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FILED
Superior Court of New Jersey
JUL 29 2014
CIVIL CASE MANAGEMENT
UNION COUNTY

DERRON APPLETON,

Plaintiff,

v.

CITY OF PLAINFIELD, PLAINFIELD
POLICE DEPARTMENT, PLAINFIELD POLICE
DIRECTOR CARL RILEY, MICHAEL BLACK,
ERIC GROETHING, JOHN DOES 1-10(said
names being fictitious), and ABC CORPORATIONS:
1-10 (said names being fictitious),

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - UNION COUNTY
: DOCKET NO.:

UNN-L-2682-14

Civil Action

: COMPLAINT, JURY DEMAND AND
: DESIGNATION OF TRIAL COUNSEL

Derron M. Appleton, for his complaint for discrimination based upon race and for improper search and detention by police officers, and seeking monetary and injunctive relief, alleges as follows:

THE PARTIES

1. Derron M. Appleton ("Appleton"), an African American male born April 16, 1987, is and was at all times relevant to this complaint a U.S. citizen and resident of the City of Plainfield, Union County, New Jersey.
2. Defendant, Plainfield Police Department, is a department of the defendant City of Plainfield (collectively "Plainfield") and polices the City of Plainfield. Plainfield employed the defendants, Michael Black and Eric Groething, at all times relevant to this Complaint.

3. Defendant, Carl Riley, is the Director of the Plainfield Police Department and is named as a defendant in his official capacity as Director of Police in connection with plaintiff's claims for injunctive relief.
4. Defendant, Michael Black ("Black"), at all times relevant to this complaint, was a police officer employed by Plainfield. Upon information and belief, Black is a resident of the State of New Jersey.
5. Defendant Eric Groething ("Groething"), at all relevant times was a police officer employed by Plainfield. Upon information and belief, Groething is a resident of New Jersey.

VENUE

Venue is proper in Union County pursuant to R. 4:3-2(a) because the City of Plainfield and the Plainfield Police Department are located in Union County and the events giving rise to the cause of action occurred in Union County.

FACTUAL ALLEGATIONS

1. At all times relevant to this complaint, Appleton was a member of Higher Heights Realty, LLC, which he had formed as a real estate investment company. Appleton planned on purchasing distressed properties with investors to rehabilitate the properties for rent or sale at a profit.
2. On or about November 17, 2013, Appleton was meeting with prospective investors, Ashleigh Bennet and Esnett Bennett (the "investors"), who were looking at a property in the area of 235 Johnston Avenue, City of Plainfield. At about approximately 3:30 p.m. on that date, Appleton met with the investors and were openly discussing the neighborhood and the prospects of "flipping" the subject property. The discussion was

had on or near the sidewalk, in plain view for any passersby to view and/or hear and centered solely on legitimate business as hereinabove stated.

3. The discussion with the investors completed after a few minutes, and Appleton advised them that he would arrange with the listing agent to look inside the subject property. The investors and Appleton thereafter departed, each to their own vehicle.
4. Appleton's vehicle was parked nearby and he proceeded to enter his motor vehicle, which was legally parked. At that moment, an unmarked police vehicle suddenly pulled alongside Appleton's car and one of the defendant officers exited his vehicle and approached the defendant in a menacing manner. Without introducing himself or the purpose for his soon-to-follow line of questioning, Defendant Groething approached Appleton who was seated in his car and demanded that Appleton explain the reason for his presence in the area.
5. The investors had also been near their vehicle across the street from where Appleton's vehicle was parked. Appleton advised defendant Groething that he was meeting real estate investors, namely his friend and her mother, who were visibly standing across the street. Appleton also explained that he owned a real estate investment company and they were looking to purchase the nearby property.
6. Without more, Groething accused Appleton of "appearing suspicious" and demanded that Appleton produce his personal identifying information.
7. Appleton calmly advised that he would produce the documents because he had nothing to hide but did not understand the reason for the defendant officer's aggressive and intimidating attitude towards him.

8. At that moment, and without cause or consent by Appleton, Groething opened the door to Appleton's vehicle, reached inside, physically grabbed Appleton and forcefully removed him from his vehicle in the presence of the investors and others in the area.
9. Appleton tried to plead with Groething to understand what was happening, but defendant Groething proceeded to violently turn Appleton around, slamming Appleton's body against his motor vehicle.
10. Groething proceeded to pat down Appleton and search within his pockets, removing Appleton's ID from his hand, which Appleton had taken out to give to the defendant just prior to Groething's assault on Appleton.
11. Appleton observed Black standing nearby observing the treatment visited upon him by Groething. Upon information and belief, Black had just completed questioning the investors and had then walked over near Groething who was by this time physically and verbally abusing Appleton.
12. When Appleton pleaded with defendant Black for an explanation (e.g., since Groething would not), defendant Black responded by saying, "we are the cops. We run shit around here."
13. Groething proceeded to handcuff Appleton, advising him that he was placed under arrest, and then Appleton was violently thrown into the police vehicle, striking Appleton's body on the police vehicle.
14. The foregoing events transpired in the presence of the investors and other people in the area nearby.
15. The actions by Groething, with the tacit approval by Black, were done because of Appleton's race as an African American male.

16. Upon entering the police precinct, Groething and Black were joking with other officers about Appleton, who overheard officers jokingly remark that Appleton might be a "gangster."
17. Defendants charged Appleton with obstruction of justice and for having a Christmas tree air freshener hanging from his vehicle's rear view mirror.

COUNT ONE

1. Plaintiff repeats the factual allegations contained in paragraphs 1 through 15 as if set forth in full herein.
2. The defendant Plainfield Police Department and the City of Plainfield are public accommodations within the meaning of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("LAD").
3. Groething and Black unlawfully discriminated against the plaintiff on the basis of his race and violated the LAD by searching and detaining the plaintiff without sufficient basis, by assaulting him, placing him under arrest without cause to do so, fabricating a charge as pretext to their acts of discrimination and by their derogatory remarks directed at plaintiff.
4. Groething and Black were employed by the Plainfield Police Department at all relevant times.
5. The Plainfield Police Department discriminated against the plaintiff on the basis of his race and violated the LAD in the search, assault, arrest, detention, and treatment of the Plaintiff and in the processing of the complaint lodged with the defendant Plainfield Police Department.

6. At all times relevant to this Complaint, Black and Groething acted under the color of their position, in their capacity as police officers of the defendant, City of Plainfield, and within the apparent scope of said authority and individually aided, abetted, incited, compelled and/or coerced the performance of the above unlawful discriminatory practices prohibited by the LAD.
7. All other named or unnamed agents/employees of the defendant City of Plainfield employer acted under the color of their positions, and within the apparent scope of their authority, individually willfully aided, abetted, incited, compelled and/or coerced the performance of the above unlawful, discriminatory and retaliatory practices prohibited by the LAD.
8. Accordingly, the defendant employer is responsible for their actions in violation of the LAD and the defendant, City of Plainfield is jointly and severally responsible for the willful and egregious actions of its employees/agents and the damages sustained by plaintiff as a result thereof.
9. As a direct and proximate cause of the above conduct, the plaintiff suffered and continues to suffer substantial pecuniary harm, diminishment of business reputation, mental and physical harm, including, but not limited to, loss of esteem, disruption to his personal life, emotional trauma and other irreparable harm, pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the defendants as follows:

- (1) awarding a permanent injunction enjoining all defendants, their agents, servants, and employees from discriminating on the basis of race in violation of the New Jersey Law Against Discrimination; and

(2) awarding a permanent injunction directing: (a) the defendants Groething and Black and (b) the defendants Plainfield Police Department, and defendant City of Plainfield, and their directors, officers, agents, and employees, to take all affirmative steps necessary to:

(a) remedy the effects of the unlawful, discriminatory conduct described in this complaint and to prevent similar occurrences in the future; and

(b) establish proper and reasonable training and supervision with respect to unlawful racial discrimination and with respect to proper and reasonable procedures for the receipt, recordation, investigation, and, where warranted, remediation of complaints of unlawful racial discrimination and unlawful search and detention; and

(3) awarding compensatory damages for pain, suffering and humiliation against the defendants Plainfield Police Department, Groething and Black;

(4) awarding attorneys' fees, interest, and costs of suit; and

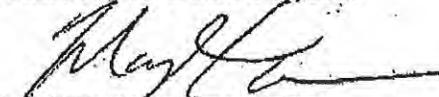
(5) awarding any other relief which this Court deems just and reasonable.

COUNT TWO

1. Plaintiff repeats the factual allegations aforesaid and all allegations in Count One as if set forth in full herein.
2. Defendants' acts of discrimination plaintiff were willful, intentional, wanton, reckless, malicious and made with the intent to injure plaintiff.
3. Therefore, plaintiff is entitled to punitive damages under the LAD.

WHEREFORE, Plaintiffs demand judgment against the defendants awarding compensatory damages for pain, suffering and humiliation and punitive damages against the defendants Plainfield Police Department, Groething and Black; awarding attorneys' fees, interest, and costs of suit; and awarding any other relief which this Court deems just and reasonable.

CRANER, SATKIN, SCHEER,
SCHWARTZ & HANNA, P.C.



MAGED W. HANNA, ESQ.

Dated: July 25, 2014

JURY DEMAND

Demand is made for a trial by jury of all issues.

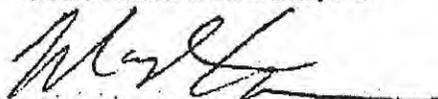
DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Maged W. Hanna as trial counsel in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, and that no action or arbitration proceeding is contemplated.

CRANER, SATKIN, SCHEER,
SCHWARTZ & HANNA, P.C.



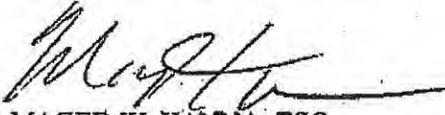
MAGED W. HANNA, ESQ.

Dated: July 25, 2014

CERTIFICATION PURSUANT TO RULE 1:38-7(b)

I hereby certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

CRANER, SATKIN, SCHEER,
SCHWARTZ & HANNA, P.C.



MAGED W. HANNA, ESQ.

Dated: July 25, 2014