defendants, Chief Ott and Lt. Branch are at this time unknown, but these defendants work and may be served with process at their place of employment, the City of Bridgeton Police Department, with offices located at 330 Fayette Street, Bridgeton, NJ 08302.

#### **JURISDICTION AND VENUE**

16. The Court has jurisdiction to hear this case pursuant to 28 U.S.C. § 1343 (a)(3), in that plaintiffs seek by this action to redress the deprivation, under color of State law, custom or usage, of rights, privileges and immunities secured to the plaintiffs by the Constitution of the United States and other federal law.

17. Venue of this action is proper in the District of New Jersey, Camden Vicinage pursuant to 28 U.S.C. § 1391 (b), in that the defendants reside in the District of New Jersey,

Camden Vicinage, and a substantial part of the events giving rise to the plaintiffs' claims occurred in the same District and Vicinage.

18. Plaintiffs have provided the defendants with timely advance notice, as required by the New Jersey Human Relations Act, of their intent to file this civil action.

#### **FACTUAL BACKGROUND**

19. At or around 5:30 p.m. on February 20, 2013, at or near Wood and York Streets in the City of Bridgeton, Mr. DuBose was approached by one or more of the Individual Police Officer Defendants for trivial conduct (temporary double parking followed by use of a car horn) that did not involve any circumstances justifying a citation or an arrest.

20. When Mr. DuBose attempted to park legally, in an open, on-street parking place, Bridgeton Police pulled up directly behind the DuBose vehicle so that it could not be parked.

21. In response, Mr. DuBose moved his car a short distance forward to Wood Street, where he legally parked. Shortly afterwards, police issued Mr. DuBose tickets for Double Parking and Excessive Use of a Horn.

22. When Mr. DuBose saw the amount of the citations that he had been issued, he momentarily lost his temper, and struck the steering wheel of his vehicle, which caused an inadvertent contact with the vehicle's horn.

23. At that point, the Individual Police Officer Defendants exited their vehicles, surrounded Mr. DuBose's vehicle, and yelled, "Get out of the truck!"

24. Immediately after Mr. DuBose left the safety of his vehicle, he was attacked by the Individual Police Officer Defendants, who acted in concert and used excessive force by punching and kicking Mr. DuBose, pulling his arms behind his shoulders; spraying him with mace, and forcing him, face down, onto the pavement.

25. The excessive force used against Mr. DuBose was not necessary to protect any of the Individual Police Officer Defendants, or to protect any other person in the area.

26. Immediately before starting the assault, one or more of the Individual Police Officer Defendants turned off their body mic, so that the assault would not be recorded.

27. When the attack subsided, a bloodied Mr. DuBose pulled himself up from the pavement, telling the Individual Police Officer Defendants. "You beat me up for nothing." In response, one or more of the Individual Police Officer Defendants said "Look at your face now, wise guy."

28. Mr. DuBose was left bleeding and completely incapacitated by the Officers' assault, and the Individual Police Officer Defendants soon realized that they would need to take Mr. DuBose for medical treatment. As this decision was made, one or more of the Individual Police Officer Defendants took photos of Mr. DuBose for their own amusement.

29. Upon arrival at the Emergency Room of the Bridgeton Health Center (the "ER"), plaintiff's initial diagnosis by Emergency Room physicians was: "Closed Head Injury; Orbital Fracture; Traumatic Iritis; Abrasion of Multiple Sites."

30. In response to the urgent recommendations of ER physicians, Mr. DuBose was rushed to Cooper Hospital in Camden, NJ ("Cooper"), where he received further treatment for injuries to his head, face, and eyes, including CAT Scans and a battery of medical examinations to determine the extent of his injuries. See Exhibit A.

31. At Cooper, Mr. DuBose was kept shackled to his hospital bed by one or more of the Individual Police Officer Defendants, despite the fact that Mr. DuBose presented no danger to the officers, to others, or to himself.

32. Mr. DuBose was held for approximately 24 hours after his discharge from Cooper

Hospital before his wife, Mrs. DuBose, could gather sufficient funds to post bail. Upon reporting to the Bridgeton Police Station to locate her husband, the Lieutenant on duty, Lt. Branch, asked "Wanna see your husband, Missy?" and then held up a photo of Mr. DuBose's bleeding and bruised face, which had been taken by an Individual Police Officer Defendant shortly after the assault.

33. Upon seeing the photo of her husband, and subsequently seeing his injuries in person, Mrs. DuBose experienced shock, horror and fear, and afterwards, experienced persistent feelings of hopelessness, depression and anger as a result of what the Individual Police Officer Defendants had done to Mr. DuBose.

34. Police Department employees treated Ms. DuBose with contempt as she tried to post bail for her husband, repeatedly asking for additional records, and at one point examining Mrs. DuBose's bank book.

35. The video camera attached to the Bridgeton Police patrol car involved in Mr. DuBose's unlawful arrest shows the area where this incident occurred, and confirms that Mr. DuBose did not provoke or initiate any dispute or inappropriate conduct directed towards public order, or to the Individual Police Officer Defendants.

36. Following his arrest, Mr. DuBose was falsely and maliciously charged with New Jersey criminal offenses of disorderly conduct, aggravated assault of a police officer, resisting arrest, and obstructing law enforcement, as a way to provide the Individual Police Officer Defendants with an excuse for their illegal mistreatment of Mr. DuBose. In a further attempt to conceal their illegal conduct, officers posted flyers in the area of the assault, asking that witnesses to an alleged assault of police officers step forward.

37. However, there was no warrant to arrest Mr. DuBose, no probable cause to arrest

him, and no legal excuse for officers to arrest Mr. DuBose and then inflict serious bodily injuries upon him.

38. Subsequent to the incident, on or about January 21, 2014, the assigned Prosecutor withdrew the criminal charges that had been filed against Mr. DuBose, providing governmental acknowledgement that no probable cause to support those charges had ever existed.

**COUNT I**  
**42 U.S.C. § 1983**  
**PHILIP DuBOSE v. THE INDIVIDUAL POLICE OFFICER DEFENDANTS**

39. Plaintiffs incorporate the preceding averments of this Complaint by reference.

40. At all times during the events described above, the Individual Police Officer Defendants assisted each other in performing the unlawful actions described above, and provided their physical presence, support, and the authority of their office to each other during the unlawful arrest and subsequent beating of Mr. DuBose, and the later filing of pre-textual criminal charges against him.

41. The actions and statements by the Individual Police Officer Defendants, as described above, confirm that they acted maliciously, and with the intent to harm Mr. DuBose.

42. As a foreseeable and direct result, Mr. DuBose suffered the following injuries and damages:

- a. The violation of his constitutional rights under the Fourth and Fourteenth Amendment to the United States Constitution to be free from unreasonable search and seizure;
- b. The violation of his right to equal protection of the laws of the United States of America and of the State of New Jersey;
- c. Loss of physical liberty;

- d. Incarceration;
- e. Serious bodily injuries, including concussion, orbital fractures, traumatic iritis, decreased vision, shoulder injuries, and abrasions of multiple sites;
- f. Shame, disgrace and public humiliation;
- g. Physical pain and suffering;
- h. Wage loss from being unable to work after the incident;
- i. Scarring and other permanent physical injuries;
- j. Emotional trauma and loss of well-being, including symptoms consistent with Post-Traumatic Stress Disorder (“PTSD”);
- k. Medical expenses and the financial burden of ongoing medical care as a result of physical injuries sustained in the incident.

**WHEREFORE**, the Plaintiff, Philip DuBose, demands judgment in his favor and against the defendants, jointly and severally, in an amount exceeding \$75,000, to be trebled pursuant to law, together with an award of punitive damages, attorney’s fees pursuant to 42 U.S.C. § 1988, and taxable costs.

**COUNT II**

**42 U.S.C. § 1983**

**PHILIP DuBOSE v. THE CITY OF BRIDGETON and POLICE CHIEF MARK W. OTT**

43. Plaintiffs incorporate the preceding averments of this Complaint by reference.

44. At all times relevant to this action, the City of Bridgeton developed and maintained policies and customs exhibiting deliberate indifference to the constitutional rights of persons in Bridgeton. As exemplified by the Diaz case and the circumstances of this case and others, these policies and customs resulted in a pattern and practice of police officers employed by the City of Bridgeton directing unreasonable force on persons suspected of committing minor

traffic and parking offenses, particularly where the suspects, as in this case, are of African-American or other minority descent.

45. At all times relevant to this action, Chief Ott was vested by state law with the authority to make effective municipal policy on: (i) the use of force by police officers; (ii) internal affairs investigations; (iii) effectuating arrests; (iv) police-citizen encounters; and (v) disciplining officers.

46. Chief Ott did not arrange for the adequate training of the Individual Police Officer Defendants on the extent of force allowed during police-citizen encounters, and when effectuating arrests. Similarly, Chief Ott did not provide for adequate internal affairs investigations, or for sufficient discipline of police officers, following incidents of excessive force.

47. At all times relevant to this action, it was the policy and/or custom of the City of Bridgeton to inadequately and improperly investigate citizen's complaints of police misconduct, and acts of misconduct were instead tolerated by the City of Bridgeton.

48. At all times relevant to this action, it was the policy and/or custom of the City of Bridgeton, as implemented by Chief Ott, to inadequately supervise and train police officers, including the Individual Police Officer Defendants, thereby failing to discourage further constitutional violations by its police officers.

49. At all times relevant to this action, Chief Ott did not require appropriate monitoring, in-service training, retraining, or employment discipline of officers who were known to have engaged in police misconduct.

50. As a result of the above described policies and customs, the Individual Police Officer Defendants inflicted serious bodily injury on Mr. DuBose, and further believed that their

illegal actions directed to Mr. DuBose would not be investigated, remedied, or sanctioned, but would instead be tolerated.

51. The above described policies and customs demonstrated a deliberate indifference on the part of Chief Ott and other policy makers of the City of Bridgeton to the constitutional rights of persons within the city and were the cause of the violations of plaintiff's rights and resulting damages.

52. As a direct and foreseeable result of the actions and/or inactions of the City of Bridgeton alleged herein, plaintiff sustained damages as alleged above.

**WHEREFORE**, the Plaintiff, Philip DuBose, demands judgment in his favor in an amount exceeding \$75,000, to be trebled pursuant to law, attorney's fees pursuant to 42 U.S.C. § 1988, and taxable costs.

### **COUNT III**

#### **42 U.S.C. § 1985 (3) – CONSPIRACY TO DEPRIVE OF CIVIL RIGHTS PHILIP DuBOSE v. THE INDIVIDUAL POLICE OFFICER DEFENDANTS**

53. Plaintiffs incorporate the preceding averments of this Complaint by reference.

54. The Individual Police Officer Defendants conspired with each other, in that they formed the intent to work together in concerted action, and took overt acts towards the completion of illegal goals.

55. The conspiracy described above was motivated by race-based or other improper discriminatory animus, and was designed to deprive Mr. DuBose of his right to be free from an arrest conducted with excessive force, and to equal protection of the laws.

56. The acts taken by the Individual Police Officer Defendants in furtherance of the conspiracy consisted of: (i) the illegal arrest of Mr. DuBose without a warrant, and in the absence of probable cause or reasonable suspicion that he had committed a crime; (ii) the infliction of

serious bodily injury on Mr. DuBose when he objected to his false arrest; and (iii) the improper filing of groundless criminal charges against Mr. DuBose as a pretext for his mistreatment, which were ultimately withdrawn on or around January 21, 2014.

57. As a foreseeable and approximate result of the said acts of the Defendants, Mr. DuBose suffered the following injuries and damages:

- a. Deprivation of his constitutional rights under the Fourth and Fourteenth Amendment to the United States Constitution to be free from unreasonable search and seizure of his person;
- b. Deprivation of his right to equal protection of the laws of the United States of America and of the State of New Jersey;
- c. Loss of physical liberty;
- d. Incarceration;
- e. Serious bodily injuries, including concussion, orbital fractures, traumatic iritis, decreased vision, shoulder injuries, and abrasions of multiple sites;
- f. Physical pain and suffering;
- g. Wage loss from being unable to work after the incident;
- h. Shame, disgrace and public humiliation;
- i. Scarring and other permanent physical injuries;
- j. Emotional trauma and loss of well-being, including symptoms consistent with PTSD;
- k. Medical expenses and the financial burden of ongoing medical care as a result of physical injuries sustained in the incident.

**WHEREFORE**, the Plaintiff, Philip DuBose, demands judgment in his favor in an amount exceeding \$75,000, to be trebled pursuant to law, together with an award of punitive damages, attorney's fees pursuant to 42 U.S.C. § 1988, and taxable costs.

**COUNT IV**  
**PHILLIP DuBOSE v. INDIVIDUAL POLICE OFFICER DEFENDANTS, CHIEF OTT,**  
**AND THE CITY OF BRIDGETON**  
**VIOLATIONS OF NEW JERSEY CIVIL RIGHTS ACT**

58. Plaintiffs incorporate the preceding averments of this Complaint by reference.

59. The acts of the Defendants violated Mr. DuBose's rights under the New Jersey Civil Rights Act and the New Jersey Constitution, in that Mr. DuBose was deprived of the following fundamental rights:

- a. The right to safety and happiness (N.J. Const. Art I (1));
- b. The right against deprivations to person and property based upon national and/or racial origin (N.J. Const. Art. I (6));
- c. The right to be free from unreasonable arrest and seizure (N.J. Const. Art I (7));
- d. The right to be free from cruel and unusual punishment (N.J. Const. Art. I (18)).

60. As a direct and foreseeable result of the actions and/or inactions of the City of Bridgeton alleged herein, plaintiff sustained damages as alleged above.

**WHEREFORE**, the Plaintiff, Philip DuBose, demands judgment in his favor and against the defendants, jointly and severally, in an amount exceeding \$75,000, to be trebled pursuant to law, together with an award of punitive damages against the Individual Police Officer Defendants, attorney's fees, and taxable costs.

**COUNT V**  
**NEGLIGENCE – RESPONDEAT SUPERIOR**  
**PHILLIP A. DuBOSE v. CITY OF BRIDGETON**

61. Plaintiff incorporates the preceding averments of this Complaint by reference.

62. The aforementioned incident occurred as a foreseeable and/or factual result of the negligence of Chief Ott and the Police Department in failing to properly hire, train, retrain, and/or discipline the Individual Police Officer Defendants.

63. As a foreseeable and approximate result of the said acts of the Defendants, Mr. DuBose suffered the following injuries and damages:

- a. Loss of physical liberty;
- b. Incarceration;
- c. Serious bodily injuries, including concussion, orbital fractures, traumatic iritis, decreased vision, shoulder injuries, and abrasions of multiple sites;
- d. Physical pain and suffering;
- e. Wage loss from being unable to work after the incident;
- f. Scarring and other permanent physical injuries;
- g. Emotional trauma and loss of well-being, including symptoms consistent with PTSD;
- h. Medical expenses and the financial burden of ongoing medical care as a result of physical injuries sustained in the incident.

**WHEREFORE**, the Plaintiff, Philip DuBose, demands judgment in his favor in an amount exceeding \$75,000, together with an award of attorney's fees where available pursuant to law, and taxable costs.

**COUNT VI**  
**NEGLIGENCE – RESPONDEAT SUPERIOR**  
**CHERYL DuBOSE v. CITY OF BRIDGETON**

64. Plaintiff incorporates the preceding averments of this Complaint by reference.
65. Plaintiff Cheryl DuBose is the lawful wife of the Plaintiff Phillip A. DuBose.
66. As a foreseeable and approximate result of the said acts of the Defendants, Mrs.

DuBose suffered the following injuries and damages:

- a. Loss of the consortium, services and care of her husband, Mr. DuBose;
- b. Loss of family income;
- c. Emotional trauma and loss of well-being, including symptoms consistent with PTSD;
- d. Medical expenses and the financial burden of ongoing medical care for Mr. DuBose as a result of physical injuries sustained in the incident.

**WHEREFORE**, the Plaintiff, Cheryl DuBose, demands judgment in her favor in an amount exceeding \$75,000, together with an award of attorney's fees, and taxable costs.

**COUNT VII**  
**TORTIOUS INFLECTION OF EMOTIONAL DISTRESS – RESPONDEAT SUPERIOR**  
**CHERYL DuBOSE v. LT. BRANCH and CITY OF BRIDGETON**

67. Plaintiff incorporates the preceding averments of this Complaint by reference.
68. When Mrs. DuBose reported to the Police Department to locate her husband, the Lieutenant on duty, Lt. J. Branch, asked "Wanna see your husband, Missy?" and then held up a photo of Mr. DuBose's bleeding and bruised face, which had been taken by an Individual Police Officer Defendant shortly after the assault.

69. Upon seeing the photo of her husband, Mrs. DuBose experienced immediate shock, horror and fear, and afterwards, experienced persistent feelings of hopelessness,

depression and anger as a result of what the Individual Police Officer Defendants had done to Mr. DuBose.

70. The above acts of Lt. Branch were intentional and outrageous, such that a reasonable person, upon being told of them, would find the acts intolerable in civilized society.

71. In the alternative, Lt. Branch recklessly disregarded and/or negligently failed to perceive a substantial and unjustifiable risk that his actions would cause severe emotional distress to Mrs. DuBose.

72. As a foreseeable and approximate result of the said acts of the Defendants, Mrs. DuBose suffered severe emotional distress and loss of well-being, including symptoms consistent with PTSD.

**WHEREFORE**, the Plaintiff, Cheryl DuBose, demands judgment in her favor in an amount exceeding \$75,000, together with an award of punitive damages, attorney's fees, and taxable costs.

#### **JURY DEMAND AND DESIGNATION OF TRIAL COUNSEL**

73. Plaintiffs demand trial by jury on all issues so triable.

74. Plaintiff designates Alfonso Gambone, Esquire and Richard H. Maurer, Esquire as joint trial counsel in this matter.

#### **CERTIFICATION**

75. Plaintiffs, by their counsel, hereby certify that no other actions regarding the matter alleged in this Complaint are related to any other existing case or controversy nor is any related action contemplated at this time.

#### **DEMAND FOR PRESERVATION OF DOCUMENTATION**

76. Plaintiffs hereby demand that all documentation relating to the incidents alleged in this Complaint, including but not limited to photographs, e-mails, text messages and other

electronically stored information, be immediately collected, stored, and saved from deletion.

Respectfully submitted,

LAW OFFICES OF RICHARD MAURER



By:

---

Richard H. Maurer  
RM4782  
The Belmont Building  
211 N. 13<sup>th</sup> Street, Suite 801  
Philadelphia, PA 19107  
(215) 755-9000

GAMBONE LAW OFFICES  
Alfonso Gambone  
AG4945  
The Belmont Building  
211 N. 13<sup>th</sup> Street, Suite 801  
Philadelphia, PA 19107  
(215) 755-9000

Dated: April 7, 2014