

cc: Law  
Claims  
RHF

**SUMMONS**

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KIERAN J. WALSH and MELBA WALSH, his wife

**Superior Court of  
New Jersey**

Hudson COUNTY  
Law DIVISION  
Docket No: HUD-L-4606-19

Plaintiff(s)  
Vs.  
CITY OF BAYONNE; BAYONNE POLICE DEPARTMENT;  
POLICE OFFICER STEHPEN SALOT, in his official and indivi  
Defendant(s)

**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

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*Michelle M. Smith*  
Clerk of the Superior Court

DATED: 12/17/2019  
Name of Defendant to Be Served: City of Bayonne  
Address of Defendant to Be Served: 630 Avenue C, 2nd Floor, Bayonne, NJ 07002

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NUMBER: L-

KEIRAN J. WALSH and MELBA WALSH, his wife

Plaintiff(s)

vs.

CIVIL ACTION

CITY OF BAYONNE; BAYONNE POLICE DEPARTMENT; POLICE OFFICER STEPHEN SALOT, in his official and individual capacities; POLICE DIRECTOR ROBERT KUBERT, in his official and individual capacities; POLICE CHIEF DREW SISK, in his official and individual capacities; JOHN DOES (1-10), representing unidentified personnel of the Bayonne Police Department, individually and in their official capacity; JOHN DOES (11-20), representing unidentified supervisory police personnel of the Bayonne Police Department, individually and in their official capacity; and ABC ENTITIES (1-10), representing unidentified public entities, or their agencies or departments, which employed any of the defendants and/or unidentified defendants.

COMPLAINT, JURY DEMAND,  
DESIGNATION OF TRIAL  
COUNSEL, CERTIFICATION R. 4:5-  
1(b)(2), CERTIFICATION R. 4:5-  
1(b)(3), AND DEMAND FOR  
INSURANCE COVERAGE

Defendants.

Plaintiffs, **KIERAN J. WALSH and MELBA WALSH**, by way of Complaint against the Defendants, say:

**COUNT I – THE PARTIES**

1. At all relevant times herein, Plaintiffs **KEIRAN WALSH and MELBA WALSH** were residents of the City of Bayonne, County of Hudson, State of New Jersey.
2. At all relevant times herein, Defendant **CITY OF BAYONNE** was and is a municipal

entity organized and existing pursuant to the laws of the State of New Jersey, engaged in the operation, management, supervision and control over law enforcement with a subdivision known as **BAYONNE POLICE DEPARTMENT**, and having a place of business at 630 Avenue C, Bayonne, NJ 07002 (collectively "**BAYONNE**").

3. At all relevant times herein, Defendant **POLICE CHIEF DREW SISK** ("**CHIEF SISK**"), sued in his official and individual capacities, was the Chief of Police of **BAYONNE**, responsible for the supervision, training, hiring, operations and oversight of the police department, including the development, promulgation, and implementation of policies, procedures and standards for the department, acting under color of law and within the scope of his employment.
4. At all relevant times herein, Defendant **POLICE DIRECTOR ROBERT KUBERT** (hereinafter "**DIRECTOR KUBERT**"), sued in his official and individual capacities, was the Police Director of **BAYONNE**, responsible for the supervision, training, hiring, operations and oversight of the police department, including the development, promulgation, and implementation of policies, procedures and standards for the department, acting under color of law and within the scope of his employment.
5. At all relevant times herein, Defendant **POLICE OFFICER STEPHEN SALOT**, sued in his official and individual capacities, was a Police Officer employed by or under the control of **BAYONNE**, acting under color of law and within the scope of his employment.
6. Defendants **JOHN DOES (1-10)**, individually and in their official capacity, are police personnel of **BAYONNE** responsible for the improper motor vehicle stop of Plaintiff **KEIRAN WALSH** and the seizure of his vehicle, and/or the discrimination, harassment, creation of a dangerous situation, abandonment, willful disregard and deliberate indifference to Plaintiff **KEIRAN WALSH'S** health, safety and welfare, the identities and badge numbers of whom are presently unknown.

7. Defendants **JOHN DOES (11-20)**, individually and in their official capacity, are supervisory police personnel of **BAYONNE**, the identities and numbers of whom are presently unknown and who were responsible for the training, supervision and conduct of the Defendant Officers.
8. Defendants **ABC ENTITIES (1-10)** represent unidentified public entities, or their agencies or departments, which employed any of the defendants and/or unidentified defendants.

**COUNT II – NATURE OF ACTION**

1. Plaintiffs repeat the allegations of the First Count as though set forth at length therein.
2. This matter arises out of the unlawful motor vehicle stop of Plaintiff Keiran Walsh, seizure of his vehicle, and the discriminatory, harassing, malicious and reckless conduct that followed including the reckless abandonment of Keiran Walsh on the side of the street, the failure to protect, the willful disregard and deliberate indifference to Mr. Walsh's health, welfare or safety, and the state-created danger that forced Mr. Walsh to walk home on a recently amputated foot and directly caused his foreseeable injuries.
3. On the morning of November 27, 2017, Plaintiff **KIERAN WALSH** was driving on Avenue C in Bayonne, NJ when he beeped his horn at an unmarked vehicle driven by Defendant **POLICE OFFICER STEPHEN SALOT** that had been traveling recklessly down Andrew Street and almost collided with Plaintiff's vehicle.
4. Immediately after, Defendant **POLICE OFFICER STEPHEN SALOT** pulled Plaintiff over allegedly because of a handicap placard hanging in his rear-view mirror.
5. Defendant **POLICE OFFICER STEPHEN SALOT** ultimately issued Plaintiff tickets for an obstructed window and for an expired registration and impounded his vehicle.
6. During the police stop, Plaintiff **KIERAN WALSH** advised Defendant **POLICE**

**OFFICER STEPHEN SALOT** that he had recently undergone amputation of the toes on his left foot and was unable to walk home.

7. Plaintiff **KIERAN WALSH** called his wife **MELBA WALSH** at the scene and she also advised Defendant **POLICE OFFICER STEPHEN SALOT** of Kieran's physical disability and inability to safely walk home. **MELBA WALSH** pleaded with Defendant **POLICE OFFICER STEPHEN SALOT** to either stay and wait with Kieran until she could get there from work or to give him a ride home.

8. Despite pleas from both **KIERAN WALSH** and **MELBA WALSH**, Defendant **POLICE OFFICER STEPHEN SALOT** refused to stay with Kieran or transport him home and instead abandoned him on the side of the road in the freezing cold forcing him to dangerously walk at least five (5) long blocks home on a recently amputated foot.

9. Defendant **POLICE OFFICER STEPHEN SALOT'S** conduct in abandoning Plaintiff **KIERAN WALSH** was reckless and in willful disregard and deliberate indifference to Mr. Walsh's disability, health, safety or welfare.

10. Defendant **POLICE OFFICER STEPHEN SALOT** failed in his ministerial duties to protect Plaintiff **KIERAN WALSH** and recklessly placed him in a position of great danger.

11. As a direct result of Defendant **POLICE OFFICER STEPHEN SALOT'S** willful disregard and deliberate indifference to Plaintiff **KIERAN WALSH'S** physical disability, Plaintiff **KIERAN WALSH** was forced to walk home five (5) long blocks on a recently amputated foot in freezing cold temperatures which led to the development of a serious infection and required several lengthy hospitalizations and further amputation.

12. Defendants **CHIEF OF POLICE DREW SISK** and **POLICE DIRECTOR ROBERT KUBERT** were **POLICE OFFICER STEPHEN SALOT'S** supervisors and failed to ensure that **OFFICER SALOT** was properly performing his job and ministerial duties.

**COUNT III – VIOLATION OF 42 USC §1983 AND N.J.S.A. 10:6-1 AND STATE CREATED DANGER**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. At all relevant times herein, Defendant **POLICE OFFICER STEPHEN SALOT** was acting under color of state law and within the scope of his authority.
3. Upon information and belief, Defendants **POLICE DIRECTOR ROBERT KUBERT** and **POLICE CHIEF DREW SISK** were also working in supervisory capacities on the aforementioned date and failed to properly supervise **POLICE OFFICER STEPHEN SALOT**, while acting under color of state law and within the scope of his authority.
4. Defendants, all acting under color of state law and/or by the authority of the state law, violated and deprived Plaintiff **KIERAN WALSH** of his constitutional rights under both federal and state law of liberty, substantive and procedural due process, and equal protection by creating a dangerous situation that caused foreseeable harm and failing to protect Plaintiff.
5. Defendants' failure to protect Plaintiff **KIERAN WALSH** from foreseeable injury after recklessly placing him in great danger was in violation of The Due Process Clause of the 14<sup>th</sup> Amendment to the United States Constitution and the Federal and New Jersey Civil Rights Act.
6. By impounding Plaintiff's car and leaving him abandoned and forced to walk home on a recently amputated foot, Defendant **POLICE OFFICER STEPHEN SALOT** acted in willful disregard for Plaintiff's health, safety or welfare and used his authority to create a dangerous situation that did not exist before.
7. Defendant **POLICE OFFICER STEPHEN SALOT'S** reckless conduct and deliberate indifference placed Plaintiff **KIERAN WALSH** in danger that he otherwise would not have been in but for Defendant's conduct.

8. Defendant **POLICE OFFICER STEPHEN SALOT** knew that Kieran's physical condition and disability was serious and that abandoning him and forcing him to walk home would result in significant injury.

9. Defendant **POLICE OFFICER STEPHEN SALOT** was deliberately indifferent to Kieran's disability and serious medical needs, which directly caused harm.

10. Defendants' deliberate indifference to Plaintiff **KIERAN WALSH** violated his rights, privileges and immunities guaranteed by the New Jersey State Constitution, including but not limited to Article I, ¶1, ¶5, ¶7 and ¶12, the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et. seq. and the United States Civil Rights Act, 42 U.S.C. §1983.

11. As a direct result of this state-created danger, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT IV - ACTUAL MALICE AND WILLFUL MISCONDUCT**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. At all relevant times herein, Defendant **POLICE OFFICER STEPHEN SALOT** was acting under color of state law and within the scope of his authority.
3. Upon information and belief, Defendants **POLICE DIRECTOR ROBERT**

**KUBERT** and **POLICE CHIEF DREW SISK** were also working in supervisory capacities on the aforementioned date and failed to properly supervise **POLICE OFFICER STEPHEN SALOT**, while acting under color of state law and within the scope of his authority.

4. Defendants, all acting under color of state law and/or by the authority of the state law, violated and deprived Plaintiff **KIERAN WALSH** of his constitutional rights under both federal and state law of liberty, substantive and procedural due process, and equal protection by creating a dangerous situation that caused foreseeable harm and failing to protect Plaintiff.

5. Defendant **POLICE OFFICER STEPHEN SALOT'S** conduct in failing to transport Plaintiff **KIERAN WALSH** safely home or wait with him until he could get a ride was done intentionally, recklessly, and maliciously and constitutes willful misconduct.

6. Defendant **POLICE OFFICER STEPHEN SALOT** consciously failed to protect or assist Plaintiff **KIERAN WALSH** in getting home safely after he impounded his vehicle and abandoned him in reckless disregard for his health, welfare or safety despite multiple pleas for assistance.

7. Defendant **POLICE OFFICER STEPHEN SALOT** knew of but intentionally ignored the obvious risk to Plaintiff's health and safety and the high probability that Plaintiff would suffer increased harm if he had to walk home in the freezing cold on a recently amputated foot.

8. As a direct result of **POLICE OFFICER STEPHEN SALOT'S** malice and willful misconduct, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive



damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT V - NEGLIGENCE**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. At all relevant times herein, Defendants **POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK** and/or **JOHN DOES #1-20** had a duty and obligation to ensure **KIERAN WALSH'S** safety and welfare after creating a dangerous situation by impounding his vehicle and leaving him abandoned and stranded on the side of the road with a known disability.
3. Defendants **POLICE OFFICER STEPHEN SALOT, and/or JOHN DOES #1-10** neglected their ministerial duties by failing to properly wait with Plaintiff and/or drive him safely home, all in deliberate indifference and willful disregard to his disability, inability to walk and serious medical needs.
4. Defendants **POLICE DIRECTOR ROBERT KUBERT and POLICE CHIEF DREW SISK** were Defendant **POLICE OFFICER STEPHEN SALOT'S** supervisors and failed to ensure that **OFFICER SALOT** was trained and properly performing his duties, including adequately protecting persons with disability, such as the Plaintiff and not creating dangerous situations.
5. Defendant **OFFICER SALOT** failed to follow **BAYONNE POLICE DEPARTMENT'S** own policies and procedures for traffic stops and for assisting and protecting citizens, especially those with disabilities, such as Plaintiff **KIERAN WALSH**.
6. The duties of the Defendant **OFFICER SALOT** in conducting a motor vehicle stop of Plaintiff was ministerial and not subject to any discretion or immunity.

7. Defendant **OFFICER SALOT** and/or **JOHN DOES #1-10** were negligent in the performance of their ministerial duties and failed to properly assist and protect Plaintiff **KIERAN WALSH**, after recklessly creating a dangerous situation that led to foreseeable serious and permanent injuries.

8. Defendants **POLICE DIRECTOR ROBERT KUBERT** and **POLICE CHIEF DREW SISK** were negligent in failing to perform their ministerial duties to supervise and monitor the Defendant Officers under their control including **POLICE OFFICER STEPHEN SALOT** and/or **JOHN DOES #1-10**, to ensure that the Officers were properly performing their duties, and were adequately assisting and protecting disabled, vulnerable citizens and not creating danger.

9. As a direct result of Defendants' negligence, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT VI -UNLAWFUL POLICY, CUSTOM OR PRACTICE AND  
THE FAILURE TO TRAIN AND SUPERVISE**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.

2. At all relevant times herein, Defendants **CITY OF BAYONNE, BAYONNE**

**POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, JOHN DOES (11-20) and ABC ENTITIES (1-10)** were vested by state law with the authority to make policy regarding motor vehicle stops and rendering assistance.

3. At all relevant times herein, Defendants **POLICE OFFICER STEPHEN SALOT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT and JOHN DOES (1-10)** were acting as agents, servants and/or employees of the Defendant **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT and ABC ENTITIES (1-10)**; were acting under the direction and control of Defendants, **CITY OF BAYONNE AND BAYONNE POLICE DEPARTMENT, JOHN DOES (11-20) and/or ABC ENTITIES (1-10)**; and were acting pursuant to the official policy, practice or custom of Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, JOHN DOES (11-20) and/or ABC ENTITIES (1-10)**.

4. At all relevant times herein, Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** ratified and maintained a policy, practice, pattern and/or custom of failing to adequately screen, hire, train, instruct, supervise, control and/or discipline the officers under its control, including Defendant **POLICE OFFICER STEPHEN SALOT and JOHN DOES (1-10)**.

5. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** intentionally, knowingly, recklessly and/or with deliberate indifference failed to adequately screen, hire, train, instruct, supervise, control and/or discipline, on a continuing basis, the officers under its control, including Defendants **POLICE OFFICER STEPHEN SALOT and JOHN DOES (1-10)** in conformity with clearly established constitutional principles which govern their conduct, to (1) refrain from making false stops and

improper seizures; (2) properly protect citizens and provide assistance after creating a dangerous situation (3) provide assistance to citizens in need (4) properly wait with or escort citizens home who have had their vehicles impounded to ensure their safety and alleviate a dangerous situation (5) treat all persons equally (6) properly discipline officers who neglected or willfully violated their duties; (7) properly supervise the officers within their control; and (8) refrain from otherwise depriving citizens of their constitutional and statutory rights, privileges and immunities.

6. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10)**, and **JOHN DOES (11-20)** had actual or constructive notice of numerous similar complaints and deficiencies involving the creation of dangerous situations and the failure to protect and the discriminatory conduct of disabled persons; lack of training and supervision on how to properly provide assistance after creating a dangerous situation and ensure the safety of citizens, including those who are disabled, who have had their vehicles impounded and require assistance to get home safely.

7. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10)**, and **JOHN DOES (11-20)** had a custom and practice of creating dangerous situations, failing to provide assistance and recklessly abandoning citizens in need.

8. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10)**, and **JOHN DOES (11-20)** had a policy, practice or custom of being inadequately staffed, improperly trained and unsupervised.

9. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT,**

**POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** had a policy, practice or custom of failing to investigate deficiencies and constitutional violations within the department.

10. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** were deliberately indifferent to the right of the Plaintiff **KIERAN WALSH** and others to be free from, and protected from, harm by the misconduct of its employees.

11. The Defendants' longstanding policies, practices and/or customs as described above were unconstitutional in that they were deliberately indifferent to a substantial risk of serious harm to disabled citizens such as Plaintiff **KIERAN WALSH**.

12. Despite having actual or constructive notice of the deficiencies and constitutional violations within the department, Defendants failed to employ any type of corrective or disciplinary measures against Officers of the Bayonne Police Department, including but not limited to **POLICE OFFICER STEPHEN SALOT and JOHN DOES (1-10)**.

13. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** had knowledge of, or should have known had they exercised their duties, that the Constitutional deprivations set forth above were likely to occur and acted with deliberate indifference in doing nothing to prevent such deprivations from occurring.

14. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** had vested authority to prevent or aid in preventing

the commission of said wrongs, and could have done so by reasonable diligence, and intentionally, knowingly, recklessly, and/or with deliberate indifference failed to do so.

15. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10)**, and **JOHN DOES (11-20)** directly or indirectly, under color of state law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants **POLICE OFFICER STEPHEN SALOT and JOHN DOES (1-10)**.

16. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10)**, and **JOHN DOES (11-20)** failed to properly train, instruct, supervise, control and/or discipline Defendants **POLICE OFFICER STEPHEN SALOT and JOHN DOES (1-10)** in the proper procedure for conducting motor vehicle stops and transporting citizens who have had their vehicles impounded safely home to ensure their safety and alleviate a potentially dangerous situation and willfully, wantonly, and recklessly violated Plaintiff's civil rights.

17. As a direct result of Defendants' negligence, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH and MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT VII – VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. The deliberate indifference to Plaintiff's disability and need for assistance by Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, POLICE OFFICER STEPHEN SALOT, ABC ENTITIES (1-10), and JOHN DOES (1-20)** as set forth at length above, deprived Plaintiff **KIERAN WALSH** of his substantive and procedural due process rights and equal protection of the law.
3. Defendants' **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE CHIEF DREW SISK, POLICE DIRECTOR ROBERT KUBERT, ABC ENTITIES (1-10), and JOHN DOES (11-20)** failure to train, supervise, monitor, control and/or discipline Defendant **POLICE OFFICER STEPHEN SALOT** and/or **JOHN DOES (1-10)** deprived Plaintiff of his rights, privileges and immunities secured by the Constitution of the State of New Jersey, including Article I, ¶1, ¶5, ¶7 and ¶12, in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et. seq.
4. Defendants acted pursuant to a policy, custom or practice in depriving Plaintiff **KIERAN WALSH** of his rights, privileges and immunities secured by the Constitution of the State of New Jersey, including Article I, ¶1, ¶5, ¶7 and ¶12, in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et. seq.
5. As a direct result of Defendants' violations aforesaid, Plaintiff **KIERAN WALSH**

was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT VIII – VIOLATION OF THE FEDERAL CIVIL RIGHTS ACT**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. Defendants' deliberate indifference to Plaintiff **KIERAN WALSH'S** disability, health, safety and welfare after creating a dangerous situation violated Plaintiff's rights to Due Process and Equal Protection of the law guaranteed by the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. §1983.
3. Defendants acted pursuant to a policy, custom or practice in depriving Plaintiff of his rights, privileges and immunities secured by the United States Constitution including the Fourteenth Amendment, in violation of the Federal Civil Rights Act, 42 U.S.C. §1983.
4. Defendants acted pursuant to a policy, custom or practice in depriving Plaintiff **KIERAN WALSH** of his rights, privileges and immunities secured by the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. §1983.
5. As a direct result of Defendants' negligence, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.



**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT IX – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. Defendants' **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK, JOHN DOES 1-20** and **ABC ENTITIES 1-10** deliberate indifference to Plaintiff **KIERAN WALSH'S** disability, health, safety and welfare and misconduct in unreasonably seizing Plaintiff's vehicle and creating a dangerous situation was disparate and motivated by a discriminatory purpose, in violation of The Americans with Disabilities Act, 42 U.S.C. § 12131 et. seq.
3. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK, JOHN DOES 1-20** and **ABC ENTITIES 1-10** discriminated against Plaintiff **KIERAN WALSH** because of his known physical disability and impairment.
4. As a direct result of Defendants' discriminatory conduct and violations of The Americans with Disabilities Act, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT X - VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. Defendants' **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK, JOHN DOES 1-20** and **ABC ENTITIES 1-10** deliberate indifference to Plaintiff **KIERAN WALSH'S** disability, health, safety and welfare and misconduct in unreasonably seizing Plaintiff's vehicle and creating a dangerous situation was disparate and motivated by a discriminatory purpose, in violation of The New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.
3. Defendants **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK, JOHN DOES 1-20** and **ABC ENTITIES 1-10** discriminated against Plaintiff **KIERAN WALSH** because of his known physical disability and impairment.
4. As a direct result of Defendants' discriminatory conduct and violations of The Law Against Discrimination, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT XI – NEGLIGENT AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
2. Defendants, **CITY OF BAYONNE, BAYONNE POLICE DEPARTMENT, POLICE OFFICER STEPHEN SALOT, POLICE DIRECTOR ROBERT KUBERT, POLICE CHIEF DREW SISK, JOHN DOES 1-20** and **ABC ENTITIES 1-10** by and through their agents, servants and/or their employees, and each individual defendant, whose actions have been detailed in this Complaint, engaged in actions which were either intended to, or in the exercise of reasonable care caused and inflicted severe emotional distress.
3. These actions include creating a dangerous situation by impounding Plaintiff's vehicle and failing to either wait with Plaintiff until his wife could pick him up or escort Plaintiff safely home.
4. By reason of the above affirmative acts, Plaintiff was subjected to and has suffered from severe emotional distress.
5. As a direct result of Defendants' negligence and intentional misconduct, Plaintiff **KIERAN WALSH** was caused to suffer significant pain and suffering; substantial, permanent loss of a bodily function, disfigurement and dismemberment including further amputation, and severe emotional distress and mental anguish, as well as other damages alleged herein, all of which was foreseeable.

**WHEREFORE**, Plaintiffs, **KIERAN WALSH** and **MELBA WALSH** demand judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**COUNT XII – PER QUOD CLAIM**

1. Plaintiffs repeat the allegations of the above Counts as though set forth at length herein.
  2. Plaintiff, **MELBA WALSH** is and was at all relevant times the wife of Plaintiff **KIERAN WALSH**.
  3. As a direct and proximate result of the Defendants' actions or inactions and constitutional violations as described above, Plaintiff, **MELBA WALSH**, has been caused to suffer the loss of companionship, care, comfort, guidance, advice, and household services provided by the Plaintiff **KIERAN WALSH**.
- WHEREFORE**, Plaintiff, **MELBA WALSH**, demands judgment against the Defendants, individually, jointly and/or severally for compensatory and punitive damages, together with interest, attorneys' fees, costs of suit, and such other relief as the Court may deem appropriate.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

The undersigned attorneys for Plaintiffs hereby designate **JENNIFER HARWOOD RUHL**, ESQ. as trial counsel herein.

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

The undersigned attorney for the Plaintiffs hereby certifies that the within matter is not the subject of any other action or arbitration proceeding pending or contemplated, nor are there any other parties known to Plaintiff who should be joined in this proceeding.

**CERTIFICATION PURSUANT TO R. 4:5-1(b)(3)**

The undersigned attorney for Plaintiffs hereby certifies 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 R. 1:38-7(b).

**THE GROSSMAN LAW FIRM, LLC**  
Attorneys for Plaintiffs

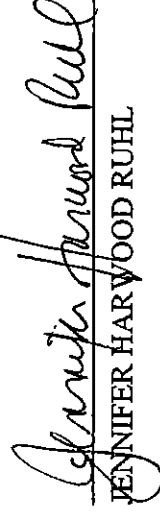
  
JENNIFER HARWOOD RUHL

Dated: November 27, 2019

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

The undersigned attorney for the Plaintiffs demand that proof of all insurance which may extend coverage to the defendant(s) for the subject incident and the limits of said coverage be furnished to Plaintiffs' counsel within ten (10) days of the date hereof.

**THE GROSSMAN LAW FIRM, LLC**  
Attorneys for Plaintiffs

  
JENNIFER HARWOOD RUHL

Dated: November 27, 2019

# Civil Case Information Statement

## Case Details: HUDSON | Civil Part Docket# L-004606-19

Case Caption: WALSH KEIRAN VS CITY OF BAYONNE Case Type: CIVIL RIGHTS  
 Case Initiation Date: 11/27/2019 Document Type: Complaint with Jury Demand  
 Attorney Name: JENNIFER HARWOOD RUHL Jury Demand: YES - 6 JURORS  
 Firm Name: THE GROSSMAN LAW FIRM, LLC Is this a professional malpractice case? NO  
 Address: 57 SCHANCK RD STE C13 Related cases pending: NO  
 FREEHOLD NJ 077280000 If yes, list docket numbers:  
 Phone: 7326259494 Do you anticipate adding any parties (arising out of same  
 Name of Party: PLAINTIFF : Walsh, Keiran, J transaction or occurrence)? NO  
 Name of Defendant's Primary Insurance Company  
 (if known): Unknown

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO

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 Rule 1:38-7(b)

11/27/2019

Dated

/s/ JENNIFER HARWOOD RUHL

Signed