



**New Jersey Judiciary  
Superior Court - Appellate Division  
CIVIL CASE INFORMATION STATEMENT**

Please type or clearly print all information.

<b>TITLE IN FULL</b> Ryan Saul, Plaintiff -v.- Township of Manchester, Defendant.	<b>TRIAL COURT OR AGENCY DOCKET NUMBER</b> OCN-L-2381-12
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■ Attach additional sheets as necessary for any information below.

<b>APPELLANT'S ATTORNEY</b> EMAIL ADDRESS: <u>strimboli@trimprulaw.com</u>					
<input type="checkbox"/> PLAINTIFF <input checked="" type="checkbox"/> DEFENDANT <input type="checkbox"/> OTHER (SPECIFY)					
<b>NAME</b> Stephen E. Trimboli, Esq., Trimboli & Prusinowski, L.L.C.			<b>CLIENT</b> Defendant, Township of Manchester		
<b>STREET ADDRESS</b> 268 South Street		<b>CITY</b> Morristown	<b>STATE</b> NJ	<b>ZIP</b> 07960	<b>TELEPHONE NUMBER</b> 973.660.1095
<b>RESPONDENT'S ATTORNEY*</b> EMAIL ADDRESS:					
<b>NAME</b> Peter B. Paris, Esq., Metz, Schiro & McGovern, L.L.P.			<b>CLIENT</b> Plaintiff, Ryan Saul		
<b>STREET ADDRESS</b> 555 U.S. Hwy. 1 South, Ste. 240		<b>CITY</b> Iselin	<b>STATE</b> NJ	<b>ZIP</b> 08830	<b>TELEPHONE NUMBER</b> 732.636.0040

\* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

**GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:**  
 Defendant appeals from an interlocutory order dated October 25, 2012, denying Defendant's motion to dismiss the instant matter as untimely, and from the Court's order of March 11, 2014, amended April 28, 2014, issued pursuant to N.J.S.A. 40A:14-150, reversing and vacating nineteen of twenty discipline charges against Plaintiff, vacating the penalty of termination, and ordering Plaintiff reinstated to employment as a Police Officer with Defendant.

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?     YES     NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4.2:5-6)     YES     NO  
 (If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice?     YES     NO  
 If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h))     YES     NO

**GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:**  
 See Attachment A

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TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(e)(5). (Appellant or cross-appellant only):

See Attachment B

IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? 10.12.12  YES  NO
2. Did the trial judge issue written findings or an opinion? If so, on what date? 2.21.14 and 4.28.14  YES  NO
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:6-1(b)?  YES  NO

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:6-1(b).

DATE OF YOUR INQUIRY: \_\_\_\_\_

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

- (A) Arises from substantially the same case or controversy as this appeal?  YES  NO
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal?  YES  NO
2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY?  YES  NO

IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name: \_\_\_\_\_

Appellate Division Docket Number: \_\_\_\_\_

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.  YES  NO

Explain your answer:

Settlement discussions were attempted at multiple occasions without success.

I 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).

Township of Manchester, Appellant

Name of Appellant or Respondent

Stephen E. Trimboli

Name of Counsel of Record  
(or your name if not represented by counsel)

May 20, 2014

Date

  
Signature of Counsel of Record  
(or your signature if not represented by counsel)

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## ATTACHMENT A

Plaintiff, Ryan Saul, a municipal police officer, was terminated from employment by Defendant, Township of Manchester, on June 29, 2012, following a six-day departmental hearing conducted pursuant to *N.J.S.A.* 40A:14-147. Plaintiff was found to have made false statements about an injury he allegedly incurred while making an arrest; to have made false statements about alleged physical disabilities that allegedly prevented him from participating in mandatory training in the donning of gas masks; and, to have made false statements to investigators and medical doctors during Defendant's investigation of these matters. Additionally, Plaintiff was found to be unfit for duty based on expert psychological testimony. In all, twenty separate charges were sustained against Plaintiff.

Plaintiff provided Defendant with written notice of his intent to appeal to the Superior Court, Law Division, for *de novo* review of his conviction under *N.J.S.A.* 40A:14-150 on July 31, 2012, and filed a complaint seeking such *de novo* review on August 2, 2012. Defendant thereupon moved to dismiss the complaint as untimely filed under the ten-day filing deadline of *N.J.S.A.* 40A:14-150. By order dated October 25, 2012, the trial court denied Defendant's motion. (Exhibit 1, attached).

A trial *de novo* based on the departmental hearing record was conducted by the trial court on January 2, 2014. The trial court permitted Plaintiff to testify during the *de novo* trial insofar as he had not testified at the departmental hearing. On February 21, 2014, the trial court issued a written opinion that reversed the guilty findings on nineteen of the twenty charges against Plaintiff, reduced the penalty against Plaintiff from termination to a written reprimand on the one sustained charge, and directed that Plaintiff

be reinstated with full back pay and benefits. (Exhibit 2, attached). The trial court's opinion was reduced to an order dated March 11, 2014, with the trial court retaining jurisdiction, *inter alia*, over Plaintiff's anticipated application for attorneys' fees. (Exhibit 3, attached).

On April 28, 2014, the trial court entered a further order in the matter, (Exhibit 4, attached), as well as a Civil Motion Statement of Reasons. (Exhibit 5, attached). First, the trial court granted Defendant's motion to amend its March 11, 2014, to delete all reference to back pay and benefits, directing that any such claims that could not be resolved voluntarily should be pursued by way of a separated proceeding under *N.J.S.A. 40A:14-151*. Second, the trial court denied Plaintiff's application for attorneys' fees. An amended order reversing the guilty findings on nineteen of the twenty charges against Plaintiff, reducing the penalty against Plaintiff from termination to a written reprimand on the one sustained charge, and reinstating Plaintiff, but deleting all reference to back pay and benefits, was issued simultaneously. (Exhibit 6, attached).

The denial of Plaintiff's attorneys' fee application resulted in the resolution of all remaining issues in this proceeding and thus constitutes the final determination of the trial court in this proceeding.

**ATTACHMENT B**

1. Did the trial court commit reversible error by failing to grant Defendant's motion to dismiss the complaint in this matter as untimely filed under *N.J.S.A. 40A:14-150*?
2. Did the trial court commit reversible error by failing to grant sufficient deference to the credibility determinations of the hearing officer who conducted the departmental hearing, and who had the opportunity to observe the demeanor of every witness produced by Defendant who testified at the departmental hearing, each of whom the hearing officer found to be credible?
3. Was the trial court's decision to reverse nineteen of the twenty disciplinary charges against Plaintiff that had been sustained at the departmental hearing level arbitrary, capricious, unreasonable, unsupported by substantial credible evidence on the record as a whole, and/or not a reasonable conclusion based on a thorough review of the record?
4. Was the trial court's decision to reverse Plaintiff's termination and order him reinstated to employment arbitrary, capricious, unreasonable, unsupported by substantial credible evidence on the record as a whole, and/or not a reasonable conclusion based on a thorough review of the record?
5. Did the trial court properly apply the "net opinion" rule to discount the report of Township medical expert witness, Dr. David Gallina?