

Alexander Schachtel, Esq. (ID # 128062015)
Law Office of Alexander Schachtel LLC
648 Newark Avenue, 2nd Floor
Jersey City, NJ 07306
(p) 201-925-0660
(e) xschachtel@gmail.com

<p>GLENN TRICKEL AND FIDEL HERNANDEZ</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ELVIRA BLAND, MILITINIA BLAND, RICHARD BLAND, JERSEY CITY POLICE DEPARTMENT AND THE CITY OF JERSEY CITY,</p> <p style="text-align: center;">Defendants,</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: HUDSON COUNTY DOCKET NO.: <i>Civil Action</i> COMPLAINT</p>
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Plaintiffs Glenn Trickel and Fidel Hernandez (“Plaintiffs”), by and through their counsel, the Law Office of Alexander Schachtel, LLC, does hereby say and allege, by way of Complaint against Defendants Elvira Bland, Militinia Bland, Richard Bland, the Jersey City Police Department and Jersey City Medical Center (collectively, “Defendants”) as follows:

PARTIES AND BACKGROUND

1. Plaintiff Glenn Trickel (“Trickel”) is a natural person residing at 73 Astor Place, #1, Jersey City, New Jersey 07304.
2. Plaintiff Fidel Hernandez (“Hernandez”) is a natural person residing also residing at 73 Astor Place, #1, Jersey City, New Jersey 07304.
3. Plaintiffs are unmarried but co-habitate.
4. Defendant Elvira Bland (“Elvira”) is a natural person residing at 72 Astor Place, #2,

Jersey City, New Jersey 07304.

5. Defendant Militinia Bland (“Militinia”) is a natural person also residing at 72 Astor Place #2, Jersey City, New Jersey 07306.

6. Militinia is the President of a local community group called the “Astor Place Neighborhood Association.”

7. Defendant Richard Bland (“Richard”) is a natural person also residing at 72 Astor Place, #2, Jersey City, New Jersey 07306.

8. Miltiinia and Elvira Bland are sisters. Richard is the son of Elvira.

9. These parties live across the street from one another and have so resided for at least the past sixteen (16) years.

10. Defendant Jersey City Police Department (“JCPD”) is the police department for the City of Jersey City, with offices located at 1 Journal Square Plaza, Jersey City, New Jersey 07306.

11. Defendant the City of Jersey City is a New Jersey Municipality with main offices located at 280 Grove St, Jersey City, NJ 07302

FACTS COMMON TO ALL COUNTS

i. The August 2016 Block Party

12. On August 20, 2016, the Plaintiffs and the Bland Defendants were all in attendance at a “block party” which was held jointly by various residents of Astor Place in Jersey City.

13. In the course of the block party, various residents on the street put up small booths in front of their homes to promote causes of interest and/or to offer food and beverages to attendees.

14. Plaintiffs had put up a booth at the block party to promote their political aspirations and business.

15. At the time, Plaintiff Trickel had recently been elected as a local state democratic party committeeman.

16. Defendant Militinia is a longtime aspiring politician and had become jealous of Trickel for his political ascension and election to a position she long coveted.

17. In the course of the block party, Militinia engaged in obstructive behavior in an attempt to interfere with Plaintiffs' booth, which had attracted a sizeable crowd of patrons.

18. This behavior included asking a Hudson County Prosecutor's Office van to park in front of the Plaintiffs' booth so that no attendees could congregate in the area.

19. Despite these obstructive acts, the Plaintiffs had successfully attracted a quite sizable crowd to their booth throughout the day, much to the chagrin of Militinia and Elvira whose nearby booth had attracted almost no patrons.

20. Late in the afternoon, as the block party was winding down, Elvira approached Hernandez from behind as they were both standing in the middle of the paved street on Astor Place.

21. Without warning and with no apparent provocation, before Hernandez had noticed her presence, Elvira forcibly threw herself upon Hernandez, scratching, clawing, and kicking him in the process of dragging him to the ground.

22. After a brief entanglement, Hernandez was able to separate himself from Elvira and without further incident left the scene and retreated inside his home at 73 Astor Place to tend to his wounds.

23. Elvira's strikes had left a number of bruises, cuts, scratches, and abrasions across

Hernandez's face, arms, elbows, and upper torso.

24. Elvira had sustained no physical harm to her person during her assault on Hernandez with the exception of a small bite mark.

25. After Hernandez had retreated inside his home, Elvira approached a local police officer and falsely claimed that Hernandez had attacked her, when in reality it was she who had attacked him.

26. As a result of Elvira's false statement to the officer, Hernandez was arrested inside of his home and was handcuffed and transported away in a police vehicle.

27. Hernandez was advised that he had been charged with a disorderly persons offense but was then taken to Jersey City Medical Center without any explanation.

28. After arriving at Jersey City Medical Center, Hernandez's blood was drawn upon the apparent order of the supervising police officers.

29. Hernandez did not consent to have his blood drawn.

30. Hernandez was advised that he was "suspected of being intoxicated" but there was no apparent effort by the arresting officers to administer a breathalyzer test or to conduct any other field sobriety test prior to taking Hernandez to JCMC to have his blood drawn.

31. After having his blood drawn, Hernandez was discharged from JCMC and was taken by the arresting officers back to the police station where he was released on his own recognizance.

ii. Aftermath of the 2016 Block Party

32. On or around August 21, 2016, days after the block party the Bland Defendants erected a homemade sign that they taped to the wall outside the front entrance to their home on Astor Place.

33. The sign was posted on a large yellow cardboard placard apparently to attract high

visibility.

34. The sign stated “*Fidel Hernandez of 73 Astor Place (partner of committeeperson Glen Trickel) got drunk and bit me. Now I must take HIV prevention drugs for the next 6 months and be monitored for the rest of my life! Now you know!!*”

35. Plaintiffs confronted Militinia about the sign, and despite admitting to putting it up, she refused to remove it and refused to explain the basis for the statements contained therein or how she had come across such information.

36. Upon being confronted, Militinia and Elvira also demanded “restitution” for the alleged injuries inflicted by Hernandez, and advised Trickel that he should “know what is going on within his own house.”

37. Several weeks later, on September 15, 2016, Trickel was relaxing within his home when he heard the sound of an object crashing through his front window.

38. Upon inspecting the object it was determined to be a homemade “Molotov cocktail,” this was later confirmed by the arson squad of the JCPD.

39. Video footage which was obtained in the ensuing weeks from the cameras of neighboring homeowners showed that the Molotov was thrown deliberately into the front of the Plaintiffs’ residence.

40. Upon information and belief, the Defendants threw the Molotov cocktail into the Plaintiffs’ residence, attempting to commit arson, in further retaliation for the events that transpired at the 2016 block party.

41. In the ensuing weeks and months, the Plaintiffs observed Militinia, Elvira and friends

regularly speaking ill of them to neighbors and local community members. Specifically, the Defendants would tell other people to avoid physical contact with the Plaintiffs, or anything that the Plaintiffs had touched, for fear of contracting HIV/AIDS.

42. Beginning in August 2016. Militinia, Elvira and their associates regularly and directly assaulted the Plaintiffs with a variety of homophobic slurs.

43. This indecent and outrageous behavior continued throughout 2017.

44. On three separate occasions, February, 12, 2017, June 7, 2017 and October 18, 2017, the Bland Defendants filed false criminal charges against the Plaintiffs which were all ultimately dismissed and found to be baseless by the Hudson County Prosecutor's Office or the Criminal Division of the Hudson County Superior Court.

iii. Brutal Assault on Glenn Trickel

45. On October 6, 2017, Plaintiff Trickel was violently and brutally assaulted outside of his home on Astor Place.

46. Trickel was attacked by two men who jumped out of a car. It was a coordinated and premeditated assault.

47. Trickel sustained severe injuries including a broken jaw with fractures on both the left and right side, permanent nerve damage to his face and jaw, and lost multiple teeth.

48. The assailants fled the scene immediately after the assault.

49. In the subsequent weeks and months, a police investigation ensued.

50. Ultimately, one of the two assailants were identified and charged, and later confessed that he had been hired to assault the Plaintiff by the Defendant Richard Bland.

51. In February of 2018, Richard's role in the assault was first communicated to Trickel and Richard Bland was formally charged with assault and other offenses.

52. In March 2019, Richard pled guilty to conspiracy to commit aggravated assault on Trickel. He has yet to be sentenced and continues to refuse to provide information about the second assailant.

53. Upon information and belief, Militinia and Elvira conspired with Richard to plan the assault on Trickel and helped to pay the assailants to carry out the attack.

iv. Aftermath of Assault

54. On February 12, 2018, after Richard Bland was charged with a crime, the other Bland defendants filed a false police report and criminal complaint against Trickel, accusing him of making terroristic threats.

55. Trickel was forced to retain counsel to defend these baseless charges, which were ultimately dismissed for lack of evidence.

56. On May 2, 2018, the Bland Defendants were indicted by the Hudson County Prosecutor's office on the charge of filing false police reports and falsifying criminal charges.

57. Throughout 2018-2019, the Bland Defendants continued to threaten, harass, defame, and attempt to intimidate the Plaintiffs into dropping criminal charges filed against them.

58. The Bland Defendants have also continued to regularly insult, disparage and slur the Plaintiffs on the basis of their sexuality.

FIRST COUNT AGAINST ALL BLAND DEFENDANTS **(Assault and Battery and Conspiracy to Commit Assault and Battery)**

59. The factual allegations set forth above are repeated and reiterated as if more fully set forth herein.

60. On or around August 16, 2016, the Defendant Militinia Bland intentionally assaulted, struck and injured Plaintiff Fidel Hernandez.

61. As a result of Militinia's unwanted contact, Hernandez sustained physical injuries to his

person including a number of lacerations and abrasions.

62. Some of these injuries have left permanent scars.

63. On or around October 17, 2017, the Defendant Richard Bland paid money to two third parties to physically attack the Plaintiff.

64. Defendant Richard Bland gave the third parties specific instructions to attack Plaintiff Glenn Trickel.

65. Upon information and belief, Militinia and Elvira Bland were also parties to the conspiracy and assisted or contributed with the planning, payment and eventual coordination the attack on Trickel.

66. As a result of the assault directed by the Bland Defendants, Trickel sustained serious and permanent physical injuries including a broken jaw, lost teeth, and nerve damage.

67. As a result of these intentional assaults and batteries, the Plaintiffs have been caused to expend money on costly medical treatments, have suffered impairment in the course of their normal life activities, and have been caused to live in fear of their physical safety.

WHEREFORE, Plaintiffs demand judgments against the Bland Defendants on the First Count of the Compliant, by way of:

- A. Compensatory, economic, consequential and punitive damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

SECOND COUNT AGAINST ALL BLAND DEFENDANTS
(Malicious Prosecution)

68. The factual allegations set forth above are repeated and reiterated as if more fully set forth herein.

69. On no less than three (3) occasions in 2017, two (2) occasions in 2018, and two (2) occasions in 2019, the Blands filed false criminal charges against the Plaintiffs.

70. All of these criminal charges were filed out of spite, malice, and with the hope of extracting revenge or causing inconvenience to the Plaintiffs.

71. Not a single one of the criminal charges filed by the Plaintiffs was supported by credible evidence or probable cause.

72. The only evidence for these charges was the self-interested and biased testimony of the Defendants and their associates

73. None of the charges resulted in a conviction against the Plaintiffs, in fact all were dismissed.

74. Some of the charges were determined to be so utterly frivolous that in 2018 the Defendants were indicted for making false statements to police and filing false criminal charges.

75. As a result of the Defendants' malicious prosecutions and false criminal filings, the Plaintiffs have been caused to expend vast sums of money on legal fees, and have been caused to waste vast amounts of time dealing with meritless police investigations and charges.

WHEREFORE, Plaintiffs demand judgments against the Bland Defendants on the Second Count of the Compliant, by way of:

- A. Compensatory, economic, consequential and punitive damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

THIRD COUNT AGAINST ALL BLAND DEFENDANTS
(Defamation)

76. The factual allegations set forth above are repeated and reiterated as if more fully set

forth herein.

77. From August 21, 2016 through the present date, the Bland Defendants have repeatedly and continually made false statements about the Plaintiffs to friends, local community members, police officers, judges and prosecutors.

78. Specifically, the Bland Defendants have falsely claimed that the Plaintiffs both have HIV/AIDS and have falsely published these statements to various third parties and members of the general public.

79. The Bland Defendants have, as recounted above, made numerous false statements to police officers about the conduct of the Plaintiffs which resulted in the filing of numerous frivolous and meritless criminal charges against the Plaintiffs.

80. The Bland Defendants have specifically made homophobic and hateful slurs against the Plaintiffs and have reinforced and fostered the spread of hateful and homophobic stereotypes through the spreading of false rumors about the Plaintiffs.

81. The Bland Defendants have also knowingly provided false testimony under oath and counseled and suborned others to knowingly provide false testimony under oath to support their own frivolous charges against the Plaintiffs and to refuse the Plaintiffs legitimate charges against themselves.

82. Plaintiff Trickel in particular is a well known member of the local democratic political party and the Defendants' false statements were calculated, in part, to effectuate the ruin of Plaintiff's political career and to generally damage his reputation.

83. The Plaintiffs have suffered actual and immense reputational harm, damages, and embarrassment and distress as a result of the Defendants' intentional publication of these malicious falsehoods.

84. **WHEREFORE**, Plaintiffs demand judgments against the Bland Defendants on the Third Count of the Compliant, by way of:

- A. Compensatory, economic, consequential and punitive damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

FOURTH COUNT AGAINST ALL BLAND DEFENDANTS
(Intentional Infliction of Emotional Distress)

85. The factual allegations set forth above are repeated and reiterated as if more fully set forth herein.

86. For nearly four (4) years, the Bland Defendants have engaged in a campaign of hatred, malicious defamation, and mental and physical assault and ceaseless harassment against the Plaintiffs.

87. As a result of this unrelenting campaign of hatred, the Plaintiffs have been caused to endure severe and continuing mental and physical anguish, suffering and distress.

88. The collective sum of the Defendants' conduct is so utterly reprehensible, disgusting, and outrageous that it clearly has no place within a civilized society and should be viewed by upstanding members of the City and community as totally contemptible.

89. **WHEREFORE**, Plaintiffs demand judgments against the Bland Defendants on the Fourth Count of the Compliant, by way of:

- A. Compensatory, economic, consequential and punitive damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

FIFTH COUNT AGAINST DEFENDANTS JCPD AND JERSEY CITY
(Unlawful Arrest/ False Imprisonment and Constitutional Civil Rights Violations)

90. The factual allegations set forth above are repeated and reiterated as if more fully set forth herein.

91. On August 20, 2016, officers of the Jersey City Police Department wrongfully arrested the Plaintiff Fidel Hernandez.

92. The arrest was wrongful because it was not supported by probable cause or evidence.

93. It was apparent that Fidel Hernandez had been assaulted and that Militinia Bland, the alleged victim, had not sustained any physical injuries.

94. After wrongfully arresting Hernandez, officers of the Jersey City Police Department wrongfully imprisoned him and transported him to Jersey City Medical Center so that Hernandez' blood could be drawn against his will.

95. There was no legitimate need for this course of action, which was a substantial deviation from routine police procedure, especially where the underlying arrest was predicated upon the suspicion of a disorderly persons offense.

96. As a result of these improper procedures, Hernandez' civil rights have been violated and private personal health information has been wrongfully obtained by force.

97. Jersey City is responsible for ensuring the adequate training and supervision of its police officers.

98. Jersey City failed to adequately train, supervise, and monitor the conduct of its officers in the circumstances surrounding the apprehension of Fidel Hernandez.

99. **WHEREFORE**, Plaintiffs demand judgments against the Jersey City Police Department and the City of Jersey City on the Fifth Count of the Compliant, by way of:

A. Compensatory, economic, consequential and punitive damages.

- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

**SIXTH COUNT AGAINST DEFENDANTS JCPD AND JERSEY CITY
(Violation of NJ LAD, Failure to Investigate Hate Crimes)**

100. The factual allegations set forth above are repeated and reiterated as if more fully set forth herein.

101. The Defendants were aware, through the filing of many complaints by Plaintiffs, of the heinous, obscene and outrageous behavior of the Bland Defendants as is set forth in detail in this Complaint.

102. The Defendants were in possession of ample information, including photographic and video evidence, recorded written witness statements, and more, which suggested beyond any reasonable doubt that the conduct of the Bland Defendants was motivated by animus against the Plaintiffs' sexual orientation.

103. Nonetheless, Defendants have failed, to date, to take any action to prosecute or investigate the Bland Defendants for hate crimes.

104. As a result of the Defendants' negligently failure to investigate or prosecute the Blands for hate crimes, the Plaintiffs have been caused to endure years of false prosecution, physical assaults, defamation and slander in their local community, and other horrific conduct at the hands of the Blands.

105. Defendants failure to investigate these hate crimes constitutes discrimination against the Plaintiff's based on their sexual orientation, which is directly prohibited and proscribed under the New Jersey Law Against Discrimination ("NJ LAD").

106. **WHEREFORE**, Plaintiffs demand judgment against the Jersey City Police Department and the City of Jersey City on the Sixth Count of the Compliant, by way of:

- A. Compensatory, economic, consequential and punitive damages.
- B. Costs of suit.
- C. Attorney's fees.
- D. Any other relief which the Court may deem proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, notice is hereby provided that Alexander Schachtel, Esq., is designated as trial counsel in this matter.

Alexander Schachtel, Esq.
Attorney for Plaintiffs

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

DATED: 5/11/2020

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that I am not aware of any other pending or contemplated Court action or arbitration, nor am I presently aware of any other party who should be joined in this action, subject to the information revealed through discovery.

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Alexander Schachtel, Esq.
Attorney for Plaintiffs

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

DATED: 5/11/2020

JURY DEMAND

Plaintiffs hereby demands a jury trial as to all issues so triable.

Alexander Schachtel, Esq.
Attorney for Plaintiffs

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

DATED: 5/11/2020