

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK DIVISION

**2<sup>nd</sup> Amended VERIFIED COMPLAINT Case 2:19-cv-19922-MCA-ESK**

JAMES M. BOCK, SR.,

Plaintiff,

v.

BOROUGH OF MOUNTAINSIDE (“BOM”),  
THOMAS MURPHY, suspended Lieutenant  
for the Mountainside Police Department (“MPD”),  
ALLAN ATTANASIO, former Police Chief for the  
Mountainside Police Department,  
RICHARD ANDREW HUBER, former Detective for the  
Mountainside Police Department,  
MICHAEL PERROTTA, Patrolman for the  
Mountainside Police Department,  
MICHAEL D. JACKSON, Sergeant for the  
Mountainside Police Department,  
WILLIAM STOLTING, Detective for the  
Mountainside Police Department,  
ANDREW YASINSKI, Officer for the  
Mountainside Police Department,  
JOSEPH GIANNUZZI, Lieutenant for the  
Mountainside Police Department,  
JAMES DEBBIE, Former Borough Business Administrator,  
Borough of Mountainside,  
JOHN DOES “1” to “5”, Police Officers for the  
Mountainside Police Department,

Defendants, in their individual and official  
capacities.

---

James M. Bock, Sr.  
6 Crestwood Road

Gillette, New Jersey 07933  
Telephone: (908) 451-5748  
Fax: 973-210-4500  
jamesmbock@gmail.com  
*Plaintiff Pro Se*

Plaintiff, James M. Bock, Sr. ("Plaintiff"), alleges as follows:

**I. LOCAL CIVIL RULE 10.1 STATEMENT**

1. The mailing addresses of the parties to this action are:

James M. Bock, Sr. 6 Crestwood Road Gillette, New Jersey 07933	Michael D. Jackson 1385 U.S. Highway 22 East Mountainside, New Jersey 07092
Borough of Mountainside 1385 U.S. Highway 22 East Mountainside, New Jersey 07092	William Stolting 1385 U.S. Highway 22 East Mountainside, New Jersey 07092
Thomas Murphy Mountainside, New Jersey 07092	Andrew Yasinski 1385 U.S. Highway 22 East Mountainside, New Jersey 07092
Allan V Attanasio Mountainside NJ 07092	Joseph Giannuzzi 1385 U.S. Highway 22 East Mountainside, New Jersey 07092
Richard Andrew Huber Springfield NJ 07081	James Debbie 1385 U.S. Highway 22 East Mountainside, New Jersey 07092
Michael Perrotta 1385 U.S. Highway 22 East Mountainside, New Jersey 07092	Mountainside Police Department John Does 1-5 1385 U.S. Highway 22 East Mountainside, New Jersey 07092

**II. INTRODUCTION**

2. Pursuant to 42 U.S.C. § 1983, James M. Bock, Sr. (“Plaintiff”) brings this action for monetary damages and a declaratory judgment and injunctive relief, as a result of the Defendants’ violations of the Plaintiff’s constitutional rights under (a) the First Amendment of the United States Constitution (the “Constitution”) guaranteeing free speech; (b) the Fourth Amendment of the Constitution to be free from unreasonable search and seizures of his property; (c) the Fourteenth Amendment of the Constitution providing for due process of law and equal protection under the law; and (d) violation of the Plaintiff’s State constitutional rights pursuant to Article I, § 22 of the Constitution of the State of New Jersey, – “Rights of victims of crime” the Defendant Borough of Mountainside’s (“BOM”) failure to protect a victim of crime from terroristic threats, stalking, trespass, theft of his property, and an unlawful eviction from a violent property manager with well-known ties to an organized crime family.

3. This action arises from the failure of Defendants BOM, James Debbie, Joseph Giannuzzi, Thomas Murphy, Allan Attanasio, Richard Andrew Huber, Michael Perrotta, Michael D. Jackson, William Stolting, Andrew Yasinski, and Mountainside Police Department John Does “1” To “5” (“REF-DEFENDANTS”) to intervene to protect the Plaintiff’s rights, after the Defendants became aware that the agent for the Plaintiff’s landlord, Gregory Caponegro, communicated terroristic

threats to the Plaintiff, regarding himself, his then five-year old son, and the Plaintiff's then-pregnant wife. REF-DEFENDANTS employed by Mountainside Police Department ("MPD") knew that the Plaintiff was a lawful tenant who was being unlawfully evicted from his rental property by threats of violence made by an individual associated with the Genovese crime family, and yet REF-DEFENDANTS assisted in facilitating an unlawful eviction and failed to arrest or remove from the property Plaintiff's abusive former landlord's agent and/or failed to protect the Plaintiff's rights as a tenant, resulting in the Plaintiff losing personal property valued at more than \$75,000, as well as for Plaintiff to suffer ongoing psychological and financial damages. The Plaintiff's damages resulted from BOM and REF-DEFENDANTS actions and failure to take action as has become a custom for BOM.

### **III. PARTIES**

4. Plaintiff James M. Bock, Sr. is a natural person who resided in Union County, State of New Jersey at all relevant times described in this Complaint, and who currently resides in the State of New Jersey.

5. Defendant BOM ("BOM") is a municipal government located in the County of Union, State of New Jersey.

6. DELETED FROM PREVIOUS COMPLAINT

6. Defendant James Debbie ("Debbie") former Police Chief and former BOM Administrator.

7. Defendant Thomas Murphy (“Murphy”) Police Lieutenant.
8. Defendant Allan Attanasio (“Attanasio”) former Police Chief.
9. Defendant Richard Andrew Huber (“Huber”) for Head of Detectives and IAD.
10. Defendant Michael Perrotta (“Perrotta”) police officer.
11. Defendant Michael D. Jackson (“Jackson”) police officer.
12. Defendant William Stolting (“Stolting”) police officer.
13. Defendant Andrew Yasinski (“Yasinski”) police officer.
14. Defendant Joseph Giannuzzi (“Giannuzzi”) current Chief of Police.
15. Defendants MPD John Does “1”- “5” (“John Does “1” – “5”) v police officers.
16. At all relevant times, BOM hired, employed, supervised and controlled REF-DEFENDANTS.
17. REF-DEFENDANTS were each, at all times relevant herein, an officer, employee, and/or agent of BOM.
18. REF-DEFENDANTS were acting under a custom and/or policy of MPD at all relevant times herein, which resulted in violations of the Plaintiff’s constitutional rights.

19. At all relevant times herein, REF-DEFENDANTS were acting under the color of state law in the course and scope of their duties and functions as agents, employees and/or officers of BOM and in engaging in the conduct described herein.

20. At all times relevant herein, REF-DEFENDANTS have acted for and on behalf of BOM, and all actions occurred within the BOM in New Jersey, with the exception of the unauthorized taking of a Police Car from neighboring town, by Huber and Attanasio, and with the power and authority vested in them as officers, agents and employees of BOM and incident to the lawful pursuit of their duties as officers, employees and agents of BOM.

All REF-DEFENDANTS are sued in their individual and official capacities.

#### **IV. JURISDICTION**

21. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1983 and 1985, as this action seeks redress for the violation of Plaintiffs' constitutional and civil rights.

22. Jurisdiction is conferred upon this Court by the Constitution for violations of Civil Rights afforded by Amendments 1, 4 and 14 of the Constitution which are claims against Defendants in this complaint.

23. Plaintiff further invokes this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state constitutional and state law

claims that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

#### **V. VENUE**

24. Venue is proper in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391(b) and (c) because all of the Defendants reside in the District of New Jersey and all causes of action occurred in the District of New Jersey.

#### **VI. JURY DEMAND**

25. Plaintiff demands a trial by jury in this action on each and every one of his claims.

#### **VII. STATEMENT OF FACTS**

26. Upon information and belief all the statements contained herein are true.

27. MOB has a Police Department consisting of approximately twenty-two (22) sworn law enforcement officers.

28. James Debbie (“Debbie”) was the appointed the Chief of Police MPD from on or about May 1998 until on or about August 2014.

29. From on or about 1999 to sometime around November 2019, Debbie has served as Business Administrator for BOM.

30. Debbie, serving in such a capacity, has served as a policymaker for BOM.

31. Debbie supervises all BOM operations and all BOM employees.

32. Allan Attanasio (“Attanasio”) is the former Chief of Police of MPD serving in that capacity from approximately 2014-2018.

33. Prior to becoming Chief, Attanasio was assigned to the IAD from on or about January 2009 to on or about August 2014.

34. Attanasio, serving in such a capacity, was a policymaker for BOM.

35. Thomas Murphy (“Murphy”) since on or about October 2014 is a “Lieutenant” in MPD, a position second only to the Chief.

36. Murphy, serving in such a capacity, served as a policymaker for BOM.

37. Andrew Huber (“Huber”), suspended and recently retired, was a Detective Sergeant who was in charge of the Detective Bureau and the IAD.

38. Huber, serving in such a capacity, served as a policymaker for BOM.

39. Mayor Paul Mirabelli (“Mirabelli”) has been Mayor of MOB since on or about 2009. He was a Councilman for BOM prior to that time.

40. Mirabelli, serving in such a capacity, served as a policymaker for BOM.

41. Turner has been a BOM Councilman for almost 30 years and the Police Commissioner for almost 20 years.

42. Turner, serving in such a capacity, served as a policymaker for BOM.



43. Defendant BOM is a public entity located in Union County, New Jersey.

44. Plaintiff is a fifty-nine-year old male who is and has been a registered nurse for fourteen (14) years. He is licensed in the states of NJ, PA, and HI.

45. The Plaintiff is married and has three (3) children.

476. The Plaintiff has been alcohol and drug-free and in recovery continually for thirty-one (32) years. His sobriety date is November 19, 1987.

47. The Plaintiff is an Ordained Christian minister.

48. For more than thirty (30) years, Plaintiff has been speaking at rehabilitation clinics, detoxification centers, recovery meetings, and recovery events throughout the United States to help others recover and taking homeless people off the streets when they are discharged from detox.

49. From April or May of 2012 through January 2018, Plaintiff, was a tenant at the house located at 1519 Long Meadow, Mountainside, New Jersey 07092 (the "Property" or the "rental home").

50. Plaintiff utilized a realtor to lease house.

51. Gregory Caponegro, Sr. ("Gregory") was always the property manager and the only person that the Plaintiff communicated with, as he ran all aspects of the property Rent was paid to Gregory and all repairs and all house-related matters were addressed with Gregory.

52. Georgiann, Gregory's sister was owner of the Property in 2012 and transferred ownership of the Property to Amanda Caponegro ("Amanda") for \$1 in or around 2014 when Amanda turned 18 years old.

53. Plaintiff received assurances from Gregory that his efforts to use the house to help other recovering alcoholics and drug addicts was welcome.

54. In March 2013, Kayla Bock (formerly, Kayla Perez) moved into the Property, along with several other recovering alcoholics.

55. Over the approximately six (6) years Plaintiff lived in the house, he temporarily housed approximately thirty (30) newly recovering alcoholics at different times.

56. Plaintiff never charged the temporary residents for housing or services.

57. Gregory frequently visited the house and was aware of Plaintiff's activities and approved of such.

58. All guests staying at house were required to always be sober.

59. Gregory used racial slurs such as "nigger" or "sand nigger" or "light brown" to describe Kayla Bock (who is of Nicaraguan decent) and other house guests with dark pigmented skin color who Plaintiff was attempting to help recover from alcoholism or drug addiction.

60. Gregory frequently reference Mountainside as a "white neighborhood."

Gregory would charge Plaintiff increased rent and require full payment of house repairs because of race or handicapped status of house guests.

61. However, when Gregory met any of the white people (light complexion) staying at the house, he was always nice and welcoming.

62. On January 27, 2018 Plaintiff went to Gregory's residence in Springfield NJ to report to him that he wished to cancel his tenancy.

63. Plaintiff was current with all rental payments.

64. Plaintiff and Gregory had previously agreed that the January 2018 rental payment would be paid February 5, 2018 as verified on police bodycam.

65. Many times over the course of Plaintiff's tenancy, Gregory had commented to Plaintiff that he was an exemplary tenant, as can be verified in recorded phone conversations and in "before and after" pictures and the more than \$25,000 in documented improvements that Plaintiff made to the rental property.

66. Gregory told Plaintiff on numerous occasions from 2012-2018 that he and his brother Joseph were affiliated with organized crime; namely the Genovese Crime Family.

67. On January 27, 2018 Gregory agreed to let Plaintiff leave in peace with no hard feelings (aka no harm would come to Plaintiff) if Plaintiff agreed to forfeit a security deposit (\$3250.00) plus pay an additional \$10,500.

68. Plaintiff, fearing for his safety, agreed to pay a total of \$10,500 plus the \$3,250 security deposit (the total of which was \$13,750) to secure the safety of himself and his family.

69. On the morning of January 28, 2018, Gregory called Plaintiff and irately demanded immediate access to the house and demanded that Plaintiff let him. Gregory stated that if he did get access to the house within the hour, he was going to break into the Property; the Plaintiff immediately drove to the house.

70. Audio recording verifying such supplied to MPD January 28, 2018.

71. Amanda's agent Gregory was in the driveway of the Property when Plaintiff arrived.

72. When Plaintiff arrived at the house, Gregory informed Plaintiff that their deal for \$13,750 was off and that he now wanted \$20,000 plus loss of \$3250 security deposit and the keys to the house.

73. The Plaintiff refused to surrender the keys or provide access to the house to the landlord's agent.

74. Plaintiff walked to the front porch attempting to go into the house and Gregory blocked Plaintiff's way using his body to force Plaintiff into the corner of the porch.

75. Gregory demanded \$20,000 to “keep Plaintiff healthy,” even though Plaintiff only owed Amanda \$3,500 in rent for January which, by agreement, was not due until February 5, 2018.

76. Gregory yelled at Plaintiff and threatened Plaintiff, raising a wrought iron chair over Plaintiff’s head, cornering him on the front porch of the Property.

77. Gregory threatened to cripple Plaintiff so he could never walk again.

78. Gregory smashed a chair and pieces flew into Plaintiff’s legs and chest.

79. Gregory later confirmed to Stolting and Yasinski that he in fact did smash chair on porch. Obvious signs of violence were visible to Stolting and Yasinski with debris on porch (MPD BodyCam confirms such).

80. Plaintiff attempted to run away and Gregory then grabbed Plaintiff by the collar of his shirt choking him and stopped him. Amanda arrived.

81. Amanda told Gregory to stop and Gregory released Plaintiff, continued yelling at Plaintiff and threatening him.

82. Gregory then used the term “sand nigger,” in reference to Plaintiff’s wife’s dark skin pigmentation, as he had done many times in the past.

83. Fearing for his life Plaintiff called the MPD dispatcher requesting.

84. After the police arrived, Plaintiff reported Gregory’s death threats and trespass to Perrotta, Jackson, Stolting and Yasinski.

85. Plaintiff explained to these officers that he was a tenant at the Property for almost six (6) years and that Gregory threatened his life, his son's life, and his pregnant wife and unborn baby's lives.

86. Plaintiff, Amanda and Gregory confirmed to these officers that Plaintiff was a tenant for approximately six (6) years on January 28, 2018 and that Plaintiff had not been legally evicted.

87. Amanda stated on police BodyCam she only wanted to inspect the house to see if there were damages; although her father and agent claimed to have slept there the night before.

88. Gregory claimed that he had slept at the house the night before in an attempt to gain access, Murphy, Perrotta, Jackson, Stolting and Yasinski quickly saw through his lies, as Plaintiff informed these officers that he had keys and that Gregory did not have keys. Gregory stated he lived in Springfield and had been visited by Plaintiff there the day before and had informed him of his desire to terminate their month to month lease arrangement, the utilities listed in Plaintiff's name, and that Plaintiff never moved out and still had furniture and possessions in the house

89. On January 28 2018 Plaintiff supplied REF-DEFENDANTS with audio recordings of Gregory's terroristic threats, extortion attempts, threats to break into the house and Gregory's demand for keys to house from that morning.

90. Plaintiff had a witness with him who confirmed to Stolting and Yasinski that he had been living at the house for the past six (6) months and had never seen Gregory and that Gregory never stayed in house as was also verified by Plaintiff.

91. Murphy, Perrotta, Jackson, Stolting and Yasinski did not allow Plaintiff access to his rental house although confirming to Plaintiff he was a lawful tenant.

92. Sometime later on January 28, 2019 and again on January 29, 2019, Gregory and his twin brother and partner Joseph again broke into Plaintiff's house.

93. On the afternoon of January 28, 2018 Plaintiff learned that Gregory had broken into the Property, when Gregory called Plaintiff and referenced Plaintiff leaving the keys to his motorcycle in one of his motorcycles, which was locked in the garage.

94. Upon learning Gregory broke into house, Plaintiff immediately drove to the MPD and complained to police officer John Doe 1 that Gregory had broken into the house.

95. Later that night Gregory called Plaintiff claiming to have broken into the house and left a voice mail for Plaintiff directed at his wife: "The stove is like some – like niggers were living in that house."

96. A copy of audio recording was supplied to MPD.

97. Joseph Caponegro (“Joseph”) is an unstable individual with a history of alcohol and drug abuse with a long history of violent crime with organized crime affiliations and such was known to the REF-DEFENDANTS.

98. On the morning of January 29, 2018, Plaintiff rented a U-Haul moving van and hired two (2) men to help move his belonging out of the Property.

99. When Plaintiff drove by the Property, he discovered Gregory and Joseph had broken into the Plaintiff’s rental house.

100. Plaintiff drove directly to MPD and reported that the Gregory and Joseph broke into his rental property.

101. No arrests were made.

102. Police bodycam verifies that Joseph was seen by Murphy and John Does “1”-“5”, on the morning of January 29, 2018 in the garage of the Property.

103. On January 29, 2018 Plaintiff returned to the house with MPD.

104. At that point MPD requested that Gregory leave the premises but permitted him to observe and call out to Plaintiff from across the street.

105. Gregory maintained a constant physical threat to Plaintiff throughout the unlawful eviction, thus facilitating such eviction with the cooperation and assistance of REF-DEFENDANTS.



106. Gregory had broken a key off in the front door lock, as he had done with previous victims of his crimes, and positioned a barbell between the stairs and front door making it impossible to open front door.

107. Gregory barricaded the back door of the Property and ripped the keypad off garage door and REF-DEFENDANTS permitted Gregory to block entry of the overhead garage door with two of his cars.

108. After approximately 45 minutes Plaintiff finally made entry through a rear window of the house.

109. After more than an hour Gregory moved the vehicles.

110. Upon entering the property on January 29, 2018, Plaintiff discovered his rental home had been ransacked.

111. Many belongings were missing and many items had been damaged.

112. In one of the threats that was made by Gregory on January 28, 2018, Gregory threatened to keep Plaintiff's motorcycles and threatened Plaintiff not to file an insurance claim as Gregory had recently signed a consent decree with New Jersey Insurance Fraud Bureau.

113. Again on January 29, 2018 REF-DEFENDANTS forced Plaintiff to vacate his rental property under fear of bodily injury from Gregory and Joseph, forcing Plaintiff to leave valuable property at the house.

114. Plaintiff paid the \$10,500 to Gregory's daughter Amanda as requested by Gregory.

115. In the ensuing year, Gregory continued his barrage of threats and extortion attempts with calls and visits to Plaintiff's place of business.

116. On May 1, 2018, Plaintiff refused the payment of \$28,000 in extortion.

117. Gregory then fulfilled his promise of attempting to destroy Plaintiff's business and posted fliers throughout the medical office building occupied by Plaintiff in Millburn NJ falsely disparaging Plaintiff; Gregory called Plaintiff taking credit for posting the fliers approximately 1 week after the incident.

118. After approximately five (5) months of letter writing to public officials requesting justice, Plaintiff received a call from the Acting Chief of Police of MPD, Giannuzzi, complaining that Plaintiff's letter to the Attorney General's Office caused them to start an investigation into the MPD concerning Huber, Murphy and Attanasio's handling of the case against Gregory.

119. At least Four (4) families involved with Gregory in real estate related transactions had their lives and their families lives threatened by Gregory in Union County from 2017-2018 that MPD should have known about from Union County, NJ court records and MPD police reports and thus prevented Plaintiff's injuries..

120. Plaintiff asked his therapist to compile a Clinical Assessment and Victim Impact Evaluation to determine the impact of Defendants' behavior. This

report was completed in September 2018 and provided to the Union County Prosecutor's Office.

121. Plaintiff received a call the Union County Prosecutor's Office and was informed they couldn't do anything because of Huber's communications with them.

122. A couple months went by and Gregory's threats continued so Plaintiff made many more calls to Huber. Plaintiff was told by Huber nothing could be done.

123. Plaintiff also sent additional emails, letters and faxes to the Union County Prosecutor's Office, the Governor's Office, the US Attorney's Office, the FBI and the New Jersey Attorney General's Office and still nothing happened. Plaintiff then wrote a letter to State Senator Thomas Kean, who informed Plaintiff that they would contact the Attorney General's Office.

124. Huber effectively sabotaged the Plaintiff's criminal case against Gregory case by branding Plaintiff an "uncooperative witness". This was not true.

125. On or around May of 2018, BOM was sued by five (5) MPD officers and one (1) MPD employee, who certified that Debbie, Huber, Murphy and Attanasio tolerated: excessive sexual harassment, car theft, sexual assault and aggravated assault.

126. On Christmas morning December 25, 2018, while opening presents with his family, Plaintiff received a voice mail from an unknown number .

127. Gregory left a threatening voicemail message referencing Jaxon Bock, taunting the Plaintiff by threatening his infant son.

128. Gregory claimed to have seen Jaxon Bock and demanded Plaintiff give him more money.

129. Immediately, Plaintiff sent a copy of the voicemail to State Senator Thomas Kean, whose assistant promised to send it to the Attorney General's Office.

130. Within a week or two, Plaintiff was contacted by the Union County Prosecutors Office which later conducted a video interview with Plaintiff concerning the events that transpired January 28 and 29, 2018 and the subsequent extortion attempts and stalking committed by Gregory.

131. Gregory was subsequently arrested in January 2019 and charged with Burglary, Theft, Terroristic Threats and Stalking.

132. Gregory pled guilty to stalking on July 25, 2019 in exchange for the Union County Prosecutors Office dropping the other charges.

133. Plaintiff has sustained continuing psychological damage as a result of Defendants' intentional acts. Plaintiff continues to suffer from fear, nightmares, anxiety, stress, anger, headaches, nightmares, humiliation, embarrassment, emotional distress, mental anguish, fright, horror, grief, shame, humiliation, embarrassment, anger, disappointment, worry and nausea as a result of the 1<sup>st</sup> amendment violations from 2012 – 2018 and 4<sup>th</sup> and 14<sup>th</sup> amendment violations on

January 28<sup>th</sup> and 29<sup>th</sup> and subsequent and continuous threats that were made against him and are damages included and to be included in Causes of Action 1-8.

134. Plaintiff's business has had significant decrease in revenues as a result of Defendants intentional acts causing Plaintiff to downsize his business resulting in significant debt and forced relocation of two of his offices.

135. Plaintiff's health has suffered as a result of the increased stress with three hospitalizations related to unexplained extreme hypertension.

## **CAUSES OF ACTION**

### **FIRST CLAIM FOR RELIEF**

**Article I, Paragraph 22 of the New Jersey Constitution and incorporating N.J.S.A. 52:4B-36(a), (c), and (i) for a Violation of a Crime Victim's Rights and N.J. Stat. § 10:6-2 Against BOM and REF-DEFENDANTS.**

136. Plaintiff repeats and re-alleges by reference paragraphs 1 through 135 as if fully set forth herein.

137. Pursuant to Article I, Paragraph 22 of the New Jersey State Constitution REF-DEFENDANTS were required at relevant times herein to treat all victims of crime with fairness, compassion and respect.

138. From January 28, 2018 to January 27, 2018 in Union County New Jersey REF-DEFENDANTS directly participated in and/or were aware of each other's actions and condoned such actions described herein and violated N.J.S.A. 52:4B-36(a), (c), and (i) for a Violation of a Crime Victim's Rights and N.J. Stat. §

10:6-2 incorporated in and also in violation of the Plaintiff's State Constitutional rights under Article I, § 22 – "Rights of victims of crime".

139. The Plaintiff was known by REF-DEFENDANTS to be a victim of crime, since Perrotta, Jackson, Stolting and Yasinski can be heard in recorded bodycam referencing "pending terroristic threats" charges against Gregory.

140. Further evidencing the fact that REF-DEFENDANTS had notice that the Plaintiff was a victim of crime, in recorded conversations supplied to REF-DEFENDANTS Gregory can be heard threatening to kill Plaintiff's son, cripple Plaintiff and to stab the Plaintiff's pregnant wife in her stomach.

141. Despite the fact Plaintiff was known to be a crime victim and that threats were known to have been communicated against Plaintiff and his family, REF-DEFENDANTS failed to treat the Plaintiff with fairness, compassion or respect.

142. REF-DEFENDANTS failed to arrest Gregory or Joseph or remove them for trespassing and other criminal conduct although they witnessed such and knowing Plaintiff was a crime victim and would likely suffer additional crimes at the hand of Gregory and his brother Joseph.

143. Plaintiff alleges that his wife's race, guests' race, the fact that Plaintiff and house guests were recovering alcoholics, Plaintiff and his wife's age difference,

and pregnancy status of his wife played a significant role in REF-DEFENDANTS violating his rights as a crime victim.

144. REF-DEFENDANTS failed to take appropriate action to guarantee the Plaintiff's right to be free from intimidation pursuant to N.J.S.A. 52:4B-36(a) and (c) as incorporated in NJ Constitution, since they left the Plaintiff exposed to threats and violence from Gregory for his criminal intimidation of the Plaintiff.

145. REF-DEFENDANTS violated the Plaintiff's right to be compensated for his loss, since they allowed Gregory to unlawfully take possession of the Plaintiff's personal property in the residence that he was unlawfully evicted from by means of threats of violence.

146. On January 29, 2018, Stolting and Yasinski asked Plaintiff to speak to Gregory and although Plaintiff verbalized that he was afraid he would be threatened again, officers gave him assurances he would not be.

147. Stolting and Yasinski permitted Gregory to continue to threaten and intimidate Plaintiff after witnessing him committing crimes against Plaintiff.

148. On January 28, 2018 REF-DEFENDANTS had been made aware of Gregory's terroristic threats against Plaintiff and witnessed the evidence of violence with the broken wrought iron chair on the front porch associated with Gregory's threats and Gregory's admission to police on bodycam that he in fact broke it.

149. From 2012-2018 Murphy had become aware of was aware of the pigment of Plaintiff's wife's skin color from pulling plaintiff and his wife over in police car, observing Plaintiff's wife driving or as passenger in Plaintiff's automobiles, her attendance at court with Plaintiff, when driving by the rental house when wife was playing with children in the front yard and when Murphy came to the rental property when Plaintiff's dogs got loose.

150. Murphy was the highest ranking police officer on scene at Plaintiff's rental property on January 28 and 29 2018 and in a supervisory capacity of all other officers on scene.

151. Murphy's history of blatant racism and his belief that Plaintiff's wife was black and or had dark skin played a significant role in his actions and those of his subordinates and all other defendants in all the herein causes of action.

152. On January 28 and 29, 2018, Debbie, Murphy, Giannuzzi, Attanasio had or should have had current knowledge, and condoned, supervised and or communicated and directed the actions of Perrotta, Jackson, Stolting and Yasinski at Plaintiff's rental house.

153. Had BOM, disciplined Huber, Murphy and Attanasio when they first discovered their long history of civil rights violations, Plaintiff would likely not have been subject to such civil right violations by REF-DEFENDANTS.



154. This was not a situation of split second timing where a police officer needed to make an instantaneous decision. approximately one third (1/3) of the entire MPD was on site both January 28 and 29 2018 when Plaintiff' rights were violated.

155. So many officers and supervisors and BOM employees were on scene at Plaintiff's rental home that the police had adequate time to consult legal representatives and administrative employees of BOM.

156. Attanasio, Debbie and Turner were actively involved in all significant police investigations and were made aware of the unlawful eviction as it was happening and were responsible with making the recommendations that facilitated Plaintiff's unlawful eviction.

157. On January 28, 2018 Jackson, Stolting and Yasinski joined Gregory's taunting of Plaintiff, who was a crime victim, and questioned why Plaintiff was going to a funeral on a Sunday and wasn't it unusual to have a funeral on a Sunday, as though Plaintiff had manufactured a reason to not be illegally evicted that particular day.

158. On January 29, 2018, Gregory can be heard and seen on MPD BodyCam video joking with Stolting and Yasinski about Mountainside being a "white neighborhood".

159. Murphy, Perrotta, Jackson, Stolting and Yasinski witnessed Gregory twice saying, "whose funeral, yours?" when Plaintiff was explaining why could not move his belongings out that day, also captured on police BodyCam.

160. Stolting and Yasinski determined from Plaintiff and Gregory that the utilities in house were still in Plaintiff's name and harassed Plaintiff whether they were current.

161. On January 28 and 29 2018 John Does "1" – "5", Murphy, Perrotta, Stolting, Yasinski and Jackson had conversations with Gregory and amongst themselves and agreed to illegally evict Plaintiff.

162. On January 28, 2018 Plaintiff demanded that Gregory leave the property as he was trespassing and communicated such to Stolting and Yasinski as is evidenced by BodyCam video, and Gregory refused, and became increasing hostile and threatening, all of which was witnessed by REF-DEFENDANTS.

163. Gregory threatened Plaintiff in front of Murphy, Perrotta, Jackson, Stolting and Yasinski to board up the doors of the Property and put his brother's pit bull dog in the house.

164. When Plaintiff told Stolting and Yasinski that his family's lives were threatened by Gregory, their response was "it's your word against his".

168. When Plaintiff told them that he recorded the threats they shrugged it off as if it did not matter.

165. Murphy, Huber, Perrotta, Jackson, Stolting and Yasinski, ignored Plaintiff's fears and his recollection of the events.

166. January 28, 2018 Huber, Murphy, Perrotta and Jackson had a special relationship with Gregory.

167. They addressed him by name and with familiarity and asked about the well-being of his family members as can be seen on MPD BodyCam video.

168. It was not until the New Jersey Attorney General intervened approximately one year later that Gregory was arrested for the crimes that REF-DEFENDANTS witnessed and or condoned on January 28 and 29 2018.

**SECOND CLAIM FOR RELIEF**

**42 U.S.C. § 1983 and N.J. Stat. § 10:6-2. Unlawful Eviction, Illegal Search and Violating Plaintiff's Rights Pursuant to Fourth Amendment to be free from unreasonable search and seizures of his property, under the Fourteenth Amendment to the due process of law and equal protection under the law to the United States Constitution Against BOM and REF-DEFENDANTS.**

169. Plaintiff repeats and re-alleges by reference paragraphs 1 through 168 as if fully set forth herein.

170. On January 28 and 29 2018 under the color of law and in their official capacities, REF-DEFENDANTS assisted Gregory and Amanda in an unlawful eviction of Plaintiff violating 42 U.S.C. § 1983 and N.J. Stat. § 10:6-2. Unlawful Eviction, Equal Protection under the law, Illegal Search and Seizure Violating Plaintiff's Rights Pursuant to the 4th and 14th Amendments to US Constitution.

171. Stolting and Yasinski had specific professional life experience in landlord tenant law and verbalized understanding on police bodycam of tenant's legal residency status but regardless of such knowledge assisted in the unlawful eviction of Plaintiff.

172. BOM has had a history of violating other recovering alcoholics civil rights notably the Oxford house residents which is a home for recovering alcoholics and drug addicts also located in Mountainside.

173. Oxford house residents were harassed by REF-DEFENDANTS because of their status of recovering alcoholics.

174. They were regularly pulled over and not issued summons for violations and were questioned about crimes they did not commit nor knew anything about.

175. At times these recovering alcoholics were illegally searched because of their status as recovering alcoholics.

176. Although BOM knew about these incidents they did nothing to stop future incidents of civil right violations related to disabilities related to being recovering alcoholics and drug addicts.

177. REF-DEFENDANTS knew of Plaintiff's long history of activities in helping recovering alcoholics from sometime in the spring or summer of 2012 to January 29, 2018 and harassed him and the other recovering alcoholics that lived with him.

178. REF-DEFENDANTS were aware of Plaintiff's activities in helping others recover from alcohol and drug addiction and thwarted Plaintiff's attempts to continue his recovery activities by helping Gregory unlawfully evict Plaintiff and harassing Plaintiff and his guests that came and stayed at his rental home.

179. REF-DEFENDANTS were aware of Plaintiff's wife's age, ethnicity and the fact that she was pregnant and because of their bias thwarted Plaintiff's attempts to retain his possession of rental property by helping Gregory unlawfully evict Plaintiff.

180. REF-DEFENDANTS had many discussions between themselves and determined that Plaintiff was a lawful tenant and that Gregory's actions amounted to an attempt of unlawful eviction but in spite of this knowledge assisted in the unlawful eviction of Plaintiff.

181. REF-DEFENDANTS shared in Gregory's racism, religious judgement and bias toward recovering alcoholics and unlawfully assisted in Plaintiff's eviction because of such bias.

182. Gregory, in his role as property manager for Amanda, in front of Murphy, Huber, Perrotta, Jackson, Stolting, Yasinski and MPD John Does "1"- "5" ("ON-SCENE DEFENDANT OFFICERS"), said prayers to the Plaintiff in jest, in order to ostracize Plaintiff for his religious views.

183. On January 28 and 29 2018 Gregory continued to reference religious views to torment Plaintiff in front of ON-SCENE DEFENDANT OFFICERS and they played along with his antics.

184. ON-SCENE DEFENDANT OFFICERS were informed of Plaintiff's religious views and his status as a minister and continued to assist Gregory in illegally evicting although Gregory's actions were in part motivated by religious discrimination.

185. Gregory claimed to be a born-again Christian in front of ON-SCENE DEFENDANT OFFICERS.

186. ON-SCENE DEFENDANT OFFICERS looked among themselves and laughed and smiled, knowing that Plaintiff was being ostracized.

187. Plaintiff supplied audio recordings of additional prayers by Gregory showing his obvious disdain for Plaintiff's religious beliefs.

188. Gregory, engaged in a pattern of racially discriminatory conduct towards the Plaintiff and his wife, who is of Nicaraguan descent and has visibly darker skin.

189. During another incident which occurred on January 28, 2018 in which ON-SCENE DEFENDANT OFFICERS were made aware of by the Plaintiff, of Gregory's history of racial remarks regarding his wife.

190. REF-DEFENDANTS promoted racism and intolerance in their ranks and promoted such racism in the community and as such facilitated a culture where Gregory felt comfortable, openly and in front of MPD officers, discriminating on the basis of race, handicapped status of being a recovering alcoholic and Plaintiff's religious beliefs.

191. Murphy illustrated in his statement that in Mountainside dark skinned people are treated differently by law enforcement.

192. Murphy was in command of all the other police officers at Plaintiff's residence on January 28 and 29 2018.

193. Plaintiff was unlawfully evicted because the color of his wife's skin was darker than that of Murphy.

194. Murphy's discrimination and harassment of Plaintiff from 2012-2018 was fueled by racism and eventually led to Plaintiff's unlawful eviction.

195. The Plaintiff's unlawful eviction was the result of a white man marrying a woman of a different race and helping those of different races and with handicaps.

196. From approximately 2010 to 2013, Detective Huber forwarded racist emails to all the police officers emails, and this included emails to all the IAD police officers and the police chief Attanasio.

197. In or around 2012-16 Murphy made a video showing off his pet goats to other MPD officers.

198. In this video, Murphy refers to the fact that he never had a problem with his white goats until two white goats died and he replaced those goats with two black goats. During this video, Murphy joked that the goats gave him problems because they were black and he used the term “nigger”.

199. Debbie and Attanasio were aware of such incidents they took no corrective action.

200. Lt. Murphy sent out videos including a video from in or about 2015 of Huber attacking a male dispatcher with a dildo while Murphy filmed and incited the incident.

201. On January 29, 2018 MPD BodyCam video Gregory can be heard speaking to Stolting and Yasinski about profiling, and he says to them “this is a white community” and such was acknowledged by Stolting and Yasinski and they laughed.

202. Later Gregory can be heard telling Stolting and Yasinski “I know what he was doing. He was running a recovery house.”

203. On or about October 6, 2015 at approximately 7:00pm, MPD officers including Lt. Murphy were being trained to use body cameras as part of a Prosecutor's Office Body Worn Camera pilot program. They were instructed by a representative from Taser from California.

204. During this training, Lt. Murphy made the racist comment in reference to the body cameras, "we just need them for the niggers", or words to that effect.



205. On or about April 15, 2015, an MPD officer attended a meeting with BOM Council Police Committee related to the Police Department's attempts to obtain police accreditation.

206. Lt. Murphy, another MPD officer, Lieutenant Giannuzzi, Chief Attanasio, Turner, and Councilman and Police Committee member Glenn Mortimer were at this meeting waiting for Debbie who was running late.

207. As they waited, Lt. Murphy made a racial joke using the word "nigger".

208. In response, Turner stated, "Murphy, we know you are a racist," or words to that effect.

209. No corrective action was taken by the Police Committee Councilmembers who have oversight authority over the Police Department.

210. The Plaintiff was denied housing and discriminated against as a result of Gregory's and REF-DEFENDANTS pattern of racially discriminatory conduct and his racial animus against Plaintiff and his wife of which REF-DEFENDANTS had become aware through Gregory's actions over the years and the voice recordings supplied to REF-DEFENDANTS on January 28, 2018.

211. The actions of REF-DEFENDANTS resulted in a discriminatory effect, since the Plaintiff was unlawfully evicted from his residence as a result of racially discriminatory housing practices which REF-DEFENDANTS chose to participate in by facilitating the unlawful eviction of the Plaintiff.

212. REF-DEFENDANTS participated in conversations with Gregory where he referred to Plaintiff and the situation as “typical section 8 move.”

REF-DEFENDANTS understood that what Gregory meant was related to “skin color” of Plaintiff’s wife, low income visitors to the home of Plaintiff, financial condition of recovering alcoholics and drug addicts and Plaintiff’s recovery efforts related to alcoholism and drug addiction.

213. REF-DEFENDANTS encouraged and supported Gregory’s observations, with nods of agreement and laughing and looks of concern and subsequently assisted in Plaintiff’s unlawful eviction.

214. REF-DEFENDANTS participated in conversations with Gregory where he referred to Plaintiff as “running a rehab” with alcoholics living there and these officers encouraged and supported Gregory’s observations, with nods of agreement and laughing and looks of concern and subsequently assisted in the unlawful eviction of the Plaintiff.

215. REF-DEFENDANTS participated in conversations with Gregory where he referred to Plaintiff as “marrying a pregnant girl half his age” and encouraged and supported Gregory’s observations, with nods of agreement and laughing and looks of concern and subsequently assisted in Plaintiff’s unlawful eviction.

216. Gregory's criminal history was well-known to REF-DEFENDANTS as detailed in BodyCam videos show that the Plaintiff was known to REF-DEFENDANTS as a tenant of the Amanda and REF-DEFENDANTS knowingly assisted in unlawfully evicted him from his rental property.

217. Although Plaintiff and Gregory had all this history with the town REF-DEFENDANTS pretended to not know he was a legitimate tenant which facilitated an unlawful eviction and Gregory breaking into the premises on January 28 and 29 2018.

218. Since BodyCams were introduced to the MPD Debbie, Murphy and Attanasio have trained fellow officers to skirt the law to avoid lawsuits and potential criminal liability by taking advantage of gestures, winks and nods to avoid having their illegal conduct recorded by BodyCam video recorders.

219. REF-DEFENDANTS participated in conversations with Gregory where he referred to Plaintiff as "marrying a light brown girl" and encouraged and supported Gregory's observations, with nods of agreement and laughing and looks of concern and subsequently assisted in unlawful the eviction of the Plaintiff.

220. BOM condoned making fun of religious people and their beliefs among MPD officers. Previous reports to policy makers and IAD officer(s) from community members and employees of BOM were ignored. BOM ignored the pattern of

religious bias that led to the REF-DEFENDANTS to discriminate against Plaintiff and violate his civil rights.

221. During the time that Attanasio and Debbie served as the Police Chiefs for the MPD, there was a pervasive custom and course of conduct of racial discrimination and sexual harassment by the same officers that were charged with investigating criminal complaints, including the repeated and open use of sex toys to sexually harass employees in the workplace, which was tolerated by Debbie in his official capacity of BOM Business Administrator.

222. The aforementioned pattern of misconduct by REF-DEFENDANTS was known by MPD's senior personnel and council members and mayor and continued unabated while Defendants Attanasio and Debbie served as the Chief of Police for MPD and witnessed and participated in misconduct.

223. At the time that REF-DEFENDANTS committed the actions described above, the MPD had an unofficial custom of racial discrimination and of sexual harassment of female officers by male officers, involving the use of sex toys,

224. Such conduct made it impossible for the REF-DEFENDANTS to hold subordinate officers in accordance with New Jersey Law and the United States Constitution in relation to Plaintiff's civil rights and facilitated such violations by deliberate indifference.

225. On January 28, 2018 Stolting and Yasinski positioned Gregory and Amanda and her fiancé on the front porch of Plaintiff's rental home where Gregory had minutes before threatened to cripple Plaintiff, kill his son and stab his then pregnant wife in the stomach.

226. Although REF-DEFENDANTS knew of Gregory's organized crime affiliations, and violent criminal history, the fact Gregory had no keys to house, that the tenant had keys, that the utilities were in Plaintiff's name, and they acknowledged verbally the legitimacy of Plaintiff's tenancy and that he had not been evicted, they continued to ignore Plaintiff's requests to gain access to his rental premises and remove Gregory from premises.

227. A reasonable person in Plaintiff's position would have left the scene as he did fearing for his safety.

228. After Plaintiff was forced to leave, Gregory and his family quickly broke into Plaintiff's rental home, ransacked contents and stole property.

229. REF-DEFENDANTS participated in, had current knowledge at the time and or condoned such actions described herein and utilized the opportunity to search, video tape and photograph Plaintiff's residence who was suspected of or had a guest who had committed a crime.

230. At no time did REF-DEFENDANTS notify Plaintiff that such an investigation was going on that would warrant a Miranda notification. Nor did they

ask the Plaintiff to accompany him in his rental house when he was ultimately permitted to break in through a rear window.

231. On January 28 and 29, 2018 REF-DEFENDANTS knew Plaintiff was a lawful tenant of the Property and did not play the role of a neutral peace keeper.

232. As a result of REF-DEFENDANTS actions, the Plaintiff was deprived of his constitutional right to live in his home, to retrieve his property, and to feel safe.

233. Plaintiff's rental house was in good condition suitable for occupancy and had not been abandoned by Plaintiff or condemned by any BOM agency.

234. Neither Amanda nor Georgiann Caponegro ever registered the house as a rental property with the municipality, county or state as a rental property and as such, under state law (*N.J.S.A. 46:8-27* and *N.J.S.A. 55:13A-1*), the landlord could not legally evict a tenant until he/she was in compliance with such state regulations.

235. BOM was aware of such violation as they had previously cited Amanda (landlord/owner of property) for such violation in relation to Plaintiff's tenancy.

236. On January 29, 2018, Stolting and Yasinski informed Plaintiff that he had only one opportunity to move his belongings out of the Property, although they would not fit in one truckload.

237. Stolting and Yasinski stated they could not stay there all day and protect Plaintiff or words to that effect.

238. Stolting and Yasinski thus facilitated Plaintiff's unlawful eviction.

239. As a result, Plaintiff was forced to leave behind furniture, business sales collateral, financial records and personal belongings and continued to live in fear.

240. On January 28, 2018 the Plaintiff was the victim of crimes committed by Gregory and REF-DEFENDANTS refused to allow the Plaintiff to regain possession of his personal property, thereby converting Plaintiff's property.

241. REF-DEFENDANTS engaged in a long pattern of harassment against Plaintiff.

242. The Plaintiff was the subject of an unreasonable seizure on or about January 28 and 29, 2018, because REF-DEFENDANTS prevented Plaintiff from entering or staying in his home while facilitating the burglary of his home by Gregory and Joseph, even though REF-DEFENDANTS knew Plaintiff was a lawful tenant of the premises and a crime victim.

243. Bodycam footage that was recorded on January 29, 2018 indicates that Murphy, Attanasio, Perrotta, Jackson, Stolting, Yasinski, and MPD John Does "1" to "5" were aware that the Plaintiff was a tenant of a property that Gregory sought to evict him from, and that the Plaintiff was never lawfully evicted from the property.

244. BodyCam footage from January 28, 2018 and January 29, 2018, shows REF-DEFENDANTS acknowledging Gregory's role as an informant with the police department.

245. On January 28, 2018, REF-DEFENDANTS had conversations with Gregory and each other, and agreed among themselves to prevent the Plaintiff from entering the house on January 28, 2018, although REF-DEFENDANTS had established that Plaintiff was a lawful tenant in the house, thus facilitating an unlawful eviction.

246. REF-DEFENDANTS actions, on the afternoon and evening of January 28, 2018 and on January 29, 2018, permitted Gregory and Joseph to break into the Plaintiff's rental home and ransack Plaintiff's personal property, causing in excess of \$3,000 in damages, and permitted the theft of or caused Plaintiff to abandon more than \$75,000 in Plaintiff's property thereby causing Plaintiff to sustain additional damages in an amount to be determined at trial.

247. Such actions by Gregory were facilitated by REF-DEFENDANTS illegally removing the Plaintiff from the property and ignoring his report of terroristic threats, including Gregory's threat to stab Plaintiff's pregnant wife in the stomach, to kill Plaintiff's five (5) year old son, and to cripple Plaintiff.

248. Plaintiff had supplied REF-DEFENDANTS with audio recordings establishing the veracity of the above allegations on January 28, 2019, but these officers failed to take appropriate action in response thereto.



249. In the afternoon and evening of January 28, 2018, Gregory called Plaintiff, taking credit for breaking into the house that afternoon and evening, and Plaintiff recorded such conversation and supplied a copy to REF-DEFENDANTS.

250. REF-DEFENDANTS failed to take any meaningful action to address the allegations made in Plaintiff's report, which further encouraged and facilitated Gregory's illegal actions.

251. Stolting and Yasinski took no legal action against Gregory although they had personally witnessed him commit several successive crimes.

252. Stolting's and Yasinski's actions and inactions caused the Plaintiff to feel afraid for his safety and the safety of his family, as he knew that Gregory could operate his criminal actives unhindered, with the full cooperation of Stolting and Yasinski.

253. Debbie and other policy makers representing BOM had current knowledge of Plaintiff's unlawful eviction as it was happening and were responsible for directing or condoning such actions.

254. Although Debbie no long a police officer, he remains very active in the police department operations and through his actions and inactions he helped facilitate the unlawful eviction of Plaintiff.

255. Gregory continued to discriminate against Plaintiff and his family using racial slurs, derogative statements related to alcoholism and Plaintiff's religious

views and ostracized Plaintiff because of his wife's pregnancy. Gregory was allowed to escape any consequence for doing so as a result of a custom, policy, and/or course of conduct of the REF-DEFENDANTS.

256. REF-DEFENDANTS violated the Plaintiff's rights to due process and to be free unreasonable seizures of his personal property by operation of a policy or custom at MPD, and as such maliciously facilitated Gregory Caponegro's crimes.

257. Huber was in charge of investigating Plaintiff's criminal complaint against Gregory Caponegro.

258. Huber refused to file charges against Gregory Caponegro for any crimes although several crimes were witnessed by MPD police officers.

259. At all relevant times herein, the REF-DEFENDANTS were well-aware of the fact that Gregory was associated with organized crime and had a history of committing criminal acts, yet these officers refused to provide victim of Gregory's crime spree with legal protections due to the MPD's informal custom.

260. The policymakers at the MPD, including then-Police Chiefs Attanasio and Debbie, were aware of similar unlawful conduct by Gregory in the past, but failed to take precautions against future violations, and this failure led to the Plaintiff's loss of personal property, other economic damage, lost profits, and sustained psychological damages.

261. Attanasio and Debbie communicated with and directed the actions of the ON-SCENE DEFENDANT OFFICERS at Plaintiff's rental property on January 28 and 29 2018.

262. On January 28, 2018, REF-DEFENDANTS through physical action, consent and /or instructions to other officers physically positioned Plaintiff away from the entrance door to his rental property and allowed Gregory and Amanda to block the only entry to the house for which Plaintiff had keys and was assaulted just minutes before and thus prevented the Plaintiff from going into the house and retrieving his belongings or having quiet enjoyment of his rental property.

263. At all relevant times herein, Murphy, Attanasio, and Huber engaged in a pattern of open sexual harassment and racial discrimination and were not disciplined or removed from duty for such conduct until five (5) police officers and a police dispatcher, of a twenty-two (22) person police department, filed civil rights and discrimination charges against the municipality.

264. REF-DEFENDANTS were directly involved in investigating and managing the complaint brought by Plaintiff against Gregory, claiming trespass, stalking, terroristic threats, extortion, burglar, theft and destruction of property.

265. Detective Huber was administrating the IAD functions of the department while at the same time assaulting fellow officers with a dildo he kept on his desk.

266. Furthermore, it was the same officers who facilitated and assisted with the illegal eviction of Plaintiff, and these officers were subsequently relieved of duty for perpetrating sexual assaults, pointing their firearms at individuals as a form of harassment, and engaging in other harassment of other MPD officers and civilians residing in Mountainside.

267. Gregory continued his extortion attempts and threats to Plaintiff and his family for approximately one (1) year after January 2018, even though Plaintiff called Huber and reported Gregory's continued threats.

268. Debbie, Giannuzzi, Attanasio and Huber, communicated with and directed the actions of ON-SCENE DEFENDANT OFFICERS at Plaintiff's rental property on January 28 and 29, 2018.

269. ON-SCENE DEFENDANT OFFICERS were directed not to effectuate an arrest of Gregory.

270. ON-SCENE DEFENDANT OFFICERS were directed by Debbie, Giannuzzi, Attanasio and Huber to coax Plaintiff on January 29, 2018 to vacate his leased premises, thereby effectuating Gregory's and Amanda's illegal eviction.

271. On January 28 and 29, 2018, REF-DEFENDANTS had numerous conversations with Gregory, Joseph and Amanda and then directed subordinate police officers to scare, coax and force Plaintiff to leave his rental property.

272. Thus, REF-DEFENDANTS facilitated an unlawful eviction of Plaintiff, forcing him to abandon thousands of dollars in property and fear for the safety of his family and himself.

273. On January 29, 2018, Murphy directed Stolting and Yasinski to have Plaintiff leave his rental property “today” and get Plaintiff to state on police BodyCam “he was not coming back to the property”, or words to that effect.

274. In a police bodycam video supplied by the MPD, taken on January 28, 2019, Perrotta and Jackson can be heard conspiring with Gregory to purposely lock Plaintiff out of the Property on the same date which would allow Gregory access to Plaintiff’s property when Plaintiff left premises.

275. Murphy, Stolting, and Yasinski can be heard agreeing on MPD BodyCam videos with each other that they need to remove Plaintiff from the premises “today”.

276. Murphy requested that Stolting, and Yasinski get a video taped statement on BodyCam of Plaintiff “saying he would not return to the property” or something to that effect.

277. In another MPD bodycam video recording taken on January 29, 2019, one can hear Stolting and Yasinski telling Plaintiff that he can only take one truck load of his belongings and his motorcycles and that the move needed to get done on the same day.

278. Although Stolting and Yasinski claim on Police BodyCam to not know if Plaintiff was a tenant at the house, Plaintiff had directly communicated for almost 6 years with Debbie, Murphy, Attanasio, Perrotta, Jackson, Stolting, Yasinski and BOM employees and had been to the municipal court several times over a period of several years, had been issued three summons to appear in court, one for signs on his vehicle and two “for dog at large” when his dogs escaped from his yard.

279. In or around November 20, 2015, Giannuzzi, Stolting, Huber, Officer Mike Pasquale were called to Plaintiff’s residence when his dog dug out from under the backyard fence and attacked Plaintiff’s neighbor’s dog.

280. Plaintiff’s dog had been registered with the town for several years and five (5) police cars showed up at the Plaintiff’s residence.

281. Gregory Caponegro also showed up and identified himself to Giannuzzi and Stolting as Plaintiff’s landlord.

282. Additionally, Plaintiff’s letter to Debbie as the result of Plaintiff being continually harassed by Murphy and other members of the MPD created an IAD investigation into Murphy’s actions.

283. BOM has a record of Plaintiff’s dogs being registered with the town at the Plaintiff’s rental location also confirming his residency.

284. MPD was well aware of the Caponegro family and their activities in relation to the rental house and it’s history:

a) For twenty-five (25) years prior to Plaintiff's moving into the house, Gregory Caponegro and his children operated a party house with hundreds of regular guests and MPD was frequently called there.

b) The MPD participated in a raid of the Property when Gregory Caponegro lived there for suspected drug dealing and possession. During the raid, according to Gregory Caponegro, the police found approximately 1 million dollars in cash.

c) The forfeiture of Gregory Caponegro's cash led to a Federal Structuring conviction, a prison sentence and a tax lien being imposed against him.

285. Plaintiff was denied due process under the 14<sup>th</sup> amendment for eviction and losses associated with such without a court hearing.

286. Plaintiff denied protections afforded under the 4<sup>th</sup> amendment due to search and seizure of property and losses associated with such without a court hearing.

### **THIRD CLAIM FOR RELIEF**

**Failure to Intervene and Failure to Investigate Pursuant to 42 U.S.C. § 1983 and N.J. Stat. § 10:6-2. Violation of Fourth and Fourteenth Amendments Against BOM and REF-DEFENDANTS.**

287. Plaintiff repeats and re-alleges by reference paragraphs 1 through 286 as if fully set forth herein.

288. From January 28, 2018 to December 25, 2018 in Union County New Jersey REF-DEFENDANTS directly participated in and or were aware of each other's actions and had current knowledge at the time and condoned such actions described herein and their Failure to Intervene and Failure to Investigate Pursuant to 42 U.S.C. § 1983 and N.J. Stat. § 10:6-2. Violation of Fourth and Fourteenth Amendments of the Constitution.

289. Plaintiff was in a heightened vulnerable state by the fact that he and his family were subject to racial discrimination by REF-DEFENDANTS and by Gregory Caponegro and discrimination based on handicapped status related to being a recovering alcoholic.

290. BOM is liable because of their own actions in adopting and maintaining a practice, custom or policy of reckless and deliberate indifference to instances of known or suspected civil rights violations related to racism and or other discrimination, related to handicapped status of being a recovering alcoholic, and in concealing complaints of such, and in discouraging victim's complaints about such conduct.

291. These practices, customs or policies created a climate which facilitated discrimination of these types of crime victims by officers and perpetrators in general, and that there was a causal relationship that violate Plaintiff's civil rights.



292. REF-DEFENDANTS utilized their state authority and positioned Gregory and Amanda on the front porch of the rental property preventing Plaintiff from gaining access to his rental property.

293. Such inability to retreat into his home created an additional special relationship with police where he was more vulnerable and reliant to the police for his safety and this that required REF-DEFENDANTS to protect Plaintiff from harm from Gregory Caponegro.

294. The harm caused to Plaintiff was foreseeable and a direct result of REF-DEFENDANTS's actions.

295. REF-DEFENDANTS actions show a degree of culpability that shocks the conscience.

296. Stolting and Yasinski placed a crime victim (Plaintiff) and the perpetrator together where threats or violence was likely to occur, they actively were involved in the negotiations and coaxed Plaintiff into accepting an arrangement where Plaintiff was extorted out of \$10,500, because of the race of Plaintiff's wife, and Plaintiff's handicapped status and stood by coaxing the criminal behavior of Gregory while he threatened Plaintiff's wellbeing and stating that he was going to Florida to arrange an alibi should something happen to Plaintiff or words to that effect.

297. Stolting and Yasinski acknowledge on MPD BodyCam “We were doing good. Let’s not – let’s not – let’s not ruin it.”

298. The following are excerpts from exchanges recorded on MPD BodyCam Video between Gregory and Stolting and Yasinski:

Stolting and Yasinski : “He just wanted to get out. I mean you’re scaring him. I think you were scaring him obviously. Whatever you were saying –The way you talking you’re going to Florida and if anything happens to him. He can read between the lines too.”

Gregory: “You know, you’re all these things. I would do anything after this episode to do anything to him. But isn’t he entitled to some intimidation? Don’t let him go home and go to sleep. Like well, I got over that.”

Gregory: “Let him go home like a bed bug. Twist and turn for a couple of nights. That’s all I wanted. Did you want me to intimidate him?”

Stolting and Yasinski : “Well, I – I – I think so. I – I got that point.”

299. Stolting and Yasinski were the moving force of the course of events at the crime scene.

300. Gregory confirmed to Stolting and Yasinski minutes after Plaintiff left that he intended to instill fear to Plaintiff with threats and Stolting and Yasinski did

not arrest Gregory. Stolting and Yasinski conduct endorsed Gregory's illegal actions which caused Gregory to continue threatening Plaintiff until December 25, 2018.

301. Because of the actions and inactions of REF-DEFENDANTS Gregory Caponegro committed New Jersey State crimes: illegal eviction (N.J.S.A 2A:39-1), extortion (N.J.S.A 2C:20-5), harassment (N.J.S.A 2C:33-4), burglary (N.J.S.A 2C:18-2), terroristic threats (N.J.S.A 2C:12-3b), theft (N.J.S.A 2C:20-3) and stalking (N.J.S.A 2C:12-10) during January 28 and 29, 2018 and continued extortion, harassment, terroristic threats and stalking for approximately one year after REF-DEFENDANTS became aware of such.

302. Additionally, in REF-DEFENDANTS presence Joseph was permitted to commit burglary, as verified by police bodycam videos.

303. It was not until the Attorney General's office intervened that the Union County prosecutor's office took over the case and directly charged Gregory Caponegro with stalking, burglary, theft and terroristic threats approximately one year after the original request for assistance by Plaintiff.

304. There was a verbal agreement among REF-DEFENDANTS that Gregory could be arrested for his conduct and removed from the premises for trespass and that tenant should be permitted in his residence but REF-DEFENDANTS ignored what they knew was the legal course of action and

unlawfully assisted in the unlawful eviction of the Plaintiff and ignored his civil rights as a crime victim.

305. On January 28 and 29 2018 Gregory was trespassing on Plaintiff's rental property and REF-DEFENDANTS acknowledged such to Gregory but failed to remove Gregory from premises thus preventing Plaintiff from retreating to the safety of his rental premises and retrieving the property it contained.

306. Gregory had met with Murphy, Huber and Attanasio on January 28, 2018 and was cooperating as an informant and witness with them to launch an investigation of Plaintiff.

307. As such Gregory was acting as an agent of the MPD.

308. As these events occurred over a period of two days (On January 28 and 29 2018) and a significant number of police officers were involved and on site at Plaintiff's rental property, there was a realistic and reasonable opportunity for REF-DEFENDANTS to intervene and prevent Gregory from committing more criminal acts, after the actions witnessed by these officers and BOM representatives and those that were reported to them by Plaintiff.

309. REF-DEFENDANTS failure to intervene constitutes a violation of the Plaintiff's right to due process and equal protection under the Fourteenth Amendment to the United States Constitution.

310. Gregory continued harassing and stalking Plaintiff after the Plaintiff reported such acts to REF-DEFENDANTS in January of 2018, as attested to when Gregory subsequently pled guilty to stalking and allocated to such on July 25, 2019.

311. REF-DEFENDANTS actively facilitated Gregory's assault, conversion, and theft of the Plaintiff's property because on January 29, 2018 the police put Plaintiff in a position where they knew or should have known that he would continue to be threatened by Gregory and then they allowed Gregory to continue to threaten Plaintiff.

312. Giannuzzi, Murphy, Huber, Perrotta, Jackson, Attanasio and Debbie communicated with and directed the actions of the ON-SCENE DEFENDANT OFFICERS at Plaintiff's rental property on January 28 and 29, 2018.

313. REF-DEFENDANTS had knowledge of Gregory and Joseph's organized crime associations and previous arrests and convictions and knew that these individuals posed a threat to Plaintiff and his family.

**FORTH CLAIM FOR RELIEF**

**Conspiracy to Violate Civil Rights Pursuant to 42 U.S.C. §1985 Against BOM and REF-DEFENDANTS.**

314. Plaintiff repeats and re-alleges by reference paragraphs 1 through 313 as if fully set forth herein.

315. REF-DEFENDANTS under the color of law throughout the time frame alleged in this complaint participated in a conspiracy motivated by a racial or class

based discriminatory animus designed to deprive, directly or indirectly, Plaintiff of the equal protection of the laws and injured Plaintiff and his property as described herein and violated his constitutional rights.

316. From 2012-2018 in Union County New Jersey, BOM and REF-DEFENDANTS directly participated in and or were aware of each other's actions and had current knowledge at the time and or condoned such actions described herein and violated Conspiracy to Violate Civil Rights Pursuant to 42 U.S.C. §1985.

317. Defendants First, Fourth and Fourteenth Amendment violations of conspiracy were accomplished through in-person discussions, text messages, emails, gestures, nods and discussions on cell phones and during numerous discussions in staff meetings between REF-DEFENDANTS and/ or Gregory and /or Joseph.

318. REF-DEFENDANTS Conspiracy discussions were to pull over Plaintiff for driving his vehicle because of the lettering and because of the race of his wife and handicapped status as a recovering alcoholic helping others.

319. The conspiracy was also a coordinated attempt to get Plaintiff to remove advertising from Plaintiff's vehicle by issuing citations and harassing him.

320. When pulling Plaintiff over from 2012-2018 Murphy suggested several times to Plaintiff that Mountainside was probably not where Plaintiff wanted to live.

321. Plaintiff understood that Murphy had a problem with Plaintiff related to the race of his house guests.

322. Murphy frequently questioned and harassed Plaintiff about the color of his house guests when pulling him over for fabricated traffic offenses.

323. On January 29, 2018 after Stolting and Yasinski shut off bodycam videos to speak to Murphy, Murphy was overheard by Plaintiff speaking to these officers and said, “we need to get this fucking guy out of this house or we’re going to have headaches with Caponegro.”

324. Stolting and Yasinski participated in conversations with Gregory where he referred to Plaintiff and the situation as “typical section 8 move.”

325. Stolting and Yasinski shook their heads in acknowledging that they understood that what Gregory meant was related to “skin color” of Plaintiff’s wife and guests he had to the house, Plaintiff’s recovery efforts related to alcoholism and drug addiction, and the financial condition of Plaintiff’s guests.

326. During the time that Plaintiff lived in Mountainside from 2012 to 2018, Murphy, when pulling Plaintiff over, used the term “nigger” and “darkie” when referencing Plaintiff’s wife and house guests with dark pigmented skin.

327. In one instance in 2017 as Murphy was walking away from Plaintiff’s car in a low voice Murphy stated, “nigger lover.”

328. Murphy stated to Stolting and Yasinski in earshot of Plaintiff on January 29<sup>th</sup> “we don’t want these kinda people in Mountainside.”

329. Stolting and Yasinski ignored Murphy’s statement or didn’t hear it.

330. Murphy stated to Plaintiff when pulling him over in 2012 for Advertising on his vehicle “what kind of people do you have living there? Maybe you could get a place in Newark?” At the time Plaintiff had a few guests that were African American.

331. On January 29, 2018 Murphy’s long animosity toward Plaintiff and his actions to help people of color resulted in Murphy assisting Gregory in Plaintiff’s unlawful eviction.

332. REF-DEFENDANTS participated in a conspiracy motivated by a racial or class based discriminatory animus designed to deprive, directly or indirectly, Plaintiff of the equal protection of the laws; in furtherance of the conspiracy; and injured Plaintiff and his property as described herein and violated his 1<sup>st</sup>, 4<sup>th</sup> and 14<sup>th</sup> Amendment constitutional rights.

**FIFTH CLAIM FOR RELIEF**

**Pursuant to 42 U.S.C. § 1983 Right to Free Speech as afforded by First Amendment to the US Constitution Against BOM and REF-DEFENDANTS.**

333. Plaintiff repeats and re-alleges by reference paragraphs 1 through 332 as if fully set forth herein.

334. From April 2012 through January 29, 2018 in Union County New Jersey BOM under the Color of Law and in their official capacities REF-DEFENDANTS denied Plaintiff his First amendment rights of the US Constitution.



335. REF-DEFENDANTS directly participated in and/or were aware of each other's actions and had current knowledge at the time and /or condoned such actions described herein and violated, Pursuant to 42 U.S.C. § 1983, Right to Free Speech as afforded by First Amendment to the US Constitution.

336. At all relevant times hereto, REF-DEFENDANTS knew that the Plaintiff's advertising on his vehicle was not unlawful.

337. Murphy pulled over Plaintiff and caused other MPD officers to pull over and harass Plaintiff approximately 15 times from May or June of 2012 – 2018 and follow him throughout BOM, purposely causing him fear and anxiety because of the lawful advertising lettering on his vehicle.

338. Plaintiff explained to Murphy that his car having writing on it didn't make it a commercial vehicle any more than Murphy's police car having writing on it making it a commercial vehicle.

339. At no time did Plaintiff ever use his vehicle that was advertising services his business performed for any commercial purposes.

340. Nor did it mention the name of his business. It only referenced services performed by his medical practice.

341. Plaintiff's personal vehicle was used for his family and had in fact had baby seat installed in it at all relevant times.

342. On one instance in 2012 Murphy said plaintiff was obstructing traffic because he pulled out on to route 22 and was driving up to the traffic light slowly on the wet rainy roadway, and after Plaintiff explained the road conditions and red light, Murphy then said Plaintiff had expired inspection sticker.

343. Plaintiff pointed to the one-year extension sticker issued by the State of New Jersey that was adhered under inspection sticker. Murphy told Plaintiff to remove advertising from car and took Plaintiff's PBA card that was issued by a police officer friend of Plaintiff and Murphy drove off.

344. Murphy continued to harass Plaintiff because of the writing on his vehicle until he moved from Mountainside on January 29, 2018.

345. On September 17, 2012 Plaintiff was issued a summons by Michael Perrotta for 39:3-8.1 COMMERCIAL VEHICLE REGISTRATIONS because he had writing on his car advertising services his business provided.

346. Although Plaintiff was not operating the vehicle at the time of summons issuance, Michael Perrotta issued summons to Plaintiff as owner of the vehicle. At the time one of his African American friends who he was helping to recover from alcohol and drug addiction was operating his car.

347. Plaintiff in late 2012 or early 2013 was found not guilty of charges.

348. Perrotta followed directions of Turner, Debbie (at the time Police Chief and BOM Business Administrator), Giannuzzi, Murphy and Attanasio and these

officers had current knowledge of such conduct of Perrotta and were aware such harassment of Plaintiff violated Plaintiff's 1<sup>st</sup> Amendment civil rights.

349. The last time Plaintiff was followed throughout Mountainside by Murphy for approximately 7 minutes for driving with writing promoting his business on one of his vehicle was during the first week of December 2017.

350. On December 17, 2013, the Plaintiff's vehicle, for advertising messages written on vehicle, was pulled over by John Doe officers 1-5 and or Murphy at the direction of Debbie, Giannuzzi, Murphy and Attanasio while Plaintiff's wife, who has darker pigmented skin than Murphy approved of, was driving the vehicle.

351. The subject vehicle was not being used for any commercial purpose, not used for business transportation and not equipped with any handicapped devices.

352. On December 17, 2013 Plaintiff visited MPD headquarters and met with, Lieutenant Murphy who referenced New Jersey State Statute § 39:3-8.1 and threatened to issue Plaintiff a ticket under this statute should he drive the vehicle with the lettering (advertisements) on it again.

353. Plaintiff explained to Murphy that he was previously pulled over many times, or words to that effect, and continually harassed by MPD and issued a ticket under the same statute and that the judge in Mountainside found Plaintiff NOT guilty under this statute.

354. Lieutenant Murphy stated that “the judge was wrong”, and Plaintiff would be issued another ticket under the same statute should Plaintiff continue to drive with the advertisement adhered to Plaintiff’s vehicle.

355. REF-DEFENDANTS actions limited Plaintiff’s ability to advertise his company’s services and Plaintiff’s 1<sup>st</sup> Amendment rights were violated.

356. Plaintiff suffered financial loss as a result of REF-DEFENDANTS actions and lived in a state of increased anxiety and fear of retribution.

357. Murphy’s actions caused Plaintiff to limit his ability to advertise his services on his vehicles until he moved from Mountainside January 29, 2018.

358. Plaintiff filed a complaint about 1<sup>st</sup> amendment violations with MPD Internal Affairs Division (“IAD”) who found that Murphy did not engage in any wrongful conduct.

359. At no time did anyone from the police department attempt to contact Plaintiff or conduct a real investigation into Plaintiff’s allegations.

360. From 2012-2018, Giannuzzi, Murphy, Attanasio, Huber, Michael Perrotta, Jackson, Stolting, Yasinski, and MPD John Does “1” To “5”, under Debbie’s direction, continued pulling the Plaintiff’s vehicle over without cause and in violation of his first amendment constitutional rights.

361. Additionally, as Plaintiff was advertising his business’s services on his vehicle the public would be concerned and likely think that Plaintiff’s vehicle was

pulled over for wrong-doing which negatively affected Plaintiff's business's reputation.

362. REF-DEFENDANTS were involved with the decision to pull the Plaintiff's vehicle over numerous times and issued him a citation for promoting his medical weight-loss business with writing on Plaintiff's vehicle.

363. When Plaintiff was again pulled over for advertising on his car, the officers would always indicate they were instructed by Murphy to pull Plaintiff.

**SIXTH CLAIM FOR RELIEF**

**Pursuant to 42 U.S.C. § 1983 Municipal Liability Against BOM.**

364. Plaintiff repeats and re-alleges by reference paragraphs 1 through 363 as if fully set forth herein.

365. From April 2012 through January 29 2018 under the color of law and in their official capacities REF-DEFENDANTS took actions or refrained from taking actions described throughout this complaint that resulted in damages to Plaintiff violating his United States and New Jersey Constitutional rights causing BOM to be liable for damages.

366. REF-DEFENDANTS submitted police reports or directed other REF-DEFENDANTS to submit police reports that left out critical details.

367. Stolting, Yasinski and Jackson destroyed, altered, erased and /or edited police reports.

368. From on or around January 28 through May 2018 Huber, Perrotta, Stolting, Yasinski and Jackson and John Does 1-5, falsified, back dated, altered, edited, destroyed and/or erased police reports and misrepresented the truth in police reports in order to not file criminal charges against Gregory and Joseph and other REF-DEFENDANTS.

369. Huber falsely purported that Plaintiff was an uncooperative witness.

370. Huber failed to file any charges against Gregory or Joseph, although with the same evidence Union County prosecutor's office filed charges against Gregory after New Jersey Attorney General's office intervened in the investigation in January 2019.

371. On January 28 and 29, 2018 REF-DEFENDANTS in Mountainside New Jersey shut BodyCam videos at critical times and/or instructed each other to do the same with the purpose to conceal the truth about the course of events that occurred on January 28 and 29, 2018 at the Plaintiff's rental property.

372. From January 28 – May 2018 REF-DEFENDANTS in BOM had a custom that ignored NJ Attorney Generals' Directive and written BOM established policy on use of BodyCams which allowed officers to turn on and off BodyCams with little to no prohibitions, or discipline for such, in violation of Attorney General's directive and failure to preserve police records as required by state law.

373. BOM failed to supply police reports that support the true course of events from January 28 and 29 2019..

374. REF-DEFENDANTS destroyed, altered and falsified facts and purposely omitted reference to the criminal conduct of fellow officers and of Joseph and Gregory to hinder the Attorney General's investigation into Plaintiff's complaint of criminal activity by Gregory and Joseph and BOM's refusal to prosecute the Gregory and Joseph.

375. Because of a BOM well established custom, REF-DEFENDANTS violated Plaintiff's 14<sup>th</sup> Amendment rights by filing falsified police reports in an attempt to discriminate against Plaintiff for the race of his house guests, his wife's race and Plaintiff's attempts to help other recovering alcoholics.

376. An associate of Joseph arrived at the Property in a van and indicated to police he was there to take Plaintiff's 2014 Harley Davidson and 2015 Ducati 821 Monster motorcycles as instructed by Joseph.

377. Gregory stated repeatedly that he intended to take Plaintiff's motorcycles. He cautioned Plaintiff not to file a claim with the insurance company such can be verified by records supplied to MPD by Plaintiff.

378. No mention of this man in the van or his attempt to take Plaintiff's motorcycles was made in any police reports.

379. Plaintiff was able to recover his motorcycles but Joseph and Gregory vandalized them causing approximately \$3000 in damages.

380. In 2018 BOM had current knowledge specifically related to Plaintiff's case and the modification and untruthful reporting of MPD police reports.

381. In 2018 BOM supplied copies of police reports in response to OPRA requests that do not contain a signature verifying authenticity and lack any tracking or version control which would indicate the time at which a report was made or edited and additionally provide for safekeeping.

382. From 2000-2018 BOM had a custom of allowing its police reports to be inaccurate and subject to tampering by its police officers and knew its processes were sloppy and inefficient and subject to abuse but did nothing to remedy such.

383. BOM's custom, practice and or policy and lack of training, supervision and discipline for its officers and participation by policymakers in civil rights abuses and or having current knowledge of such causes BOM to be liable for related civil rights related damages suffered by Plaintiff described throughout this complaint.

384. From racist actions taken by Huber and Murphy while in Mountainside NJ on duty as police officers from 2012-2018 BOM knew about Huber and Murphy's long history of racism. BOM did nothing to remedy such racist actions. Huber and Murphy's racism continued unabated.



385. Huber and Murphy's use of the term "nigger" and the jokes they told and emailed to other officers and other actions in the presence of policymakers should have put BOM on notice that racism was a significant issue at the MPD.

386. BOM should have known that additional and different training, supervision and discipline of its police officers was needed because of the past pattern of civil rights violations, sexual harassment and illegal conduct committed by Huber, Murphy, Attanasio and Debbie discussed throughout this complaint that went unpunished and as such acted with deliberate indifference to the consequences, and established and maintained a policy, practice or custom.

387. From 2000-2018 BOM was aware that Turner, Huber, Giannuzzi, Murphy, Attanasio and Debbie presented themselves recklessly and as incompetent administrators and policymakers of the MPD but permitted them to function in such capacity regardless of their shortcomings.

388. From 2000-2018 BOM has knowingly permitted racist actions by Murphy and Attanasio to continue. BOM knew that their actions and inactions created a custom, practice and or procedure that created an unreasonable risk that citizens' rights would be violated by MPD;

389. BOM was aware that an unreasonable risk existed; was indifferent to that risk; and the constitutional deprivation at issue suffered by Plaintiff resulted from the failure to stop the identified practices and or procedures.

390. On January 28 and 29 2018 BOM and the MPD policy makers had current knowledge of the Onsite-Defendants' Plaintiff's rental property and or knowledge of a prior pattern of similar incidents and circumstances under which the Murphy, Debbie and Attanasio's actions or inaction could be found to have communicated a message of approval to the offending subordinates and as such acted with deliberate indifference to the consequences, and established and maintained a policy, practice or custom.

391. On January 28 and 29 2018 MPD police BodyCam footage shows more than a dozen instances where on scene defendants stopped recording BodyCam footage to speak with supervisors. Subsequently these same officers violated Plaintiff's civil rights.

392. From 2000-2018 IAD Officer (Huber) and BOM Administrator (Debbie), Lieutenant Murphy, Police Chief Allan Attanasio were engaging in illegal and blatantly racist and sexually inappropriate conduct that was known throughout the police department their roles as IAD officer and supervisors, could no longer be effective.

393. From 2000-2018 Huber, Murphy, Attanasio and Debbie's history of illegal and inappropriate behavior was so egregious and so well known throughout this 22 member police department that no subordinate MPD officers could take them seriously.

394. Such behavior, made it impossible for them to effectively train, supervise or discipline officers they were responsible to supervise.

395. On January 28 and 29 2018 Huber and Debbie, Murphy and Attanasio participated in conduct, and or directed Onsite-Defendants to violate Plaintiff's civil rights and or acquiesced such conduct.

396. In or around July 2018 and as the result of police wrongdoing involving corruption, sexual harassment, racism and illegal conduct which occurred prior to January 28, 2018 Huber, Murphy and Attanasio were suspended from duty.

397. Had BOM listened to the complaints from fellow officers and the public and terminated the employment or suspended Huber, Murphy and Attanasio prior to January 28, many of the damages suffered by the Plaintiff would have been avoided.

398. From 2000-2018 BOM maintained a practice, custom or policy of reckless and deliberate indifference to instances of known or suspected civil rights violations related to racism and or other discrimination related to: handicapped status of being a recovering alcoholic and in concealing complaints of such, and in discouraging victim's complaints about such conduct.

399. From 2000-2018 BOM has a custom of violating other minorities civil rights as a disproportionate number of citations are issued to people of color and

Hispanic individuals by MPD officers although the percentage of people of color and Hispanic individuals living in Mountainside is disproportionately Caucasian.

400. BOM maintains, or persists in following, a policy of greater enforcement of traffic citations and lesser protection for crime victims of darker pigmented skin and this policy has a disproportionate impact on minorities.

401. BOM's inadequate police training and history of accepting discrimination and blatant civil rights violations committed by its police officers and as addressed throughout this complaint and permitted to continue with impunity regarding these types of victims amounted to deliberate indifference to the need for heightened protection for these types of victims.

402. From 2000-2018 MPD had a custom of disregard for the civil rights of fellow officers and the public and BOM's failure to train, supervise and discipline its officers BOM's and subsequent violation of Plaintiff's federal civil rights accorded by the US Constitution was a highly predictable consequence of a failure to equip law enforcement officers with specific tools to handle recurrent situations.

403. From 2000-2018 no amount of training that MPD officer received telling them racism is prohibited would have any lasting effect when the administration of the MPD showed a history of deliberate indifference to enforcing its written policies and racism was engrained within the institution that enforcement became impossible without the removal of officers who were regular offenders.

404. From 2000-2018 BOM had a custom to ignore employee and civilian complaints of civil rights violations and illegal actions committed by BOM employees and failed to investigate civilian and employee complaints of racism, take action to train, supervise or discipline the employees involved and conduct sufficient IAD investigations.

405. Such similar custom can support an inference that BOM and MPD had notice of and tacitly condoned the violation of Plaintiff's civil rights.

406. From 2000-2018 MPD officers were aware their conduct would most likely not be investigated for wrongdoing and if they were, they would not be disciplined. It follows that they felt they could run roughshod over the constitutional rights of citizens thus creating an unofficial custom adopted by policy makers.

407. Councilmembers, Debbie, Giannuzzi, Murphy, Attanasio and Huber were the municipal decisionmakers and or policy makers who effectuated such a custom and acquiesced to it as a well-settled custom because of their inaction.

408. From 2000-2018 BOM's IAD investigations did not comply with New Jersey Attorney General's INTERNAL AFFAIRS POLICY & PROCEDURES.

409. From 2000-2018 BOM has a custom, policy and history of irregular, inconsistent and inadequate IAD investigations conducted by IAD staff and a

custom, policy and or history of irregular, inconsistent and inadequate record keeping of disciplinary actions of MPD police officers.

410. From 2000-2018 IAD Investigators have committed crimes, sexual harassment of other employees and excessive civil rights violations for racism.

412 From 2000-2018 IAD Investigators failed to adequately investigate according to procedure, procedures were deficient, and/or so deficiently administered as to effectively reduce civil rights violations, thus allowing MPD officers to engage, unchecked, in a habitual pattern and custom of civil rights violations and illegal activities which showed a deliberate gross indifference to the public's constitutional rights.

413. From 2008-2018 BOM permitted Murphy to use the term "nigger" in meetings with subordinates and policy makers and to distribute racist and pornographic videos through-out the police department.

414. BOM had a custom that permitted certain favored officers to violate the established rules and standards in the treatment of other officers.

415. Huber, Murphy, Debbie, Turner were favored officers.

416. From on or around 2008 until approximately 2018, Head of Detectives and IAD officer Huber, kept a large DILDO (penis shaped sex toy) in or on his desk, in a drawer and in a file cabinet at the MPD

417. Huber used this and other DILDOS to assault and or harassed fellow officers, exposed his testicles, threw feces and chased other BOM employees and civilians in the police department and displayed DILDOS at public police PBA related functions.

418. Huber also posted videos displaying DILDOS and distributed such to police officers while serving as IAD officer.

419. Debbie, Turner, and other supervisory MPD officials were aware of such incidents and of numerous complaints from fellow officers and family members and other BOM employees and took no corrective action.

420. BOM's official policy was that sex toys in the work environment was cause for immediate dismissal but this policy was not enforced.

421. Such official policies were treated by BOM as not applying to Huber in his status as IAD Officer and his close relationship with Murphy and Debbie's family and business connections.

422. Murphy had a practice from approximately 2012-2016 of taking his flashlight and ramming it into the anus area causing injuries to other officers while at police headquarters.

423. Debbie was aware of such incidents and took no corrective action.

424. From approximately 2009-2018 MPD Officers who complained about the illegal actions of Huber, Murphy, Debbie and other supervisors were labeled by

Attanasio and Debbie as malcontent and been told they "have no sense of humor", that they have to "lighten up", and that they are "too serious", or words to that effect.

425. On or around 2000-2014 during his tenure as Police Chief, Debbie instituted a policy whereby each police officer was permitted to carry any type of handgun he chose, regardless of its condition, caliber or appropriateness.

426. Debbie's actions were careless and demonstrate his poor judgement supervising the MPD.

427. As Chief of Police, Attanasio, carried a revolver as his on-duty weapon.

428. From approximately 2011-2016 Attanasio had a laser sight mounted on his revolver and pointed his firearm and laser at officers while at MPD.

429. Debbie and Attanasio were aware of such and took no corrective action.

430. From 2013- 2017, Murphy used both his personal and police vehicles to recklessly drive up from behind and surprise other officers at a high rate of speed endangering the other officers' lives.

431. Debbie was aware of such incidents and took no corrective action.

432. On or about March 25, 2011, Huber and then Lieutenant Attanasio committed numerous actions that are believed by Plaintiff to be felonies (two of which are listed) which Debbie and most of the MPD knew about but Debbie provided no corrective action:

a) Called in false disturbance call to neighboring police department.



b) Took a police car from neighboring town's police department while they were responding to false disturbance emergency call without permission.

433. Huber and Attanasio were subsequently promoted according to BOM records.

434. From 2000-2018 BOM there was little rotation of leadership in BOM and nepotism prevailed with promotions at the MPD based on relationships and personal favors rather than by merit.

435. From 2000-2018 BOM had a custom of making numerous concessions related to the illegal and immoral activities conducted by MPD "favored" employees that violated the civil rights of fellow police officers and the public and punished the police officers who refused to break the rules for the sake of the leadership of BOM.

436. From 2000-2018 BOM had a custom of civil rights violations and lack of discipline of its police officers which is evidenced in that it condoned such actions described herein and punished officers who did not violate civil rights of citizens when asked by supervisors by ostracizing them in front of their peers.

437. From 2000-2018 BOM had custom of condoning racism and other civil rights violations, sexual harassment, sexual assault, car theft and aggravated assault any other illegal activities within the MPD, specifically by Murphy and

Attanasio which went undisciplined, and as such BOM failed to adequately prepare for recurring situations where constitutional violations were likely to occur again.

438. Debbie is active on Facebook in a group “Mountainside Matters.”

439. Debbie has influence over the moderators of said group and uses his influence to ban members who share content that references civil rights violations of BOM employees.

440. In or around 2013-2019 Plaintiff posted comments related to MPD racism and BOM customs affecting civil rights, which were met with veiled threats “that Plaintiff better have proof” by Debbie and others representing the BOM; Plaintiff’s comments were deleted and Plaintiff was removed group.

441. According to BOM municipal court records from 2011-2019 BOM has had a custom of targeting African American or Hispanic (“minority”) blue collar drivers as a means to derive revenue.

442. BOM strategy has been to target work vans with minority drivers and pull them over and issue summons for trumped up or non-existent violations.

443. Debbie has knowledge of such revenue generating schemes that target minorities but has done nothing to prevent such.

444. From 2000-2018 BOM has had a custom of hiring white police officers when more qualified Hispanic and black officers applied.

445. During such time frame more than 100 Hispanic and black officers applied to the all Caucasian MPD but their applications were ignored because of racial discrimination at the MPD.

446. In or around June 2018 BOM hired Joe Santiago of Santiago Associates LLC to restore its tarnished reputation related to racism and illegal police conduct.

447. In or around July 2018 Joe Santiago suggested to BOM Mayor Paul Mirabelli, Debbie, Giannuzzi and Turner that BOM hire some people of color to dispel the racism allegations or words to that effect.

448. As a result in or around December 2018 MPD broke tradition and hired an African American police officer.

449. Most if not all of MPD on duty officers, which was approximately 7 officers, were on scene January 28 and 29 2018.

450. On January 28 and 29 2019 at Plaintiff's rental property Attanasio, Debbie and Turner communicated via cell phone and text messages with each other and on-scene MPD officers and directed or acquiesced to their actions.

451. Murphy was supervisor on scene and Huber was chief investigator.

452. Debbie, Murphy, Huber and Attanasio should have been placed on administrative leave, relieved of duty or suspended from duty when BOM learned of their previous civil rights violations, illegal activities and supervisory dereliction.

453. By taking no disciplinary action BOM showed deliberate indifference to the public's safety and increased the likelihood that offending officers would continue such activities in the future.

454. Horseplay and racial humor are tolerated during MPD training sessions which undermines the seriousness of subject matter.

455. BOM's history of training efforts were inadequate to stem off the long history and of civil rights violations and illegal actions that occur at the MPD due to its supervisory and disciplinary customs that permit MPD officers to ignore the law.

456. From 2000-2018 BOM's had a custom of not enforcing training procedures and having meaningful consequences to prevent future wrongdoing by MPD officers.

457. Each of BOM's policies, practices, and/or customs discussed throughout this complaint are the proximate cause for the actions taken by defendants in violating Plaintiff's civil rights.

458. Sometime in July 2018 Giannuzzi contacted Plaintiff via telephone and complained to Plaintiff that his email to the Attorney General's office created an investigation of the MPD and as a result Giannuzzi might have to bring Plaintiff in.

459. Plaintiff understood that this was meant to intimidate him and that if Plaintiff didn't stop his efforts to have law enforcement look into why Gregory wasn't arrested Plaintiff was going to be arrested for some manufactured charges.

**Fair Housing Act Claim Pursuant To 42 U.S.C. § 3604 Against Defendants BOROUGH OF MOUNTAINSIDE, BOM and REF-DEFENDANTS**

460. Plaintiff repeats and re-alleges by reference paragraphs 1 through 459 as if fully set forth herein.

461. BOM and REF-DEFENDANTS assisted Gregory and Amanda Caponegro in illegally evicting Plaintiff from his rental house based on Racial, Disability and Pregnancy related conditions violating the Fair Housing Act.

480. BOM and the taxpayers of the Borough of Mountainside has had widespread and knowledgeable participation by the taxpayers in it's discriminatory behavior.

462. Taxpayers were made aware of the ongoing conduct of the MPD when an attorney stood before the videotaped Town Council meeting in or around January 17, 2017 announcing to the public that rampant sexual harassment, criminal activity and racial discrimination was occurring within the MPD.

463. Taxpayers of Mountainside have for more than twenty years observed the lack of racial diversity on the MPD and done nothing to rectify it's discriminatory hiring practices.

464. Taxpayers of BOM have failed to use their voting power to eliminate the long time members control of the BOM Town Council by electing new officials and demanding a change in policies.

465. Taxpayers have been privy to the racial discriminatory practices of the BOM in observing the racial disparity of mostly black and Hispanic defendants in this mostly Caucasian community in municipal court proceedings and published news reports.

466. More than 100 news stories appeared in nation wide news publications, including the NY Post, The Sacramento Bee, Charlotte Observer and Miami Herald, highlighting the lawsuit with racial discrimination, illegal activity and sexual harassment since 5 police officers and a dispatcher filed a lawsuit in or around May 2018 exposing such activities.

467. Despite the national news coverage of the civil right allegations the Taxpayers of the BOM failed to elect any minority candidates to office and the electoral body remains all Caucasian.

468. The Taxpayers continue to elect the virtually the same candidates to that has created an incestuous body who have controlled the business affairs of the Borough for more than twenty years.

469. Taxpayers have formed and run three FaceBook groups with a combined membership of more than 5000 members that regularly discuss Mountainside issues including the rampant racism within the police department and have been overwhelmingly supportive of the police department regardless of

the accusations voiced by the public and voiced by fellow police officers who filed a suit against the BOM.

470. Taxpayers are accustomed to seeing an all white police force; pictures featuring Mountainside's all white police force until recently have been featured on MPD's Facebook page.

471. According to a variety of statistical tracking organizations Mountainside has between 80-90% white population with approximately 2% black population and approximately 4% Hispanic population.

472. According to BOM's attorney John Post's website:

"Among his notable accomplishments, he has negotiated contracts for a head coach in the NFL, tried a nationally televised divorce case against a former governor of the State of New Jersey, and has been the attorney for the Borough of Mountainside for 43 years, on whose behalf he has conducted ground-breaking litigation against other local governments, regional authorities and the State of New Jersey.

Most recently, in an effort which the Court Appointed Special Master, Retired Judge Eugene Serpentelli, described as "outstanding," and which demonstrated remarkable prescience, John obtained a Judgment of Repose through the courts which gave Mountainside immunity from Mt. Laurel suits for ten years."

Further limiting racial diversity of BOM.

473. Mountainside taxpayers have a predominantly white community and have taken the necessary actions to insure people of color do not prosper in their community.

474. Mountainside is consistently ranked as a wealthy New Jersey suburb with a population of approximately 6907, median household income of approximately \$129, 405., median property value of approximately \$619, 500.,and a poverty rate of approximately 2.79%.

475. The Taxpayers of Mountainside have elected public officials and maintained polices to maintain their property values at the cost of encouraging racism.

476. BOM websites and elected officials frequently comment on how safe the town is. More than 100 news stories appeared in nation wide news publications, including the NY Post, The Sacramento Bee, Charlotte Observer and Miami Herald, highlighting the lawsuit with racial discrimination, illegal activity and sexual harassment since 5 police officers and a dispatcher filed a lawsuit in or around May 2018 exposing such activities.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for relief as follows:



a. A declaration that the conduct of Defendants violated the First, Fourth and Fourteenth Amendments to the U.S. Constitution and Plaintiff's rights under the New Jersey State Constitution in the manners alleged herein, upon consideration of the evidence adduced at trial or otherwise;

b. A mandatory injunction enjoining Defendants from continuing to engage in further violations of Plaintiff's civil and constitutional rights as explained herein;

c. Award Plaintiff compensatory damages against the Defendants, including but not limited to any emotional distress, and any other compensatory damages as permitted by law and according to proof at trial;

d. Award Plaintiff punitive damages pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 3601 et seq. and all common law, federal law and state law remedies.

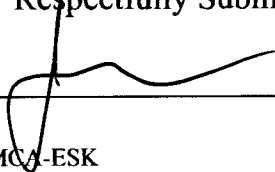
e. Award attorneys' fees pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 3601 et seq.

f. Award costs of suit pursuant to 42 U.S.C. § 1920 and 1988;

g. Award such other and further relief as this Court may deem appropriate and equitable, including injunctive and declaratory relief as may be required in the interests of justice.

Dated: February 1, 2020

Respectfully Submitted,



---

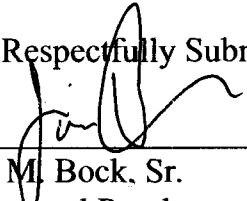
James M. Bock, Sr.  
6 Crestwood Road  
Gillette, New Jersey 07933  
Telephone: (908) 451-5748  
Fax: 973-210-4500  
*Plaintiff Pro Se*  
jamesmbock@gmail.com  
*Plaintiff Pro Se*

### LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Civil Rule 11.2, James M. Bock, Sr. certifies that the matter in controversy in this action is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: February 1, 2020

Respectfully Submitted,



---

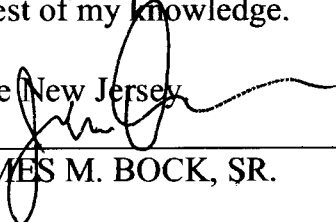
James M. Bock, Sr.  
6 Crestwood Road  
Gillette, New Jersey 07933  
Telephone: (908) 451-5748  
Fax: 973-210-4500  
*Plaintiff Pro Se*  
jamesmbock@gmail.com

### VERIFICATION

I, James M. Bock, Sr., hereby verify that:

1. I am James M. Bock, Sr., the plaintiff in the above-captioned action.
2. I have reviewed the foregoing Verified Complaint.
3. I verify under penalty of perjury that the facts set forth in the Verified Complaint are true and correct to the best of my knowledge.

Executed on February 1, 2020 in Gillette New Jersey



---

JAMES M. BOCK, SR.