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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

SHAHEEDAH WOODALL and
KHADIJAH WOODALL,

Plaintiffs,

v.

CITY OF ATLANTIC CITY, ATLANTIC
CITY POLICE CHIEF ERNEST JUBILEE,
SYED SHAH, JAMES HURLEY, GARY
STOWE, NATANE NAYLOR, MARY
GRACE COOK, JOSEPH PROCOPIO,
WILLIAM BELL, and JOHN DOES
1 through 10, individually and in their
official capacities, jointly, severally, and in
the alternative,

Defendants.

Civil Action No.

COMPLAINT and
DEMAND FOR JURY

Plaintiffs, by and through their attorneys, bring this Complaint against Defendants and in support thereof allege as follows:

PARTIES

1. Plaintiffs, Shaheedah Woodall and Khadijah Woodall are sisters. They reside in the City of Atlantic City, Atlantic County, New Jersey.

2. Defendant, City of Atlantic City, is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 1301 Bacharach Boulevard, Atlantic City, New Jersey 08401.

3. Defendant Ernest Jubilee, at all relevant times, was the police chief of Defendant City of Atlantic City. Defendant Jubilee developed and was responsible for the policies relating to the proper and lawful use of force and the execution of lawful arrest and the proper use of police dogs in the apprehension of persons reasonably believed to be violating the law in Atlantic City. At all times mentioned in this Complaint, Defendant Mooney was acting under color of law and color of his authority as Police Chief of Atlantic City. He is sued in his official capacity. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

4. Defendant James Hurley, Badge #852, at all relevant times, was a police officer employed by Atlantic City in its police department. At all times mentioned in this Complaint, he was acting under color of law and color of his authority as a police officer of Atlantic City. He is sued in his individual and official capacities. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

5. Defendant Syed Shah, Badge #832, at all relevant times, was a police officer employed by Atlantic City in its police department. At all times mentioned in this Complaint, he was acting under color of law and color of his authority as a police officer of Atlantic City. He is sued in his individual and official capacities. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

6. Defendant, Gary Stowe, Badge #745, at all relevant times, was a police officer employed by Atlantic City in its police department. At all relevant times, he was assigned to the K-9 unit. At all times mentioned in this Complaint, he was acting under color of law and color

of his authority as a police officer of Atlantic City. He is sued in his individual and official capacities. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 084015

7. Defendant, Natane Naylor, Badge #796, at all relevant times, was a police officer employed by Atlantic City in its police department. At all times mentioned in this Complaint, she was acting under color of law and color of her authority as a police officer of Atlantic City. She is sued in her individual and official capacities. Her business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

8. Defendant, Mary Grace Cook, Badge #620, at all relevant times, was a police officer employed by Atlantic City in its police department. At all times mentioned in this Complaint, she was acting under color of law and color of her authority as a police officer of Atlantic City. She is sued in her individual and official capacities. Her business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

9. Defendant William Bell, Badge #458, at all relevant times, was a police sergeant employed by Atlantic City in its police department. At all times mentioned in this Complaint, he was acting under color of law and color of his authority as a police officer of Atlantic City. He is sued in his individual and official capacities. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

10. Defendant Joseph Procopio, Badge #828, at all relevant times, was a police officer employed by Atlantic City in its police department. At all times mentioned in this Complaint, he was acting under color of law and color of his authority as a police officer of Atlantic City. He is sued in his individual and official capacities. His business address is 2715 Atlantic Avenue, Atlantic City, New Jersey 08401.

11. Plaintiffs are unaware of the true names and capacities of those defendants sued as John Does 1 through 10 and therefore sue these defendants using their fictitious names. Plaintiffs will amend this complaint to allege each 10 unknown other named defendants' true names and capacities when that information becomes known. Plaintiffs are informed and believes that each of these 10 unknown other named defendants is legally responsible and liable for the incident, injuries and damages set forth here, and that each of these defendants legally caused the injuries and damages by reason of negligent, careless, deliberately indifferent, intentional, willful, wanton or despicable conduct as described below.

JURISDICTION

12. Plaintiffs invoke jurisdiction pursuant to 28 U.S.C. §1331 as the claims raise federal questions under 42 U.S.C. §1983. Plaintiffs further invoke supplemental jurisdiction pursuant to 28 U.S.C. §1367 for claims arising under state law as these claims form part of the same case and controversy as the claims brought under 42 U.S.C. §1983.

13. Venue is appropriately laid in the District of New Jersey pursuant to 28 U.S.C. §1391(b) as it is the judicial district in which the claims asserted herein arose.

FIRST CAUSE OF ACTION

(Deprivation of Federally Protected Rights as to Defendants Hurley, Stowe, Naylor, Cook, Bell, Procopio and Shah) Excessive Force

14. In the early morning of August 8, 2010 the plaintiffs, Shaheedah (age 26) and Khadijah (age 23), were guests at Bally's Hotel and Casino in Atlantic City.

15. Shaheedah is partially disabled and walks with a noticeable limp. She uses a cane to get around.

16. While at Bally's, several patrons became unruly and a fight erupted on the casino floor.

17. During this melee, both sisters were assaulted by persons unknown to them. During the commotion, Shaheedah was knocked to the ground and lost her cane.

18. At some point, the casino security personnel came on the scene, cleared the casino floor and made everyone leave the casino.

19. The sisters left the casino and waited on the boardwalk at the Bally's entrance for permission to re-enter the casino.

20. Police officers from the Atlantic City Police Department arrived shortly thereafter.

21. The disturbance eventually ended and a small number of individuals, including the Woodall sisters, remained on the boardwalk just outside of the casino.

22. Khadijah approached a group of officers and asked for permission to reenter the casino to retrieve Shaheedah's cane.

23. The officers refused Khadijah's request.

24. The sisters went to other officers on the scene and explained that Shaheedah lost her cane inside the casino. They also advised the officers that they were parked in the casino parking lot and wanted to get their car and go home. They further explained that Shaheedah was disabled and was unable to engage in extensive walking without her cane. The officers summarily denied their request.

25. The sisters eventually approached officers standing close to the casino entry doors and once again sought permission to access the casino.

26. Without any provocation, Khadijah was pushed by Officer Natane Naylor. This officer continued to repeatedly pushed Khadijah, wrapped her hands around Khadijah's throat—choking her, and eventually pushed Khadijah to the ground.

27. Once on the ground, Officers Naylor, Shah, Cook, Procopio and others unleashed a savage attack on Khadijah, which included numerous punches to the head and face, kicks to the ribs and midsection. Officer Shah went so far as to kick Khadijah in the head and knelt on her head using the weight of his entire body.

28. Khadijah had posed no threat and was unable to offer any resistance.

29. Once the attack started on Khadijah, Shaheedah screamed in shock, "why are ya'll doing this?" She urinated in fear.

30. Shaheedah was immediately grabbed from behind by Officer James Hurley and called a "crippled nigger whore."

31. With her hands locked behind her, Shaheedah was spun around and thrown into a police dog that was being handled by Officer Gary Stowe.

32. Shaheedah did nothing to provoke this assault. Already partially disabled, she could do nothing to protect her self from it. Shaheedah was defenseless with her hands behind her back, as the police dog ripped away at, mangled and disfigured her left breast.

33. Fearful of the unfolding events, Shaheedah lost control of her bowels and urinated for a second time.

34. Defendant William Bell, an Atlantic City police sergeant, was at the scene of the event. He observed the unlawful activities of the officers and failed to intervene to stop the officers' unlawful use of force.

35. The Plaintiffs did not consent to being touched in any manner by Defendants Naylor, Shah, Cook, Hurley, Procopio and Stowe or the police dog. They did nothing to justify any use of force against them.

36. Nevertheless, the police officers falsely charged Plaintiffs with Aggravated Assault on Police Officers in violation of N.J.S.A. 2C:12-1b(5), Obstructing Administration of Law in violation of N.J.S.A. 2C:29-1, and Resisting Arrest in violation of N.J.S.A. 2C:29-2a(3)(a).

37. Following the events, officers drove Shaheedah to AltantiCare Regional Medical Center, where she was treated and released.

38. Shaheedah filed a Notice of Tort Claim with the City of Atlantic City on or November 8, 2010.

39. On or around December 7, 2010, Shaheedah was indicted for resisting arrest in violation of N.J.S. 2C:29-2a(3)(a). On the same date, Khadijah was also indicted for resisting arrest in violation of N.J.S. 2C: 29-2a(3)(a) and Aggravated Assault on an Officer in violation of N.J.S. 2C:12-1b(5).

40. The indictment against Shaheedah was dismissed in Atlantic County Superior Court on or around April 5, 2012.

41. The charges against Khadijah are still pending.

42. Defendants Naylor, Cook, Hurley, Shah, Bell, Procopio and Stowe acted under color of law in engaging in the conduct described above.

43. The conduct of Defendants Cook, Shah, Naylor, Stowe, Hurley, Procopio and Bell as alleged above was conscious shocking, intentional, willful and malicious, and

demonstrate Defendants' deliberate indifference to the constitutionally protected rights of the Plaintiffs.

44. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff Shaheedah Woodall suffered economic losses, emotional pain and suffering, and grievous bodily harm—including bruised neck and back, lacerations to the face, puncture wounds to the breast and chest, and scarring and disfigurement to her breast.

45. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff Khadijah Woodall suffered economic losses, emotional pain and suffering, and grievous bodily harm—including recurring headaches and injuries to her eyes, back, neck, ribs and knees.

46. The conduct of Defendants Shah, Naylor, Cook, Stowe, Hurley, Procopio and Bell as described above violated clearly established law and constitute excessive use of force by these defendants, depriving Plaintiffs of their rights to be secure in their persons against unreasonable searches and seizures as guaranteed to Plaintiffs under the Fourth Amendment to the United States Constitution, and of their rights not to be deprived of life, liberty or property without due process of law and to be accorded the equal protection of the laws as guaranteed to them under the Fourteenth Amendment to the United States Constitution.

47. By reason of the aforesaid violation of the Plaintiffs' rights, Plaintiffs Shaheedah Woodall and Khadijah Woodall are entitled to damages under 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION
(Deprivation of Federally Protected Rights as to
Defendants Naylor, Shah, Cook, Hurley, Bell, Stowe, and Procopio)
False Arrest/False Imprisonment

48. Plaintiffs, Shaheedah Woodall and Khadijah Woodall, adopt and incorporate by reference, paragraphs 1 through 47 as if set forth at length herein.

49. Defendants Cook, Hurley, Stowe, Prociopio, Naylor, Shah, and Bell, through their acts set forth above, violated clearly established law by falsely arresting and falsely imprisoning both plaintiffs in violation of their Fourth Amendment rights to be secure in their persons against unreasonable searches and seizures and not to be arrested without probable cause, and their Fourteenth Amendment right not to be deprived of liberty without due process of law.

50. By reason of the aforesaid violation of Plaintiffs' rights, Plaintiffs Shaheedah Woodall and Khadijah Woodall are entitled to damages under 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION
(Deprivation of Federally Protected Rights as to
Defendants City of Atlantic City & Police Chief Ernest Jubilee)

51. Plaintiffs, Shaheedah Woodall and Khadijah Woodall, adopt and incorporate by reference, paragraphs 1 through 50 as if set forth herein at length.

52. At all relevant times, Defendant Atlantic City and its Police Chief, Ernest Jubilee, were responsible for developing policies and procedures relating to the proper and lawful use of force, the execution of lawful arrest and the proper use of police dogs in the apprehension or persons reasonably believed to be violating the law in Atlantic City.

53. At all relevant times, Defendants Atlantic City and its Police Chief, Ernest Jubilee, were responsible for the training and supervision of all Atlantic City police officers in the proper and lawful use of force, the execution of lawful arrests and the proper use of police dogs in the apprehension or persons reasonably believed to be violating the law in Atlantic City.

54. Defendants Atlantic City and Police Chief Jubilee have repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of Atlantic City pertaining to the use of force, the execution of lawful arrest and the proper use of police dogs, thereby creating within Atlantic City's police department an atmosphere of

lawlessness in which police officers employ excessive and illegal force and violence, and such acts are condoned and justified by their superiors.

55. At the time of the incident described above, Atlantic City and Chief Jubilee had developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Atlantic City, which caused the plaintiffs' rights to be violated.

56. It was the policy and/or custom of Atlantic City and its police chief to inadequately and improperly supervise and train its police officers and to inadequately and improperly investigate citizen complaints of police misconduct. Civilian complaints were routinely dismissed and officers' misconduct were instead tolerated and condoned by Atlantic City and its police chief. For example, out of 437 complaints of excessive force investigated by the Atlantic City Police Department between 2004 and 2009, only 7 complaints (1.6 percent) resulted in disciplinary action. The remaining 430 complaints were found to be "not sustained," "unfounded," "administratively closed" or the officers were otherwise exonerated. Similarly, out of 23 complaints of improper arrest investigated by the police department between 2004 and 2009, no complaints were sustained. All of the 23 complaints were determined to be "not sustained," "unfounded," "administratively closed" or the officer exonerated.

57. Officers engaging in misconduct were therefore not disciplined nor provided with appropriate in-service training or retraining. Further constitutional violations on the part of its police officers were therefore not discouraged, but condoned.

58. As a result of the above-described policies and customs, police officers of Atlantic City, including Defendants Cook, Naylor, Shah, Procopio, Bell, Stowe and Hurley believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

59. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of Atlantic City, Police Chief Jubilee to the constitutional rights of the Plaintiffs alleged herein.

60. By reason of the aforesaid violation of the Plaintiffs' rights, Plaintiffs Shaheedah Woodall and Khadijah Woodall are entitled to damages under 42 U.S.C. § 1983.

FOURTH CAUSE OF ACTION
(Violation of New Jersey Civil Rights Act as to all Defendants)

61. Plaintiffs, Shaheedah Woodall and Khadijah Woodall, adopt and incorporate by reference, paragraphs 1 through 60 as if set forth at length herein.

62. This cause of action arises under New Jersey Civil Rights Act, N.J.S.A. §10:6-1, *et seq.* Supplemental jurisdiction is established pursuant to 28 U.S.C. §1367 as the claim forms part of the same case and controversy as the claims brought under the First through Third Causes of Action.

63. The acts committed by Defendants Cook, Hurley, Shah, Naylor, Procopio, Bell and Stowe constitute a violation of rights secured by the United States Constitution, as alleged above, and a further violation of the New Jersey Constitution, as follows:

Article I, Section 7 of the New Jersey Constitution prohibiting arrest without probable cause and guaranteeing Plaintiffs the right to be secure in their persons against unreasonable searches and seizures; and

Article I, Section 7 of the New Jersey Constitution guaranteeing Plaintiffs the right to be secure in their persons against unreasonable searches and seizures, including the excessive use of force.

64. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiffs suffered economic losses, grievous bodily harm and emotional pain and suffering.

65. By reason of the aforesaid violation of Plaintiffs' rights, Plaintiffs Shaheedah Woodall and Khadijah Woodall are entitled to damages under *N.J.S.A.* §10:6-1, *et seq.*, including costs, attorney fees and expenses pursuant to *N.J.S.A.* §10:6-2(f).

FIFTH CAUSE OF ACTION
*(Deprivation of Shaheedah Woodall's Federally Protected Rights
as to Defendants Naylor, Shah, Cook, Hurley, Bell, Stowe, and Procopio)*
Malicious Prosecution

66. Plaintiff, Shaheedah Woodall, adopts and incorporates by reference, paragraphs 1 through 65 as if set forth at length herein.

67. The conduct of Defendants Cook, Hurley, Stowe, Prociopio, Naylor, Shah, and Bell as described above deprived Plaintiff of her rights under the Fourth, Fifth and Fourteenth Amendments, including the right to be free from wrongful institution of legal process.

68. Defendants Cook, Hurley, Stowe, Prociopio, Naylor, Shah, and Bell, through their acts set forth above, maliciously and without probable cause, arrested Plaintiff, falsified police reports, initiated criminal charges against Plaintiff and testified untruthfully in a criminal proceeding brought against Plaintiff Shaheedah Woodall.

69. The indictment against Plaintiff was ultimately dismissed on or around April 5, 2012.

70. By reason of the aforesaid violation of Plaintiff's rights, Plaintiff Shaheedah Woodall is entitled to damages under 42 U.S.C. § 1983.

SIXTH CAUSE OF ACTION
(Assault & Battery by as to all Defendants)

71. Plaintiff, Shaheedah Woodall, adopts and incorporates by reference paragraphs 1 through 70 as if set forth herein at length.

72. The conduct of Defendants, Shah, Cook, Naylor, Hurley, Procopio, Stowe, Bell, City of Atlantic City, Atlantic City Police Chief Ernest Jubilee, through their agents, servants and employees, as described above, resulted in an unprovoked, unpermitted, harmful and offensive contact with Shaheedah Woodall and thus constitute assault and battery.

73. As a direct and proximate result of Defendants' assault and battery, Plaintiff Shaheedah Woodall suffered economic losses, grievous bodily harm and emotional pain and suffering.

SEVENTH CAUSE OF ACTION
(Common Law False Arrest/False Imprisonment as to all Defendants)

74. Plaintiff, Shaheedah Woodall, adopts and incorporates by reference paragraphs 1 through 73 as if set forth herein at length.

75. The conduct of Defendants, Naylor, Shah, Stowe, Cook, Hurley, Procopio, Bell, City of Atlantic City, Atlantic City Police Chief Ernest Jubilee, through their agents, servants and employees, as described above, resulted in the false arrest and false imprisonment of Shaheedah Woodall, directly and proximately causing Plaintiff physical, economic and emotional damages.

EIGHTH CAUSE OF ACTION
(Negligence as to all Defendants)

76. Plaintiff, Shaheedah Woodall, adopts and incorporates by reference paragraphs 1 through 75 as if set forth herein at length.

77. Defendants, Shah, Cook, Naylor, Hurley, Procopio, Stowe, Bell, and City of Atlantic City and Chief Jubilee, through their agents, servants and employees, as described above acted with a lack of cautious regard for Shaheedah Woodall's right to be free from unnecessary bodily harm or from the threat of such harm and without the due care that prudent police officers would use under the circumstances.

78. The injury to Shaheedah Woodall was a direct and proximate result of the negligence of all defendants.

79. As a result of Defendants' negligence, Plaintiff Shaheedah Woodall suffered economic losses, grievous bodily harm and emotional pain and suffering.

NINTH CAUSE OF ACTION
(Gross Negligence as to all Defendants)

80. Plaintiff, Shaheedah Woodall, adopts and incorporates by reference paragraphs 1 through 79 as if set forth herein at length.

81. The assault and battery, use of excessive force, and other acts unnecessarily subjecting Shaheedah Woodall to danger, were carried out with such willful, malicious, wanton and reckless disregard of the consequences as to show Defendants, Shah, Cook, Naylor, Hurley, Procopio, Stowe, Bell and the City of Atlantic City and Chief Ernest Jubilee's conscious indifference to the danger of harm and injury to Plaintiff and the intent to inflict harm and injury on Plaintiff.

82. The injury to Shaheedah Woodall was a direct and proximate result of the gross negligence of all defendants.

83. As a result of Defendants' negligence, Plaintiff Shaheedah Woodall suffered economic losses, grievous bodily harm and emotional pain and suffering.

WHEREFORE, Plaintiffs demand judgment against the defendants, jointly and severally,
on all causes of action as follows:

- (1) Compensatory damages in excess of the arbitration limit of \$150,000 for Plaintiff
Shaheedah Woodall;
- (2) Punitive damages for each plaintiff;
- (3) Attorney's fees and costs of this action; and
- (4) Such other and further relief as the court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedures, the plaintiff demands a trial
by jury of this action.

TRIAL ATTORNEY DESIGNATION

Stanley O. King and Sharon A. King are hereby designated as trial attorneys.

Dated: August 7, 2012

KING & KING, LLC
Attorneys for Plaintiff

By /s/ Stanley O. King
STANLEY O. KING

By /s/ Sharon A. King
SHARON A. KING

GENERAL RELEASE

SHAHEEDAH WOODALL (hereinafter referred to as "RELEASOR"), for and in consideration of the total sum of two hundred thousand dollars (\$200,000.00), paid by the City of Atlantic City, receipt of which is hereby acknowledged, and intending to be legally bound, does hereby remise, release, and forever discharge the City of Atlantic City, and its departments, divisions, insurers, present and former employees, including, but not limited to, Atlantic City Police Officers Syed Shah, James Hurléy, Gary Stowe, Natane Naylor, Mary Grace Cooke, Joseph Procopio, William Bell, and Ernest Jubilee, representatives, attorneys, citizens and agents, and each of such person's heirs, successors, assigns, executors, administrators, and beneficiaries (hereinafter collectively referred to as "RELEASEES"), from any and all rights, causes of action, suits, debts, dues, accounts, contracts, agreements, judgments, claims, and demands whatsoever (including claims for costs and attorney's fees), in law or equity (collectively, the "Claims"), which RELEASOR and her heirs, executors, administrators, successors, assigns, or any of them, ever had, now have, or hereafter can, shall, or may have, against RELEASEES or any of them, for or by reason of any cause, matter, or thing whatsoever from the beginning of the world to the date of this Agreement, including, but not limited to, any claims which were or could have been asserted in the action entitled Woodall v. City of Atlantic City, et al., which was filed in United States District Court under docket number 12-cv-4963 (the "Civil Action").

RELEASOR understands that RELEASEES, by reason of agreeing to this compromise payment, neither admit nor deny liability of any sort and have no agreement or promise to do anything not herein set forth, and RELEASOR further understands that this General Release is made as a compromise to terminate all controversy and/or claims for injuries or damages of any

nature, known or unknown, including future developments thereof, by RELEASOR against RELEASEES.

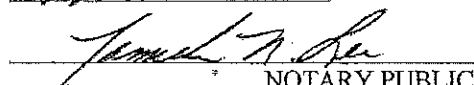
It is expressly understood that, by the execution of this General Release, RELEASEES shall not be required to make any further payment to RELEASOR or to any other person or entity by reason of the aforesaid Claims, and that RELEASOR will indemnify and save forever harmless RELEASEES against any loss or damage caused by any and all further claims, demands, or actions against RELEASEES made on behalf of RELEASOR by anyone or any entity.

This is a complete General Release. There are no written or oral understandings or agreements directly or indirectly connected with this General Release that are not incorporated herein. This General Release shall be binding upon the heirs, executors, administrators, parents, subsidiaries, affiliates, successors, assigns, and legal representatives of the respective parties hereto.

I have carefully read this General Release and understand the contents thereof. I sign this General Release of my own free will, intending to be legally bound by the promises contained herein forever. I have reviewed this General Release with an attorney and am satisfied with that attorney's services in reviewing this General Release.

IN WITNESS WHEREOF, I have hereunto set my signature this 30th day of April, 2014.


SHAHEEDAH WOODALL

SWORN AND SUBSCRIBED
before me this 30th day of April, 2014.

_____, NOTARY PUBLIC

TAMELA NICOLE LEE
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires October 12, 2018
ID# 2413397