

Jake Freeman *pro se*



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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, HUDSON COUNTY

JAKE FREEMAN

Plaintiff,

v.

CITY OF HOBOKEN, and

Defendant.

DOCKET NO. HUD-C-000157-25

Civil Action

**FIRST AMENDED VERIFIED  
COMPLAINT FOR DECLARATORY  
JUDGEMENT AND INJUNCTIVE  
RELIEF**

COMES NOW PLAINTIFF, Jake Freeman, who by way of Verified Complaint against the Defendant, alleges and says:

**NATURE OF ACTION**

1. This Action arises out the City of Hoboken’s unlawful parking programs which ticket and tow vehicles, in violation of New Jersey law.

2. The City of Hoboken relies on a substantial revenue from parking tickets and enforcement.<sup>1</sup> Upon information and belief, the City of Hoboken engages in aggressive and unlawful, at least in part, to maximize its own revenues.
3. The City of Hoboken maintains a residential permit parking program which removes a significant amount of parking from non-residents such as Freeman. Freeman was ticketed under this program and successfully had the ticket dismissed because the relevant ordinance was not effective under New Jersey law.
4. The City of Hoboken knew or should have known the ordinance was ineffective and has used the imprimatur of the state to bilk hardworking Americans while ignoring the law.
5. Freeman brings this Action because Hoboken continues to threaten Freeman with enforcement of the ordinance that the Hoboken Municipal Court found to not be effective under N.J.S.A. 39:4-198.
6. On October 1, 2025, the City of Hoboken began issuing tickets under its “CLEAR” Program which uses cameras to find purported violations of certain parking ordinances.
7. Camera-based ticketing is repugnant to the ideals of the State of New Jersey. Indeed, in S-460, the New Jersey State Legislature has previously sought to ban the New Jersey Motor Vehicle Commission from aiding other states in enforcing their camera-based ticketing laws against the residents of this State.
8. The City of Hoboken has eschewed these critical values and uses the CLEAR program to seek money from hard working Americans without conforming with the service of process provision of the Parking Offenses Adjudication Act. N.J.S.A. 39:4-139.4(b).

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<sup>1</sup> [https://cdn.prod.website-files.com/58407e2ebca0e34c30a2d39c/6877bc451df28490356a1af0\\_City%20of%20Hoboken%2012-31-24%20Audit%20Final.pdf](https://cdn.prod.website-files.com/58407e2ebca0e34c30a2d39c/6877bc451df28490356a1af0_City%20of%20Hoboken%2012-31-24%20Audit%20Final.pdf) (last accessed October 28, 2025)

9. Freeman brings this Action, additionally, to enjoin the City of Hoboken from issuing these defect parking tickets against him and his privies.

### **JURISDICTION AND VENUE**

10. Jurisdiction is established pursuant to the New Jersey Declaratory Act, N.J.S.A. 2A:16-50, *et seq.*
11. This Court further has jurisdiction to grant injunctive relief under its general equitable powers as recognized in Article VI, Section 3, Paragraph 2 of the New Jersey Constitutional and R. 4:52-1, *et seq.*
12. Venue is appropriate in Hudson County because the municipality resides in Hudson County and because the cause of action arose in this County.

### **PARTIES**

13. Plaintiff, Jake Freeman (“Freeman”), is citizen of New Jersey. He is a doctoral candidate at Princeton University, and he routinely parks in Hoboken, New Jersey.
14. Defendant, City of Hoboken (“Hoboken”), is a municipal corporation of the State of New Jersey which is in Hudson County. Hoboken has created a division called the “City of Hoboken Transportation and Parking Utility”. § 56-1 of the Hoboken Municipal Code.

### **STATUTORY BACKGROUND**

15. Pursuant to 23 C.F.R. Part 655, Subpart F, the Federal Highway Administration (the “FHA”) promulgates the Manual on Uniform Traffic Control Devices for Streets and Highways (the “MUTCD”). On December 19, 2023, the FHA published the eleventh edition of the MUTCD (the “MUTCD 11<sup>th</sup> Ed.”). *See* 88 FR 87672.

16. “The purpose of the MUTCD is to establish uniform national criteria for the use of traffic control devices.” MUTCD 11<sup>th</sup> Ed. § 1A.01(01). The “[u]niformity of the meaning of traffic control devices is vital to their effectiveness” and “assists road users, law enforcement officers, and traffic courts by giving everyone the same interpretation.” MUTCD 11<sup>th</sup> Ed. § 1A.01(01).
17. The MUTCD 11<sup>th</sup> Ed. “shall be recognized as the national standard for all traffic control devices installed on any street ... open to public travel ... in accordance with 23 U.S.C. 109(d) and 402(a).” MUTCD 11<sup>th</sup> Ed. § 1B.01(01). The MUTCD “shall apply to ... [a]ny street, roadway, or bikeway open to the public[.]” MUTCD 11<sup>th</sup> Ed. § 1B.01(02).
18. If a state fails to comply with the MUTCD, it may lose federal funding. For example, in 2018, upon information and belief, New York removed certain “I LOVE NEW YORK” signs for failing to follow the MUTCD after the FHA threatened to withhold fourteen million dollars.<sup>2</sup>
19. Under New Jersey law, municipalities are obligated to follow the MUTCD, especially in the context of parking ordinances. Under N.J.S.A. 39:4-198, “[n]o ordinance, resolution or regulation enacted, passed, or adopted by local authorities ... shall be effective unless due notice thereof is given to the public by placing a sign at places where the ordinance is ... effective, and by briefing its provisions on signs according to the specifications contained in this chapter or as specified by the current [MUTCD].”
20. While Chapter 4 of Title 39 does not provide any further specifications as to signs relating to parking, it does provide some clarity under traffic signs and delegating that to the

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<sup>2</sup> <https://www.pressconnects.com/story/news/politics/blogs/vote-up/2016/11/02/ny-highway-signs-illegal/93173466/> (last accessed October 22, 2025); <https://www.cbsnews.com/newyork/news/i-love-ny-roadside-signs/> (last accessed October 22, 2025)

Commissioner of Transportation. *See* N.J.S.A. 39:4-183.27 (the “Commissioner of Transportation shall ... promulgate rules and regulations concerning the placing, specifications, location and maintenance of highway and traffic signs and markings.”)

21. Under N.J.A.C. § 16:27-3.1, the Commissioner of Transportation has promulgated the rule that “[t]he basic principles concerning the design and usage of traffic control devices are governed by the MUTCD” and “all decisions made pursuant to this chapter, with regard to traffic control devices, shall be based on the MUTCD.”
22. Under N.J.A.C. § 16:27-2.1, the use of “MUTCD” in N.J.A.C. § 16:27-3.1 “means the 2009 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, incorporated herein by reference, as amended and supplemented, issued by the U.S. Department of Transportation, Federal Highway Administration.”
23. When the FHA issued the final rule publishing the eleventh edition of the MUTCD, this was promulgated on a prior Notice of Proposed Amendments which “proposed amendments to the MUTCD.” 85 FR 80898, 80899. As a result, the eleventh edition of the MUTCD is an amendment to the 2009 edition of the MUTCD and thus, N.J.A.C. § 16:27-3.1 refers to that edition.
24. As a result, N.J.S.A. 39:4-198 requires that Hoboken post “signs according to the specifications contained” in the eleventh edition of the MUTCD.
25. Even if, this Court were to find that N.J.A.C. § 16:27-2.1 refers to the latest version<sup>3</sup> of the tenth edition of the MUTCD (“MUTCD 10<sup>th</sup> Ed.”), it ultimately is irrelevant because

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<sup>3</sup> The last update to the Tenth Edition to the MUTCD became effective on September 6, 2022. ([https://mutcd.fhwa.dot.gov/previous\\_editions.htm](https://mutcd.fhwa.dot.gov/previous_editions.htm), last accessed October 22, 2025).

Hoboken fails to comply with both the tenth (as revised) and eleventh editions of the MUTCD.

**FACTS**

**A. Hoboken’s Residential Permit Parking Ordinance is Ineffective**

26. Under M.C. § 190-06.2<sup>4</sup>, the City of Hoboken operates a residential permit parking only program whereby purportedly only permitted cars are allowed to park on certain designated portions of streets. On most streets one side of the street is available for metered parking and the other side is purportedly reserved for residents with the applicable permit. The City of Hoboken has posted signage denoting these purported areas (the “RPPO Signs”)<sup>5</sup>.



*Figure 1 – Representative RPPO Sign*

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<sup>4</sup> M.C. § \_\_\_ refers to the applicable section of the Hoboken Municipal Code.

<sup>5</sup> For avoidance of doubt, an RRPO Sign only refers to the portion of any metal plate or traffic control device referring to residential permit parking.

27. Freeman has driven and walked extensively in Hoboken looking at various RPPO Signs across the municipality. Every RPPO Sign Freeman has observed is substantially like the sign in Figure 1.
28. Every RPPO Sign Freeman has observed has been on the lower portion of a piece of metal and has a green background with white text stating “RESIDENTIAL PERMIT PARKING ONLY” and “VIOLATORS WILL BE BOOTED AND TOWED”.
29. Upon information and belief, every RPPO Sign in Hoboken is substantially like the sign in Figure 1.
30. Upon information and belief, every RPPO Sign in Hoboken existed on a lower portion of a sign and has a green background with white text stating “RESIDENTIAL PERMIT PARKING ONLY” and “VIOLATORS WILL BE BOOTED AND TOWED”.
31. The RPPO Signs are replete with defects under the MUTCD rendering them unenforceable.
32. Under § 2B.53(03), MUTCD 11<sup>th</sup> Ed., “[p]arking signs shall comply with the standards of shape, color, and location.” *See* § 2B.47(02), MUTCD 10<sup>th</sup> Ed. (“Parking signs ... shall comply with the standards of shape, color, and location”).
33. “Parking signs are categorized as either (1) prohibiting parking or (2) permitting parking with restrictions on how parking is allowed.” § 2B.52(03), MUTCD 11<sup>th</sup> Ed. “Permissive parking signs allowing parking with restrictions including ... [p]arking programs such as neighborhood/residential permits[.]” § 2B.52(04), MUTCD 11<sup>th</sup> Ed. *See* § 2B.47(03), MUTCD 10<sup>th</sup> Ed. (defining “Permissive Parking Signs” as those “[w]here only limited-time parking or parking in a particular manner are permitted”).

34. “Permissive parking signs shall have a green legend and border on a white background.” § 2B.53(05), MUTCD 11<sup>th</sup> Ed. *See* § 2B.47(03), MUTCD 10<sup>th</sup> Ed. (Permissive Parking “signs shall have a green legend and border on a white background”).
35. Under both MUTCD 11<sup>th</sup> Ed. and the MUTCD 10<sup>th</sup> Ed., the term legend refers to the text of the sign. *See* § 1C.02(03), MUTCD 11<sup>th</sup> Ed. (defining legend to be “all word messages, logos, pictographs, and symbol and arrow designs that are intended to convey specific meanings. The border, if any, on a sign is not considered to be a part of the legend.”); § 1A.13(3) MUTCD 10<sup>th</sup> Ed. (defining “legend” the same)
36. Hoboken’s website states that “one side of the street is reserved for Resident Permit Parking only (Green sign white letters) and the other side of the street (White sign green letters)” .<sup>6</sup> Upon information and belief, Hoboken’s website is referring to the coloring of the RPPO Signs (and the meter parking signs).
37. It is clear that because the RPPO Signs are green background and white text, the RPPO fail to comply with the specifications in both Chapter 4 of Title 39 of the New Jersey Revised Statutes and the current edition of the MUTCD.
38. As a result, M.C. § 190-06.2 is ineffective everywhere in the City of Hoboken under N.J.S.A. 39:4-198.

**B. Freeman is Ticketed Under M.C. § 190-06.2 and Successfully Dismisses it For MUTCD Defect**

39. On June 13, 2025, prior to 9:10 PM, Freeman parked a Mazda sedan with license plate A10-RYN (the “Vehicle”) near the location of 200 6<sup>th</sup> Street, Hoboken New Jersey. Freeman was the bailee of the Vehicle. On June 13, 2025, at approximately 9:10 PM,

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<sup>6</sup> <https://www.hobokennj.gov/resources/hoboken-parking-utility> (last accessed October 23, 2025).

Hoboken issued a ticket (Ticket #252876) against the Vehicle for purported violation of M.C. § 190-06.2.

40. Concurrent with the ticket, a notice (Notice #23231) was affixed to the Vehicle warning Freeman that this was his “first and only warning” and stating, conclusory, that the Vehicle was “illegally parked in a permit parking zone” and that the Vehicle “WILL BE SUBJECT TO IMMEDIATE TOWING.”
41. Figure 1 is the exact sign that was next to Freeman’s vehicle near 200 6<sup>th</sup> Street, Hoboken New Jersey when Freeman parked on June 13, 2025.
42. On August 12, 2025, I had an initial hearing before the Honorable Judge Pennington of the City of Hoboken Municipal Court where I moved for leave to file a written brief in accordance with *R. 7:7-1* and *R. 7:7-2(a)*.
43. Before hearing with Judge Pennington on August 12, 2025, I had a brief meeting with Mr. Andrew Cimuluca who I was told was a prosecutor for Hoboken. Upon information and belief, Mr. Cimuluca is a prosecutor for Hoboken.
44. During Freeman’s meeting with Mr. Cimuluca, Freeman asked him for a proposed briefing schedule for the motion to dismiss that Freeman was going to move for at the hearing. Mr. Cimuluca expressed surprise that Freeman would be filing a motion to dismiss for a parking ticket.
45. Mr. Cimuluca asked Freeman on what basis he would be filing for dismissal. Freeman began to tell Mr. Cimuluca that I would be moving to dismiss on the MUTCD defect described above. Mr. Cimuluca cut Freeman off and stated in substance or words that he was wasting his time.

46. On August 29, 2025, Freeman served a copy of Freeman's brief in support of his motion to dismiss upon Mr. Cimuluca and Brian Aloia, who upon information and belief, is Hoboken's corporation counsel.
47. Mr. Cimuluca replied to Freeman's email providing them a copy that "I am not involved in the prosecution of POAA trials. There will be no response to your motion and brief." (emphasis removed).
48. On September 16, 2025, Freeman had a hearing on his motion. Prior to his hearing, Freeman once again informed Mr. Cimuluca of his pending motion and that it was on that date.
49. At the motion hearing, no one from the City of Hoboken attended to prosecute the ticket, despite the fact that under New Jersey law, the "municipal prosecutor shall be responsible for handling all phases of the prosecution of an offense, including but not limited to discovery, pretrial and post-trial hearings, motions, dismissals, removals to Federal District Court and other collateral functions authorized to be performed by the municipal prosecutor by law or Rule of Court." N.J.S.A. 2B:25-5(a).
50. At the motion hearing, Judge Pennington dismissed the ticket issued by Hoboken on June 13, 2025, on the merits because the Hoboken failed to have signs that complied with the MUTCD. Specifically, that the sign in Figure 1 (which the RPPO Sign applicable to where the Vehicle was parked) had a green background and white text rather than the required white background with green text.
51. By October 8, 2025, the judgement issued by Judge Pennington dismissing the ticket became final as Hoboken declined to appeal.

52. Under *Winters v. N. Hudson Reg'l Fire & Rescue*, 212 N.J. 67, 85, 50 A.3d 649, 659 (2012), the City of Hoboken is estopped under the doctrine of collateral estoppel from asserting any theory of liability against Freeman for a violation of M.C. § 190-06.2, absent signage that is materially different the RPPO.
53. Upon information and belief, at all times relevant, Hoboken and all its employees knew or should have known that M.C. § 190-06.2 was ineffective and unenforceable under N.J.S.A. 39:4-198.
54. Upon information and belief, Hoboken receives a portion of the revenue generated from the tickets issued under M.C. § 190-06.2, including those brought in the Hoboken Municipal Court.

**C. Hoboken Fails to Respect Collateral Estoppel, Threatens to Continue Enforce M.C. § 190-06.2**

55. On October 15, 2025, Freeman sent an electronic mail to Brain Aloia, Alyssa Wells, and Anna Seguinot demanding that Hoboken cease-and-desist enforcing M.C. § 190-06.2. Upon information and belief, Anna Seguinot is an employee of Hoboken and Alyssa Wells is the Assistant Corporation Counsel for Hoboken.
56. Freeman's demand letter noted that Hoboken was collaterally estopped from asserting a theory of liability against Freeman for a violation of M.C. § 190-06.2.
57. Hoboken did not agree to cease and desist or offer any other remedial remedies.
58. On October 23, 2025, Freeman called the Hoboken parking enforcement dispatcher to confirm that since the predicate for the Notice (that the Vehicle was parked in purported violation of M.C. § 190-06.2) was no longer effective, Hoboken would not tow or ticket Freeman's vehicle.

59. Hoboken parking enforcement dispatcher informed Freeman that (1) Hoboken would continue to enforce Hoboken's residential permit parking ordinance unless the City Counsel determines otherwise, (2) the "towing order" for the Vehicle still effective, (3) that a judge cannot determine an ordinance to be ineffective and thus the ordinance was still effective, and (4) that if Freeman obtained an injunction against Hoboken towing his vehicle, Hoboken would still tow his vehicle.
60. Upon information and belief, the City of Hoboken will tow and ticket Freeman's vehicles under M.C. § 190-06.2, notwithstanding that M.C. § 190-06.2 is ineffective under New Jersey law and that Hoboken is estopped from asserting Freeman is liable to Hoboken under M.C. § 190-06.2.
61. Freeman will suffer irreparably harmed by Hoboken towing his vehicle and unless enjoined, upon information and belief, Hoboken will tow Freeman's vehicle for parking in a lawful spot (because M.C. § 190-06.2 is ineffective). Freeman's irreparable harm comes from *inter alia* the following sources:
- a. If Hoboken tows Freeman's vehicle under M.C. § 190-06.2 (and hence unlawfully), due to sovereign immunity, Freeman will have no adequate remedy at law to recover costs for Freeman to obtain transportation to the place where Freeman's vehicle is impounded.
  - b. For the same reasons, a towing of Freeman's vehicle would result in damage to Freeman's property and Freeman would have no adequate remedy at law.
  - c. Freeman's property rights will be invaded and impeded because of the towing and impoundment. No remedy could restore the deprivation of Freeman's property

rights in the interim between the unlawful towing and when Freeman retrieves his vehicle.

- d. Depending on when the towing occurred, Freeman would be severely inconvenienced by the towing and could result in Freeman missing various appointments because of an unexpected towing. *See Crowe v. De Gioia*, 90 N.J. 126, 133, 447 A.2d 173, 176 (1982) (“severe personal inconvenience can constitute irreparable injury justifying issuance of injunctive relief.”)
- e. Since all parking in Hoboken is either metered or permitted, Freeman would be forced to pay for parking that he would otherwise need not pay for, absent his desire to not be towed in an unlawful manner. Due to sovereign immunity, Freeman would have no adequate remedy at law to recover these monies.
- f. Similarly, if Freeman were to take a train into the City of Hoboken, he would have to expend money to avoid an unlawful towing and he would have no adequate remedy at law to recover these monies.

62. Without parking or taking the train, Freeman will have no ability to conduct his business and personal relationships within the City of Hoboken.

63. On October 19, 2025, Freeman was in Hoboken and was forced to circle for parking for over thirty minutes and walk an extra ten minutes to and from his destination.

**D. Hoboken’s CLEAR Program Violates the Parking Offenses Adjudication Act.**

64. According to Hoboken’s website<sup>7</sup>, on October 1, 2025, Hoboken launched the Camera-based License Plate Enforcement for Access and Response Times which Hoboken initializes as “CLEAR”.

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<sup>7</sup> <https://www.hobokennj.gov/resources/automated-enforcement> (last accessed October 26, 2025).

65. According to Hoboken’s website (see n.7), “The system will rely on cameras placed along Washington Street, from Observer Highway to Eighth Street. These cameras will capture images of illegally parked vehicles. If a violation is confirmed by a Hoboken Parking Utility staff member who will review the images, a citation will be issued by mail to the vehicle’s registered owner.”
66. According to Hoboken’s website (see n.7), the program will detect purported violations of:
- a. “Double parking in bike lanes”,
  - b. “Parking violations in bus stops”, and
  - c. “Improper or prolonged use of loading zones (staying over the 15-20 minute signed time)”.
67. In 1985, the New Jersey State Legislature passed the Parking Offenses Adjudication Act (N.J.S.A. 39:4-139.2 *et seq.*) which defines a “Parking ticket” as “the summons issued alleging that a parking offense has occurred” and a “Parking Offense” as “a violation of a State statute, an ordinance or resolution adopted by a county, municipality or authority or a regulation issued by a State authority which regulates the parking of vehicles. For purposes of this act, violations of ordinances or regulations will be within the civil jurisdiction of the court.” *See* N.J.S.A. 39:4-139.3(c)-(d).
68. The purported violations that Hoboken states they are and will be issuing citations, for as described in ¶ 66, are parking offenses under N.J.S.A. 39:4-139.3(c).
69. Under N.J.S.A. 39:4-139.4(b), “A parking ticket shall be served personally upon the operator of a vehicle who is present at the time of service, and his name shall be recorded on the parking ticket, together with the plate number and type as shown by the registration plates of the vehicle and the make or model of the vehicle. If the operator is not present,

the parking ticket shall be served upon the owner of the vehicle by affixing the parking ticket to the vehicle in a conspicuous place, or by any other method appropriate under R. 4:4-4 of the Rules Governing the Courts of the State of New Jersey.”

70. Under R. 4:4-4, “The primary method of obtaining in personam jurisdiction over a defendant in this State is by causing the summons and complaint to be personally served within this State pursuant to R. 4:4-3”.

71. Service by mail is highly restricted under R. 4:4-4. Under this rule, there are two potential pathways allowing service by mail.

- a. “If personal service cannot be effected after a reasonable and good faith attempt, which shall be described with specificity in the proof of service required by R. 4:4-7, service may be made by mailing a copy of the summons and complaint by registered or certified mail, return receipt requested, to the usual place of abode of the defendant or a person authorized by rule of law to accept service for the defendant or, with postal instructions to deliver to addressee only, to defendant's place of business or employment. If the addressee refuses to claim or accept delivery of registered or certified mail, service may be made by ordinary mail addressed to the defendant's usual place of abode. The party making service may, at the party's option, make service simultaneously by registered or certified mail and ordinary mail, and if the addressee refuses to claim or accept delivery of registered mail and if the ordinary mailing is not returned, the simultaneous mailing shall constitute effective service. Mail may be addressed to a post office box in lieu of a street address only as provided by R. 1:5-2. Return of service shall be made as provided by R. 4:4-7.” R. 4:4-3 (*see* R. 4:4-4(a), “in personam jurisdiction may be

obtained by mail under the circumstances and in the manner provided by R.4:4-3.”); *see also*, *U.S. Bank Nat. Ass'n v. Curcio*, 444 N.J. Super. 94, 106, 130 A.3d 1269, 1276 (App. Div. 2016) (“Of course, service by mail is not effective under Rule 4:4–3 unless plaintiff first made a reasonable and good faith attempt to serve defendant personally.”) (internal quotations omitted)

- b. “[M]ailing a copy of the summons and complaint by registered or certified mail, return receipt requested, and, simultaneously, by ordinary mail to: (1) a competent individual of the age of 14 or over, addressed to the individual's dwelling house or usual place of abode; (2) a minor under the age of 14 or a mentally incapacitated person, addressed to the person or persons on whom service is authorized by paragraphs (a)(2)and (a)(3) of this rule; (3) a corporation, partnership or unincorporated association that is subject to suit under a recognized name, addressed to a registered agent for service, or to its principal place of business, or to its registered office. Mail may be addressed to a post office box in lieu of a street address only as provided by R. 1:5-2.” R. 4:4-4(b)(1)(c).

72. On October 27, 2025, Freeman talked to a Hoboken parking dispatcher about the CLEAR Program. Freeman asked what would happen if he received a ticket under the CLEAR Program. Freeman was informed by the dispatcher that the camera automatically takes a picture and mails the citation. The Hoboken parking dispatcher stated that Hoboken does not first attempt to initiate personal service.

73. Upon information and belief, Hoboken is not affixing the parking tickets issued under the CLEAR program to the vehicle of the cited car.

74. Upon information and belief, Hoboken is not first attempting personal service on the owners of the vehicles who are being ticketed for a purported parking violation under the CLEAR program.
75. Upon information and belief, Hoboken is not personally serving the parking tickets under the CLEAR program on the operators of the vehicle.
76. As a result, Hoboken is not providing service of process in accordance with N.J.S.A. 39:4-139.4(b) for tickets issued under its CLEAR program.
77. Under *R. 7:8-9(a)(2)*, if “a defendant in any parking case before the court fails to appear or answer a complaint, the shall mail a failure to appear notice to the defendant.” Further, where “a defendant has not appeared or otherwise responded to failure to appear notices associated with two or more pending parking tickets within the court’s jurisdiction, the court may issue a bench warrant in accordance with *R. 7:7-2(j)[.]*” *R. 7:8-9(a)(2)*.
78. Additionally, as stated in *R. 7:8-9(b)(2)*, “in all parking cases ... the court may order the suspension of the defendant’s driving privilege or of defendant’s nonresident reciprocity privileges or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of.” From the context of *R. 7:8-9(b)(2)*, this is limited to cases where “the defendant” has failed “to comply with the court’s failure to appear notice[.]”
79. Both the text of *R. 7:8-9(a)(2)* and *R. 7:8-9(b)(2)* make clear that these non-monetary remedies to a failure to appear do not require proper service of the complaint in the first instance. This differs from *R. 7:8-9A* which limits monetary sanctions to those who failure to appear without “just cause or excuse[.]” *R. 7:8-9A(a)*.

80. An erroneous bench warrant would cause irreparable harms, including irreparable harms to rights secured by the Constitution of the State of New Jersey and the Constitution of the United States. Additionally, a bench warrant would cause irreparable harm because it would impose severe personal inconvenience and deprive an individual of the ability to use its personal property while in custody. *See Crowe v. De Gioia*, 90 N.J. 126, 133, 447 A.2d 173, 176 (1982) (“severe personal inconvenience can constitute irreparable injury justifying issuance of injunctive relief.”)
81. An erroneous revocation of driving privileges would cause irreparable harms, including irreparable harms to rights secured by the Constitution of the State of New Jersey and the Constitution of the United States. Additionally, the revocation of driving privileges would cause irreparable harm because it would impose severe personal inconvenience and deprive an individual of the ability to use its personal property, such as a vehicle for an extended duration. *See Crowe v. De Gioia*, 90 N.J. 126, 133, 447 A.2d 173, 176 (1982) (“severe personal inconvenience can constitute irreparable injury justifying issuance of injunctive relief.”)
82. “It is elementary that service ***must be accomplished in accordance with the pertinent rules*** in such a way as to afford notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Jameson v. Great Atl. & Pac. Tea Co.*, 363 N.J. Super. 419, 425, 833 A.2d 626, 630 (App. Div. 2003) (emphasis supplied)
83. The institution of any penalties or proceedings from a court that has no jurisdiction is a due process violation. *See Franzblau Dratch, PC v. Martin*, 452 N.J. Super. 486, 493, 175 A.3d 973, 977 (App. Div. 2017) (“It is clear that a court cannot exercise its power to the detriment

of a litigant when in personam jurisdiction has not been established, and that such action would violate the Due Process Clause.”); *Mills v. Ethicon, Inc.*, 406 F. Supp. 3d 363, 391–92 (D.N.J. 2019) (“In the absence of service of process or a waiver of service by the defendant, due process will not permit a court to exercise power over a party named as defendant in the complaint.”) The violation of due process rights would constitute irreparable harm.

84. Freeman regularly parks in the City of Hoboken and regularly transits on Washington Street between Observer Highway and Eighth Street.
85. Freeman is a resident of this State.
86. Freeman has and will in the future utilize the loading zones on Washington Street.
87. Upon information and belief, Hoboken’s camera ticketing system will automatically issue tickets and will issue tickets for purported violations that are not in fact violations.
88. Freeman faces irreparable harm if the City of Hoboken tickets Freeman’s vehicle and does not provide service as required under the Parking Offenses Adjudication Act.
89. Freeman faces a non-speculative risk that the City of Hoboken tickets Freeman’s vehicle and does not provide service as required under the Parking Offenses Adjudication Act.

#### **E. Reservation of Federal Claims**

90. Freeman solely brings his claims in this court pursuant to the laws of the State of New Jersey.
91. Freeman explicitly reserves all rights to bring Federal claims arising out of the allegations or transactions contained herein in Federal court, including those arising under the United States Constitution, as amended, and under Federal law.

92. The Federal claims that Freeman is reserving include, *inter alia*, violations by Hoboken (and other municipal employees or officials) of Freeman’s Fourth and Fourteenth Amendment rights by issuing a ticket for an ordinance which was not effective, violations by Hoboken (and other municipal employees or officials) of Freeman’s Fourth and Fourteenth Amendment rights by continuing to enforce or allow Freeman to under the impression that Hoboken was going to continue to enforce an ineffective ordinance against Freeman and violations by Hoboken (and other municipal employees or officials) of 42 U.S. Code § 1983.

**COUNT I**

**Declaratory Judgement for Residential Permit Parking**

93. Plaintiff incorporates by reference the preceding allegations of this Verified Complaint as set forth herein at length.

94. N.J.S.A. 39:4-198 prevents an ordinance from being effective unless “due notice thereof is given to the public by placing a sign at the places where the ordinance, resolution, or regulation is effective, and by briefing its provisions on signs according to specifications contained in this chapter or as specified by the current Manual on Uniform Traffic Control Devices for streets and highways.”

95. Defendant City of Hoboken enforces M.C. § 190-06.2 without signage that complies with the “specifications contained in” Chapter 4 of Title 39 of the New Jersey Revised Statues” or “as specified by the current Manual on Uniform Traffic Control Devices for streets and highways.”

96. Defendant City of Hoboken ticketed Plaintiff Freeman under purported authority of M.C. § 190-06.2, notwithstanding the fact that M.C. § 190-06.2 is ineffective under N.J.S.A. 39:4-198.
97. Plaintiff Freeman won a final judgement dismissing the ticket in the Hoboken Municipal Court on the basis that the ordinance was ineffective under N.J.S.A. 39:4-198.
98. Plaintiff Freeman called the Hoboken Parking Utility on October 23, 2025 (several weeks after the judgement became final) and the dispatcher informed Freeman that Defendant City of Hoboken would tow his vehicle if he parked in a residential permit parking only area, notwithstanding that M.C. § 190-06.2 was ineffective under N.J.S.A. 39:4-198.
99. Upon information and belief, notwithstanding the fact that the City of Hoboken is estopped from succeeding on a ticket under M.C. § 190-06.2 because it is not effective and unenforceable, absent a change of signage, the City of Hoboken will continue to ticket and tow Freeman’s vehicle for purported violations of M.C. § 190-06.2.

## **COUNT II**

### **Injunctive Relief for Residential Permit Parking**

100. Plaintiff incorporates by reference the preceding allegations of this Verified Complaint as set forth herein at length.
101. N.J.S.A. 39:4-198 prevents an ordinance from being effective unless “due notice thereof is given to the public by placing a sign at the places where the ordinance, resolution, or regulation is effective, and by briefing its provisions on signs according to specifications contained in this chapter or as specified by the current Manual on Uniform Traffic Control Devices for streets and highways.”

102. Defendant City of Hoboken enforces M.C. § 190-06.2 without signage that complies with the “specifications contained in” Chapter 4 of Title 39 of the New Jersey Revised Statutes” or “as specified by the current Manual on Uniform Traffic Control Devices for streets and highways.”
103. Defendant City of Hoboken ticketed Plaintiff Freeman under purported authority of M.C. § 190-06.2, notwithstanding the fact that M.C. § 190-06.2 is ineffective under N.J.S.A. 39:4-198.
104. Plaintiff Freeman won a final judgement dismissing the ticket in the Hoboken Municipal Court on the basis that the ordinance was ineffective under N.J.S.A. 39:4-198.
105. Plaintiff Freeman called the Hoboken Parking Utility on October 23, 2025 (several weeks after the judgement became final) and the dispatcher informed Freeman that Defendant City of Hoboken would tow his vehicle, notwithstanding that M.C. § 190-06.2 was ineffective under N.J.S.A. 39:4-198.
106. Upon information and belief, notwithstanding the fact that the City of Hoboken is estopped from succeeding on a ticket under M.C. § 190-06.2 because it is not effective and unenforceable, absent a change of signage, the City of Hoboken will continue to ticket and tow Freeman’s vehicle for purported violations of M.C. § 190-06.2.
107. If Hoboken were to tow Freeman’s vehicle, he would face irreparable harm.
108. Upon information and belief, if Freeman were to park in a lawful spot that purports to be covered by M.C. § 190-06.2, Hoboken will tow Freeman’s vehicle unless enjoined.
109. Upon information and belief, Hoboken has no inherent authority to tow a vehicle lawfully parked vehicle. *See* N.J.S.A. 40A:9-154.7 (authorizing parking enforcement officers to “Cause any vehicle parked, stored or abandoned in the municipality in violation of a

statute, resolution, ordinance or regulation to be towed away”); N.J.S.A. 39:4-207.7 (authorizing removal of vehicles that are illegally parked in handicap spaces under certain circumstances); N.J.S.A. 39:4-136 (authorizing police officers to have vehicles removed under certain circumstances when “parked ... in violation of this chapter”).

110. As a result, Hoboken would have no authority to tow Freeman’s lawfully parked vehicle.

### **COUNT III**

#### **Injunctive Relief for CLEAR Program**

111. Plaintiff incorporates by reference the preceding allegations of this Verified Complaint as set forth herein at length.

112. Under N.J.S.A. 39:4-139.4(b), “A parking ticket shall be served personally upon the operator of a vehicle who is present at the time of service, and his name shall be recorded on the parking ticket, together with the plate number and type as shown by the registration plates of the vehicle and the make or model of the vehicle. If the operator is not present, the parking ticket shall be served upon the owner of the vehicle by affixing the parking ticket to the vehicle in a conspicuous place, or by any other method appropriate under *R. 4:4-4* of the Rules Governing the Courts of the State of New Jersey.”

113. Upon information and belief, Hoboken has instituted a parking enforcement program using cameras which sends parking citations in the mail without complying with N.J.S.A. 39:4-139.4(b).

114. “It is clear that a court cannot exercise its power to the detriment of a litigant when in personam jurisdiction has not been established, and that such action would violate the

Due Process Clause.” *Franzblau Dratch, PC v. Martin*, 452 N.J. Super. 486, 493, 175 A.3d 973, 977 (App. Div. 2017)

115. Upon information and belief, the City of Hoboken will attempt to prosecute the parking violations issued in violation of N.J.S.A. 39:4-139.4(b).
116. As a result, despite failing to provide service of process, drivers will face irreparable harm by this unlawful prosecution, including bench warrants, loss of driving privileges, and violations of their due process rights.
117. Upon information and belief, the City of Hoboken’s camera parking enforcement system is not infallible.
118. Freeman will engage in lawful activities that are in the remit of Hoboken’s camera parking enforcement program.
119. Freeman faces irreparable harm from Hoboken’s violations of the Parking Offenses Adjudication Act.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff demand judgement against Defendant City of Hoboken, as follows:

- (A) A declaratory judgement that signs substantially similar to the RPPO Sign shown in Figure 1 fails to comply with both (1) the specifications contained in Chapter 4, Title 39 of New Jersey Revised Statutes and (2) the specifications of the current Manual on Uniform Traffic Control Devices for streets and highways;
- (B) A declaratory judgement that for any location, M.C. § 190-06.2 is ineffective and unenforceable under N.J.S.A. 39:4-198 unless and until the City of Hoboken posts

signage complying with all the requirements of N.J.S.A. 39:4-198 and as a result, M.C. § 190-06.2 is not ineffective under N.J.S.A. 39:4-198;

- (C) An order enjoining Hoboken from towing any Freeman Vehicle (defined below) for a purported violation of M.C. § 190-06.2, unless and until the City of Hoboken posts signage complying with all the requirements of N.J.S.A. 39:4-198 and as a result, M.C. § 190-06.2 is not ineffective under N.J.S.A. 39:4-198. Where a "Freeman Vehicle" is defined as any vehicle which Freeman is a bailee of, or is owned, leased, or operated by Freeman or his privies;
- (D) An order enjoining Hoboken from issuing any parking ticket (as defined in N.J.S.A. 39:4-139.3(d)) against any Freeman Vehicle or Freeman or Freeman's privies, without complying with the requirements of N.J.S.A. 39:4-139.4(b).
- (E) An award of Plaintiff's counsel fees, interest and costs of suit; and
- (F) For such other and further relief as the Court may deem just and equitable.

JAKE FREEMAN

By: 

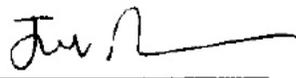
Dated: October 28, 2025

Princeton, New Jersey

**CERTIFICATION PURSUANT TO R. 4:5-1**

Plaintiff hereby certifies pursuant to R. 4:5-1 that there are no other civil proceedings either pending or contemplated with respect to the matter in controversy herein and no other parties who should be joined to this action. Except that Plaintiff may file in Federal court further action to protect his Federal constitutional and statutory rights which he has explicitly reserved herein. Plaintiff further certifies that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents in the future in accordance with R. 1:38-7(b).

JAKE FREEMAN

By:  \_\_\_\_\_

Dated: October 28, 2025

Princeton, New Jersey

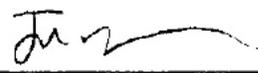
**VERIFICATION**

I, JAKE FREEMAN, of full age, hereby certify:

1. I certify that I am the Plaintiff in this Action.
2. I have read the verified complaint, and the information is true and based on my personal knowledge. Such allegations so alleged to be on information and belief, I believe them to be true.

I hereby certify the foregoing statements by me are true. I am aware if any statement by me herein made by me is willfully false I am subject to punishment according to law.

JAKE FREEMAN

By: 

Dated: October 28, 2025

Princeton, New Jersey