



## **INTRODUCTION**

1. This action for declaratory, injunctive, monetary and other appropriate relief is brought by Plaintiff to redress the intentional violations by Defendants of the rights secured by her by the laws of the United States of America and State of New Jersey.

## **JURISDICTION**

2. This action is brought pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1343(3) and the aforementioned statutory and constitution provision.

3. Jurisdiction lies over state and law claims based on the principals of supplemental jurisdiction, as codified at 28 U.S.C. § 1367.

4. The amount of controversy exclusive of interest and costs exceeds the sum of One Hundred Thousand Dollars (\$100,000.00).

## **VENUE**

5. All the claims herein arose within the jurisdiction of the United States District Court of New Jersey and involve Defendants who reside within the jurisdictional limits. Venue is accordingly invoked pursuant to the dictates of 28 U.S.C. § 1391(b) and (c).

## **PARTIES**

6. Plaintiff is an adult individual citizen of the State of New Jersey and resides at the above address. Plaintiff is at all times relevant hereto, is and was diabetic.

7. Defendant City of Bridgeton ("City") is a municipality, organized by and through the State of New Jersey.

8. Defendant Police Officer Shane Sawyers ("Defendant Sawyers") is a City police officer employed by and the agent of the City. Defendant Sawyers is sued in his individual and official capacities.

9. Defendant Police Officer Robert Robbins ("Defendant Robbins") is a City police officer employed by and the agent of the City. Defendant Robbins is sued in his individual and official capacities.

### FACTS

10. On April 20, 2013, Defendant Officers came to Plaintiff's house, charging her with contempt for violating a no contact order, accusing her of calling the subject of the order, Gloria Simpkins' house.

11. Plaintiff asked Defendant Officers to allow her to finish eating, before going to the police station, because she is a diabetic.

12. Before Plaintiff could eat anything further, Defendant Sawyers stated he believed Plaintiff ate enough, and instructed Defendant Robbins to take Plaintiff's plate away.

13. Plaintiff then reached to get orange juice, and Defendant Sawyers grabbed her by the arm and bent it behind her back.

14. As Plaintiff screamed in pain, she told Defendant Sawyers that her arm could not bend backwards, due to a frozen shoulder injury.

15. Next, Defendant Robbins grabbed Plaintiff's right arm and told her he was arresting her for resisting arrest.

16. Defendant Sawyers then threw Plaintiff to the floor, and Plaintiff begged the Officers not to pull her arm back, because of her frozen shoulder injury.

17. While on the floor, as Plaintiff begged Defendant Officers to stop abusing her, she locked her two hands in front of her body, asking Defendant Robbins to cuff her arms in front of her body, instead of behind her body, due to her injury.

18. Instead of cuffing Plaintiff, Defendant Sawyers punched her in the face and kicked her.

19. While still on the floor, Defendant Robbins held Plaintiff by her legs as Sawyers pulled her hair and banged her head against the floor.

20. Defendant Sawyers then ordered Defendant Robbins to mace Plaintiff, and Robbins complied, spraying Plaintiff with mace all over her face, eyes, mouth, nose, in her hair, and down her neck.

21. As a result of Defendant Officers' abuse, Plaintiff has suffered shoulder injuries, neck injuries, and psychological harm, and other injuries.

**COUNT I**  
**VIOLATION OF 42 U.S.C. § 1983**  
**EXCESSIVE FORCE**  
**(Plaintiff v. Defendants Sawyers and Robbins)**

22. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

23. Defendant Officers used excessive force thereby violating Plaintiff's rights under the laws of the Constitution of the United States, in particular the 4<sup>th</sup> and 14<sup>th</sup> Amendments and his rights under the Constitution laws of New Jersey.

24. Without any justification or provocation, Defendant Officers willfully and maliciously caused Plaintiff to suffer injuries psychologically, and physically.

25. The actions committed by Defendant Officers constitute intentional misconduct, excessive use of force and deliberate indifference to Plaintiff which caused previously described injuries, in violation of her constitutional rights as previously set forth in the above paragraphs.

WHEREFORE, Plaintiff demands judgment against Defendant Officers in an amount in excess of \$100,000.00, plus interest, costs, attorney's fees and punitive damages.

**COUNT II**  
**BATTERY**  
**(Plaintiff v. Defendants Sawyers and Robbins)**

26. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

27. Defendant Officers, without provocation, justification, permission or cause, did commit battery upon the person of Plaintiff.

28. As a direct result of Defendants' battery, Plaintiff suffered the injuries aforesaid.

WHEREFORE, Plaintiff demands judgment against Defendant Officers in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees and punitive damages.

**COUNT III  
ASSAULT**

**(Plaintiff v. Defendants Sawyers and Robbins)**

29. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

30. Defendant Officers, without provocation, justification, permission or cause, did commit assault upon the person of Plaintiff as aforesaid.

31. As a direct result of Defendant Officers' assault, Plaintiff suffered the injuries aforesaid.

WHEREFORE, Plaintiff demands judgment against Defendant Officers in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees and punitive damages.

**COUNT IV  
VIOLATIONS OF 42 U.S.C. § 1983 FAILURE TO TRAIN  
(Plaintiff v. Defendant City)**

32. Plaintiff incorporates the preceding paragraphs of this Complaint as if same were set forth herein at length.

33. Defendant City has a duty to maintain policies and practices related to arrests, handcuffing, and use of force, consistent with New Jersey Law and the U.S. Constitution.

34. Defendant City has a policy, custom or practice of ignoring the appropriate standards for arrest, handcuffing, and use of force, or has failed to train its officers appropriately.

35. As such, Defendants were deliberately indifferent and reckless with respect to the potential violations of constitutional rights.

36. Defendant City and Defendant's police chief were the moving force behind the actions of Defendant Officers, resulting in the injuries to Plaintiff.

37. Defendant City's policies, practices and/or customs led Defendant Officers to believe that they could violate the constitutional rights of Plaintiff with impunity and with tacit approval of

Defendant City. Defendant City's policies, customs and/or practices were a direct proximate cause of the injuries suffered by Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant City in an amount in excess of \$100,000.00 plus interest, costs, attorney's fees and punitive damages.

ZEFF LAW FIRM, LLC

*/s/ Jennifer L. Prior*  
Jennifer L. Prior, Esq.  
Gregg L. Zeff, Esq.  
*Attorneys for Plaintiff*

Dated: January 28, 2014