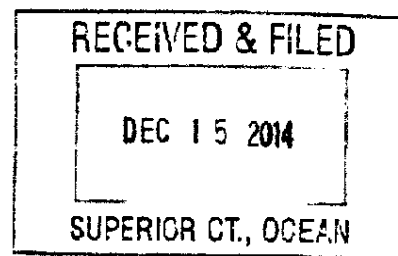


Robert A. Ebberup, Esq. Attorney ID No. 17442004  
LAW OFFICES OF ROBERT A. EBBERUP, LLC  
609 Main Street  
P.O. Box 4917  
Toms River, New Jersey 08754-4917  
(732)797-2411  
Attorneys for Plaintiff



DAVID P. ROGERS, JR.,

Plaintiff,

vs.

PLUMSTEAD TOWNSHIP BOARD OF  
FIRE COMMISSIONERS, FIRE  
DISTRICT #1, JOHN DOE 1-10, ABC  
CORP. 1-10, XYZ, MUNICIPALITY  
1-10.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: OCEAN COUNTY

DOCKET NO.

Civil Action

23732-14

VERIFIED COMPLAINT

DAVID P. ROGERS, JR., of full age, residing at 5 Harvey Road, Cream Ridge, New Jersey, by way of Verified Complaint, says:

**COUNT ONE**

1. Plaintiff is currently employed as EMS Chief by Defendant Plumstead Township Board of Fire Commissioners, Fire District #1, (hereinafter referred to as "Fire District"), an incorporated New Jersey Fire District comprised of elected individuals and officers and established pursuant to N.J.S.A. 40A:14-7 et seq., with a principal place of business located at 59 Main Street, P.O. Box 267, New Egypt, New Jersey.

2. On or about December 16, 2013, plaintiff was placed on administrative leave by the Fire District, pending an investigation of his conduct.

3. On or about December 24, 2013, plaintiff was served with a preliminary notice of disciplinary action by the Fire District, which detailed various charges, including theft of taxpayer funds, illegal drug activity and illicit pornographic activity.

4. In or about January 2014, the Fire District referred the herein stated criminal allegations to the Ocean County Prosecutor's Office. A hearing regarding pending disciplinary charges against the plaintiff was adjourned pending the outcome of the Ocean County Prosecutor's Office investigation.

5. On or about November 25, 2014, plaintiff was served with an amended preliminary notice of disciplinary action by the Fire District, wherein hearing dates of December 15 and 22, 2014 were scheduled. The amended notice of disciplinary action included all of the charges noted in the previous notice of preliminary action, as well as theft of public funds and misappropriation of public funds.

6. On December 5, 2014, plaintiff was served with a criminal complaint by an Ocean County Prosecutor's Office detective; said complaint charged plaintiff with theft of monies in excess of \$500.00 from the Township of Plumstead. The criminal complaint against plaintiff has not been resolved and remains pending.

7. Plaintiff has not been notified by way of letter of declination, or in any other manner, that the Ocean County Prosecutor will not bring criminal charges against the plaintiff regarding the drug and porn allegations.

8. Through his attorney, Ronald L. Tobia, Esquire, plaintiff has requested that the Fire District adjourn the scheduled December 2014 hearings until all of the criminal allegations are resolved, citing that plaintiff's civil right to due process would be violated if he were forced to defend himself at an internal disciplinary hearing under these existing circumstances.

Notwithstanding the knowledge of a clear violation of plaintiff's right to due process, the Fire District expressed its intent to proceed with the internal disciplinary hearings for plaintiff as scheduled.

9. The aforesaid actions of the Fire District violate the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 et seq., causing plaintiff harm.

WHEREFORE, plaintiff demands judgment against defendants for damages, both actual and consequential, pre-judgment interest, attorney fees, costs of suit, and for such further or other relief as the Court shall deem equitable and just.

LAW OFFICES OF ROBERT A. EBBERUP, L.L.C.  
Attorneys for Plaintiff

By:

  
Robert A. Ebbcup, Esq.

Dated: 12/15/14

I have read the allegations contained in the foregoing complaint. Said allegations are true to the best of my knowledge, information and belief. I am aware that if any of the allegations contained in the Verified Complaint are willfully false, I am subject to punishment.

Dated: 12/15/14

  
David P. Rogers, Jr.

**JURY DEMAND**

PLEASE TAKE NOTICE that pursuant to R. 4:35-1, the Plaintiff demands a Trial by Jury as to all issues.

**CERTIFICATION PURSUANT TO RULE 4:5-1**


The matter in controversy is not the subject of any other action pending in any Court or in any pending Arbitration proceedings, nor is any Arbitration proceeding contemplated. Defendant is not aware of any other parties which should be joined in this action.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of Rule 4:25-4, Robert A. Ebberup, Esq., of the Law Offices of Robert A. Ebberup, LLC, has been designated as trial counsel on behalf of Defendant in the within matter.

LAW OFFICES OF ROBERT A. EBBERUP, L.L.C.  
Attorneys for Plaintiff

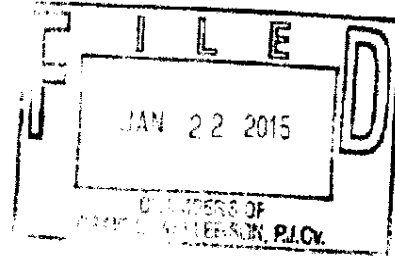
By:



Robert A. Ebberup, Esq.

Dated: 12/15/14

Robert A. Ebberup, Esq. Attorney ID No. 17442004  
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DAVID P. ROGERS, JR.,

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PLUMSTEAD TOWNSHIP BOARD OF  
FIRE COMMISSIONERS, FIRE  
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1-10.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: OCEAN COUNTY

DOCKET NO. OCN-L-3732-14

Civil Action

**ORDER**

**THIS MATTER**, having come before the Court upon application (including a Verified Complaint) by Robert A. Ebberup, Esquire, attorney for David P. Rogers, Jr., seeking injunctive relief, and Lane J. Biviano, Esquire, Lane J. Biviano, Esq., LLC, appearing for the Plumsted Township Board of Fire Commissioners, Fire District #1, and the Court having read and considered the pleadings and attachments filed by the parties, and upon consent of the parties, and for good cause shown:

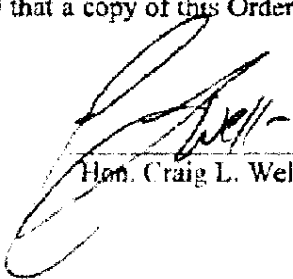
IT IS on this 22 day of January 2015, **ORDERED** as follows:

1. The Plumsted Township Board of Fire Commissioners, Fire District #1, (hereinafter referred to as "the Fire District") may resume the administrative disciplinary hearings (hereinafter referred to as "the Hearings") for the plaintiff.
2. The Fire District may introduce photographs and videos (hereinafter referred to collectively as "photographs") of children obtained from plaintiff's work computer

and work cell phone SIM card or SD card as evidence at plaintiff's Hearings by way of testimony from the Fire District's technical consultant.

3. There shall be no cross-examination of the technical consultant or plaintiff at plaintiff's Hearings regarding the herein stated photographs.
4. There shall be no other testimony proffered by either party regarding the herein stated photographs at the Hearings.
5. The Fire District shall hold in abeyance the prosecution of administrative theft charges against plaintiff, which are currently the subject of a criminal prosecution by the Ocean County Prosecutor pursuant to N.J.S.A. 2C:20-3A, until final disposition of said criminal charges.
6. Plaintiff's Verified Complaint in the within matter is dismissed with prejudice.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served upon all counsel within 7 days of the date hereof.

  
\_\_\_\_\_  
Hon. Craig L. Wellerson, P.J.Cv.