

**DiFrancesco, Bateman, Coley, Yospin,  
Kunzman, Davis, Lehrer & Flaum, P.C.**  
Attorneys-at-Law  
15 Mountain Boulevard  
Warren, NJ 07059  
(908) 757-7800  
Attorneys for Plaintiff, Donald Farrar  
Our File No.: P10885

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DONALD FARRAR,

Plaintiff,

vs.

TOWNSHIP OF TEANECK, NEW JERSEY  
a municipal corporation of the State of New  
Jersey; TOWNSHIP OF TEANECK  
POLICE DEPARTMENT; OFFICER  
SPENCE OSAIGBOVO; OFFICER CRAIG  
LUEBECK; OFFICER KEVIN BRENNAN;  
OFFICER GLEN COLEY; OFFICER  
MICHAEL DANENZA; SERGEANT HARRY  
HARRISON; CHIEF ROBERT WILSON, in  
their official and individual capacities;  
Fictitious Designation, John Does (#1-25);  
Fictitious Designation, ABC Corps. (#1-25).

Defendants.

CIVIL ACTION NO.: 12-3096  
(SRC)

**COMPLAINT AND  
JURY TRIAL DEMAND**

Plaintiff, Donald Farrar, residing in the Township of Teaneck, County of Bergen, State of New Jersey, by way of Complaint against all defendants, states as follows:

**PRELIMINARY STATEMENT**

This suit is filed in order to vindicate the rights of Plaintiff to engage in activity protected by the Fourth and Fourteenth Amendments to the Constitution of the United States of America without fear of reprisal and to seek economic redress for losses suffered by the Plaintiff at the hands of defendants.

### JURISDICTION

1. This Court has jurisdiction over the dispute between the parties pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343(a) (3) and (4) because Plaintiff's civil causes of action arise under the Constitution and laws of the United States, specifically 42 U.S.C. §1983 and the Fourth and Fourteenth Amendments to the Constitution of the United States of America.

2. Plaintiff hereby invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367 to hear related state causes of action.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because this Court sits in the district where all of defendants reside and is also the district where the substantial part of the events or omissions in connection with Plaintiff's claims arose.

### PARTIES

4. Donald Farrar, is an individual and resides in the Township of Teaneck, County of Bergen, State of New Jersey.

5. Defendant, Township of Teaneck, New Jersey, is upon information and belief, a duly designated municipality of the State of New Jersey and organized under the laws of the State of New Jersey, located in the County of Bergen.

6. Defendant, the Township of Teaneck Police Department is, upon information and belief, a municipal department and/or agency of the government of Defendant, Township of Teaneck.

7. Defendants, Officer Spence Osaigbovo, (hereinafter "Officer Osaigbovo"), Officer Craig Luebeck, (hereinafter "Officer Luebeck"), Officer Kevin Brennan (hereinafter "Officer Brennan") and Officer Glen Coley (hereinafter "Officer Coley") were at all relevant times duly appointed and active police officers of the Township of Teaneck Police Department and were acting in such capacities as the agents, servants, and/or employees of Defendant, Township of Teaneck and were acting under color of law. Said defendants are being named herein in their official and individual capacities.

8. Defendant, Sergeant Harry Harrison, (hereinafter "Sergeant Harrison") was at all relevant times a duly appointed and active police sergeant of the Township of Teaneck Police Department and was acting in such capacity as the agent, servant, and/or employee of Defendant, Township of Teaneck and was acting under color of law. Said defendant is being named herein in his individual and official capacity.

9. Defendant, Chief Robert Wilson, (hereinafter "Chief Wilson") was at all relevant times the duly appointed and active Chief of Police of the Township of Teaneck Police Department and was acting in such capacity as the agent, servant, and/or employee of Defendant, Township of Teaneck and was acting under color of law. Said defendant is being named herein in individual and official capacity.

10. At all relevant times, John Does 1-25, names of said individuals presently unknown and fictitious, were supervisors, agents, employees, servants or otherwise acting on behalf of and within the scope of their employment with the Township of Teaneck and/or the Township of Teaneck Police Department and acting under color of law.

11. ABC Corps. 1-25 are fictitious designations for one or more private or public entities and organizations whose identities are currently unknown.

12. At times referenced herein Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza and Sergeant Harrison shall be referred to collectively as "Defendants".

**FACTS COMMON TO ALL COUNTS**

13. On or about May 25, 2010, Plaintiff was lawfully on the premises of St. Paul Lutheran Church (hereinafter the "Church") located at 61 Church Street, Township of Teaneck, County of Bergen, State of New Jersey.

14. At all relevant times, Plaintiff was an employee of the Church as a custodian and sexton and his job responsibilities included, but were not limited to, maintaining and repairing the Church facilities.

15. On May 26, 2010 at approximately 1:00 a.m., Plaintiff was inside the Church cleaning the lounge area when he heard sounds coming from the parking lot. Plaintiff went to the door to see from where the sounds were coming and he noticed a police officer exiting a patrol car and approach him.

16. Plaintiff advised the police officer, later identified as Defendant Officer Osaigbovo, that nothing was wrong and that he was the custodian for the Church and was working a late shift.

17. Without warning or provocation, Defendant Officer Osaigbovo physically assaulted Plaintiff as Plaintiff attempted to explain his employment relationship with the Church and why was working at such a late hour. However, Defendant Officer Osaigbovo refused to listen to or acknowledge Plaintiff as he continued to forcibly and unlawfully assault Plaintiff.

18. The assault continued into the Church and Defendant Officer Osaigbovo proceeded to strike Plaintiff across the face and on the side of Plaintiff's head with his flashlight. Officer Osaigbovo tackled Plaintiff to the ground causing Plaintiff to hit the back of his head upon the floor and momentarily lose consciousness and sustain personal injuries to his mouth and teeth.

19. Thereafter, Defendant Officer Luebeck arrived and proceeded to repeatedly kick and assault Plaintiff while he was lying on the ground and under the control of Defendant Officer Osaigbovo.

20. Defendant Officer Osaigbovo and Defendant Officer Luebeck unjustifiably handcuffed and detained Plaintiff and dragged him out of the Church and to the patrol car.

21. While Plaintiff was secured in handcuffs, Defendant Officer Osaigbovo and Defendant Officer Luebeck leaned Plaintiff over the patrol car and continued to assault him. Plaintiff attempted to explain to the officers that he had his work identification in his pocket and that they could call a church representative to verify same. However, the officers refused to acknowledge him and continued to assault him.

22. Defendants, Sergeant Harrison, Officer Danenza and Officer Coley arrived on the scene. Plaintiff attempted to explain to these officers that he belonged on the property and worked for the Church. None of these defendants acknowledged Plaintiff's statements nor attempted to verify his identification. At no point was Plaintiff ever advised that he was under arrest or charged with any crime.

23. Plaintiff was advised that he was being taken to police headquarters. However, none of the officers advised Plaintiff that he was under arrest, why he was being taken into custody or what crimes he was alleged to have violated.

24. While at headquarters Defendants, Officer Osaigbovo, Officer Luebeck, Officer Danenza, Officer Coley, Sergeant Harrison, Officer Brennan and other unknown officers continuously refused Plaintiff's repeated attempts to make a telephone call.

25. While Plaintiff continued to wait in a holding cell, uninformed of his charges or reason for detention, he became dizzy and ill as a result of injuries sustained during the assault. Plaintiff was then transported to Holy Name Medical Center to treat for his injuries.

26. While at the hospital, the officers interceded and interfered with Plaintiff's interaction with the hospital staff.

27. When Plaintiff returned to police headquarters he was finally advised that he was being charged with resisting arrest and impeding an investigation.

#### **FIRST COUNT**

#### **Claim For Violation Of Rights Against Being Subjected to Unreasonable Seizures As Protected By The Fourth and Fourteenth Amendment Of The U.S. Constitution Brought Pursuant to 42 U.S.C. §1983**

28. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 27 as if set forth at length herein.

29. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza and Sergeant Harrison were acting under color of law, as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck

Police Department, in connection with the incident described herein involving Plaintiff.

30. The Fourth Amendment to the United States Constitution protects persons from being subjected to unreasonable seizures by the police.

31. As a result of Defendant Officers' aforementioned intentional acts and conduct, Plaintiff was subjected to a seizure as he was unable to leave and terminate the encounter between him and Defendant Officers. The intentional acts and conduct of Defendant Officers constituted a stop and/or arrest of Plaintiff amounting to an unlawful "seizure" within the meaning of the law.

32. All of the aforementioned acts or omissions of Defendant Officers were unnecessary and completely unreasonable under the circumstances, not justified according to law and deprived Plaintiff of his federally protected constitutional right to be free from unlawful seizures, false arrest, and false imprisonment.

33. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

### **SECOND COUNT**

#### **Claim For Violation Of Rights Against Being Subjected to Excessive Force As Protected By The Fourth and Fourteenth Amendment Of The U.S. Constitution Brought Pursuant to 42 U.S.C. §1983**

34. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in

Paragraphs 1 through 33 as if set forth at length herein.

35. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza and Sergeant Harrison were acting under color of law, as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck Police Department, in connection with the incident described herein involving Plaintiff.

36. The Fourth Amendment to the United States Constitution protects persons from being subjected to excessive force while being arrested and/or stopped by the police.

37. The aforementioned acts and conduct of Defendants, Officer Osaigbovo and Officer Luebeck was unnecessary, unjustified and completely unreasonable under the circumstances. At all relevant times, Plaintiff was unarmed and posed absolutely no danger to the safety and welfare of Officer Osaigbovo and Officer Luebeck and all those around him.

38. All of the aforementioned acts or omissions of Defendants, Officer Osaigbovo and Officer Luebeck constitute excessive force within the meaning of the law.

39. All of the aforementioned acts or omissions of Defendants, Officer Osaigbovo and Officer Luebeck were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of his federally protected constitutional right to be free from excessive force at the hands of the police.

40. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**THIRD COUNT**

**Supervisor Liability For Violations of Civil Rights  
Pursuant to 42 U.S.C. §1983**

41. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 40 as if set forth at length herein.

42. At all relevant times, Defendants Sergeant Harrison, Chief Wilson and John Does 1-25 were acting under color of law, as supervisors, agents, servants, employees or otherwise acting on behalf of and within the scope of their employment with Defendants, Township of Teaneck and the Teaneck Police Department.

43. Defendants, Sergeant Harrison, Chief Wilson and John Does 1-25 were the superiors and/or supervisors of Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley and Officer Danenza.

44. Additionally, Defendants Sergeant Harrison, Chief Wilson and John Does 1-25 were responsible for making government policy and for oversight of the functions and duties of their respective departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

45. Defendants Sergeant Harrison, Chief Wilson and John Does 1-25 directed Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley and Officer Danenza to undertake the aforementioned actions, and/or had knowledge of these officer's violations of Plaintiff's constitutional rights and acquiesced in that violation, and/or with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused the aforementioned violations of Plaintiff's constitutional rights.

46. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants,

Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

#### **FOURTH COUNT**

##### **Liability For Inadequate Training Causing Violations of Civil Rights Pursuant to 42 U.S.C. §1983**

47. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 46 as if set forth at length herein.

48. Defendants, Township of Teaneck, the Teaneck Police Department, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 were responsible for making government policy and for oversight of the functions and duties of their respite departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

49. These defendants failed to establish adequate training programs in order to properly train its police employees to carry out their official duties in effectuating lawful seizures of its citizens and applying reasonable degrees of force in connection with same.

50. The failure on behalf of these defendants to adequately train its police employees amounted to deliberate indifference to the fact that inaction would obviously result in the violation of its citizens' Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

51. The failure on behalf of these defendants to adequately train its police employees including, but not limited to, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, and Sergeant Harrison, proximately caused the violation of Plaintiff's Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

52. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

#### **FIFTH COUNT**

#### **Liability For Inadequate Supervision Causing Violations of Civil Rights Pursuant to 42 U.S.C. §1983**

53. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 52 as if set forth at length herein.

54. Defendants, Township of Teaneck, the Teaneck Police Department, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 were responsible for making government policy and for oversight of the functions and duties of their respite departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

55. These defendants failed to adequately supervise its police employees in carrying out their official duties when effectuating lawful seizures of its citizens and applying reasonable degrees of force in connection with same.

56. These defendants knew or should have known that its police employees possessed certain dangerous and/or vindictive characteristics, tendencies and/or propensities which would require some amount of reasonable supervision over said employees.

57. The failure on behalf of these defendants to adequately supervise its police employees amounted to deliberate indifference to the fact that inaction would obviously result in

the violation of Plaintiff's and other citizens' Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

58. The failure on behalf of these defendants to adequately supervise its police employees including, but not limited to, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, and Sergeant Harrison, proximately caused the violation of Plaintiff's Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

59. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**PENDENT STATE LAW CLAIMS**

**SIXTH COUNT**

**False Arrest/Imprisonment  
In Violation Of New Jersey State Law**

60. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 59 as if set forth at length herein.

61. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza and Sergeant Harrison were acting as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck Police

Department, in connection with the incident described herein involving Plaintiff.

62. As a result of Defendant Officers' aforementioned intentional acts and conduct, Plaintiff was subjected to a seizure as he was unable to leave and terminate the encounter between him and Defendant Officers. The intentional acts and conduct of Defendant Officers constituted a stop and/or arrest of Plaintiff within the meaning of the law.

63. All of the aforementioned acts or omissions of Defendant Officers were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of his constitutional rights under the laws of the State of New Jersey to be free from unlawful seizures, false arrest, and false imprisonment.

64. As a direct and proximate result of the aforementioned violations of Plaintiff's civil rights actionable under both Federal and State Constitutions, Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

#### **SEVENTH COUNT**

#### **Excessive Force In Violation Of New Jersey State Law**

65. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 64 as if set forth at length herein.

66. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer

Brennan, Officer Coley, Officer Danenza and Sergeant Harrison were acting as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck Police Department, in connection with the incident described herein involving Plaintiff.

67. All of the aforementioned acts or omissions of Defendant Officers constitute excessive force within the meaning of the law. At all relevant times, Plaintiff was unarmed and posed absolutely no danger to the safety and welfare of Defendant Officers and all those around him.

68. All of the aforementioned acts or omissions of Defendant Officers were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of his federally and state protected constitutional right to be free from excessive force at the hands of the police.

69. As a direct and proximate result of the aforementioned violations of Plaintiff's civil rights actionable under both Federal and State Constitutions, Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**EIGHTH COUNT**

**Assault and Battery  
In Violation Of New Jersey State Law**

70. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in

Paragraphs 1 through 69 as if set forth at length herein.

71. At all relevant times, Defendants, Officer Osaigbovo and Officer Luebeck were acting as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck Police Department, in connection with the incident described herein involving Plaintiff.

72. As set forth above, without warning or provocation Defendants, Officer Osaigbovo and Officer Luebeck intentionally attempted to and did physically assault and kick Plaintiff about his face and body prior to and after placing Plaintiff in handcuffs. At the time of the assault, Plaintiff was unarmed and posed no danger to the officers.

73. All of the aforementioned forcible contact by Defendants, Officer Osaigbovo and Officer Luebeck with their attempts to touch and their actual touching of Plaintiff were without Plaintiff's consent.

74. All of the aforementioned acts or omissions of Defendants, Officer Osaigbovo and Officer Luebeck were made with an unlawful amount force and violence and constitute negligent or intentional assault.

75. As a direct and proximate result of the aforementioned conduct of Defendants, Officer Osaigbovo and Officer Luebeck Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**NINTH COUNT**

**Negligent Infliction Of Emotional Distress  
In Violation Of New Jersey State Law**

76. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 75 as if set forth at length herein.

77. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza and Sergeant Harrison were acting as an agent, servant, and employee of Defendants, Township of Teaneck and the Teaneck Police Department, in connection with the incident described herein involving Plaintiff.

78. The aforementioned acts of these Defendants were made with an unlawful amount force and violence and in a careless, reckless, and negligent manner completely unreasonable under the circumstances.

79. These Defendants knew or should have known that their actions would inflict emotional distress on Plaintiff.

80. As a direct and proximate result of the aforementioned conduct these Defendants, Plaintiff was caused to suffer severe, serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**TENTH COUNT**

**Negligent Retention and Supervision  
In Violation Of New Jersey State Law**

81. Plaintiff, Donald Farrar, repeats and realleges the allegations contained in Paragraphs 1 through 80 as if set forth at length herein.

82. At all relevant times, Defendants, Sergeant Harrison, Chief Wilson and John Does 1-25 while acting as the agents, servants, employees or otherwise on behalf of Defendants, Township of Teaneck and the Teaneck Police Department were charged by statutes, law, code, regulation, policy, procedure, or other authority to perform their functions and duties in a safe and reasonable manner and to act properly in furtherance of protecting and safeguarding its citizens, including Plaintiff.

83. Defendants, Sergeant Harrison, Chief Wilson and John Does 1-25 owed a duty to exercise due and reasonable care in carrying out their functions and duties as assumed towards its citizens, including Plaintiff.

84. At all relevant times, Defendants, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley and Officer Danenza possessed dangerous propensities to commit unlawful, violent acts of physical abuse while performing his duties as a law enforcement officer thereby creating an unreasonable risk of injury to the citizens he was sworn to protect.

85. Defendants, Sergeant Harrison, Chief Wilson and John Does 1-25 knew or should have known of said officers' dangerous propensities and the risk of injury that he presented to Plaintiff as well as other citizens.

86. Defendants, Sergeant Harrison, Chief Wilson and John Does 1-25 acted in a negligent, careless, reckless, or otherwise palpably unreasonable manner, breaching their duty of care owed to Plaintiff, by retaining said officers in their employment position despite such knowledge of their dangerous propensities and failed to adequately supervise them.

87. As a direct and proximate result of the aforementioned conduct of these

Defendants, Plaintiff was caused to suffer severe, serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Donald Farrar, demands judgment against Defendants, Township of Teaneck, the Teaneck Police Department, Officer Osaigbovo, Officer Luebeck, Officer Brennan, Officer Coley, Officer Danenza, Sergeant Harrison, Chief Wilson, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

**JURY DEMAND**

Plaintiff demands a trial by jury as to all issues so triable.

**DiFrancesco, Bateman, Coley, Yospin  
Kunzman, Davis, Lehrer & Flaum, P.C.**

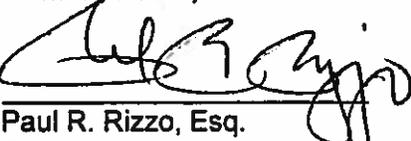
By:   
Paul R. Rizzo, Esq.  
Attorneys for Plaintiff

Dated: MAY 23, 2012

**NOTICE OF DESIGNATION OF TRIAL COUNSEL**

Plaintiff hereby designates Paul R. Rizzo, Esq. as trial counsel in connection with the above-captioned matter.

**DiFrancesco, Bateman, Coley, Yospin  
Kunzman, Davis, Lehrer & Flaum, P.C.**

By:   
Paul R. Rizzo, Esq.  
Attorneys for Plaintiff

Dated: MAY 23, 2012

**CERTIFICATION OF COUNSEL**

The undersigned hereby certifies that at the time of filing this Complaint, the matter in controversy is not the subject of any other action pending in any court and/or arbitration proceeding. The undersigned is unaware of any non-party who should be joined in this action at this time

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Paul R. Rizzo, Esq.

Dated: MAY 23, 2012

## SETTLEMENT AGREEMENT AND GENERAL RELEASE

This Settlement Agreement and Release (this Agreement and Release) is made as of May , 2016, by and among, Plaintiff, Donald Farrar (hereinafter "Plaintiff" or "Farrar"), and Defendants, Township of Teaneck; Teaneck Police Department; Officer Spence Osaigbovo; Officer Craig Luebeck; Officer Kevin Brennan; Officer Glen Coley; Officer Michael Danenza; Sergeant Harry Harrison; and Chief Robert Wilson (hereinafter "Defendants").

### RECITALS:

**WHEREAS**, Plaintiffs having filed Civil Action entitled Donald Farrar v. Township of Teaneck, Teaneck Police Department; Officer Spence Osaigbovo; Officer Craig Luebeck; Officer Kevin Brennan; Officer Glen Coley; Officer Michael Danenza; Sergeant Harry Harrison; and Chief Robert Wilson, in the United States District Court for the District of New Jersey under Civil Action Number 12-3096 (SRC), which alleges to arise out of injuries suffered by Plaintiff on or about May 25, 2010, which occurred as a result of his arrest on the premises of St. Paul Lutheran Church located at 61 Church Street, Township of Teaneck;

**WHEREAS**, Plaintiff wishes to settle and resolve all potential disputes and differences and to settle all claims with the Defendant, Township of Teaneck, without the necessity of further litigation which will preclude the Plaintiff from bringing any claim, cause, proceeding or action of any kind against any of the above-named Defendants based upon the incident which occurred on May 25, 2010 as described above; and

**WHEREAS**, the parties to this Agreement and Release have agreed to resolve their differences and settle all claims between them pursuant to the terms herein; and

**WHEREAS**, Plaintiff has consulted with his attorney prior to executing this Settlement Agreement and General Release and has had adequate opportunity to consider this Agreement;

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties to this Agreement hereby agree as follows:

1. **RECITALS**: the recitals set forth above are incorporated herein by reference and made a part hereof.

2. **STIPULATION OF DISMISSAL WITH PREJUDICE**: Upon the execution of this Agreement and Release the parties shall execute and immediately cause to be filed with the United States District Court for the District of New Jersey a Stipulation of Dismissal with Prejudice in the form attached hereto as **Exhibit A-1**.

3. **GENERAL RELEASE**: Plaintiff irrevocably and unconditionally releases and forever discharges all claims described herein below:

a. Subject only to the provisions contained herein, Plaintiff voluntarily agrees to release all known and unknown claims, promises, causes of action or similar rights of any type that he presently may have with respect to the Township of Teaneck; Teaneck Police Department; Officer Spence Osaigbovo; Officer Craig Luebeck; Officer Kevin Brennan; Officer Glen Coley; Officer Michael Danenza, Sergeant Harry Harrison, and Chief Robert Wilson its successors assigns, representatives, officers, agents, directors, supervisors, and employees and each and every one of them and their heirs, executors, administrators, successors and assignees, and all persons acting by, through, under or in concert with any of them that in anyway relate to the incident which occurred on or about May 25, 2010, at 61 Church Street, Township of Teaneck.

b. It is agreed and understood by all parties to the action that Plaintiff, by the execution of this Agreement is settling his claim or claims against the Township of Teaneck while simultaneously dismissing his claim or claims against the Township of Teaneck Police Department and all of the individually named members of the Teaneck Police Department as related to the incident which occurred on or about May 25, 2010. Dismissal of the claims against the Teaneck Police Department and the individually named Defendant members of that Department are hereby dismissed with prejudice.

4. **CONSIDERATION:** Township of Teaneck shall cause to be paid to Plaintiff in full and final settlement of all claims referred to in this agreement the sum of two hundred and seventy-five thousand dollars (\$275,000.00). This payment shall constitute complete satisfaction of all claims referred to in this Agreement or arising out of said claims.

5. **CONSEQUENCES OF VIOLATING SETTLEMENT AGREEMENT AND GENERAL RELEASE:** Plaintiff agrees to pay all reasonable attorney fees or any damages that Releasees may incur as a result of Plaintiff breaching any promises he made in this Agreement or if any representation on his part made in this release was false when made.

6. **ACKNOWLEDGMENT:** The parties hereto acknowledge that:

a. They have read this Agreement and Release;

b. They have had the benefit of consultation with competent legal counsel in connection with considering and agreeing with this Agreement.

c. They are authorized to enter into this Agreement and Release.

d. They fully understand, know and appreciate all of the terms and conditions of this Agreement and Release.

e. They execute this Agreement and Release and make the settlement and release provided for herein voluntarily, and of their own free will.

f. The parties agree that this Agreement and Release is being entered into to resolve disputed claims, to avoid further costs in connection with litigation and that nothing connected to

or concerning this Agreement and Release is to be deemed an admission of liability or wrong on the part of any party. All parties acknowledge that they have received good and valuable consideration and full payment for making this Agreement and Release, the receipt and adequacy of which is hereby acknowledged.

**7. LIABILITY:** If any provision, covenant, term or condition of this Agreement and Release is held to be invalid, illegal or unenforceable for any reason, such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of any other provisions, covenants, terms or conditions of this Agreement and Release. Notwithstanding the forgoing, if a final judgment of a Court or tribunal of jurisdiction determines that any term or provision of this Agreement and Release is invalid or unenforceable, then the parties agree that such Court or Tribunal will have the power to delete specific words or phrases or to replace any invalid or unenforceable term or provision with a term or provision that is enforceable and that comes closest to expressing the intention of the invalid or unenforceable term or provision.

**8. ENTIRE AGREEMENT:** This Agreement and Release expresses the entire understanding of the parties with respect to the subject matter of this Agreement and Release, supercedes any prior written or oral representations, agreements or understandings with respect hereto. No party has relied on any representations, assurances or understandings other than as expressed herein or in the stipulation of dismissal with prejudice referred to in this Agreement and Release. This Agreement and Release can only be modified by written documents signed by all parties or their successors or assigns.

**9. ATTORNEYS FEES/COSTS AND EXPENSES/LIENS:**

a) Each party to this Agreement and Release shall bear all of their own attorney fees, expenses, including but not limited to those occurred in prosecuting or defending the action and in negotiation and execution of this Agreement and Release.

b) Plaintiff hereby agrees and represents that from the gross settlement proceeds any and all liens on said settlement including but not limited to workmen's compensation lien or liens and/or welfare lien or liens shall be paid, satisfied and discharged and Plaintiff shall hold all named Defendants collectively and individually harmless for the payment of said liens. Furthermore, Plaintiff shall provide proof of the payment of said lien or liens to the Defendant, Township of Teaneck within ten (10) days of his receipt of the gross settlement funds identified above.

**10. ADDITIONAL DOCUMENTS:** The parties and their counsel shall execute all such further and additional documents that shall be reasonable and necessary to carry out the provisions and intent of this Agreement and Release.

**11. SUCCESSORS / ASSIGNS:** This Agreement and Release shall be binding upon each of the parties and each of the parties' successors and assigns.

**12. GOVERNING LAW / JURISDICTION:** This Agreement and Release shall be governed by and construed in according with the laws of the State of New Jersey. The parties

agree that the United States District Court for the District of New Jersey shall be the one and only forum for any dispute arising out of the fulfillment or non fulfillment of this agreement. The parties hereto are irrevocably consent to the jurisdiction of such Court.

**13. COUNTERPARTS:** This Agreement and Release may be executed in one or more counterparts, and, one signed and counterparts have been exchanged, they shall be a full force in effect.

**WITNESS WHEREOF,** and intending to be legally bound hereby, the parties have executed this agreement and release as of the date first above written.

WITNESS:

DONALD FARRAR

By:  \_\_\_\_\_

  
Donald Farrar

Dated: May 13, 2016

WITNESS:

TOWNSHIP OF TEANECK

By: \_\_\_\_\_

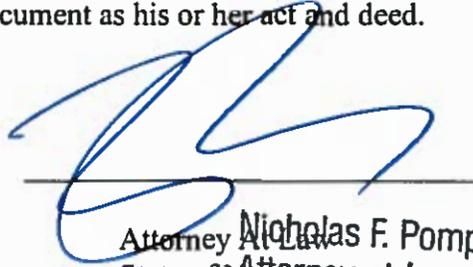
By: \_\_\_\_\_  
William Broughton, Municipal Manager

Dated: May , 2016

STATE OF NEW JERSEY:  
COUNTY OF BERGEN:

On the 13<sup>th</sup> day of MAY, <sup>2016</sup>~~2015~~, Plaintiff, Donald Farrar, 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.



Nicholas F. Pompelio, Esq.  
Attorney At Law  
State of New Jersey  
Attorney-at-Law  
State of New Jersey

STATE OF NEW JERSEY:  
COUNTY OF BERGEN:

On the \_\_\_ day of \_\_\_\_\_, 2016, before me personally came William Broughton, known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed same in his capacity as Municipal Manager for the Township of Teaneck

\_\_\_\_\_  
Notary Republic