

(N) 499 Tort ~~Union~~ County  
Jury

RECEIVED / FILED  
Superior Court of New Jersey

SEP 19 2012

CIVIL ASSIGNMENT  
UNION COUNTY

LaQuan Lamont Kearney  
Name  
443 Walnut Street 1st floor  
Address  
1-908-353-0155  
Telephone Number

Superior Court of New Jersey

Law Division Union County

UNWD 3204 12

Docket No \_\_\_\_\_  
(to be filled in by the court)

LaQuan L. Kearney Plaintiff

v.

Union County Jail, Head nurse <sup>Anvllis</sup> McCurnie  
Sgt. William Burkert, Officer Mckenzie, Officer Weakland  
Defendant(s)

CIVIL ACTION  
Complaint

Plaintiff, LaQuan Lamont Kearney, residing at  
(your name)  
443 Walnut Street City of Elizabeth  
(your address) (your city or town)  
County of Union  
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On May 14, 20 12, Sergeant William Burkert, Defendant  
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

I was handcuffed behind along with being double strapped with straps, one around my arms and the other around my legs. I was then lifted in mid-air and slammed twice on my face on chin on hard concrete. I suffered a head injury of internal bleeding from a burst left ear drum. I now suffer and deal with a loss of hearing, my chin was busted wide-open to the white meat that I had to have stitched such. My teeth was seriously damaged, the I was brutally beating.

COMPUTER

SEP 21 2012

SECTION

12-04-12  
UNION COUNTY JAIL  
15 Elizabethtown Plaza  
Elizabeth, New Jersey 07202

UNION COUNTY COUNSEL  
RECEIVED  
DEC - 6 2012  
ADMINISTRATION BUILDING  
ELIZABETH, NJ

TO: Mr. Robert E. Barry  
FROM: Mr. LaQuan L. Kearney  
STREET:

CITY: I am writing to you in regards to my Tort claim that I  
STATE: filled out back in May based on the agg. assaults I was the victim of by  
these Union County Jail Correctional Officers (05-14-12).

I also along with the brutal assaults that I suffered  
from I filled out the form that was send by Mrs. Rosalba L. Comas, I  
included my property lost and damage that happened in (April, 2012).

(11-13-12) I then for the second time filed a second claim of property  
damage and lost which both times I send Mrs. Rosalba L. Comas receipts  
and the end result of my inventory list of what I received both times.

The first property damage of lost was \$85.00 or \$80.00 worth of  
Commissary, Sgt. Keam Burkert and Officer Phillips was the two who were  
responsible back in (April), Mrs. Rosalba L. Comas has all my receipts I send her.

The second property damage and lost was \$43.00 or \$40.00 worth of  
Commissary on some of my legal assets missing, lieutenant James Harold and  
sergeant Keam Burkert was the two responsible for (11-13-12).

So after my second claim I reported to Mrs. Rosalba L. Comas along  
with my proof of receipt and my end result of my inventory done of proof  
on 11-29-12 my Tort Act claim was denied, which I claimed action before  
90 days time limit. I was denied and resend forms to sign which is now  
pass my 90 days time limit, which I feel as my intelligence is being  
insulted by your staff which my rights are being deprived.

Thank you kindly for your time, concerns, interest, your help and  
understanding.

Mr. LaQuan L. Kearney  
195019/7205736

C.I. - Statements

TO: Corr Division of Union County Jail House  
FROM: LaDuan Dament Keating  
STREET: UNN-L-3284-12  
CITY: \_\_\_\_\_  
STATE: \_\_\_\_\_

I am writing you in regards to my statement I am giving to the Corr Division Court. On 05-14-12, the County jail of Union performed a jail house shake-down search on the third floor of the building. During second shift, 4 to 12 shift, we were all told and made to strip down naked. After we all were stripped, we all were told the only piece of clothing we can wear was just slippers and our lower-shorts, no nothing else. Then we were all cuffed to the back, we all were told and made to kneel on both knees with our faces to the wall while still handcuffed behind. Then out of nowhere the C.O.'s began using excessive force on me, they began to abuse their powers over me while still handcuffed from behind and on both knees, I was push slammed on my face and back while still cuffed from behind, Sergeant William Burkert, Officer McKenry, Officer Winkland and others. They double strapped me with straps while I was still cuffed from behind, I was strapped top and bottom, around my arms and around my legs.

While still handcuffed from behind and double strapped I was then lifted up in the air, then carried by the C.O.'s to cell 3B16 right behind the video camera. While still cuffed and strapped I carried in 3B16 were I was then slammed on my face and neck so hard, words were concrete, words of landing or falling down a certain way could of killed me. I was then strangled, kicked and punched while I was still cuffed and double strapped on my arms. A pool of my blood as the C.O.'s kept beating me. I was left in cell 3B16 in a pool of my blood bleeding to death. My left scapulum was busted, which was constantly bleeding. It caused me internal bleeding, a head injury, I now suffer serious hearing loss of the left ear. I was also bleeding from the mouth, my teeth were damaged, I was spitting out pieces of my teeth and blood. My chin was also busted wide open too my white inner meat, which caused constant serious bleeding. My lower back went down to my lower spine is damaged, I suffer serious major pain from and the only aid I received is extra mats to sleep on in prison.

C.I. - Statements

TO: Civil Division of Union County Court House

FROM: William Joseph Kearney

STREET: UNN-L-3284-12

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

It was then later told by lieutenant Lapolye for sergeant William Burkert and his officers to lift up and carry me to the jail medical-unit, while still cuffed and double-strapped. The licensed medical staff member took me to the jail medical-unit, it was carried by the C.I.'s that assaulted me. Number one, also none of those C.I.'s are medically licensed to lift me and carry me, do to my injuries number two. When I arrived at the jail medical-unit lieutenant Lapolye snapped pictures of me from far with a camera that supposedly has a zoom-in. After that head nurse Phyllis McCurrie never even gave me a chance to have a seat, gave of quick help. Nurse Phyllis McCurrie gave her friendship with the staff of C.I.'s over her license, she is a medical nurse. Nurse McCurrie's job is to treat and aid others that in need to be aided and treated with treatment, but she chose to try to protect the C.I.'s duty work. I was in I. seven housed on the medical-unit of the jail until I was sent to the hospital, I was quickly cleared and send back to cell 3B16.

At the medical-unit of the jail, I was still cuffed, double-strapped, still just dressed in just boxer-shorts as I was carried through the building and at medical on bare feet with no shoes on my feet. As I was deprived medical treatment I was send back to cell 3B16 beneath the jail camera and left in pool of blood almost bleeding to death for about seven to nine hours until shift changed. When the third shift arrived, I to 8 shift, I was then re-sent to the jail medical-unit where I was then finally send to the East Orange General Hospital in East Orange, New Jersey. As I arrived, doctors had to pump my life out, stop my chest hurt. I had to have several X-rays and hot/cold treatment from head down. At course on 05-15-12, as I arrived back at Union County Jail, I was interviewed by the jail mental-psychiatrist and the Internal Affairs officers. The Internal Affairs officers done a investigation but never assist me by trying to process my case with the County jail. I was then later on a scan by the jail dentist, the dentist took several X-rays of my jaw cause of the major pain and eating problems that I was having as also X-rays of my teeth cause of the damage that was done. The dentist then set me a date for July to fix all my damage to the teeth. I was in I. seven housed on the medical-unit of the jail until I was sent to the hospital, I was quickly cleared and send back to cell 3B16.

OTM  
C.I.A

TO: Lawsuit - Dan Filmon

FROM: \_\_\_\_\_

STREET: \_\_\_\_\_ UNN-L-3284-12

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

Permanent physical  
Psychological injuries  
Personal injury  
Physical Abuse  
Torture

4 million in actual damages  
10 million in punitive

Injuries: Hearing lost (left ear)  
Ear damages (left ear)  
Constant headaches (migraine)  
Constant nightmares & Woke up in cold sweats  
Back & spine damages  
Pain & suffering

cc: File/Plaintiffs

ROBERT E. BARRY, ESQ.  
Union County Counsel  
Department of Law  
Administration Building  
Elizabeth, New Jersey 07207  
(908) 527-4250  
Attorney for Union County Jail, Sgt. William Burket  
Officer McKenzie and Officer Weakland  
By: Norman W. Albert, Esq.  
First Deputy County Counsel

RECEIVED  
Superior Court of New Jersey

FEB 01 2013

CIVIL CASE MANAGEMENT  
UNION COUNTY

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Laquan L. Kearny,

Plaintiff(s)

vs.

SUPERIOR COURT OF NEW JERSEY  
UNION COUNTY - LAW DIVISION  
DOCKET NO. UNN-L-3284-12

Civil Action

UNION COUNTY JAIL, Head Nurse  
Phyllis McCurrie, Sgt. William Burket  
Officer McKenzie and Officer Weakland

Defendant(s)

**ANSWER, SEPARATE DEFENSES  
AND JURY DEMAND**

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Defendants, Union County Jail, Sgt. William Burket, Officer McKenzie and Officer Weakland answering the Complaint, say:

1. Defendant denies knowledge sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 1 and leaves Plaintiff to its proofs.

**WHEREAS**, Defendants Union County Jail, Sgt. William Burket, Officer McKenzie and Officer Weakland demand judgment against Plaintiff Laquan Kearny dismissing the complaint with prejudice, costs, attorneys fees and such other and further relief as the Court deems just.

**SEPARATE DEFENSES**

**FIRST SEPARATE DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**SECOND SEPARATE DEFENSE**

Plaintiff has failed to give timely Notice of Claim or present a claim in accordance with

N.J.S.A. 59:8-1, et seq.

### **THIRD SEPARATE DEFENSE**

These Defendants were not guilty of negligence and violated no duty owed to the Plaintiff.

### **FOURTH SEPARATE DEFENSE**

Recovery herein is barred by the provisions of New Jersey Tort Claims Act N.J.S.A. 59:1-1, et seq.

### **FIFTH SEPARATE DEFENSE**

Any recovery to which Plaintiff may be entitled as against these Defendants is subject to the limitations and reductions as set forth in N.J.S.A. 59:9-2.

### **SIXTH SEPARATE DEFENSE**

These Defendants are not liable to Plaintiff, as all acts were performed under absolute immunity pursuant to 42 U.S.C. 1983, et seq.

### **SEVENTH SEPARATE DEFENSE**

These Defendants are not liable to Plaintiff as all acts were performed in good faith and pursuant to a qualified immunity pursuant to 42 U.S.C. 1983 et seq.

### **EIGHTH SEPARATE DEFENSE**

All acts of these Defendants were at all times performed in good faith, and without intent to violate Plaintiff's rights and without malice.

### **NINTH SEPARATE DEFENSE**

These Defendants breached no legal duty owing by it to Plaintiff.

### **TENTH SEPARATE DEFENSE**

These Defendants are immune from liability.

### **ELEVENTH SEPARATE DEFENSE**

Plaintiff was not deprived of any right, privilege or immunity secured to him by the United States Constitution or any Act of Congress.

**TWELFTH SEPARATE DEFENSE**

Plaintiff was not deprived of any right, privilege or immunity secured to him by the Constitution and Laws of the State of New Jersey.

**THIRTHEENTH SEPARATE DEFENSE**

Plaintiff is not entitled to recover punitive damages.

**FOURTEENTH SEPARATE DEFENSE**

The Complaint is frivolous, a sham and states no substantial federal or state question.

**FIFTEENTH SEPARATE DEFENSE**

The Plaintiff's Complaint is barred by virtue of the applicable Statute of Limitations.

**SIXTEENTH FIRST SEPARATE DEFENSE**

Plaintiff's injuries if any were contributed to in whole or in part by his own actions.

**SEVENTEETH FIRST SEPARATE DEFENSE**

The relief sought is barred by the Entire Controversy Doctrine.

**JURY DEMAND**

This Defendant demands a trial by jury on all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Defendant hereby designates Norman W. Albert, Esq., as trial counsel in this matter.

ROBERT E. BARRY, ESQ.  
UNION COUNTY COUNSEL

DATED: 1/29/13

  
\_\_\_\_\_  
NORMAN W. ALBERT, ESQ.  
First Deputy County Counsel

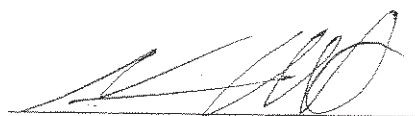


CERTIFICATION

I hereby certify in accordance with Rule 4:5-1 that there are no other proceedings pending or contemplated with respect to the matter in controversy and there are no other parties who should be joined in this action.

I further certify that a copy of the within pleading was filed and served on all parties of record pursuant to the Rules of Court.

DATED: 1/29/13

  
NORMAN W. ALBERT, ESQ.  
First Deputy County Counsel

AFFIDAVIT OF MAILING

STATE OF NEW JERSEY:

:SS

COUNTY OF UNION :

Claudia Avila of full age being duly sworn according to law upon her oath, deposes and says:

1. I am employed in the Union County Department of Law, Office of the County Counsel.

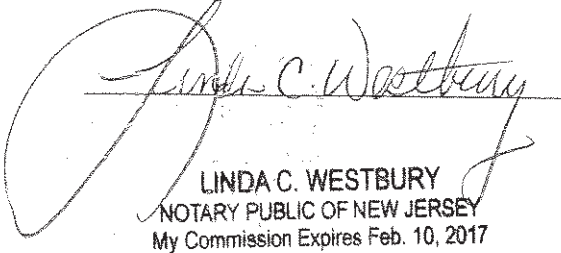
2. On January 29, 2013 I mailed, postage pre-paid, the within Answer, Separate Defenses and Jury Demand together with Civil Case Information Statement to the following:

Union County Clerk  
Union County Courthouse  
Elizabeth, NJ 07207

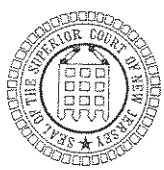

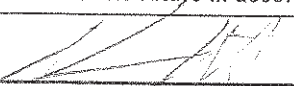
Laquan Kearny, Pro Se  
443 Walnut Street, 1<sup>st</sup> Floor  
Elizabeth, NJ 07201

Claudia Avila

Sworn and Subscribed to  
before me this 29 day  
of January, 2013.

  
LINDA C. WESTBURY  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Feb. 10, 2017

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>,                  if information above the black bar is not completed                  or attorney's signature is not affixed</b>		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
			AMOUNT:	OVERPAYMENT:
			BATCH NUMBER:	
ATTORNEY / PRO SE NAME Norman W. Albert, Esq.		TELEPHONE NUMBER (908) 527-4250	COUNTY OF VENUE Union	
FIRM NAME (if applicable) County of Union, Office of the County Counsel		DOCKET NUMBER (when available) UNN-L-3284-12		
OFFICE ADDRESS 10 Elizabethtown Plaza, Elizabeth, NJ 07207		DOCUMENT TYPE Answer		
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Union County Jail, Sgt. William Burket, Officer McKenzie and Officer Weakland, Defendants		CAPTION Laquan L. Kearny vs. Union County Jail, Head Nurse Phyllis McCurrie, Sgt. William Burket, Officer McKenzie and Officer Weakland		
CASE TYPE NUMBER (See reverse side for listing) 602		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE <i>N.J.S.A. 2A:53 A -27</i> AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
RECEIVED Superior Court of New Jersey FEB 01 2013 CIVIL CASE MANAGEMENT UNION COUNTY				
	DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
	WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Centrally Managed Litigation (Track IV)

- |                                  |  |
|----------------------------------|--|
| 280 ZELNORM                      | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 285 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNECARE                   |
| 286 PRUDENTIAL TORT LITIGATION   | 292 PELVIC MESH/BARD                       |
| 289 REGLAN                       | 293 DEPUY ASR HIP IMPLANT LITIGATION       |

### Mass Tort (Track IV)

- |                                       |  |
|---------------------------------------|--|
| 248 CIBA GEIGY                        | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX                            |
| 271 ACCUTANE/ISOTRETINOIN             | 284 NUVARING                           |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 286 LEVAQUIN                           |
| 278 ZOMETA/AREDIA                     | 287 YAZ/YASMIN/OCELLA                  |
| 279 GADOLINIUM                        | 601 ASBESTOS                           |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59