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Plaintiffs, **JOHN GREER** and **MARY GREER**, Husband and Wife, ) UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

vs.

Defendants, **CUMBERLAND COUNTY PROSECUTOR'S OFFICE,**  
**DETECTIVE FRANCINE WEBB,**  
**NEW JERSEY STATE POLICE,**  
**NJ STATE TROOPER I.J. BOLAND**  
**#6060, JOHN DOE 1-10, and ABC**  
**COMPANY/CORPORATION 1-10.**

CIVIL NO. 1:14-cv-03032-NLH-AMD  
*DOCUMENT FILED ELECTRONICALLY*

CIVIL ACTION

**AMENDED COMPLAINT AND  
JURY DEMAND**

Plaintiffs, John Greer and Mary Greer, Husband and Wife, residing at 726 Whitaker Avenue, in the City of Millville, County of Cumberland and State of New Jersey, by way of Complaint against the defendants, do hereby state:

FIRST COUNT

1. On or about April 19, 2012, plaintiffs were renters of real property located at 726 Whitaker Avenue, Millville, New Jersey.
2. On that date, agents, servants and/or employees of the Cumberland

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County Prosecutor's Office executed an erroneous Search Warrant at plaintiffs' residence.

3. Said Search Warrant indicated that the premises to be searched was 762 Whitaker Avenue.

4. During the course of said search, plaintiffs' property was destroyed, plaintiffs' were subject to wrongful arrest and seizure and, further, suffered economic and non-economic damages as a result of being injured by such seizure.

5. As a direct and proximate result of the negligent acts and omissions of the defendants, Cumberland County Prosecutor's Office and Detective Francine Webb, plaintiffs have suffered great pain and, in the future, will suffer great pain, incurred expenses for hospital and medical treatment and, in the future, will incur expenses for same, were unable to perform their usual duties and activities, and, in the future, will be unable to perform same, and suffered damage to real and personal property.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against the defendant, Cumberland County Prosecutor's Office, for damages, interest and costs of suit.

SECOND COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby

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repeat each and every allegation contained in the First Count, as though same were set forth herein at length.

2. At all times mentioned herein, defendant, Detective Francine Webb, was employed by the Cumberland County Prosecutor's Office.

3. Defendant, Detective Francine Webb, did negligently identify plaintiffs' home as a home to be searched for persons and items.

4. As a direct and proximate result of the negligent identification of plaintiffs' home as a home to be searched pursuant to a Warrant, plaintiffs have suffered great pain and, in the future, will suffer great pain, incurred expenses for hospital and medical treatment and, in the future, will incur expenses for same, were unable to perform their usual duties and activities and, in the future, will be unable to perform same, and suffered damages to real and personal property.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against defendant, Detective Francine Webb, for damages, interest and costs of suit.

### THIRD COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby repeat each and every allegation contained in the First and Second Counts, as though same were set forth herein at length.

2. At all times mentioned herein, agents, servants and/or employees of

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the Cumberland County Prosecutor's Office did use excessive force in securing plaintiffs, thereby causing serious and permanent injuries to plaintiffs.

3. Said excessive use of force violates *42 U.S.C.A. §1983*.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against the Cumberland County Prosecutor's Office, for damages, interest, attorney's fees and costs of suit.

#### FOURTH COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby repeat each and every allegation contained in the First through Third Counts, as though same were set forth herein at length.

2. On or about April 19, 2012, agents, servants and/or employees of the New Jersey State Police executed an erroneous Search Warrant at plaintiffs' residence.

3. During the course of said search, plaintiffs' property was destroyed, plaintiffs were subject to wrongful arrest and seizure, and suffered economic and non-economic damages as a result of being injured by such seizure.

4. At all times mentioned herein, agents, servants and/or employees of the New Jersey State Police used excessive force in securing plaintiffs, thereby causing serious and permanent injuries to plaintiffs.

5. Said excessive force violates *42 U.S.C.A. §1983*.

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WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against defendant, New Jersey State Police, for damages, interest, attorney's fees and costs of suit.

FIFTH COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby repeat each and every allegation contained in the First through Fourth Counts, as though same were set forth herein at length.

2. At all times mentioned herein, NJ State Trooper I.J. Boland #6060 was employed by the New Jersey State Police and acting in furtherance of its interest.

3. Defendant, NJ State Trooper I.J. Boland #6060, used excessive force in securing plaintiffs in violation of 42 U.S.C.A. §1983.

4. Said excessive force caused plaintiffs serious and permanent injuries.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against defendant, NJ State Trooper I.J. Boland #6060, for damages, interest, attorney's fees and costs of suit.

SIXTH COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby repeat each and every allegation contained in the First through Fifth Counts, as though same were set forth herein at length.

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2. Defendants, JOHN DOE 1-10, are fictitious names of individuals whose identities are unknown but discovery will reveal.

3. At all times mentioned herein, defendants, JOHN DOE 1-10, were agents, servants and/or employees of the Cumberland County Prosecutor's Office and acting in furtherance of their interests.

4. At all times mentioned herein, defendants, JOHN DOE 1-10, were the agents, servants and/or employees of other law enforcement agencies who negligently searched plaintiffs' home and caused plaintiffs damage.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against defendants, JOHN DOE 1-10, for damages, interest and costs of suit.

#### SEVENTH COUNT

1. Plaintiffs, John Greer and Mary Greer, Husband and Wife, hereby repeat each and every allegation contained in Counts One through Six, as though same were set forth herein at length.

2. Defendants, ABC COMPANY/CORPORATION 1-10, are fictitious names of entities whose identities are unknown but discovery will reveal.

3. At all times mentioned herein, unknown persons who searched plaintiffs' home and treated plaintiffs with excessive force were agents, servants and/or employees of defendants, ABC COMPANY/CORPORATION 1-10, law

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enforcement agencies whose identities are unknown at this time.

WHEREFORE, plaintiffs, John Greer and Mary Greer, Husband and Wife, demand Judgment, on this Count, against defendants, ABC COMPANY/CORPORATION 1-10, for damages, interest and costs of suit.

DEMAND FOR JURY TRIAL

Demand is hereby made for a trial by jury, in order to determine the factual issues of this case in accordance with the Rules of Court.

DEMAND FOR ANSWERS TO INTERROGATORIES

Demand is hereby made on all opposing counsel that the undersigned be supplied with any and all answers to interrogatories forwarded to any other parties to this lawsuit.

DESIGNATION OF TRIAL COUNSEL

It is hereby stated, pursuant to the Rules of Civil Practice and Procedure, that Joseph M. Chiarello, Esquire, of the firm of Jacob & Chiarello, LLC, is designated trial counsel in the within matter.

CERTIFICATION

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties

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should be joined in this action.

**JACOB & CHIARELLO, LLC**  
Attorneys for Plaintiffs

By:   
Joseph M. Chiarello

Dated: September 12<sup>th</sup>, 2014.