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ATTORNEY FOR PLAINTIFF

IN UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

NICOLE DAVIS
56 POTTER LANE
WILLINGBORO, NJ 08046
Plaintiff

: **CIVIL ACTION**
:
: **NO.**
:
: **JURY TRIAL DEMANDED**
:

V.

WILLINGBORO TOWNSHIP
1 SALEM ROAD
WILLINGBORO, NJ 08046

AND
SEARGENT COUPE
BADGE # 301
1 SALEM ROAD
WILLINGBORO, NJ 08046

AND
POLICE OFFICER HANKEE
1 SALEM ROAD
WILLINGBORO, NJ 08046

AND
POLICE OFFICER JOHN DOE
1 SALEM ROAD
WILLINGBORO, NJ 08046
Defendants

COMPLAINT

1. This court has jurisdiction over the Federal law claims pursuant to 28 U.S.C. §§1331 and 1343.

2. Venue is proper under 28 U.S.C. §1391(b) because the causes of action upon which the complaint is based arose in and around Willingboro Township, New Jersey, which is in the District of New Jersey, Camden Vicinage.

3. Plaintiff, Nicole Davis, is an adult citizen of the State of New Jersey, residing as captioned.

4. Defendant, Willingboro Township, is a municipal corporation organized and existing under the laws of the State of New Jersey, which maintains its principal offices as captioned.

5. Defendants, Sergeant Coupe, Police Officer Hankee and Police Officer John Doe were at all material times police officers with the Willingboro Township Police Department. Defendants, Sergeant Coupe, Police Officer Hankee and Police Officer John Doe are being sued both individually and in their official capacity as police officers, agents and/or employees of the defendant, Willingboro Township.

6. At all material times, defendants, Sergeant Coupe, Police Officer Hankee and Police Officer John Doe acted within the course and scope of their employment, under the color of state law and pursuant to the customs, policies and practices of the Willingboro Township Police Department, and the defendant, Willingboro Township.

7. On January 13, 2012, Plaintiff's friend, Tiffany, was involved in a car accident at the intersection of Windsor and Rancocas Roads in Willingboro, New Jersey.

8. The Plaintiff was the first person on the scene of the accident, and attempted to get her friend out the car.

9. Shortly thereafter, the defendants, Sergeant Coupe, Police Officer Hankee and Police Officer John Doe, arrived on the scene, and Plaintiff informed them that she was the accident victims

friend, and requested permission to get the victims purse out of the car because she had medicine that she needed in it.

10. One of the defendant Police Officers gave Plaintiff permission to retrieve the victims purse from the car, and as Plaintiff was in the process of getting the pursue out of the car, she was grabbed from behind, without any verbal commands or orders being issued, by defendant, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, and dragged from the car.

11. After being dragged from the car, without legal justification or cause, defendant, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, started repeatedly punching the Plaintiff in the back of the head and neck, and then started choking her.

12. Defendant, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe then repeatedly slammed the Plaintiff's head against the window of the car, and handcuffed her.

13. Plaintiff did not resist arrest or otherwise give the defendants' legal cause or justification for the brutal beating she received.

14. Defendant, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, placed the handcuffs on the Plaintiff too tightly, causing pain and discomfort, and the Plaintiff complained to no avail.

15. Defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's aforementioned conduct constituted excessive or unreasonable force under the circumstances in violation of the Plaintiff's rights under the Fourth Amendment of the United States Constitution and Article I, paragraph 7 of the New Jersey Constitution.

16. As the direct and proximate result of defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's use of excessive force in violation of the Plaintiff's constitutional rights, the Plaintiff suffered injuries to her head, neck and back some or

all of which may be permanent and has been forced to undergo medical treatment and therapy, and continues to require medical treatment.

17. As the direct and proximate result of defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's use of excessive force in violation of the Plaintiff's constitutional rights, the Plaintiff suffered emotional and psychological injuries; some or all of which the Plaintiffs has been advised may be permanent in nature.

18. As the direct and proximate result of defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's use of excessive force in violation of the Plaintiff's constitutional rights, the Plaintiff suffered disability, humiliation, loss of reputation, loss of enjoyment of life, mental anguish and emotional distress and will continue to suffer same for an indefinite time in the future to her great detriment and loss.

19. As the direct and proximate result of defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's use of excessive force in violation of the Plaintiff's constitutional rights, the Plaintiff has been obliged to and may continue to expend various sums of money and to incur various expenditures for medical treatment for an indefinite period of time in the future, to her great detriment and loss.

20. As the direct and proximate result of defendants, Sergeant Coupe's and/or Police Officer Hankee's and/or Police Officer John Doe's use of excessive force in violation of the Plaintiff's constitutional rights, the Plaintiff's injuries and medical treatment required her to miss substantial periods of time from her job as a school teacher to her great loss and detriment.

COUNT I
FOURTH AMENDMENT OF UNITED STATES CONSTITUTION AND
ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION
EXCESSIVE FORCE
PLAINTIFF v. SGT. COUPE, POLICE OFFICER HANKEE
AND POLICE OFFICER JOHN DOE

21. Paragraphs 1 through 20 are incorporated herein by reference, as though each were fully set forth herein at length.

22. As aforesaid, defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, acting within the course and scope of their employment, under the color of state law, and pursuant to the customs, policies, and practices of Willingboro Township, deprived Plaintiff of his rights, privileges and immunities under the Laws and Constitutions of the State of New Jersey and the United States; in particular, the right to be free from the use of excessive force; which actions violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey.

23. As aforesaid, defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, acting within the scope of their employment, under the color of state law, and pursuant to the customs, policies and practices of the Willingboro Township and the Willingboro Township Police Department, intentionally and maliciously humiliated, threatened, accused and insulted, Plaintiff, and used their position of authority, illegally and improperly to punish the Plaintiff, by the above described actions, all of which violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the State of New Jersey, the laws of the United States and of the State of New Jersey.

24. As aforesaid, defendants Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, acting within the scope of their employment, under the color of state law, and

pursuant to the customs, policies and practices of Willingboro Township and the Willingboro Township Police Department, intentionally and maliciously assaulted and battered Plaintiff, and placed her in fear of imminent bodily harm without just cause or provocation by the above described actions, all of which violated the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States, the Constitution of the State of New Jersey, the laws of the United States and of the State of New Jersey.

25. As a direct and proximate result of the malicious, intentional, and/or reckless actions of the defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, the Plaintiff suffered injuries that are described above.

26. The above-described actions of the defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, in their individual capacities, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiff's rights and well being, that the imposition of punitive damages is warranted.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 and 1988, and the New Jersey Constitution and the New Jersey Civil Rights Act, Plaintiff, Nicole Davis, demands compensatory and punitive damages against defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, jointly and/or severally in an amount not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, costs, attorney's fees and other appropriate relief.

COUNT II
FOURTH AMENDMENT OF UNITED STATES CONSTITUTION AND
ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION
BYSTANDER LIABILITY
PLAINTIFF v. SGT. COUPE, POLICE OFFICER HANKEE
AND POLICE OFFICER JOHN DOE

27. Paragraphs 1 through 26 are incorporated herein by reference, as though each were fully set forth herein at length.

28. Defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, were present when the Plaintiff's constitutional rights were violated by the use of excessive force.

29. Defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, knew or had reason to know that the unprovoked and unjustified assault on the Plaintiff constituted excessive force in violation of the Plaintiff's rights under the United States and New Jersey Constitutions.

30. Defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, had a realistic opportunity to intervene and prevent the violation of the Plaintiff's constitutional rights but failed to do so.

31. Defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, maliciously, intentionally, recklessly and with deliberate indifference, failed to intervene and halt the unconstitutional conduct of any and all of the above named Defendants, resulting in Plaintiff sustaining the injuries as set forth above.

32. The above-described actions of the defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, in their individual capacities, were so malicious, intentional and reckless and displayed such a reckless indifference to the Plaintiff's rights and well being, that the imposition of punitive damages is warranted.

WHEREFORE, pursuant to 42 U.S.C. §§1983 and 1988, and the New Jersey Constitution and the New Jersey Civil Rights Act, Plaintiff, Nicole Davis, demands compensatory and punitive damages against defendants, Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, jointly and/or severally in an amount not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, costs, attorney's fees and other appropriate relief.

COUNT III
MONELL/CUSTOM, POLICY AND PRACTICE
PLAINTIFF v. WILLINGBORO TOWNSHIP

33. Paragraphs 1 through 32 are incorporated herein by reference, as though each were set forth herein at length.

34. The Plaintiff, Nicole Davis, believes and therefore avers that defendant, Willingboro Township, has adopted and maintained for many years a recognized and accepted policy, custom, and practice of condoning and/or the acquiescence of the use of excessive force by its officers; systematically verbally and physically abusing individuals, and subjecting them to the same type of treatment to which Plaintiff was subjected, which policy constitutes the use of excessive force and violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the laws of the United States and of the State of New Jersey .

35. The plaintiff believes and therefore avers that defendant, Willingboro Township has adopted and maintained for many years, a recognized and accepted policy, custom and/or practice of systematically failing to properly train, supervise and/or discipline officers, including the individual defendants Sergeant Coupe and/or Police Officer Hankee and/or Police Officer John Doe, regarding constitutional restraints on the use of force, which policy violates the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the laws of the United States and of the State of New Jersey.

36. The defendant, Willingboro Township, has been deliberately indifferent to the rights of citizens in the Willingboro area to be free from the use of excessive force which deliberate indifference violates the Plaintiff's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the Constitution of the State of New Jersey, the laws of the United States and of the State of New Jersey.

37. The Plaintiff believes and therefore avers, that at the time of the aforementioned incident, defendant, Willingboro Township, knew or should have known of the above described policy, practice and/or custom of Willingboro Township and the Willingboro Township Police Department, and that they deliberately, knowingly, and recklessly failed to take measures to stop or limit the policy, including, inter alia, providing proper training, supervision, discipline, and control of the officers, agents, and/or employees of the Willingboro Township Police Department.

38. The Plaintiff believes and therefore avers that the defendant, Willingboro Township, has adopted and maintained for many years a recognized and accepted policy, custom and/or practice of failing to properly investigate matters in which officers unlawfully use excessive force, which allows for and results in an encouragement to officers within Willingboro Township to continue doing same, and creates policies, practices and/or customs allowing officers to proceed in this manner and creates an atmosphere for the allowance of such use of excessive force by members of the Willingboro Township Police Department without fear of punishment.

39. By failing to take action to stop or limit the policy and/or by remaining deliberately indifferent to the systematic abuses which occurred in accordance with and as a direct and proximate result of the policy, custom and/or practice, defendant, Willingboro Township, condoned, acquiesced in, participated in and perpetrated the policy, custom and/or practice in violation of the Plaintiff's rights under the Fourth and Fourteenth Amendments of the Constitution of the United States, the

Constitution of the State of New Jersey, the Laws of the United States and of the State of New Jersey.

40. As a direct and proximate result of the malicious, intentional, and/or reckless actions of the defendant, Willingboro Township, the Plaintiff, Nicole Davis, suffered injuries which are described above.

WHEREFORE, pursuant to 42 U.S.C. §§1983 and 1988, and the New Jersey Constitution and the New Jersey Civil Rights Act, Plaintiff, Nicole Davis, demands compensatory damages against defendant, Willingboro Township, in an amount not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, costs, attorney's fees and other appropriate relief.

RESPECTFULLY SUBMITTED,

BY: s/ Thomas Bruno
THOMAS BRUNO, II, ESQUIRE

RELEASE

This Release, dated July 14, 2016, is given

BY the Releasor

NICOLE DAVIS, referred to as "I," "Me" or "My,"

TO

WILLINGBORO TOWNSHIP; MARIANNE COUPE, ADMINISTRATRIX OF THE ESTATE OF RICHARD COUPE; and OFFICER CURTIS HANKEY, referred to as "You" and "Your."

1. **Release**. I release and give up any and all claims and rights which I may have against you. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up until now, including but not limited to specifically releasing the following claims:

Any and all claims asserted or that could have been asserted in the captioned and docketed matter styled as "Nicole Davis v. Willingboro Township, et al.", Docket No. 1:14-cv-183-JHR-AMD", including but not limited to claims for violations of my constitutional rights under 42 U.S.C. §1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, et seq. arising out of my arrest on January 13, 2012.

2. **No Admission of Liability**. This Release is not meant to be construed as an admission of liability as to any party, as liability is disputed and denied. It is further specifically understood and agreed that you do not make any admission of liability by making payment pursuant to this Release and that the settlement is entered into solely for the purposes of terminating the legal proceedings in this matter.

3. **Payment**. In consideration for making this Release, you have agreed to pay me a settlement of Seventy-Five Thousand Dollars (\$75,000.00). I further understand and agree that I will not seek anything further from you, including but not limited to any other payments from you for consequential, property and/or punitive damages, costs, fees, interest and/or attorney's fees.

4. **Agreement to Satisfy and Indemnify with Respect to Bills and/or Liens**. I agree to satisfy out of the proceeds of the within settlement any and all bills and/or liens which in any way relate to the above-referenced claims.

5. **Who is Bound**. I am bound by this Release along with any and all of my predecessors in interest. Anyone who succeeds to my rights and responsibilities is also bound. This Release is made for your benefit

and all who succeed to your rights and responsibilities, such as any heirs or executors.


6. Warranty of Capacity to Execute. I represent and warrant that no other person or entity has or has had any interest in the claims, demands, obligations, or causes of action referred to in this Release and that I have the sole right and exclusive authority to execute this Release and receive the sum specified above. I agree to defend and indemnify you against claims by any other person or entity that asserts an interest in the same claims, demands, obligations or causes of action referred to in this Release. I represent and warrant that I have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in this Release.


7. Representation of Comprehension of Document. In entering into this Release, I represent that I have relied upon the legal advice of my attorney, who is the attorney of my choice, and that the terms of this Release have been completely read and explained to me by my attorney, and I fully understand and voluntarily accept the terms of this Release. I represent and certify that no pressure has been exerted upon me to accept the terms of this Release and to settle this matter, and I have done so of my own free will.

8. Representations to Others. I represent and warrant that no press release will be issued with regard to this settlement and that my counsel and I will make no affirmative disclosures to third parties concerning the settlement of this matter.

9. Signature. I understand and agree to the terms of this Release.

Witnessed or Attested by:

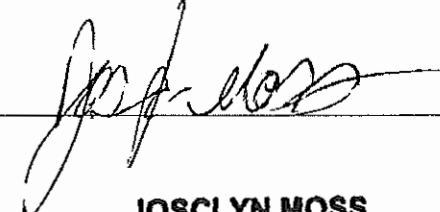


 (Seal)
NICOLE DAVIS

STATE OF NEW JERSEY, COUNTY OF Burlington SS:

I CERTIFY that on July 14th, 2016, NICOLE DAVIS personally came before me and acknowledged under oath to my satisfaction, that this person:

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.



JOSCLYN MOSS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 03/18/2020