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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

JUANITA NORMAN, individually and in her	:	HON. JOSEPH E. IRENAS, U.S.D.J
capacity as Administratrix <i>ad Prosequendum</i> of the	:	
ESTATE of SHERRON J. NORMAN, Deceased,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 14-6034 (JEI-JS)
	:	
HADDON TOWNSHIP, HADDON TOWNSHIP	:	
POLICE CHIEF MARK CAVALLO, BOROUGH	:	
OF OAKLYN, OAKLYN POLICE CHIEF	:	
JOSEPH T. ABBATE, WOODLYNNE	:	
BOROUGH, WOODLYNNE POLICE DIRECTOR:	:	
EDWIN FIGUEROA, BOROUGH OF	:	
COLLINGSWOOD, COLLINGSWOOD POLICE	:	
CHIEF RICHARD J. SARLO, CITY OF	:	
CAMDEN, CAMDEN POLICE CHIEF JOHN	:	FIRST AMENDED COMPLAINT
SCOTT THOMPSON and OFFICERS WILLIAM	:	and DEMAND FOR JURY
BENHAM, JOSEPH SULLIVAN, SCOTT	:	
DEMSEY, CHARLES BLANCHARD, PAUL	:	
MASON, JOHN ROBINSON, BRIAN DICUGNO,	:	
JON SIEROCINSKI, YVETTE TRUITT,	:	
HERIBERTO INOSTROZA and JAMES ALLEN,	:	
individually and/or in their official capacities,	:	
jointly, severally and/or in the alternative,	:	
	:	
Defendants.	:	

Plaintiff, by and through her attorneys, brings this Complaint against Defendants and in support thereof alleges as follows:

PARTIES

1. Plaintiff, Juanita Norman (“Ms. Norman”), is the sister of Sherron Norman (“Norman”). Norman died on September 29, 2012 at the age of 37, while in the custody of defendant police officers. At the time of Norman’s death, he resided with Ms. Norman in the City of Camden, County of Camden, New Jersey. On March 13, 2013, Ms. Norman was appointed Administratrix *ad Prosequendum* of the Estate of Sherron Norman by New Jersey’s Camden County Surrogate Court. Ms. Norman brings this action in her individual capacity and in her capacity as Administratrix *ad Prosequendum* of the Estate of Sherron Norman. Ms. Norman resides in the City of Camden, County of Camden, New Jersey.

2. Defendant Haddon Township is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 135 Haddon Avenue, Haddon Township, Camden County, New Jersey 08108.

3. Defendant Mark Cavallo, at relevant times, was the police chief of Haddon Township. At all times mentioned in this Complaint, Defendant Cavallo was acting under color of law and color of his authority as police chief of Haddon Township. He is sued in his official capacity. His office is located at 135 Haddon Avenue, Haddon Township, Camden County, New Jersey 08108.

4. Defendant William Benham, at all relevant times, was a police officer employed by Haddon Township 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 Haddon Township. He is sued in his individual and official capacities. His business address is 135 Haddon Avenue, Haddon Township, New Jersey 08108.

5. Defendant Joseph Sullivan, at all relevant times, was a police officer employed by Haddon Township 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 Haddon Township. He is sued in his individual and official capacities. His business address is 135 Haddon Avenue, Haddon Township, New Jersey 08108.

6. Defendant Scott Dempsey, at all relevant times, was a police officer employed by Haddon Township 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 Haddon Township. He is sued in his individual and official capacities. His business address is 135 Haddon Avenue, Haddon Township, New Jersey 08108.

7. Defendant Charles Blanchard, at all relevant times, was a police officer employed by Haddon Township 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 Haddon Township. He is sued in his individual and official capacities. His business address is 135 Haddon Avenue, Haddon Township, New Jersey 08108.

8. Defendant Borough of Oaklyn is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 500 White Horse Pike, Oaklyn, Camden County, New Jersey 08108.

9. Defendant Joseph T. Abbate, at relevant times, was the police chief of the Borough of Oaklyn. At all times mentioned in this Complaint, Defendant Abbate was acting under color of law and color of his authority as police chief of the Borough of Oaklyn. He is sued in his official capacity. His office is located at 500 White Horse Pike, Oaklyn, Camden County, New Jersey 08108.

10. Defendant Paul Mason, at all relevant times, was a police officer employed by the Borough of Oaklyn 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 the Borough of Oaklyn.

He is sued in his individual and official capacities. His business address is 500 White Horse Pike, Oaklyn, Camden County, New Jersey 08108.

11. Defendant Borough of Woodlynne is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 200 Cooper Avenue, Oaklyn, Camden County, New Jersey 08107.

12. Defendant Edwin Figueroa, at relevant times, was the police director of Woodlynne Borough. At all times mentioned in this Complaint, Defendant Figueroa was acting under color of law and color of his authority as police director of Woodlynne Borough. He is sued in his official capacity. His office is located at 200 Cooper Avenue, Oaklyn, Camden County, New Jersey 08107.

13. Defendant John Robinson, at all relevant times, was a police officer employed by Woodlynne Borough 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 Woodlynne Borough. He is sued in his individual and official capacities. His business address is 200 Cooper Avenue, Oaklyn, Camden County, New Jersey 08107.

14. Defendant Borough of Collingswood is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 678 Haddon Avenue, Collingswood, Camden County, New Jersey 08108.

15. Defendant Richard J. Sarlo, at relevant times, was the police chief of the Borough of Collingswood. At all times mentioned in this Complaint, Defendant Sarlo was acting under color of law and color of his authority as police chief of the Borough of Collingswood. He is sued in his official capacity. His office is located at 678 Haddon Avenue, Collingswood, Camden County, New Jersey 08108.

16. Defendant Brian Dicugno, at all relevant times, was a police officer employed by the Borough of Collingswood 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 the Borough of Collingswood. He is sued in his individual and official capacities. His business address is 678 Haddon Avenue, Collingswood, Camden County, New Jersey 08108.

17. Defendant Jon Sierocinski, at all relevant times, was a police officer employed by the Borough of Collingswood 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 the Borough of Collingswood. He is sued in his individual and official capacities. His business address is 678 Haddon Avenue, Collingswood, Camden County, New Jersey 08108.

18. Defendant City of Camden is a municipal corporation organized and existing under the laws of the State of New Jersey. Its offices are located at 520 Market Street, Camden, Camden County, New Jersey 08101.

19. Defendant John Scott Thompson, at relevant times, was the police chief of the City of Camden. At all times mentioned in this Complaint, Defendant Thompson was acting under color of law and color of his authority as police chief of the City of Camden. He is sued in his official capacity. His office is located at 800 Federal Street, Camden, Camden County, New Jersey 08103.

20. Defendant Yvette Truitt, at all relevant times, was a police officer employed by the City of Camden 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 the City of Camden. She is sued in her individual and official capacities. Her business address is 800 Federal Street, Camden, Camden County, New Jersey 08103.

21. Defendant Heriberto Inostroza, at all relevant times, was a police officer employed by the City of Camden 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 the City of Camden. He is sued in his individual and official capacities. His business address is 800 Federal Street, Camden, Camden County, New Jersey 08103.

22. Defendant James Allen, at all relevant times, was a police officer employed by the City of Camden 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 the City of Camden. He is sued in his individual and official capacities. His business address is 800 Federal Street, Camden, Camden County, New Jersey 08103.

JURISDICTION

23. Plaintiff invokes jurisdiction pursuant to 28 U.S.C. §1331 as the claims raise federal questions under 42 U.S.C. §1983. Plaintiff further invokes 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.

24. 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.

FACTUAL BACKGROUND

25. In the early morning of September 29, 2012, Norman visited a Crown Fried Chicken on Mt. Ephraim Avenue in Haddon Township, New Jersey. He was behaving bizarrely—shouting, hitting the counter and cash register, and ultimately pulling his pants down.

26. Crown Fried Chicken employees called 911, which dispatched patrol officers and EMS for a “psychiatric emergency.”

27. Haddon Township Police Officer William Benham was the first to respond to the scene. He stated that he received a call for “psychiatric emergency” at the Crown Fried Chicken. By the time he arrived on the scene, he observed Norman walking toward the intersection of Collins and Mt. Ephraim Avenue. Norman was wearing only a t-shirt and underwear. Benham approached Norman, engaged him, and took him to the ground. During the encounter, Benham struck Norman multiple times. Throughout the encounter, Norman screamed, moaned and groaned intermittently. At one point during the encounter, he bit Benham.

28. Haddon Township officer, Joseph Sullivan, was the second officer to arrive on the scene. He also responded to a dispatch call for a psychiatric emergency. He observed Norman laying on his stomach, mumbling and grunting. Once at the scene, Sullivan jumped on Norman’s legs. He struck Norman with closed fists on Norman’s back. Norman continued to moan, groan and scream. Camden Officer Yvette Truitt was also engaged with Mr. Norman at this time. She either participated in the excessive use of force on Mr. Norman and/or failed to prevent this excessive use of force.

29. Norman was handcuffed behind his back by Benham. Rather than leaving the detained Norman in an area where he could receive the medical care that was en route, Benham, Sullivan and one of the Camden officers dragged Norman on his bare knees to the patrol car. Although Norman was too tall to lay down on the back seat of the patrol car, these officers placed the handcuffed Norman on his stomach, in the back seat of the patrol car. They then folded his knees up to enable him to fit into the back seat. These officers then closed the door to the car, and left Norman unattended.

30. While Norman remained improperly restrained in the back seat of the patrol car, Officers Joseph Sullivan, Scott Demsey, Charles Blanchard, Paul Mason, John Robinson, Brian Dicugno, Jon Sierocinski, Yvette Truitt, Heriberto Inostroza and James Allen were in the general

vicinity of the patrol car. However, Benham did not instruct any of these officers to stay with Norman or to keep a close watch on Norman.

31. These officers, although aware of the precarious position in which Norman was left, also failed to monitor Norman for his well-being.

32. Collingswood EMT technician and firefighter John Fleming also responded to the dispatch call for “psychiatric emergency.” Before arriving at the scene, he heard a police officer stating over the radio that they had an individual in custody. Once at the scene, he asked the officers if they wanted him to examine Norman. Both men walked over to the patrol car, where Norman was restrained. However, Norman was unresponsive and without a pulse.

33. EMT officers initiated CPR. The paramedics arrived shortly thereafter and continued CPR. They transported Norman to Our Lady of Lourdes Hospital, where he was pronounced dead.

34. Norman sustained blunt force injuries to his head. He also sustained blunt force injuries to his extremities, including his arms, elbows, wrist, fingers, knees, thighs. A toxicology report indicated that Norman had used cocaine.

FIRST CAUSE OF ACTION
(Deprivation of Federally Protected Right as to Benham, Sullivan & Truitt)
Excessive Force

35. Plaintiff adopts and incorporates by reference, paragraphs 1 through 34 as if set forth herein at length.

36. The conduct of Defendants Benham, Sullivan and Truitt, including but not limited to the unjustified beating, dragging and improper restraining of Norman as described above, violated clearly established law and constitute excessive use of force by these defendants, depriving Norman of his right to be secure in his person against unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution.

37. Without any justification and/or provocation, Defendants Benham, Sullivan and Truitt intentionally, willfully, maliciously and with deliberate indifference to his constitutionally protected rights, directly and proximately caused Norman to suffer economic losses, grievous bodily harm and emotional pain and suffering.

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

SECOND CAUSE OF ACTION
(Deprivation of Federally Protected Right as to all Defendants)
Failure to Intervene to Prevent the Excessive Use of Force

39. Plaintiff adopts and incorporates by reference, paragraphs 1 through 38 as if set forth herein at length.

40. The defendants acted under color of law in engaging in the conduct described above.

41. The conduct of all defendants as described above constitute a failure of the defendants to intervene to prevent the excessive use of force, depriving Plaintiff of his clearly established right to be secure in his person against unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION
(Deprivation of Federally Protected Right as to Benham, Sullivan & Truitt)
False Arrest/False Imprisonment

42. Plaintiff adopts and incorporates by reference, paragraphs 1 through 41 as if set forth herein at length.

43. Defendants Benham, Sullivan and Truitt, through their acts set forth above, and Defendants Haddon Township and Chief Cavallo, City of Camden and Chief Thompson, through their agents and employees, violated clearly established law by falsely arresting and falsely

imprisoning Norman in violation of his Fourth Amendment right to be secure in his person against unreasonable searches and seizures and not to be arrested without probable cause, and his Fourteenth Amendment right not to be deprived of liberty without due process of law.

44. Defendants, Benham, Sullivan and Truitt acted under color of law in engaging in the conduct described above.

45. The conduct of Defendants Benham, Sullivan and Truitt, as alleged above was conscious-shocking, intentional, willful and malicious, and demonstrate Defendants' deliberate indifference to the constitutionally protected rights of Norman.

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

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

FOURTH CAUSE OF ACTION
(Deprivation of Federally Protected Rights as to all Defendants)
Failure to Provide Medical Attention

48. Plaintiff adopts and incorporates by reference, paragraphs 1 through 47 as if set forth herein at length.

49. Defendants' failure to provide medical attention to Norman following his seizure and further failure to adequately monitor Norman following his placement on his stomach in the patrol car violated clearly established law in violation of the Fourteenth Amendment right not to be deprived of liberty without due process of law.

50. The conduct of the defendants, as alleged above, was conscious-shocking, intentional, willful and malicious, and demonstrates Defendants' deliberate indifference to the constitutionally protected rights of Norman.

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

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

FIFTH CAUSE OF ACTION
(Deprivation of Federally Protected Rights
as to Defendants Haddon Township and Police Chief Cavallo)

53. Plaintiff adopts and incorporates by reference, paragraphs 1 through 52 as if set forth herein at length.

54. Defendants Haddon Township and Police Chief Cavallo are liable for the deprivation of Plaintiff's federally protected rights by Officers Benham, Sullivan, Demsey and Blanchard, as described in the First through Fourth Causes of Action.

55. At all relevant times, Defendant Cavallo was responsible for the training of all police officers in Haddon Township in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees in their custody.

56. Defendants Haddon Township and Police Chief Cavallo have repeatedly and knowingly failed to train officers in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees. These defendants also repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of Haddon Township pertaining to the proper use of restraints and the provision of medical care for detainees. These defendants also failed to enforce laws and regulations pertaining to the use of force and lawful arrests, thereby creating within Haddon Township Police Department, an atmosphere of lawlessness in which police

officers employ excessive and illegal force and violence and engage in illegal arrests, and such acts are condoned and justified by their superiors.

57. At the time of the incidents described above, Haddon Township and Police Chief Cavallo had developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Haddon Township, which caused the plaintiff's rights to be violated.

58. It was the policy and/or custom of Haddon Township 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 Haddon Township and its police chief. Moreover, Haddon Township and its police chief repeatedly failed to investigate known incidents of use of force resulting in serious injuries to civilians, and further failed to reflect these incidents on annual internal affairs summary reports required by the New Jersey Attorney General's Office. For example, in 2008, Nicholas Pappas alleged that a Haddon Township Police Officer choked, punched and slammed him into the concrete without justification. However, this matter was never investigated nor reflected in the defendants' 2008 Internal Affairs Summary Reports. Additionally, summary reports for 2012 failed to reflect an internal affairs investigation into Norman's death, even though the serious nature of Norman's injury required this investigation.

59. 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. As a result of the policies and practices, citizens were routinely subjected to police misconduct, including false arrests, excessive use of force, improper use of restraints and the denial of medical care when needed.

60. As a result of the above-described policies and customs, police officers of Haddon Township, including Defendants Benham and Sullivan, 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.

61. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of Haddon Township and Police Chief Cavallo to the constitutional rights of the plaintiff alleged herein.

62. Defendants Haddon Township and Chief Cavallo have failed to provide training and supervision to officers regarding the lawful use of force, lawful arrests, the proper use of restraints and the provision of medical care to detainees, which constitutes negligence, gross negligence and deliberate indifference to the safety and lives of its citizens. The said negligence, gross negligence and deliberate indifference were the proximate cause of the plaintiff's injuries.

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

SIXTH CAUSE OF ACTION
(Deprivation of Federally Protected Rights
as to Defendants Borough of Oaklyn and Police Chief Abbate)

64. Plaintiff adopts and incorporates by reference, paragraphs 1 through 63 as if set forth herein at length.

65. Defendants Borough of Oaklyn and Oaklyn Police Chief Abbate are liable for the deprivation of Plaintiff's federally protected rights by Officer Mason, as described in the First through Fourth Causes of Action.

66. At all relevant times, Defendant Abbate was responsible for the training of all police officers in the Borough of Oaklyn in the proper and lawful use of force, the execution of

lawful arrests, the proper use of restraints and the provision of medical care for detainees in their custody.

67. Defendants Borough of Oaklyn and Police Chief Abbate have repeatedly and knowingly failed to train officers in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees. These defendants also repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of the Borough of Oaklyn pertaining to the proper use of restraints and the provision of medical care for detainees. These defendants also failed to enforce laws and regulations pertaining to the use of force and lawful arrests, thereby creating within the Borough of Oaklyn, an atmosphere of lawlessness in which police officers employ excessive and illegal force and violence and engage in illegal arrests, and such acts are condoned and justified by their superiors.

68. At the time of the incidents described above, the Borough of Oaklyn and Police Chief Abbate had developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the Borough of Oaklyn, which caused the plaintiff's rights to be violated.

69. It was the policy and/or custom of the Borough of Oaklyn 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 the Borough of Oaklyn and its police chief.

70. 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. As a result of the policies and

practices, citizens were routinely subjected to police misconduct, including false arrests, excessive use of force, improper use of restraints and the denial of medical care when needed.

71. As a result of the above-described policies and customs, police officers of the Borough of Oaklyn, including Defendant Mason, 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.

72. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of the Borough of Oaklyn and Police Chief Abbate to the constitutional rights of the plaintiff alleged herein.

73. Defendants Borough of Oaklyn and Chief Abbate have failed to provide training and supervision to officers regarding the lawful use of force, lawful arrests, the proper use of restraints and the provision of medical care to detainees, which constitutes negligence, gross negligence and deliberate indifference to the safety and lives of its citizens. The said negligence, gross negligence and deliberate indifference were the proximate cause of the plaintiff's injuries.

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

SEVENTH CAUSE OF ACTION
(Deprivation of Federally Protected Rights
as to Defendants Woodlynne Borough and Police Director Figueroa)

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

76. Defendants Woodlynne Borough and Police Director Figueroa are liable for the deprivation of Plaintiff's federally protected rights by Officer Robinson, as described in the First through Fourth Causes of Action.

77. At all relevant times, Defendant Figueroa was responsible for the training of all police officers in the Woodlynne Borough in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees in their custody.

78. Defendants Woodlynne Borough and Police Director Figueroa have repeatedly and knowingly failed to train officers in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees. These defendants also repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of Woodlynne Borough pertaining to the proper use of restraints and the provision of medical care for detainees. These defendants also failed to enforce laws and regulations pertaining to the use of force and lawful arrests, thereby creating within Woodlynne Borough, an atmosphere of lawlessness in which police officers employ excessive and illegal force and violence and engage in illegal arrests, and such acts are condoned and justified by their superiors.

79. At the time of the incidents described above, the Woodlynne Borough and Police Director Figueroa had developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Woodlynne Borough, which caused the plaintiff's rights to be violated.

80. It was the policy and/or custom of Woodlynne Borough and its police director 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 the Woodlynne Borough and its police chief.

81. 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. As a result of the policies and practices, citizens were routinely subjected to police misconduct, including false arrests, excessive use of force, improper use of restraints and the denial of medical care when needed.

82. As a result of the above-described policies and customs, police officers of Woodlynne Borough, including Defendant Robinson, 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.

83. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of Woodlynne Borough and Police Director Figueroa to the constitutional rights of the plaintiff alleged herein.

84. Defendants Woodlynne Borough and Director Figueroa have failed to provide training and supervision to officers regarding the lawful use of force, lawful arrests, the proper use of restraints and the provision of medical care to detainees, which constitutes negligence, gross negligence and deliberate indifference to the safety and lives of its citizens. The said negligence, gross negligence and deliberate indifference were the proximate cause of the plaintiff's injuries.

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

EIGHTH CAUSE OF ACTION
(Deprivation of Federally Protected Rights
as to Defendants Borough of Collingswood and Police Chief Sarlo)

86. Plaintiff adopts and incorporates by reference, paragraphs 1 through 85 as if set forth herein at length.

87. Defendants Borough of Collingswood and Police Chief Sarlo are liable for the deprivation of Plaintiff's federally protected rights by Officers Dicugno and Sierocinski, as described in the First through Fourth Causes of Action.

88. At all relevant times, Defendant Sarlo was responsible for the training of all police officers in the Borough of Collingswood in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees in their custody.

89. Defendants Borough of Collingswood and Police Chief Sarlo have repeatedly and knowingly failed to train officers in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees. These defendants also repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of the Borough of Collingwood pertaining to the proper use of restraints and the provision of medical care for detainees. These defendants also failed to enforce laws and regulations pertaining to the use of force and lawful arrests, thereby creating within the Borough of Collingwood, an atmosphere of lawlessness in which police officers employ excessive and illegal force and violence and engage in illegal arrests, and such acts are condoned and justified by their superiors.

90. At the time of the incidents described above, the Borough of Collingswood and Police Chief Sarlo had developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the Borough of Collingswood, which caused the plaintiff's rights to be violated.

91. It was the policy and/or custom of the Borough of Collingswood 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 the Borough of Collingswood and its police chief.

92. 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. As a result of the policies and practices, citizens were routinely subjected to police misconduct, including false arrests, excessive use of force, improper use of restraints and the denial of medical care when needed.

93. As a result of the above-described policies and customs, police officers of the Borough of Collingswood, including Defendants Dicugno and Sierocinski, 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.

94. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of the Borough of Collingswood and Police Chief Sarlo to the constitutional rights of the plaintiff alleged herein.

95. Defendants Borough of Collingswood and Chief Sarlo have failed to provide training and supervision to officers regarding the lawful use of force, lawful arrests, the proper use of restraints and the provision of medical care to detainees, which constitutes negligence, gross negligence and deliberate indifference to the safety and lives of its citizens. The said negligence, gross negligence and deliberate indifference were the proximate cause of the plaintiff's injuries.

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

NINTH CAUSE OF ACTION
**(Deprivation of Federally Protected Rights
as to Defendants City of Camden and Police Chief Thompson)**

97. Plaintiff adopts and incorporates by reference, paragraphs 1 through 96 as if set forth herein at length.

98. Defendants City of Camden and former Police Chief Thompson are liable for the deprivation of Plaintiff's federally protected rights by Officers Truitt, Inostroza and Allen, as described in the First through Fourth Causes of Action.

99. At all relevant times, Defendant Thompson was responsible for the training of all police officers in the City of Camden in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees in their custody.

100. Defendants City of Camden and Police Chief Thompson have repeatedly and knowingly failed to train officers in the proper and lawful use of force, the execution of lawful arrests, the proper use of restraints and the provision of medical care for detainees. These defendants also repeatedly and knowingly failed to enforce the laws of the United States, the State of New Jersey and the regulations of the City of Camden pertaining to the proper use of restraints and the provision of medical care for detainees. These defendants also failed to enforce laws and regulations pertaining to the use of force and lawful arrests, thereby creating within the City of Camden, an atmosphere of lawlessness in which police officers employ excessive and illegal force and violence and engage in illegal arrests, and such acts are condoned and justified by their superiors.

101. At the time of the incidents described above, the City of Camden and Police Chief Thompson had developed and maintained policies or customs exhibiting deliberate indifference

to the constitutional rights of persons in the City of Camden, which caused the plaintiff's rights to be violated.

102. It was the policy and/or custom of the City of Camden 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 the City of Camden and its police chief.

103. 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. As a result of the policies and practices, citizens were routinely subjected to police misconduct, including false arrests, excessive use of force, improper use of restraints and the denial of medical care when needed.

104. As a result of the above-described policies and customs, police officers of the City of Camden 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.

105. The above-described policies and customs demonstrate a deliberate indifference on the part of policymakers of the City of Camden and Police Chief Thompson to the constitutional rights of the plaintiff alleged herein.

106. Defendants City of Camden and Chief Thompson have failed to provide training and supervision to officers regarding the lawful use of force, lawful arrests, the proper use of restraints and the provision of medical care to detainees, which constitutes negligence, gross negligence and deliberate indifference to the safety and lives of its citizens. The said negligence, gross negligence and deliberate indifference were the proximate cause of the plaintiff's injuries.

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

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

108. Plaintiff adopts and incorporates by reference, paragraphs 1 through 107 as if set forth at length herein.

109. 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 Ninth Causes of Action.

110. The acts committed by Defendants Benham, Sullivan, Demsey, Blanchard, Mason, Robinson, Dicugno, Sierocinski, Truitt, Inostroza, Allen, Haddon Township, Haddon Township Police Chief Mark Cavallo, Borough of Oaklyn, Oaklyn Police Chief Joseph T. Abbate, Woodlynne Borough, Woodlynne Police Director Edwin Figueroa, Borough of Collingswood, Collingswood Police Chief Richard J. Sarlo, City of Camden, and former City of Camden Police Chief John Scott Thompson 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 Plaintiff the right to be secure in his person against unreasonable searches and seizures; and

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

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

112. By reason of the aforesaid violation of Plaintiff's rights, Plaintiff is 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).

ELEVENTH CAUSE OF ACTION

(Assault & Battery as to Benham, Sullivan, Truitt, Haddon Township, Chief Cavallo, City of Camden and Chief Thompson)

113. Plaintiff adopts and incorporates by reference paragraphs 1 through 112 as if set forth herein at length.

114. The conduct of Defendants, Benham, Sullivan, Truitt, Haddon Township and Haddon Township Police Chief Cavallo, City of Camden and Chief Thompson, through their agents, servants and employees, as described above, resulted in an unprovoked, unpermitted, harmful and offensive contact with Norman and thus constitute assault and battery.

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

TWELFTH CAUSE OF ACTION

(Common Law False Arrest/False Imprisonment as to Defendants Benham, Sullivan & Truitt, Haddon Township, Chief Cavallo, City of Camden and Chief Thompson)

116. Plaintiff adopts and incorporates by reference paragraphs 1 through 115 as if set forth herein at length.

117. The conduct of Defendants, Benham, Sullivan and Truitt, and Haddon Township, Haddon Township Police Chief Mark Cavallo, City of Camden, and former City of Camden Police Chief John Scott Thompson, through their agents, servants and employees, as described

above, resulted in the false arrest and false imprisonment of Norman, directly and proximately causing Plaintiff's physical, economic and emotional damages.

THIRTEENTH CAUSE OF ACTION
(Negligence as to all Defendants)

118. Plaintiff adopts and incorporates by reference paragraphs 1 through 117 as if set forth herein at length.

119. Defendants, Benham, Sullivan, Demsey, Blanchard, Mason, Robinson, Dicugno, Sierocinski, Truitt, Inostroza, Allen, Haddon Township, Haddon Township Police Chief Mark Cavallo, Borough of Oaklyn, Oaklyn Police Chief Joseph T. Abbate, Woodlynne Borough, Woodlynne Police Director Edwin Figueroa, Borough of Collingswood, Collingswood Police Chief Richard J. Sarlo, City of Camden, and former City of Camden Police Chief John Scott Thompson, through their agents, servants and employees, acted with a lack of cautious regard for Norman'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.

120. The injury to and death of Norman were a direct and proximate result of the negligence of all defendants.

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

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

122. Plaintiff adopts and incorporates by reference paragraphs 1 through 121 as if set forth herein at length.

123. The assault and battery, use of excessive force, and other acts unnecessarily subjecting Norman to danger, were carried out with such willful, malicious, wanton and reckless disregard of the consequences as to show Defendants, Benham, Sullivan, Demsey, Blanchard,

Mason, Robinson, Dicugno, Sierocinski, Truitt, Inostroza, Allen, Haddon Township, Haddon Township Police Chief Mark Cavallo, Borough of Oaklyn, Oaklyn Police Chief Joseph T. Abbate, Woodlynne Borough, Woodlynne Police Director Edwin Figueroa, Borough of Collingswood, Collingswood Police Chief Richard J. Sarlo, City of Camden, and former City of Camden Police Chief John Scott Thompson, through their agents, servants and employees' conscious indifference to the danger of harm and injury to Leach and the intent to inflict harm and injury on Norman.

124. The injury to and death of Norman were a direct and proximate result of the gross negligence of all defendants.

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

FIFTEENTH CAUSE OF ACTION
(Wrongful Death as to all Defendants)

126. Plaintiff adopts and incorporates by reference paragraphs 1 through 125 as if set forth herein at length.

127. By reason of the death of the decedent, decedent's surviving heirs-at-law have been deprived of decedent's support, comfort, society and services, all to their damages.

128. By reason of the injury and death of the decedent, the decedent's estate has become liable for hospital bills, doctor bills and funeral expenses of Sherron Norman, deceased.

129. As a result of the actions of all defendants as described above, Juanita Norman, individually, and in her capacity as Administratrix *ad Prosequendum* of the Estate of Sherron Norman, is entitled to recover pecuniary damages occasioned to Mr. Norman's heirs-at-law pursuant to *N.J.S.A. 2A:31-1, et seq.*

SIXTEENTH CAUSE OF ACTION
(Survivorship as to all Defendants)

130. Plaintiff adopts and incorporates by reference paragraphs 1 through 129 as if set forth herein at length.

131. As a direct and proximate result of the wrongful act of all defendants as described above, Norman suffered severe physical and mental pain, shock and agony.

132. As a proximate result of the wrongful acts of the defendants, Norman died.

133. By reason of the injury and death of the decedent, the decedent's estate has become liable for hospital bills, doctor bills and funeral expenses of Sherron Norman, deceased.

134. As a result of the actions of all defendants as described above, Plaintiff Juanita Norman, in her capacity as Administratrix *ad Prosequendum* of the Estate of Sherron Norman, deceased is entitled to recover damages pursuant to *N.J.S.A. 2A:15-3, et seq.*

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

- (1) Compensatory damages in the amount of \$10,000,000;
- (2) Punitive damages;
- (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, Plaintiff demands a trial by jury of this action.

TRIAL ATTORNEY DESIGNATION

Stanley O. King is hereby designated as trial attorneys.

Dated: October 1, 2015

KING & KING, LLC
Attorneys for Plaintiff

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