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<p>RICHARD ROSZKOWSKI,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>DONNA M. RUSSO, Individually; KEITH WEAVER, Individually; WILLIAM DUNDAS, Individually; AND CITY OF BAYONNE; John Does 1-3; Jane Does 1-3.</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY</p> <p>LAW DIVISION: ESSEX COUNTY</p> <p>DOCKET NO.: ESX-L-001501-26</p> <p style="text-align: center;">CIVIL DIVISION</p> <p style="text-align: center;">AMENDED COMPLAINT with JURY DEMAND</p>
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Plaintiff Richard Roszkowski residing in New Jersey, as *pro se*, for his Amended Complaint remanded from U.S.D.C.25CV02090 voluntarily for lack of federal jurisdiction against Defendants, hereby states the following:

THE PARTIES

1. Plaintiff Richard Roszkowski is an Individual residing in the State of New Jersey and formerly worked for Defendant City of Bayonne.

2. Upon information and belief, Defendant City of Bayonne is a body politic, Municipal Corporation, within the State of New Jersey with its principal place of business at 630 Avenue C, Bayonne, NJ 07002. Individual Defendant Donna Russo resides and works in New

Jersey; Individual Defendant Keith Weaver resides and works in New Jersey. Individual Defendant Williams Dundas likewise works and lives in New Jersey.

NATURE OF ACTION

3. This is an action for violations as set forth in State of New Jersey Article 1 of the Constitution; Malicious Prosecution, NJLAD and violations of the New Jersey RICO statute, N.J.S.A. 2C:41-2(c). Whereon a longtime employee was arrested, without being Mirandized nor allowed representation, only to have the bogus charges dismissed on March 29, 2023. All conditions precedent has been met. Plaintiff was terminated on or about November 10, 2024 from employment in retaliation.

JURISDICTION AND VENUE

4. The Court has jurisdiction over the lawsuit, as one or more of the causes of action arise under the laws of the State of New Jersey, including but not limited to, the New Jersey Constitution; NJLAD NJSA 10:5-1, et seq., under and Corrupt Organizations Act (RICO), N.J.S. 2C:41-4, et al., Declaratory and Injunctive Relief is authorized pursuant to 28 U.S.C. §2201, §2202 and F.R.C.P. 37.

5. Venue is proper in the Vicinage as it is the Vicinage where all conflict cases appear to be brought by Plaintiffs because the current Sheriff in Hudson County is a key witness, decision maker, and had supervisory control over Individual Defendants.

EXHAUSTION OF ADMINISTRATIVE PROCEDURES

6. All administrative procedures have been exhausted.

FACTS COMMON TO ALL COUNTS

7. Plaintiff hereby realleges and incorporates by reference the allegations of paragraphs 1 through 6 of this Complaint as if fully set forth herein.

8. Plaintiff Roszkowski was employed by the City of Bayonne and was a Clerk 1 occupational specialty under State of New Jersey Civil Service. Plaintiff was a member of the AFSCME Union. Plaintiff was a pensioned employee.

9. Plaintiff Roszkowski worked in Fire Prevention under the City of Bayonne Fire Department. Individual Defendant Keith Weaver was the supervisor within Plaintiff's supervisor chain. Weaver was/is the Chief of the City of Bayonne Fire Department.

10. Likewise, Individual Defendant Donna Russo held the position of Business Administrator for the City of Bayonne, at all relevant times.

11. Individual Defendant William Dundas works for the City of Bayonne Police Department, and was responsible for unlawfully arresting Plaintiff Roszkowski on October 25, 2022. These charges drafted, filed, served, and arrested by Dundas were dismissed with prejudice, no evidence of a crime committed, on March 29, 2023.

12. In his position as Clerk 1, Fire Prevention, Plaintiff Roszkowski job included setting up Fire Inspections, as well as collating and collecting fines for violation of various codes.

13. In his position as Clerk 1, Fire Prevention Plaintiff Roszkowski inquired on multiple occasions into the lack of consistency of some properties, property owners, developers, contractors not having their Fire Prevention Inspections, and/or not having to submit their fines.

14. At one point, Plaintiff was asked by Defendant Russo to speak out against a Deirdre Healey, who Defendant Russo was trying to terminate, and eventually did terminate from employment. Plaintiff Roszkowski refused to be a part of these actions.

15. Plaintiff Roszkowski became aware of an investigation of clerical errors that were made and being reviewed through his coworkers on or about October 18, 2022. A reconciliation was performed on or about October 21, 2022. A Frank Popowski, a member of the Fire

Department had asked coworker Corrin to investigate the errors. Corrin was the newest employee in Fire Prevention.

16. On October 25, 2022 Plaintiff was called in by Defendant Dundas to the Police Department which is within the building at 630 Avenue C. Prior to sitting down, Plaintiff requested an attorney or at least his AFSCME Union Representative, Donna Russo did not contact AFSCME until after the discussion. Defendant Dundas did not mirandize Plaintiff. Dundas disallowed an attorney to be called by Plaintiff. Defendant Dundas continued to interrogate Plaintiff in a compelled custodial interrogation. Individual Defendants Dundas and Russo defied and violated due process rights of Plaintiff Roszkowski.

17. Individual Defendant Dundas claimed, “You’re My Guy,” and promptly advised Plaintiff he was being arrested. Plaintiff was served with Summons-Complaint 0901-S-2022-000832. Police Case #2022073500.

18. Individual Defendant Russo advised Plaintiff Roszkowski that he was being immediately suspended without pay from his Civil Service and was provided a Preliminary Notice of Disciplinary Action (PNDA).

19. After having to retained Criminal Defense Counsel, the criminal matter was dismissed with prejudiced, for lack of evidence, on March 29, 2023 by the Hudson County Prosecutor.

20. Plaintiff Roszkowski requested reinstatement to his employment; Defendants City of Bayonne, and Russo refused to reinstate Plaintiff with back pay. A second PNDA was issued October 30, 2023. A FNDA was issued on November 14, 2024. Plaintiff was terminated on November 14, 2024.

COUNT ONE
MALICIOUS PROSECUTION

21. Plaintiff hereby realleges and incorporates by reference the allegations of paragraphs 1 through 20 of this Complaint as if fully set forth herein. Count One is set forth against Individual Defendant Russo, Individual Defendant Dundas, and Individual Weaver.

22. Upon information and belief, on October 25, 2022 Individual Defendant Dundas filed, with the assistance, guidance, and input from Individual Defendant Russo a false criminal complaint alleging that Plaintiff Roszkowski had committed criminal infractions. Defendants Russo and Dundas maliciously, intentionally, and without evidence, standing, filed a false criminal complaint. That criminal complaint was dismissed with prejudice on March 29, 2023.

23. Upon information and belief, as asserted below, Defendant Dundas did conspire with third parties to effectuate a malicious prosecution. The act of malicious prosecution resulted in the dismissal of the charges Defendant Dundas and Defendant Russo maliciously alleged.

24. Upon information and belief, Defendant Dundas and Defendant Russo caused irreparable injury and other damage to Plaintiff Roszkowski, his employment, reputation and good will.

25. Individual Defendant Dundas, Individual Defendant Weaver, and Individual Defendant Russo's intentional actions with malice caused Plaintiff Roszkowski to be detained,

away from his family, actual expenses incurred, compensation for loss of time, bodily and mental suffering, humiliation, anxiety, stress, and harm of reputation caused by false imprisonment.

COUNT TWO

NEW JERSEY LAW AGAINST DISCRIMINATION VIOLATIONS

Discrimination, Hostile Work Environment & Retaliation

26. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

27. In relevant part, the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to -42 (“NJLAD”), prohibits age discrimination, harassment, hostility, and retaliation.

28. The harassment to which plaintiff was subject was sufficiently severe or pervasive that a reasonable person would have deemed it to be hostile, abusive, intimidating, or offensive.

28a. This harassment would not have occurred but for plaintiff’s age, refusal to become a witness to others’ harassment, and his prior protected activity

28b. The aforementioned constituted a hostile work environment.

28c. Because Individual Defendant Weaver delegated to Individual Defendant Russo the authority to control plaintiff’s working environment, Russo and Individual Defendant Dundas abused that authority to create a hostile work environment by retaliating and falsely detaining, accusing Plaintiff of nefarious actions, Individual Defendants Weaver, Russon, and Dundas may be held liable.

28d. In addition, although plaintiff complained about Individual Defendant Russo's harassment and availed himself of the employer-provided avenue for handling harassment complaints, City of Bayonne failed to take appropriate measures. There is a pattern and practice of misusing the authority, creating false narratives, providing false documents. Ultimately, when Plaintiff was cleared of the bogus charges, in retaliation the Defendants terminated Plaintiff in November 2024.

28e. City of Bayonne's, Individual Defendant Russo, Individual Defendant Weaver, and Individual Defendant Dundas' above-described actions constitute unlawful employment actions in violation of NJLAD including, *inter alia*, N.J.S.A. § 10:5-12a.

29. In taking actions that Individual Defendants knew were a breach of Defendant City of Bayonne's duty under NJLAD, and knowingly giving substantial assistance or encouragement to the unlawful conduct of his employer, Individual Defendant Russo and Individual Defendant Dundas are individually liable under NJLAD.

30. As a direct and proximate result of defendants' discriminatory, hostile, and retaliatory actions, Plaintiff Roszkowski has suffered economic and emotional damages.

COUNT THREE

VIOLATIONS OF PLAINTIFF'S RIGHTS UNDER NEW JERSEY CONSTITUTION

31. Plaintiff incorporates paragraphs 1-30 as set forth herein.

32. Plaintiff was a public employee employed by the City of Bayonne. Individual Defendants Dundas and Russo unlawfully seized Plaintiff Roszkowski as he was working. Individual Defendants Dundas and Russo held Plaintiff Roszkowski against his will and restricted his freedom to leave. The Defendants' respective conduct, acting under the color of law, is described in detail in preceding paragraphs and incorporated here by reference. The Defendants by their unlawful conduct, individually and/or in concert, either negligently or

knowingly, intentionally, willfully and/or maliciously or with reckless and callous disregard of, or deliberate indifference to the rights, privileges, and immunities secured by Plaintiff Roszkowski by the Constitution of the State of New Jersey, attempted to, and did deprive Plaintiffs of same in violation of Article 1, para 7; Article 1, para 12.

33. Individual Defendants Dundas did not have knowledge or reasonably trustworthy information of facts and circumstances that would have led to the issuance of an Arrest Warrant. The offenses on the subject Complaint-Summons (0901-S-2022-000832) are not those enumerated under New Jersey law to effectuate an arrest through a summons. They are effectuated through a summons. Apparently, this is a act Individual Defendants Russo and Dundas have utilized prior; a pattern and practice of illegality for which Defendant City of Bayonne knew or should have known.

34. As a direct and proximate cause of the unlawful acts of the Individual Defendants Russo, Dundas and Defendant City of Bayonne, Plaintiff Roszkowski has suffered and continues to suffer, and in the future will suffer, excruciating and agonizing mental anguish, humiliation, embarrassment, as well as limitation and restriction of his usual activities, pursuits, and pleasures.

35. It was not objectively reasonable for Defendants to believe they could arrest Plaintiff Roszkowski under a summons. Defendants clearly deprived Plaintiff of his established constitutional rights to be free from false arrest. A reasonable officer would comprehend that the conduct described herein would violate Plaintiff Roszkowski's rights.

36. At the time of the arrest Defendant Dundas and Detective Popowski were acting under the color of law and regulations of the State of New Jersey. The policy and custom of Defendant City of Bayonne led to Defendants' actions of deliberate indifference to the constitutional rights of individuals. The conduct of the Defendants resulted in illegal entry into Plaintiff Roszkowski's property, in violation of the Fourth Amendment. In addition, the Fifth Amendment rights of Plaintiff Roszkowski were also violated, in addition to the civil rights of Plaintiff per 42 U.S.C. §1983 and §1985 as a conspiracy to violate civil rights.

37. The exercise of these established policies and customs violated Plaintiff Roszkowski's clearly established rights under the Constitutions of both the United States and the State of New Jersey, against: a) unreasonable searches and seizure of his person (4th & 14th Amendment); b) the use or unreasonable, unnecessary and excessive force; c) to medical care for injuries received while in custody.

38. Individual Defendants acted willfully, deliberately, maliciously, or with reckless disregard for Plaintiff Roszkowski's clearly established constitutional rights.

39. The conduct of the Defendants violated Plaintiff Roszkowski's rights to be free from cruel and unusual treatment under the Eighth Amendment, and the conduct described herein of this complaint violated Plaintiff Roszkowski's rights under the para. 7 and para.12, as well as the Plaintiff's rights Article 1 rights.

VIOLATIONS OF PLAINTIFF'S FIRST AMENDMENT OF NEW JERSEY CONSTITUTION

40. Plaintiff incorporates paragraphs 1-39 as of set forth herein.

41. Defendant Dundas subscribed and signed the oath on the inappropriate 0901-S-2022-00832. This was dismissed March 29, 2023. On October 25, 2022, Plaintiff was detained, custodially interrogated, not allowed to have an attorney or union representative, while being interrogated by Defendant Dundas and Defendant Russo.

42. Outside of work, Plaintiff Roszkowski had been verbally and openly critical about the manner in which Fire Prevention Inspections were being scheduled, or not scheduled for certain property owners. Moreover, Plaintiff would arrive at the scene of fires and observe; on his time. Further, Plaintiff has been critical about the manner in which fines were either administered, collected, not collected, and not necessarily deposited in the proper accounts.

Plaintiff Roszkowski refused to be a part of Individual Defendant Russo's actions against Deirdre Healey.

43. Defendant City of Bayonne (including Municipal Court Judges Ferraro and Cashman), Individual Defendant Weaver, Individual Defendant Russo, and Individual Defendant Dundas' actions willfully deprived Plaintiff his constitutional right to freedom of speech, and protection from retaliation, and are liable to Plaintiff Roszkowski under the Article 1 rights of the New Jersey Constitution.

44 Plaintiff Roszkowski was injured as a result of the retaliatory actions by Defendants, and continues to suffer emotional distress.

COUNT FOUR

FRAUD & CONSPIRACY TO COMMIT FRAUD

45. Plaintiff hereby realleges and incorporates by reference the allegations of paragraphs 1 through 44 of this Complaint as if fully set forth herein.

46 Upon information and belief, Defendants set forth a plan to amend, change, edit, and retaliate against Plaintiff's employment, a property right. Defendant Russo met with others within the Defendant City of Bayonne's control and sought a method to plan, agree, and scheme to defraud Plaintiff Roszkowski for Individual Defendants' gain. Detective Popowski, Camille Burgos, Allen C. Roth, Defendant William Dundas, Defendant Weaver, Rob Bielan, as well as coworkers were brought into the conspiracy to defraud Plaintiff Roszkowski.

47. There was an agreement between two or more individuals to commit the fraud. For instance, Individual Defendant Russo and Individual Defendant Dundas conspired to defraud the City of Bayonne and Plaintiff Roszkowski. These were fraudulent acts perpetrated to provide Defendants an unfair advantage and to defraud Plaintiff Roszkowski of monies owed. Fake documents were created; there was a lack of reporting to the county prosecutor's individual who

was to receive all reports of this type criminal assertions. This lack of reporting supports the fraudulent activity.

48. Upon information and belief, Defendant City of Bayonne's employees, including Russo, Weaver, Dundas of unilaterally attempting to change the civil service rules, union CBA, and then Terminating Plaintiff's employment in order to fraudulently abscond with stated rights owed to Plaintiff Roszkowski.

49. Plaintiff has demonstrated that Defendants made material misrepresentations by attesting and claiming in its October 25, 2022 criminal action that was dismissed. The Defendant City of Bayonne and their employees intended to defraud Plaintiff. Plaintiff reasonably relied upon the civil service, collective bargaining agreement, and representations made by the Defendants; and Plaintiff suffered damage as the result of that reliance. Ultimately, he was terminated from employment November 14, 2024.

COUNT FOUR

VIOLATIONS OF ART 1, THE CONSTITUTION **OF THE STATE OF NEW JERSEY**

(NJCRRA; Free Speech, Retaliation & Chilling Effect)

50. Plaintiff hereby re-alleges and incorporates by reference paragraphs 1-49 as fully set forth herein. This cause of action is pled against Defendant City of Bayonne and Individual Defendant Russo, Individual Defendant Dundas, and Individual Defendant Weaver.

51. Plaintiff belongs to a class protected by the Constitution of the State of New Jersey and Civil Rights Act, as an employee of the City of Bayonne.

52. Defendant City of Bayonne is an employer and as such is prohibited in retaliating in employment due to an employee disclosing or coming forth with inappropriate or illegal actions of an employer, employee, or third party doing business with the Defendant City of Bayonne.

53. Plaintiff possesses a *prima facie* case as he engaged in an activity protected by State of New Jersey Constitution, CRA which promptly caused several retaliatory actions. Plaintiff advised of violations of the Fire Prevention, Inspections, Fines, and selective enforcement of components of the Bayonne and State code, as well as collection and depositing requirements. Then Defendants retaliated and reprised against Plaintiff when they affected his constitutionally protected rights.

54. Under the State of New Jersey Constitution Plaintiff is entitled to report methods and manners being utilized by the City of Bayonne or its employees that he believes are not proper or appropriate and he must be protected from any retaliatory actions. In public forums, Plaintiff complained of and recused himself of violations of State statutes and City Ordinances. In the workplace, Plaintiff Roszkowski spoke out against non-adherence to Fire Prevention, Fire Safety standards and guidelines, favoritism toward certain property owners, contractors and builders, and property owners. These complaints were met with retaliation and increased hostility, and harassment.

55. The aforesaid actions of the Defendants along with such others as may be disclosed in discovery violated the Plaintiff's Free Speech Rights under the constitution of the State of New Jersey.

56. As a result of the aforementioned violation of the Plaintiff Roszkowski's State Constitutional Rights, Plaintiff sustained the previously described injuries, pursuant to N.J.S.A. §10:6-2, the Plaintiff is entitled to attorney's fees, costs and expenses in the event they prevail on this claim. Defendants were "acting under color of law" when they violated Plaintiff's civil rights, §N.J.S.A. 10:6-2(c).

57. Plaintiff Roszkowski is entitled to trial by jury. Plaintiff Roszkowski has suffered damages due to the Defendants' actions awarding him compensatory damages, including but not limited to front pay, back pay, the value of health insurance and other benefits, bonuses and vacation, damages for his mental injuries, damages for emotional distress, punitive damages, pre- and post-judgment interest, counsel fees, costs of litigation and such other relief as the Court may deem just and appropriate under the circumstances.

WHEREFORE, Plaintiff, Richard Roszkowski demands judgment against the Defendants, the City of Bayonne, Russo, Weaver, Dundas, together with the costs and disbursement of this action.

COUNT FIVE

NEW JERSEY RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, §2C:41-2(c), et al. & §2C:41-2(d)

58. Plaintiffs hereby re-allege and incorporate by reference paragraphs 1 through 57 as fully set forth herein. This cause of action is pled against Defendants.

59. It is unlawful under N.J.S.A. 2C:41-2(c) for any person associated with any enterprise, the activities which affect trade or commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprises' affairs through a pattern of racketeering.

60. The City of Bayonne is a criminal enterprise within the meaning of N.J.S.A. 2C:41-2(c). Alternately, the named individual defendants formed associations in fact within the meaning of N.J.S.A. 2C:41-2(c) for the common purpose of advancing Donna Russo's unconstitutional guiding of illicit contracts, patronage policy, misuse of government funds, falsifying bond and securities, misuse of office, and official misconduct. Each of the Individual

Defendants Russo, Weaver, Dundas, participated, either directly or indirectly, in the conduct or the affairs of an enterprise constituting a pattern of pattern of racketeering activity. In that they constituted a regular way of conducting the defendants' ongoing legitimate businesses and/or that their actions are a regular way of conducting or participating in an ongoing and legitimate enterprise. This criminal enterprise include the following criminal infractions by Defendants and their conspirators but not limited to:

-Pattern of Abuse, Criminal Coercion: NJSA 2C:13-5;

-Extortion: NJSA 2C:20-5;

60a. Defendant Donna Russo, along with other city officials including but not limited to Mayor James Davis, used their power and influence of their municipal offices to coerce private parties into paying contractors with whom they had financial and business associations by issuing formal legal demands, invoking the authority of the City, and asserting that payment was required and subject to municipal enforcement. By leveraging her official position, legal authority, and the implied threat of governmental action, defendant Russo applied pressure to compel payment in matters that were otherwise private civil disputes, thereby securing financial benefit for associated contractors. Their official actions and authority facilitated work and transactions that generated associated financial gain and economic advantage to her, other officials and her affiliated parties.

-Illegal Land Sales/Theft by Deception: 2C:20-4;

60b. Individual Defendant Donna Russo, acting individually and under color of her official authority, facilitated the demolition of privately owned properties through the misuse of municipal enforcement powers and subsequently acted as legal counsel for private clients purchasing those same properties as vacant lots. In at least one instance, the property was in probate and had never been listed for sale on the open market, yet Russo authorized or facilitated demolition activity that reduced the property's value and eliminated existing structures, thereby enabling her private client to acquire the property under distressed and non-competitive conditions. These actions constitute official misconduct in violation of N.J.S.A. 2C:30-2 and theft by deception in violation of N.J.S.A. 2C:20-4, as Russo knowingly used her public position and authority to alter property conditions and benefit private parties in real estate transactions arising from municipal demolitions she facilitated.

Furthermore, the associated private contractor, acting with authorization and facilitation from municipal officials including Donna Russo, performed demolitions without implementing required structural protections or shoring of adjacent buildings, despite neighboring properties having foundations weakened and oversaturated from fire suppression activities. This failure to properly stabilize adjoining structures caused preventable structural damage and instability to neighboring homes, creating hazardous conditions that were

then used to justify additional demolitions that would not otherwise have been necessary, resulting in expanded demolition activity and financial benefit to the associated contractor.

-Insurance Fraud: 2C: 21-4.6;

60c. Defendant Donna Russo, acting under color of her official authority and with the knowledge and participation of other city officials, knowingly facilitated and authorized the demolition of privately owned properties prior to insurance carriers having a reasonable opportunity to conduct inspections necessary to determine causation, scope of damage, and coverage eligibility. Russo coordinated with private contractors to initiate demolition and removal activities under asserted “emergency” authority often despite the absence of immediate structural necessity requiring destruction before insurer inspection, and further participated in the preparation, authorization, and transmission of contracts, invoices and related documentation intended for submission to insurance carriers for reimbursement. By causing the premature destruction of insured structures, Russo and her co-conspirators eliminated critical physical evidence required for insurers to independently verify claims, thereby creating materially false or misleading support for demolition-related insurance payments and depriving insurers of their lawful ability to investigate and assess coverage. This conduct constitutes insurance fraud in violation of N.J.S.A. 2C:21-4.6, as well as official misconduct and falsification of records, in that Russo knowingly used her public office to facilitate the submission of false, incomplete, or misleading insurance claims for the financial benefit of

associated private contractors. In addition, the associated contractor was subsequently placed by city officials in an unpaid or informal role within the Office of Emergency Management (OEM), conferring the appearance of official municipal authority and legitimizing his presence at fire scenes and demolition sites beyond that of a private contractor. This affiliation was used to reinforce his authority to participate in structural determinations and demolition activity, and demolitions were frequently initiated or accelerated (in at least one instance while the structure was still on fire) before proper arson investigations, or structural assessments were completed, resulting in the premature destruction of evidence and bypassing required investigative and safety protocols.

-Criminal Trespass: 2C:18-03:

60d. Defendants, acting under color of municipal authority, knowingly authorized and facilitated entry onto privately owned properties by associated contractors without lawful authority, valid court orders, or proper legal justification, including properties that had not been lawfully condemned or deemed imminent hazards. By directing and permitting contractors to enter, alter, and demolish structures under the pretense of municipal enforcement, Defendants interfered with the possessory rights of property owners and estates and caused unauthorized intrusions onto private property. This conduct constitutes criminal trespass in violation of N.J.S.A. 2C:18-3, as Defendants knowingly exceeded lawful authority and enabled unauthorized entry for the benefit of associated private parties.

-False Imprisonment: 2C:13-3;

60e. Individual Defendant Donna Russo knowingly used her official position and influence to cause the unlawful restraint and arrest of a resident who challenged her demolition demands and enforcement actions. After attempting to initiate criminal charges through the County Prosecutor's Office without success, Russo used her authority and influence within the Municipal Court to interfere with proper notice procedures, resulting in the withholding or delay of court notifications and the issuance of a bench warrant for failure to appear at a hearing the resident had not been properly informed of. As a result, the resident was arrested and deprived of his liberty without lawful justification, constituting false imprisonment in violation of N.J.S.A. 2C:13-3, as Russo knowingly caused the unlawful restraint of an individual through misuse of official authority and judicial process. These acts are a pattern and practice of Individual Defendants to insure anyone objecting to their RICO actions are punished and to act as a deterrent to anyone else thinking of objecting to their unlawful scheme.

-Falsifications of Records to justify Demolitions: 2C:21-4; 2C:21-3

60f. Defendants prepared, authorized, or relied upon inspection reports, invoices, and demolition authorizations that falsely represented properties as imminent emergencies or structurally unsafe, and in some instances proceeded without any engineering reports or independent structural determinations. These falsified or non-existent records were used to justify, structure and steer financial payments to their preferred contractors off the official books for

fabricated emergency situations.

The process was directed and controlled by Ms. Russo who, in at least one instance when questioned by insurance agents or other parties regarding procedural irregularities, generated or facilitated the creation of invoices and supporting documentation to justify demolition activity and steer payments through the City under the appearance of official municipal action.

In another instance, Ms. Russo caused fake invoices to be created which falsely indicating that municipal employees had performed work in order to justify and conceal payments made by the City to a preferred private contractor. In reality, the work was a private job that had been recommended and facilitated by Ms. Russo and performed solely by the contractor, not municipal employees, as city personnel do not perform such work on private property. The fabricated invoices were used to create the appearance of legitimate municipal services and to improperly account for and disguise the disbursement of public funds paid to the contractor for a purported public emergency that was actually private in nature.

In further cases Ms. Russo caused invoices to be created for charges and municipal services that were not normally imposed, using them as a financial enforcement mechanism against property owners who refused to use the preferred contractor, thereby coercing compliance through the threat or imposition of improper municipal billing.

Acting in her official capacity, Defendant Russo recommended and advanced the use of associated private contractors, oversaw transactions from initiation through payment, and frequently structured, transmitted, and pursued invoice collection on behalf of those contractors, including repeatedly seeking payment for private work that had been handled outside normal municipal contracting and accounting procedures. All such actions were undertaken under color of her official municipal authority and in the course of her duties as a public official.

-Abuse of Public Office: 2C:30-2

60g. Individual Defendant Donna Russo knowingly abused her public office and official authority to advance and financially benefit private contractors with whom she and others maintained ongoing financial and business relationships, acting under color of her position and in coordination with officials within the Buildings Department, Fire Department, Fire Prevention Bureau, Finance and Administration, Police Department, Mayor's office, Planning and Zoning, Department of Public Works and Municipal Court. Ms. Russo directed and controlled a system whereby properties were designated for enforcement action and or demolition without proper independent determinations, recommended and installed preferred contractors, structured and facilitated contracts and invoices, and actively pursued payment on behalf of those contractors. This behavior included her acting as a collection agent and

steering payments through municipal channels under the appearance of lawful authority.

Individual Defendant Russo improperly leveraged and blurred her dual roles as City Attorney and Municipal Prosecutor, using the authority and influence of each position interchangeably to advance enforcement actions, influence legal outcomes, and facilitate financial and contractual arrangements that benefited associated private parties and furthered the underlying scheme. She further used her role as municipal prosecutor within the Municipal Court to threaten and at times adjudicate enforcement matters outside proper judicial process using dismissals, penalties, and enforcement actions as leverage to compel property owners and residents to use preferred contractors.

Defendant Donna Russo, along with other city officials, used their authority and positions within municipal government to interfere with, block, or dismiss violations issued by the Buildings Department and Fire Prevention Bureau in order to protect certain property owners who were associated with or financially connected to the scheme. Through their control over enforcement, legal review, and municipal court proceedings, Russo and participating officials ensured that violations were reduced, dismissed, or otherwise not enforced, thereby shielding favored individuals and properties from lawful regulatory consequences. In other situations, Ms. Russo and

participating officials caused false, exaggerated, or improperly escalated violations to be issued and repeatedly pursued against property owners who refused to use their preferred contractors, continually shifting enforcement requirements and imposing escalating penalties in order to coerce compliance and compel the use of those favored private parties.

This selective enforcement and protection created an uneven system in which municipal authority was used not to uphold public safety and code compliance, but to advance and protect private financial interests and affiliated parties, constituting a misuse of public office and official authority.

Defendant Donna Russo, along with other city officials, used their authority and influence to expedite and facilitate permitting, planning board, and zoning board approvals for certain favored property owners and developers who were financially connected to or provided kickbacks and political donations in support of affiliated officials. Through their control over municipal processes and internal approvals, Russo and participating officials ensured that applications associated with preferred parties received accelerated review, favorable determinations, and relief from regulatory obstacles, while others were subjected to delays or enforcement actions. This manipulation of official municipal functions for financial and political benefit constituted a misuse of public office and authority to secure improper financial advantage for affiliated individuals and entities. This coordinated conduct, carried out with the knowledge and participation of other municipal officials, constituted a systematic misuse of

governmental authority and judicial process to secure financial benefit for associated private parties, in violation of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-7. Russo's actions constitute an abuse of public office and official misconduct, as she knowingly used her governmental authority to benefit specific private parties with whom she was associated, rather than acting in the impartial public interest as required by law.

-Falsifying and tampering with records: 2C:21-4

60h. Defendant Donna Russo knowingly and repeatedly used false and misleading documents and email communications to control and influence the handling of funds related to the demolition of properties. In one instance the property had not been deemed an imminent emergency by structural engineers, the money was funneled through the City to legitimize the action for the property owner which was a Bank, and held in a municipal debt retirement account without any recorded liability until after the demolition occurred. By concealing the true financial status of the funds and using electronic communications to facilitate demolition and related payments that ultimately enabled her private clients to acquire the property as a vacant lot, Russo engaged in conduct constituting wire fraud, theft by deception, and official misconduct in violation of N.J.S.A. 2C:21-4, 2C:20-4, and 2C:30-2.

In another situation defendant Donna Russo knowingly caused a falsified engineering document to be prepared by a municipal water and sewer

engineer declaring an apartment in her personal property unsafe or uninhabitable. This was then used to improperly prove an eminent emergency situation needed to obtain a court date during the covid pandemic to obtain an eviction and advance her personal financial interests through misuse of her official position and authority.

Individual Defendants and city officials engaged in a pattern of falsifying and tampering with official records, engineering reports, invoices, and financial documentation to improperly justify demolition activity, legitimize the use of municipal funds, and advance both personal and associated private financial interests. By knowingly creating and relying upon false documents, concealing the true financial status and purpose of municipal accounts, and directing electronic communications to structure and legitimize payments and enforcement actions, Russo misused her official authority to manipulate municipal processes, facilitate improper financial transactions, and deprive property owners, financial institutions, and the public of lawful and transparent procedures. This conduct constitutes falsification and tampering with records, theft by deception, wire fraud, and official misconduct in violation of N.J.S.A. 2C:21-4, N.J.S.A. 2C:20-4, and N.J.S.A. 2C:30-2.

61. The enterprise engaged in or its activities affected trade or commerce.

62. The named Individual Defendants Russo, Dundas, Weaver were employed by or associated with Enterprise.

63. The named Individual Defendants engaged in pattern of racketeering activity in that at least two predicate acts as set forth in Para. 60 were committed.

64. The named individual defendants conducted or participated directly or indirectly in the conduct of the Enterprise's affairs through that pattern of racketeering activity.

65. The named individual defendants acted knowingly and purposely. They set the purpose of the Enterprise, namely the unconstitutional and corrupt misappropriation of government resources to advance the guiding of illicit contracts, patronage policy, misuse of government funds, falsifying bond and securities, misuse of office, and official misconduct.

66. It is unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity. Individual Defendants remitted payments to contractors, local politicians, law firms, insurance funds, insurance carriers, city government, police department, and county government, in order to effectuate the conspiracy and acts against the Plaintiffs and their properties.

67. Individual Defendants participated in a pattern of racketeering activity as there is a direct relationship which existed between the injury asserted and the injurious conduct alleged.

All Individual Defendants did acquire and/or maintain, directly or indirectly, an interest in or control of a RICO enterprise of individuals who were associated in fact and who did engage in, and whose activities did affect, interstate and foreign commerce, all in violation of NJSA 2C::41-2(c).

68. The Racketeer Influenced and Corrupt Organization Act further states it is unlawful to conspire to violate any of the provisions of the Act. During the ten (10) calendar years preceding, all Defendants did cooperate jointly and severally in the commission of two (2) or more of the NJ RICO predicate acts that are itemized in the RICO laws at NJSA 2C::41-2(c) and did so in violation of the NJ RICO law Prohibited activities. Plaintiff further alleges that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, i.e. a continuing threat of their respective racketeering activities, also in violation of the NJ RICO law.

69. Individual Defendants conspired with government officials, county, and municipal government, City of Bayonne, and additional co-conspirators, to commit conspiracy against the Plaintiff, as well as to commit violations RICO statute, as well as affected interstate commerce.

70. Individual Defendants have been and are able to commit the acts of racketeering forming by virtue of their association with and employment by the Enterprise, and the acts of racketeering are related to the activities of, and are committed in furtherance of the enterprise. Those named defendants all participated directly or indirectly in the affairs of the criminal

enterprise as defined under NJSA §2C:41-1, et seq. through racketeering activities, including carrying on to fruition political patronage policy to maintain their financial and political power.

71. The association in fact of these persons constitutes an enterprise within the meaning of NJSA 2C:41-1(c) (the “Enterprise”), which functions as a continuing unit.

72. Defendants’ Enterprise affects commerce and trade by awarding government contracts, fines or not fining, inspecting or not-inspecting, benefits and privileges to political allies or patrons while depriving non-Enterprise supporters of similar benefits and privileges in violation of the New Jersey Constitution and state law through a pattern of racketeering.

73. Defendants’ individual acts make each principally liable for violations of NJSA2C:41-1(c). In addition, each of the Defendants knowingly and intentionally aided and abetted Defendants other than himself/herself/itself whom were involved in the operation and management of the Enterprise in the commission of two or more predicate acts forming a pattern of racketeering activity with the intent of assisting the successful completion of said racketeering activity.

74.. Plaintiff has been injured by reason of the aforementioned violations of NJSA 2C:41-1(c), including injury by reason of the predicate acts constituting a pattern of racketeering activity. Plaintiff has suffered and continue to suffer economic and emotional distress damages in an amount determined by a jury.

75. Wherefore, pursuant to the statutes at NJSA 2C:41-1(c) Plaintiff requests judgment against all named Defendants as follows:

a. That this Court liberally construe the New Jersey RICO laws and thereby find that all Defendants both jointly and severally, have acquired and maintained, both directly and indirectly, an interest in and/or control of a New Jersey RICO enterprise of persons and of other individuals who were associated in fact, all of whom engaged in, and whose activities did affect, interstate and foreign commerce in violation of NJSA 2C:41-1(c) (Prohibited activities).

b. That Defendants be required to account for all gains, profits, and advantages derived from their several acts of racketeering activity in violation of NJSA 2C:41-1(c) and from all other violation(s) of applicable State and federal law(s).

c. That judgment be entered for Plaintiff Roszkowski and against all Defendants for Plaintiff's actual damages, and for any gains, profits, or advantages attributable to all violations of NJSA 2C:41-1(c), according to the best available proof.

d. That all Defendants pay to Plaintiff treble (triple) damages, under authority of NJSA 2C:41-1(c), for any gains, profits, or advantages attributable to all violations of NJSA 2C:41-1(c), according to the best available proof.

e. That all Defendants pay to Plaintiff all damages sustained by Plaintiff Roszkowski in consequence of named Defendants' several violations of NJSA 2C:41-1(c), according to the best available proof.

f. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of NJ RICO and from all other violation(s) of applicable State and federal law(s), be deemed to be held in constructive trust, legally foreign with respect to the federal zone [sic], for the benefit of Plaintiff Roszkowski, his heirs and assigns.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows: (i) Compensatory damages; (ii) mandatory treble damages; (iii) mandatory reasonable attorneys' fees and costs pursuant to the New Jersey Racketeer Influenced and Corrupt Organization Act, NJSA §2C:41-1(c); (iv) any other relief the Court deems just and proper.

DAMAGES

76. WHEREFORE, Plaintiff Roszkowski requests judgment against Defendants, for:
- a. Compensatory damages, and all statutory and common law violations herein pled and damages (pecuniary and non-pecuniary) including but not limited to damages for mental and emotional anguish, humiliation, anxiety, and distress; and
 - b. Compensation to Plaintiff for mental anguish in the past and the future; and

- c. Consequential damages for the breach of contract claim, as well as punitive damages for the bad faith claim; and
- d. Punitive Damages; and Treble Damages as allowed;
- e. Costs, fees, and expenses and other applicable statutes; and
- f. Declaratory and injunctive relief of expunging the illegal arrest and processing; and
- g. An award of injunctive relief effectively prohibiting the City of Bayonne and supervisory defendants from engaging in practices, customs and policies described herein and compelling retraining of all personnel involved in law enforcement and investigation as to the appropriate manner of interacting with the citizenry.
- h. any and all other general or specific relief, both at law and in equity, to which Plaintiff may be justly entitled;

JURY DEMAND

77. Plaintiff demands a trial by jury on all claims and issues so triable.

CERTIFICATION

I hereby certify that the matters set forth herein are not the subject of any other action pending in any court (USDC 25CV2090 is voluntarily dismiss for lack of jurisdiction) , or of any pending arbitration or administrative proceeding.

Respectfully submitted,

Richard Roszkowski /s/

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