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Our File #F-2485-15  
Attorney for the Plaintiff

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TROY CHENIER	:	
	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION - BURLINGTON
	:	COUNTY
vs.	:	
	:	DOCKET NO.L-1561-15
THE TOWNSHIP OF MEDFORD AND	:	
RICHARD J. MEDER, CHIEF OF:	:	AMENDED COMPLAINT IN LIEU OF
POLICE.	:	PREROGATIVE WRITS AND
Defendants.	:	COMPLAINT FOR DAMAGES

Troy Chenier by way of Complaint against the Defendants says:

**PARTIES**

1. The Plaintiff, Troy Chenier, is an individual residing at 180 Tuckerton Road, Medford, Burlington County, New Jersey.
2. The Defendant, Township of Medford is a municipality created under the laws of the State of New Jersey and has a principal place of business at 17 North Main Street, Medford, Burlington County, New Jersey.
3. The Defendant, Richard J. Meder is an individual who at all times relevant to this matter was employed by Defendant,

Township, as the Chief of Police and he is made a party to this action in his official capacity as the head and final decision maker of the Medford Township Police Department.

**NATURE OF ACTIONS**

4. Plaintiff brings this action pursuant to R.4:69-1, seeking judicial review of a final municipal action, for which there exists no other right of review, administrative or judicial.

**FACTUAL ALLEGATIONS**

5. Troy Chenier has been employed as a police officer by the Defendant township since June of 1997.

6. He commenced employment in the title of Patrolman and was later promoted to the rank of Sergeant.

7. On March 27, 2012, the Defendant Township, pursuant to N.J.S.A 40A:14-143, passed Resolution 51-2012 decreasing the number of members and officers of the police department and their grades or ranks, due to reasons of economy.

8. As a result, effective April 9, 2012, the Plaintiff was demoted from the title of Sergeant assigned to the "rank of Corporal."

9. The aforesaid rank of Corporal, however, was not an official title authorized by ordinance and was merely a position created in a collective bargaining agreement between the Township and the union, representing patrolmen, wherein a senior patrolman would be compensated through a stipend for performing supervisory

functions in the absence of superior officers holding the official title of Sergeant or above.

10. In addition pursuant to N.J.S.A 40A:14-143, and Resolution 51-2012, the Plaintiff upon his demotion was placed upon a re-employment list which established that in the case of subsequent promotions, he would be reinstated to his original rank.

11. Subsequent to his demotion, the Plaintiff was formally charged with certain misconduct violations.

12. The penalties proposed in the aforesaid charges did not include a proposed loss of his re-employment rights only demotion from the "rank of Corporal."

13. In addition, the Township ordinance does not require the holding of the "rank of Corporal" as a prerequisite for promotion to the title of Sergeant.

14. Thus the demotion from Corporal did not impliedly disqualify the Plaintiff from his re-employment rights.

15. In addition during the pendency of the disciplinary proceedings it was represented to the Plaintiff and his counsel that resolution of the charges by way of the Plaintiff accepting certain discipline would not effect his re-employment status.

16. Based upon the foregoing understandings and representations the disciplinary charges were resolved in part by the Plaintiff being demoted from the "rank of Corporal."

17. Recently the Township has authorized the creation of

another Sergeant's position.

18. As a result the Plaintiff has demanded an immediate promotion to the open position of Sergeant.

19. In response, the Plaintiff on June 2, 2015, was formally advised in writing by the Defendant, Meder, that he "would not be automatically promoting you to the rank of Sergeant based upon your previous demotion."

20. Thus a final decision has been made by the Defendants not to recognize the Plaintiff's re-employment rights.

21. In addition, if the present promotional process proceeds and is not subjected to immediate judicial review, then another person other than the plaintiff will obtain a vested property interest in the title that the Plaintiff seeks which may prevent the Plaintiff from obtaining the relief that he seeks.

**COUNT ONE**

22. Under N.J.S.A 40A:14-143, and Resolution 51-2012 the Plaintiff is entitled to an immediate promotion to the title of Sergeant.

23. Notwithstanding this, The Defendant Township and Defendant Chief have unlawfully denied the Plaintiff's rights to an automatic return to the title of Sergeant as required by N.J.S.A 40A:14-143, and Resolution 51-2012.

24. Under the circumstances present in this case, the Plaintiff is entitled to attorney's fees incurred in protecting and

asserting his lawful rights.

WHEREFORE, the Plaintiff requests that this matter be decided in a summary fashion and judgment entered immediately promoting the Plaintiff to the title of Sergeant, plus attorney's fees and costs along with such other and further relief as the court deems just.

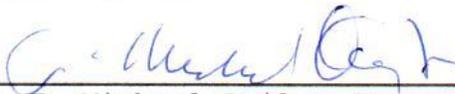
F. MICHAEL DAILY, JR., LLC  
Attorney for the Plaintiff

BY:   
F. Michael Daily, Jr.

**CERTIFICATION PURSUANT TO R.4:5-1**

It is hereby stated that the matter in controversy is not the subject of any other acting pending in any other Court, or of a pending arbitration proceeding to the best of my knowledge and belief. I know of no other parties who should be joined in this action.

F. MICHAEL DAILY, JR., LLC  
Attorney for the Plaintiff

BY:   
F. Michael Daily, Jr.

Dated: July 2, 2015.