



3. At all times mentioned herein, defendant, Brian Riordan was the Director of the Union County Department of Corrections and in such capacity was responsible for the safe operation of the Union County Jail.

4. On or about July 15, 2008, while plaintiff was an inmate in the Union County Jail, defendants Alvin White, Eric Williams, and John Doe (Fictitious Name) did unlawfully and physically assault plaintiff, thereby inflicting serious personal injuries upon him.

5. There was no probable cause or justifiable reason for the negligent, careless, and reckless behavior of defendants in physically assaulting plaintiff.

6. The conduct of defendants aforesaid, who were acting individually, jointly and in conspiracy with each other, resulted in depriving plaintiff of his right to be free from the unreasonable and unlawful seizure of his person, to the Equal Protection of the Law, and Due Process of Law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States, the laws of the United States, including but not limited to 42 U.S.C. 1983, and the Constitution and laws of the State of New Jersey including but not limited to NJSA 10:6-2.

7. All of the acts aforesaid were undertaken in a willful and malicious manner with an immoral purpose and defendants are therefore liable to plaintiff for punitive damages in addition to compensatory damages.

8. As a direct and proximate result of the actions of the defendants, particularly of their willful, intentional, malicious, reckless, or grossly negligent actions in seizing and assaulting plaintiff, plaintiff has suffered great mental and physical anguish and has otherwise been damaged and injured in diverse other manners to his great detriment.

**WHEREFORE**, plaintiff demands judgment for damages against the defendants, both compensatory and punitive, together with reasonable attorney's fees, lawful interest, and costs of suit.

### **SECOND COUNT**

1. Plaintiff repeats all the allegations contained in the First Count of the Complaint as though set forth fully at length.

2. Defendants Alvin White, Eric Williams, and John Doe (Fictitious Name) used excessive force in implementing their unreasonable and unlawful seizure of plaintiff in violation of the Fourteenth Amendment of the United States Constitution, the laws of the United States including but not limited to the federal Civil Rights Act, 42 USCA § 1983, and the Constitution and laws of the State of New Jersey including but not limited to the New Jersey Civil Rights Act, NJSA 10:6-2.

**WHEREFORE**, plaintiff demands judgment for damages against the defendants, both compensatory and punitive, together with reasonable attorney's fees, lawful interest and costs of suit.

### **THIRD COUNT**

1. Plaintiff repeats the allegations contained in the First and Second Counts of the Complaint as though set forth fully at length.

2. At all times mentioned herein, defendants Brian Riordan as Director of the Union County Department of Corrections and the Union County Jail were the employers of the individual defendants who were acting as their agents, servants and employees.

3. Defendants aforesaid failed to use reasonable care in the selection of its employees, agents and servants, failed to properly train and supervise the individual defendants, and failed to provide appropriate safeguards to prevent the unlawful conduct described resulting in the violation of plaintiff's civil rights.

4. Defendants aforesaid acted under color of law pursuant to its official policy or custom and practice and intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis the individual defendants in the performance of their duties and otherwise failed to refrain the individual defendants from the unlawful conduct described resulting in the violation of plaintiff's civil rights.

5. Defendants aforesaid had knowledge of or had diligently exercised its duties to instruct, supervise, control and discipline the individual defendants on a continuing basis should have had knowledge of the wrongs that were done as alleged and intentionally, knowingly, or with deliberate indifference to the rights of plaintiff failed or refused to prevent their commission.

6. Defendants aforesaid ~~directly or~~ indirectly and under color of law thereby approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of the individual defendants.

**WHEREFORE**, plaintiff demands judgment against the defendants for both compensatory and punitive damages, together with reasonable attorney's fees, lawful interest and costs of suit.

**JURY DEMAND**

Plaintiff hereby demands trial by jury on all issues.

**DEMAND FOR CERTIFIED ANSWERS TO FORM C  
INTERROGATORIES AND OTHER RELATED DOCUMENTS  
PURSUANT TO RULE 4:17-1.**

Pursuant to Rule 4:17-1, plaintiffs hereby demand that defendants upon whom this pleading is served furnish fully responsive and certified answers to Form C Interrogatories together with the attachments required therein within the time prescribed by the Rules of Court.

**ATTORNEY CERTIFICATION PURSUANT TO R.4:5-1(b)2**

The matter in controversy is not the subject of any other action pending in any Court or of any pending arbitration proceeding, nor are any such actions or arbitrations contemplated. There are no other known parties who should be joined in this action.

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 for contempt of court.

Dated : July 13, 2010

*Joel I. Rachmiel*  
\_\_\_\_\_  
**JOEL I. RACHMIEL**  
Attorney for Plaintiff