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LAMONT PERRY,

Plaintiffs,

vs.

**CITY OF JERSEY CITY, JERSEY CITY
POLICE DEPARTMENT, AND UNKNOWN
OFFICERS, JOHN DOES 1-20 (being
fictitious persons whose identities are
currently unknown), and ABC ENTITIES 1-
20 (being fictitious business entities and/or
public entities whose identities are currently
unknown),**

Defendants

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY**

Docket No.:

Civil Action

**COMPLAINT, JURY DEMAND,
DEMAND FOR FORM C
INTERROGATORIES, DEMAND FOR
INSURANCE and DEMAND FOR
DOCUMENTS**

NOW COMES Plaintiff LAMONT PERRY, (“Perry” or Plaintiff), by his attorney, Paul S. Foreman, and complaint of Defendants, City of Jersey City, Jersey City Police Department, and Unknown Police Officers (“referred to as “Unknown Officers”) (referred to collectively as “Defendant Officers”), and states as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. 1983 to redress the deprivation under color

of law of Plaintiff's rights as secured by the United States Constitution.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the action pursuant to 28 U.S.C. 1331 and 1343(a), the Constitution of the United States, and this Court's supplemental jurisdiction powers.
3. Venue is proper under 28 U.S.C. 1391(b). On information and belief, all parties reside in this judicial district, and the events giving rise to the claims asserted herein occurred within district.

PARTIES

4. Plaintiff, Perry Lamont, is 42 years old. He is and has been at all times relevant to this Complaint a legal resident in the City of Jersey City, County of Hudson, State of New Jersey.
5. On information and belief, all Defendant Officers are and were at the time of the events complained herein employed by the City of Jersey City as Police Officers of the South District.
6. City of Jersey City is a municipal corporation within the Northern District of New Jersey.
7. At all times material to this Complaint, the Defendant Officers were acting under color of state law, ordinance, and/or regulation, statutes, custom, and usage of City of Jersey City.

BACKGROUND

8. On January 12, 2021 around PM Plaintiff was (walking) on his way home when he was unlawfully stopped by Defendants for no legal reason near Martin Luther King and Bostwick Avenue, Jersey City, New Jersey.
9. Defendant Officers approached Plaintiff and asked Plaintiff "where are you going" when Plaintiff responded home, the Defendant Officers then proceeded to do an illegal search of the Plaintiff.

10. At this time the Defendant Officers proceeded to cuff Plaintiff to place him under arrest for a crime that was never committed by the Plaintiff.

11. As the Defendant Officers were cuffing Plaintiff they do so in a rough way therefore fracturing Plaintiff arm.

12. While in handcuffs the Defendant Officers proceeded to assault Plaintiff by spitting on Plaintiff and shouting "racial slurs" .

13. The aforementioned conduct was wholly unnecessary and unreasonable, as Plaintiff was not threatening, resisting, or otherwise failing to comply with the Defendants' orders at this point or at any point during the stop and search.

14. Additionally, the Defendant Officers were equipped with audio recording devices.

15. However, according to the Defendants, there apparently is also no audio recording of any portion of the encounter.

16. No explanation was offered for this throughout the criminal proceedings or in any of the reports generated by the Defendants.

17. Plaintiff begged and pleaded with Defendants as this assault upon him was very unnecessary.

COURT I
42 U.S.C. 1983: False Arrest

18. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

19. As described in the preceding paragraphs, the Defendant Officers unlawfully detained and falsely arrested Plaintiff without legal justification or probable cause.

20. Defendant Officers knew that Plaintiff had not committed any crimes and still continued to effectuate the arrest, detention and prosecution of Plaintiff for the charge.

21. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff.

22. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights, specifically the Fourth and Fourteenth Amendments to the United States Constitution, and hence 42 U.S.C. 1983.

23. As a result of the unjustified violation of Plaintiff's rights by the Defendant Officers, Plaintiff has suffered injury, including emotional distress.

COUNT II
42 U.S.C. 1983: Excessive Force

24. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

25. As a result of the Defendant Officers' unjustified and excessive use of force, Plaintiff suffered pain and injury, as well as emotional distress.

26. This conduct violated the Fourth and Fourteenth Amendments to the United States Constitution, and hence 42 U.S.C. 1983.

27. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to Plaintiff's constitutional rights.

28. The aforementioned actions of the Defendant Officers were the direct and proximate cause of the constitutional violations, and the attendant injuries resulting therefrom, as set forth above.

29. As a result of the Defendant Officers' unjustified and excessive use of force Plaintiff has, as a direct and proximate cause, suffered pain and injury, including emotional distress.

COUNT III
42 U.S.C. 1983: Due Process/Brady Violation

30. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

31. Defendants deliberately destroyed, hid, and/or prevented the creation of impeaching and exculpatory evidence. Specifically, Defendants:

- a. Turned off the video recording equipment as referenced above;

b. Failed to audio record any part of their encounter with Plaintiff despite being equipped with such devices;

32. In the manner described above, Defendant Officers deprived Plaintiff of Due Process in violation of the 5th and 14th Amendments to the United States Constitution.

33. Defendant Officers' actions set forth above were so arbitrary as to shock the conscience.

34. Such violations of Plaintiff's rights were undertaken intentionally, with malice and willful indifference to Plaintiff's rights.

35. As a result of the above-described wrongful conduct, Plaintiff has suffered pain and injury as well as emotional distress.

36. The misconduct alleged in this Count was undertaken while the Defendant Officers were acting within the scope of their employment.

37. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

COUNT IV
State Law Claim: False Imprisonment

38. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

39. Plaintiff was imprisoned by the Defendant Officers, and thereby had his liberty to move about unlawfully restrained, despite the Defendant Officers' knowledge that there was no probable cause for doing so.

40. The actions of the Defendant Officers were undertaken intentionally, with malice and reckless indifference to Plaintiff's rights.

41. As a result of the wrongful infringement of Plaintiff's rights, Plaintiff has, as a direct and proximate cause, suffered injury, including emotional distress.

42. As described above, the Defendant Officers' conduct was undertaken within the

scope of their employment such that their employer, City of Jersey City is liable for their actions.

COUNT V

42 U.S.C. 1983: Conspiracy to Commit Constitutional Violations

43. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

44. As discussed in greater detail above, the Defendant Officers conspired with each other to cause damage to the Plaintiff by:

a. Agreeing not to report each other after witnessing and/or conspired with each other to cause damage to the Plaintiff;

b. Agreeing not to generate reports documenting their conduct to cover-up their own and each other's misconduct;

c. Agreeing to generate reports and other documents which omitted material facts relating to the arrest and containing patent falsities; and

d. Agreeing to hide, destroy, and/or prevent the creation of evidence of the Constitutional violations described above and, including stopping the video camera recording equipment during the stop; turning off/disabling all audio recording equipment; and agreeing to generate reports which falsely indicated that no video recording existed in order to cover up the above mentioned misconduct.

45. The aforementioned actions of the Defendant Officers were the direct and proximate cause of the violations of the United States Constitution discussed above, and the attendant injury and emotional distress resulting therefrom.

COUNT VI

42 U.S.C. 1983: Failure to Intervene

46. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

47. As described more fully above, one or more of the Defendants had a reasonable opportunity to prevent the violations of Plaintiff's constitutional rights as set forth above.

48. As a result of the Defendant Officers' failure to intervene, Plaintiff suffered pain and injury, as well as emotional distress.

49. The Defendants' actions were undertaken intentionally with malice and reckless indifference to Plaintiff's rights.

50. The misconduct described in this Count was undertaken by the Defendant Officers within the scope of their employment and under color of law.

COUNT VII
State Law Claim: Malicious Prosecution

51. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

52. As described more fully above, the Defendant Officers commenced, caused to be commenced, and/or continued a criminal proceeding against Plaintiff for which Defendant Officers knew there was no probable cause, and the criminal proceeding terminated in Plaintiff's favor in a manner indicative of innocence.

53. The Defendant Officers' actions were undertaken intentionally, with malice and reckless indifference to the rights of others – specifically, the Plaintiff's.

54. The Defendant Officers accused Plaintiff of criminal activity knowing those accusations to be without probable cause, and they made written and other statements with the intent of exerting influence to institute and continue judicial proceedings.

55. Statements and reports of the Defendant Officers regarding Plaintiff's alleged criminal culpability were made with knowledge that the statements were false.

56. As a result of the Defendant Officers malicious prosecution, Plaintiff has suffered, as a direct and proximate cause, injury, including emotional distress.

COUNT VIII
State Law Claim: Assault and Battery

57. Each paragraphs of this Complaint is incorporated as if fully restated herein.

58. As described more fully in the preceding paragraphs, Defendants' used unnecessary and unreasonable force against Plaintiff, which include harmful and offensive touching.

59. At that time, Plaintiff had a reasonable apprehension that he was in considerable danger and would be subjected to great bodily harm.

60. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others – specifically, the Plaintiff.

61. As described in the preceding paragraphs, the conduct of the Defendant Officers, acting under color of law and within the scope of their employment, was undertaken willfully and wantonly, proximately causing Plaintiff's injuries.

COUNT IX

State Law Claim: Intentional Infliction of Emotional Distress

62. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

63. In the manner described more fully above, the Defendants engaged in extreme and outrageous conduct, including, but not limited to:

- a. Spitting on Plaintiff multiple times without any reasonable justification;
- and
- b. Shouting racial slurs at Plaintiff multiple times without any reasonable justification.

64. The Defendants intended that their conduct would cause severe emotional distress to the Plaintiff and knew that there was a high probability that their conduct would cause severe emotional distress to the Plaintiff.

65. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

66. As a proximate result of this misconduct, Plaintiff suffered injuries, including but not limited to severe emotional distress.

COUNT X

State Law Claim: Respondeat Superior

67. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

68. In committing the acts alleged in the preceding paragraphs, the Defendant Officers were acting as members and agents of the City of Jersey City acting at all relevant times within the scope of their employment.

69. Defendant City of Jersey City is liable as principal for all torts committed by its agents when acting as its agent.

COUNT XI

State Law Claim: Indemnification

70. Each of the paragraphs of this Complaint is incorporated as if fully restated herein.

71. New Jersey law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

72. The Defendant Offices are employees of the Jersey City Police Department, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Perry Lamont, respectfully request that this Court enter judgment in his favor and against Defendants, CITY OF JERSEY CITY, JERSEY CITY POLICE DEPARTMENT, UNKNOWN POLICE OFFICERS, awarding compensatory damages and attorneys' fees, along with punitive damages against the DEFENDANT OFFICERS in their individual capacity, as well as any other relief this Court deems just and appropriate.

LAW OFFICES OF PAUL S. FOREMAN, PC
Attorneys for Plaintiffs

By: _____



PAUL S. FOREMAN, ESQ.

Dated: January 5, 2023

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff hereby demand a trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Paul S. Foreman, Esq. is hereby designated as trial counsel on behalf of Plaintiff.

CERTIFICATION

The undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any other court or of any pending arbitration proceeding and that no other action or arbitration proceedings are presently contemplated.

The undersigned further certifies that there are no other parties of which he is presently aware or should be joined in this action.

LAW OFFICES OF PAUL S. FOREMAN, P.C.
Attorneys for Plaintiff

By:



PAUL S. FOREMAN, ESQ.

Dated: January 5, 2023

DEMAND FOR INSURANCE

PLEASE TAKE NOTICE that pursuant to R. 4:10-2(b), Plaintiff, Lamont Perry hereby demand production of a copy of all insurance agreements under which the defendants may be covered to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

DEMAND FOR DOCUMENTS

PLEASE TAKE NOTICE that pursuant to R.4:18-1, Plaintiff, Lamont Perry demand the production for purposes of inspection and copying at the offices of Law Offices of Paul S. Foreman, PC, 103 Eisenhower Parkway, Suite 104, Roseland, New Jersey 07068, within 45 days after service of the within pleadings, all documents pertaining to the allegations of the within Complaint.

**LAW OFFICES OF PAUL S. FOREMAN, PC
Attorneys for Plaintiff**

By:


PAUL S. FOREMAN, ESQ.

Dated: January 5, 2023