

THOMAS J. MALLON, ESQ.  
Attorney-at-Law  
86 Court Street  
Freehold, NJ 07728  
(732) 780-0230  
Attorney for Plaintiff Glen Forero, Jr.

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**GLEN FORERO, JR.**

Plaintiff,

**vs.**

**ATLANTIC CITY; MARK A. PINCUS, JR.,  
JERARD INGENITO, JOHN DOES 1-5,**  
(fictitious individuals)Atlantic City Police Officers;  
**JOHN J. MOONEY, III,** Atlantic City Chief of  
Police; **CHRISTINE M. PETERSEN,** Atlantic  
City Public Safety Director; **JOHN DOES 6-10,**  
(fictitious individuals) members of the Atlantic  
City Police Department in supervisory capacities;

Defendants.

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UNITED STATES DISTRICT COURT  
DISTRICT COURT OF NEW JERSEY  
CAMDEN

Civil Action No.: - ( - )

**COMPLAINT**

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**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. Section 1983 and in accordance with the Fourth and Fourteenth Amendments of the Constitution of the United States of America. Jurisdiction is conferred under 28 U.S.C. Section 1331 and Section 1343(3).

**PARTIES**

2. Plaintiff Glen Forero, Jr. residing at 93 Perry Avenue, Staten Island, New York, 10314, is and was, at all times herein relevant, a citizen of the United States and a resident of the State of New York.

3. Defendants Mark A. Pincus, Jr., Jerard Ingenito and John Does 1-5 were at all times mentioned herein duly appointed and acting police officers of the Atlantic City Police

Department and at all times herein were acting in such capacities as the agents, servants and/or employees of Atlantic City and were acting under the color of law.

4. Defendants John J. Mooney, III and John Does 6-10 were at all times mentioned herein duly appointed and acting members of the Atlantic City Police Department and at all times herein were acting in such capacities as the agents, servants and/or employees of Atlantic City and were acting under the color of law. Defendant Christine Petersen is the Public Safety Director of Defendant Atlantic City and at all times herein was acting in such capacity as the agent, servant and/or employee of Atlantic City and was acting under the color of law.

5. Defendants John J. Mooney, III, Christine Petersen and/or John Doe 2 and/or John Does 6-10 were acting in supervisory capacities over Defendants Pincus, Ingenito and/or John Does 1-10 and responsible by law for the training, supervision and conduct of Defendants Pincus, Ingenito, and John Does 1-10.

6. Defendant Atlantic City is a duly designated municipality of the state of New Jersey under the laws of the state of New Jersey.

7. At all times relevant hereto, Defendant Atlantic City employed the aforementioned Defendants. As such, it was responsible for the training, supervision and conduct of Defendants Pincus; Ingenito; Mooney; Petersen, and John Does 1-10.

8. All Defendants are named in their individual and official capacities.

#### **FACTUAL ALLEGATIONS**

\_\_\_\_ 1. On 11/12/10, Plaintiff Glen Forero was a business invitee/guest at The Showboat Hotel and Casino.

2. Plaintiff and his girl friend were evicted from the Showboat by security personnel and escorted from the premises by Defendants Pincus, Ingenito and / or John Does 1-5.

3. Defendants Pincus, Ingenito and/or John Does 1-5 assaulted Plaintiff without justification and with excessive force while escorting Plaintiff from the premises.

4. Defendants Pincus, Ingenito and/or John Does 1-5 also assaulted Plaintiff without justification and with excessive force while transporting Plaintiff to police headquarters.

5. As a result of Defendant's unjustified assault and their use of excessive force, Plaintiff sustained bodily injuries; medical expenses; lost wages; pain and suffering, and emotional distress.

**SECTION 1983 EXCESSIVE FORCE**  
**COUNT ONE**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. As a direct and proximate result of the above-referenced unlawful and malicious physical abuse of Plaintiff by Defendants Pincus, Ingenito and/or John Does 1-5 committed under color of state law, Plaintiff sustained bodily harm and was deprived of his rights to be secure in his person against unreasonable seizure of his person, in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and U.S.C. Section 1983.

3. As a direct and proximate cause of the malicious and outrageous conduct of Defendants as set forth above, Plaintiff suffered bodily injuries, damages in the form of lost wages and medical expenses and will suffer additional special damages in the future in an amount which cannot yet be determined.

4. By reason of the above, Plaintiff was injured, suffered great mental anguish, and was deprived of his constitutional rights as described above.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants Pincus, Ingenito and/or John Does 1-5, on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the

court deems proper and just.

**SECTION 1983 FAILURE TO INTERVENE**  
**COUNT TWO**

\_\_\_\_\_1. The previous paragraphs are incorporated herein inclusively as if fully set forth.

2. Defendants Pincus, Ingenito and/or John Does 1-5 were Atlantic City Police Officers and at all times mentioned herein were acting under color of state law.

3. Defendants Pincus, Ingenito and/or John Does 1-5 had a duty to intervene in the unjustified assault and arrest of Plaintiff by Defendants Pincus, Ingenito and/or John Does 1-5.

4. The unjustified assault and arrest of Plaintiff by Defendants Pincus, Ingenito and/or John Does 1-5 deprived Plaintiff of his right to be secure in his person against unreasonable seizure in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and made actionable through 42 U.S.C. Section 1983.

5. Defendants Pincus, Ingenito and/or John Does 1-5 had a reasonable opportunity to intervene in the unjustified arrest and assault of Plaintiff by Defendants Pincus, Ingenito and/or John Does 1-5 and failed to intervene.

6. As a direct and proximate cause of Defendants' Pincus, Ingenito and/or John Does 1-5 failure to intervene, Plaintiff suffered physical injury; medical expenses; lost wages, and mental anguish in connection with the deprivation of his Constitutional Rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and made actionable through by 42 USC Section 1983.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants Pincus, Ingenito and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**SECTION 1983 MALICIOUS ABUSE OF PROCESS**  
**COUNT THREE**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Pincus, Ingenito and/or John Does 1-5 maliciously used a “legal process” to accomplish some ulterior purpose for which it was not designed or intended, or which was not the legitimate purpose of the particular process employed.
3. Defendants Pincus, Ingenito and/or John Does 1-5 made false statements of fact; intentionally, recklessly, and/or negligently misrepresented the facts of their encounter with Plaintiff and his subsequent arrest and detention; falsified police and/or other official records, and mishandled and/or withheld evidence to initiate and/or instigate a criminal prosecution of Plaintiff.
4. Defendants Pincus, Ingenito and/or John Does 1-5 knew that the complaints initiated were groundless and made misrepresentations to gain an advantage over Plaintiff’s certain constitutional claims and/or to protect their interest in their employment and/or to protect themselves from criminal prosecution and civil liability.
5. As a direct and proximate result of the acts of Defendants Pincus, Ingenito and/or John Does 1-5 as set forth herein, Plaintiff suffered physical injury, lost wages, medical expenses, and mental anguish in connection with the deprivation of his constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and protected by 42 U.S.C. Section 1983.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants Pincus, Ingenito and/or John Does 1-5 on this Count together with compensatory and punitive damages, attorney’s fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**SECTION 1983 SUPERVISORY LIABILITY**  
**COUNT FOUR**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants John Doe 2 and/or John Does 6-10 were supervisory officials and/or officers in charge at the time Plaintiff was arrested and assaulted.
3. Defendants John Doe 2 and/or John Does 6-10 had a duty to prevent subordinate officers Pincus, Ingenito and/or John Does 1-5 from violating the constitutional rights of citizens and/or detainees.
4. Defendants John Doe 2 and/or John Does 6-10 either directed Defendants Pincus, Ingenito and/or John Does 1-5 to violate Plaintiff's constitutional rights or had knowledge of and acquiesced in his/their subordinate's violations.
5. As a direct and proximate result of the acts of Defendants John Doe 2 and/or John Does 6-10 as set forth herein, Plaintiff suffered physical injury, medical expenses, lost wages and mental anguish in connection with the deprivation of his constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and protected by 42 U.S.C. Section 1983.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants John Does 2 and/or John Does 6-10 on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**SECTION 1983**  
**UNLAWFUL CUSTOM, PRACTICE, POLICY/ INADEQUATE TRAINING**  
**COUNT FIVE**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Defendants Atlantic City Police Department, John J. Mooney, III; Christine Petersen, and/or John Does 6-10 are vested by state law with the authority to make policy on the use of force, conducting internal affairs investigations, effectuating arrests and police citizen encounters. Specifically, Defendant Mooney was the Chief of Police at the time of Plaintiff's unjustified assault and arrest. Defendant Petersen is the Atlantic City Director of Public Safety.
3. At all times mentioned herein, Defendants Mooney; Petersen; Pincus; Ingenito and/or John Does 1- 10, as police officers, agents, servants and/or employees of Defendant Atlantic City, were acting under the direction and control of Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10, and were acting pursuant to the official policy, practice or custom of the Atlantic City Police Department.
4. Acting under color of law pursuant to official policy, practice, or custom, Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference failed to train, instruct, supervise, control, and discipline on a continuing basis, Defendants Mooney; Petersen; Pincus; Ingenito, and/or John Does 1-10 in their duties to refrain from: (1) unlawfully and maliciously assaulting, arresting and harassing citizens; (2) intentionally, recklessly and/or negligently misrepresenting the facts of arrests and/or other police-citizen encounters; (3) falsifying police and/or other official records; (4) withholding and/or mishandling evidence; (5) making false arrests, and/or (6) using unreasonable and excessive force.
5. Acting under color of law pursuant to official policy, practice, or custom, Defendants

Atlantic City; Mooney; Petersen and/or John Does 6-10 intentionally, knowingly, recklessly and/or with deliberate indifference implemented and/or conducted superficial and shallow Internal Affairs processes which ignored evidence and patterns of police misconduct on individual and departmental levels. Defendants Mooney; Petersen and/or John Does 6-10 failed to professionally, objectively and/or expeditiously investigate instances and patterns of police misconduct in violation of the spirit and substance of the New Jersey Attorney General's Guidelines for Internal Affairs Policy and Procedures.

6. Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 were aware of numerous similar police citizen encounters involving, and/or Internal Affairs complaints and/or civil lawsuits filed against, Defendants Pincus; Ingenito; John Does 1-10 and/or other Atlantic City Police Officers whereby they customarily and frequently subjected citizens held in custody to physical and mental abuse; unlawfully and maliciously assaulted, arrested and harassed citizens; intentionally, recklessly and/or negligently misrepresented the facts of arrests and/or other police-citizen encounters; falsified police and/or other official records; made false arrests, mishandled and/or withheld evidence and/or used unreasonable and excessive force on citizen/arrestees.

7. Despite their awareness, Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 failed to employ any type of corrective or disciplinary measures against Defendants Mooney; Petersen; Pincus; Ingenito; John Does 1-10, and/or other Atlantic City Police Officers.

8. Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 had knowledge of, or, had they diligently exercised their duties to instruct, train, supervise, control, and discipline Defendants Mooney; Petersen; Pincus; Ingenito, and/or John Does 1-10 on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore



alleged, were about to be committed.

9. Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and intentionally, knowingly, recklessly and/or with deliberate indifference failed to do so.

10. Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10, directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants Mooney; Petersen; Pincus; Ingenito, and/or John Does 1-10 heretofore described.

11. As a direct and proximate result of the acts of Defendants Atlantic City; Mooney; Petersen and/or John Does 6-10 as set forth herein, Plaintiff suffered physical injury, lost wages, medical expenses, and mental anguish in connection with the deprivation of his constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and protected by 42 U.S.C. Section 1983.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants Atlantic City; John J. Mooney III; Christine Petersen, and/or John Does 6-10, on this Count together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**SECTION 1983**  
**DEMAND FOR PROSPECTIVE INJUNCTIVE RELIEF**  
**COUNT SIX**

1. The previous paragraphs are incorporated herein inclusively as if fully set forth.
2. Pursuant to 42 USC Section 1983, given that there exists no adequate remedy at law, Plaintiff is entitled to prospective injunctive relief against the Defendants.

3. The relief sought by Plaintiff includes, but is not limited to, the following:
  - a. An order permanently restraining and enjoining Defendants Atlantic City; John J. Mooney, III; Christine Petersen; Mark A. Pincus, Jr.; Jerard Ingenito, and John Does 1-10 from engaging in, encouraging, teaching, promoting or training Atlantic City Police Officers in falsely arresting, maliciously prosecuting, maliciously abusing process, and/or using excessive force against citizens and/or arrestees.
  - b. An order compelling Defendant Atlantic City to take prompt, appropriate and corrective measures to prevent any practices that encourage, teach, engage in, promote or train its officers in falsely arresting, maliciously prosecuting, maliciously abusing process and/or using excessive force against citizens and/or arrestees.
  - c. An order compelling Defendant Atlantic City to provide regular and consistent training sessions to Atlantic City Police Officers.
  - d. An order compelling Defendant Atlantic City to implement a system whereby prompt, appropriate action is taken against any Atlantic City Police Officer who engages in, teaches and/or condones falsely arresting, maliciously prosecuting, maliciously abusing process and/or using excessive force against citizens and/or arrestees.
  - e. An order permanently restraining and enjoining Defendants Pincus, Ingenito and/or John Does 1-5 from arresting citizens without adequate probable cause, physically abusing and using excessive force against citizens and /or arrestees.
  - f. An order permanently restraining and enjoining Defendant Atlantic City from employing Defendants Pincus, Ingenito and John Does 1-10 as police officers or law enforcement personnel in any capacity except for clerical duty, solely and entirely confining them to Police headquarters and limiting them entirely to desk duty; enjoining Defendants Pincus, Ingenito and John Does 1-10 from any patrol duty, and enjoining Defendants Pincus, Ingenito and John Does 1-10 from making arrests, assisting in making arrests and using any force in making arrests and/or assisting in making arrests.
  - g. Any other relief as the Court deems proper and just.

**WHEREFORE**, Plaintiff Glen Forero, Jr. demands judgment against Defendants Atlantic City; Mooney; Petersen; Pincus, Ingenito and/or John Does 1- 10 on this Count, together with compensatory and punitive damages, attorney's fees, interest and costs of suit incurred, and for any such further relief as the court deems proper and just.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

Please be advised that Thomas J. Mallon, Esquire is hereby designated trial counsel in the above captioned matter.

Dated: March 24, 2011

/s/ Thomas J. Mallon, Esquire  
**THOMAS J. MALLON, ESQUIRE**