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SUPERIOR COURT OF NJ  
CIVIL DIVISION  
ESSEX VICINAGE

2013 JUL 10 11:59

Attorney for the Plaintiffs, Anthony Pace, Sr. and Diane Pace, his wife.

ANTHONY PACE, SR., AND DIANE  
PACE, HIS WIFE,  
Plaintiffs

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO.: L 5518-13

v.

Civil Action

TOWNSHIP OF NUTLEY, TOWNSHIP  
OF NUTLEY POLICE DEPARTMENT,  
JOHN HOLLAND, CHIEF OF POLICE  
OF THE TOWNSHIP OF NUTLEY,  
LT. KEVIN WATTS, POLICE OFFICER  
GERARD TUSA, LT. NERI, POLICE  
OFFICER VITALE AND POLICE  
OFFICERS JOHN DOE 1-10 (Fictitious  
Identifies whose exact identities are  
Presently unknown to plaintiff),  
Defendant(s)

**COMPLAINT AND JURY DEMAND**

Plaintiffs, Anthony Pace, Sr., and Diane Pace, his wife, residing together at 175 Mountainview Avenue, in the Township of Nutley, County of Essex and State of New Jersey, by way of Complaint against the Defendants says:

**FIRST COUNT**

1. At all times mentioned and relevant, defendant, Township of Nutley, was a body politic organized and incorporated pursuant to the laws of the State of New Jersey thereby empowered and authorized to engage in all of the governmental functions and activities of a municipal corporation.

2. For some time prior to the act giving rise to plaintiff's cause of action, defendant, Township of Nutley, pursuant to its governmental power and authority, organized, constituted, managed, maintained, hired, trained, supervised, controlled and retained personnel for a Police Department known as the Township of Nutley Police Department and/or the Nutley Police Department (hereinafter "Nutley Police

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Department").

3. At all times mentioned and relevant, defendant, Nutley Police Department was constituted, staffed and organized in accordance with the laws of the State of New Jersey and was under the authority, supervision, and control of the Township of Nutley, New Jersey.

4. At all times mentioned and relevant, defendants, Chief of Police John Holland, Lt. Kevin Watts, Police Officer Gerard Tusa, Lt. Neri, and Police Officer Vitale, were hired, trained, employed by and remained under the authority, management, supervision and control of the Township of Nutley and the Nutley Police Department.

5. At all times mentioned and relevant, Police Officers John Doe 1-10 were hired, trained, employed by and remained under the authority, management, supervision and control of the Township of Nutley and the Nutley Police Department.

6. On/or about October 18<sup>th</sup>, 2012, Lt. Kevin Watts, Police Officer Gerard Tusa, Lt. Neri, Police Officer Vitale, and Police Officers John Doe 1-10, responded to a call at 175 Mountainview Avenue, in the Township of Nutley and perpetrated numerous acts of physical violence on and about the person of the plaintiff, Anthony Pace, Sr.

7. The afore described acts were committed under the color of law and caused plaintiff to be deprived of substance of due process and/ or the equal protection of the rights, privileges and/or amenities secured to him by the Constitution and/or laws of the State of New Jersey.

8. The afore described acts occurred as a direct and proximate result of the carelessness and negligence of the defendants, Township of Nutley and Nutley Police Department in their hiring, training, employment, supervision, management, retention and control of defendants, Chief of Police John Holland, Lt. Kevin Watts, Police Officer Gerard Tusa, Lt. Neri, Police Officer Vitale and Police Officers John Doe 1-10.

9. As a direct and proximate result of the carelessness and negligence of the defendants, Township of Nutley and Nutley Police Department, Chief of Police John Holland, Lt. Kevin Watts, Police Officer Gerard Tusa, Lt. Neri, Police Officer Vitale and Police Officers John Doe 1-10, the plaintiff, Anthony Pace, Sr., was thus and thereby caused to suffer and sustain serious, permanent and disabling injuries, physical and/or mental in nature, was caused to undergo great emotional pain and suffering, loss of

earnings and as well as diminution of future earning capacity, was and continues to be unable to engage in his usual employment and other activities, and has incurred and will incur in the future great medical expenses in order to treat his injuries and cure his pain

WHEREFORE, plaintiffs demand judgment against the defendants and each of them, jointly, severally or in the alternative for damages together with interest, attorney fees and costs of suit, and such other relief as this Court deems just and proper.

### SECOND COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described act constituted a violation of N.J.S. A. 10:6-1, the "New Jersey Civil Rights Act", and this action is brought pursuant to N.J.S.A. 10:6-2 (c).

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for damages, together with interest, attorney fees and costs pursuant to N.J.S.A. 10:6-2 (f), and such other relief as this Court deems just and proper.

### THIRD COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count and Second Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described acts constituted a deprivation, interference with or attempt at interference, by threats, intimation and or coercion with the exercise or enjoyment by plaintiff of the substitutive due process and or equal protection, rights, privileges and amenities secured to him by the Constitution and laws of the State of New Jersey.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for damages, together with interest, attorney

fees and costs pursuant to N.J.S.A. 10:6-2 (f), and such other relief as this Court deems just and proper.

#### FOURTH COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count, Second Count and Third Count and incorporate them by reference into this count as if fully set forth at length herein.

2. The afore described acts committed by defendants upon the person of plaintiff constituted a battery.

3. As a direct and proximate result of the actions of defendants, and each of them, plaintiff has sustained damages.

WHEREFORE, plaintiffs demand judgment against the defendants, and each of them, jointly, severally, or in the alternative for compensatory and punitive damages together with interest, attorneys fees and costs of suit, and such other relief as this Court deems just and proper.

#### FIFTH COUNT

1. Plaintiffs repeat and re-allege each and every allegation of the First Count, Second Count, Third Count and Fourth Count and incorporate them by reference into this Court as if fully set forth at length herein.


2. The plaintiff, Diane Pace, is the wife of the plaintiff Anthony Pace, Sr., and as such is responsible for his debts; and is entitled to the services, society and consortium of her husband, Anthony Pace, Sr.

3. As a direct and proximate result of the carelessness and negligence of the defendants, and each of them, as afore described, the plaintiff, Diane Pace, has been and will in the future be compelled to expend large sums of money for medicines and medical attention for her husband, Anthony Pace, Sr; and has been and will in the future be deprived of the services, society and consortium of her husband, Anthony Pace, Sr.

WHEREFORE, the plaintiff, Diane Pace, demands judgment against the

defendants, and each of them, jointly, severally, or in the alternative, for damages together with interest, attorney fees and costs of suit, and such other relief as this Court deems just and proper,

Dated: July 9, 2013



George M. Kachmar, III, Esq.

**JURY DEMAND**

PLEASE TAKE NOTICE that the plaintiffs hereby demand a trial by jury on all issues so triable.


**DESIGNATION OF COUNSEL**

PLEASE TAKE NOTICE that George M. Kachmar, III, Esq. is hereby designated Trial Counsel on the within matter, pursuant to Rule 4:25-4.

**DEMAND FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 4:18-1, et. seq., plaintiff hereby demands that defendants provide clear copies of each and every document which defendants' intend to offer each in evidence and/or rely upon their direct and cross-examination of any witness at the time of trial, including any and all documents furnished by any party to any expert witness who will testify on behalf of defendants at the time of trial. This demand specifically includes copies of any and all sound recordings and/or videotapes; digital recordings of sound and/or digital recordings of images.

Dated: July 9, 2013



George M. Kachmar, III, Esq.

SUPERIOR COURT OF NJ  
CIVIL DIVISION  
ROBERT MCHRAE


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**CERTIFICATION**

FILED FOR RECORDED  
JUL 13 2013

Pursuant to R. 4:5-1, I hereby 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 who are presently known should be joined in this action.

Dated: July 9, 2013



George M. Kachmar, III, Esq.