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8-7-03

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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JOSEPH ANTOINE, as next friend of)
MAX ANTOINE, MARIE D. ANTOINE,)
individually and as natural parent and guardian of)
NELCHAEAL ANTOINE, and MARIE E. ANTOINE,)
) **Plaintiffs,**)
) **-against-**)
) **POLICE OFFICER PHILLIP RUCKER, POLICE**)
OFFICER ALFREDO ALEMAN, POLICE OFFICER)
KEITH STOUCH, JOHN and JANE DOES, POLICE)
CHIEF DANIEL RUSSO, MAYOR SARAH BOST,)
THE IRVINGTON POLICE DEPARTMENT,)
THE TOWNSHIP OF IRVINGTON)
) **Defendants.**)
-----X

OScv3738
COMPLAINT (DRD)
JURY TRIAL DEMANDED
CIVIL ACTION

PRELIMINARY STATEMENT

1. This is a civil rights action in which the plaintiffs, JOSEPH ANTOINE, as next

friend of MAX ANTOINE, MARIE D. ANTOINE, individually and as natural parent and guardian of NELCHAELE ANTOINE, and MARIE E. ANTOINE seek relief for the defendants' violation of their rights secured by 42 U.S.C. §§ 1981, 1983, 1985 and 1988, by the United States Constitution, including its First, Fourth and Fourteenth amendments, and by the laws and Constitution of the State of New Jersey.

2. The plaintiffs seek damages, both compensatory and punitive, affirmative and equitable relief, an award of costs and attorneys' fees, and such other and further relief as this court deems equitable and just.

JURISDICTION

3. This action is brought pursuant to 42 U.S.C. §§ 1981, 1983, 1985 and 1988, and the Constitution of the United States, including its First, Fourth and Fourteenth Amendments. Jurisdiction is conferred upon this Court by 42 U.S.C. §§ 1981, 1983, 1985 and 1988, and 28 U.S.C. §§ 1331 and 1343(3) and (4), this being an action seeking redress for the violation of the plaintiffs' constitutional and civil rights.

4. The plaintiffs further invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over any and all state law claims and as against all parties that are so related to claims in this action within the original jurisdiction of this Court that they form part of the same case or controversy.

JURY TRIAL DEMANDED

5. The plaintiffs demand a trial by jury on each and every one of their claims as pleaded herein.

VENUE

6. Venue is proper for the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §1391.

PARTIES

7. Plaintiff JOSEPH ANTOINE is and was at all times relevant herein a citizen of the United States, a resident of the State of New Jersey, and of African descent and Haitian heritage. He is the father of MAX ANTOINE.

8. MAX ANTOINE is and was at all times relevant herein a citizen of the United States, a resident of the State of New Jersey, and of African descent and Haitian heritage.

9. Plaintiff MARIE D. ANTOINE is and was at all times relevant herein a citizen of the United States, a resident of the State of New Jersey, and of African descent and Haitian heritage. She is the mother of plaintiff NELCHAEL ANTOINE.

10. NELCHAEL ANTOINE is a citizen of the United States, born July 10, 1994, and is a resident of the State of New Jersey, and is also of African descent and Haitian heritage.

11. Plaintiff MARIE E. ANTOINE is and was at all times relevant herein a citizen of the United States, a resident of the State of New Jersey, and of African descent and Haitian heritage.

12. Defendants POLICE OFFICERS PHILLIP RUCKER, ALFREDO ALEMAN, KEITH STOUCH, and JOHN and JANE DOES are and were at all times relevant herein duly appointed and acting officers, servants, employees and agents of THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT, a municipal agency of defendant THE TOWNSHIP OF IRVINGTON. Defendants RUCKER, ALEMAN, STOUCH, and DOES are and were at all times relevant herein acting under the direction and control of THE

TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT, and were acting pursuant to either official policy, or the custom, practice and usage of THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT.

13. Defendant MAYOR SARAH BOST is and was at all times relevant herein the Mayor of the TOWNSHIP OF IRVINGTON, its highest elected official, its chief executive officer and the chief policy making official for the TOWNSHIP OF IRVINGTON and its departments and offices. Defendant BOST is sued in her official capacity.

14. Defendant POLICE CHIEF DANIEL RUSSO is and was at all times relevant herein the Chief of Police of the TOWNSHIP OF IRVINGTON, and was and is responsible for, and the chief architect of, the policies, practices and customs of THE IRVINGTON POLICE DEPARTMENT. Defendant RUSSO is sued in his official capacity.

15. Defendant TOWNSHIP OF IRVINGTON is and was at all times relevant herein a municipal entity created and authorized under the laws of the State of New Jersey. Defendant THE IRVINGTON POLICE DEPARTMENT is and was at all times relevant herein a municipal agency created and authorized under the laws of the state of New Jersey; it acts as agent to THE TOWNSHIP OF IRVINGTON in the area of law enforcement. Defendants TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE DEPARTMENT assume the risks incidental to the maintenance of a police force and the employment of police officers as said risk attaches to the public consumers of the services provided by members of THE IRVINGTON POLICE DEPARTMENT. Defendant TOWNSHIP OF IRVINGTON and IRVINGTON POLICE DEPARTMENT were at all times relevant herein the public employers of defendants RUCKER, ALEMAN, STOUCHE, DOES, BOST and RUSSO.

16. At all times relevant herein, defendants RUCKER, ALEMAN, STOUCH, DOES, BOST and RUSSO were acting under color of the laws, statutes, ordinances, regulations, policies, customs and usages of the State of New Jersey, THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT, and were acting in the course and scope of their duties and functions as officers, agents, servants, and employees of THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT, and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. At all times relevant herein, they were acting for and on behalf of THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT, with the power and authority vested in them as officers, agents, servants and employees of THE TOWNSHIP OF IRVINGTON and/or THE IRVINGTON POLICE DEPARTMENT.

STATEMENT OF FACTS COMMON TO ALL CAUSES OF ACTION

17. On June 2, 1996, MAX ANTOINE, MARIE D. ANTOINE, MARIE E. ANTOINE and NELCHIAEL ANTOINE -- along with several of their family and friends -- were present at a family birthday party at the apartment of plaintiff MARIE E. ANTOINE, located on the second floor at 208 Nesbit Terrace, Township of Irvington, New Jersey.

18. At approximately 2:30 a.m., defendants RUCKER, ALEMAN and STOUCH forcibly entered the apartment without legal justification nor consent of the occupants.

19. Defendants RUCKER, ALEMAN and STOUCH immediately began to verbally and physically abuse the occupants of the apartment. MAX ANTOINE stated to his sister, plaintiff MARIE E. ANTOINE, in sum and substance, that she should not discuss the matter with the officers, but should take down the shield numbers of defendants RUCKER, ALEMAN and

STOUCH so that a complaint could be filed. Defendants RUCKER, ALEMAN and STOUCH immediately proceeded to assault MAX ANTOINE, MARIE D. ANTOINE and MARIE E. ANTOINE in the presence of NELCHAEAL ANTOINE.

20. In the course of the assault, defendants RUCKER, ALEMAN and STOUCH threw MARIE E. ANTOINE, then pregnant, against a wall, causing her injury, and handcuffed MAX ANTOINE and placed him under arrest. After handcuffing MAX ANTOINE, defendants RUCKER, ALEMAN, and STOUCH continued to beat and assault him, including shoving his head through a glass storm door and spraying him with a chemical agent.

21. During the assault on MAX ANTOINE, defendants JOHN and JANE DOES arrived on the scene. Defendants DOES prevented the occupants of the apartment, including MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEAL ANTOINE, from leaving.

22. MAX ANTOINE was removed to the Irvington Police Department station house, where he was placed in a holding cell, and where defendants RUCKER, ALEMAN and STOUCH continued to assault him. Defendants RUCKER, ALEMAN, STOUCH and DOES denied MAX ANTOINE's repeated requests for medical aid.

23. MAX ANTOINE was charged with Disarming a Law Enforcement Officer in the Second Degree; Aggravated Assault in the Fourth Degree; Resisting Arrest in the Fourth Degree; False Representation to a Law Enforcement Authority; False Swearing; two counts of Falsifying or Tampering with Records in the Fourth Degree; and four counts of Tampering with Physical Evidence. Several of the charges were dismissed. He was granted a PTI ("Pre-Trial Intervention") with regard to the remaining charges.

FIRST CLAIM

**DEPRIVATION OF RIGHTS UNDER THE
UNITED STATES CONSTITUTION and 42 U.S.C. §§ 1981, 1983 and 1985**

24. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 23 as if fully set forth herein.

25. The conduct and actions of defendants RUCKER, ALEMAN, STOUCH and DOES, acting under color of law, in entering MARIE E. ANTOINE's home at 208 Nesbit Terrace, without probable cause or legal justification, in falsely arresting and maliciously prosecuting MAX ANTOINE, in falsely imprisoning MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEL ANTOINE, and in assaulting MAX ANTOINE, MARIE E. ANTOINE and MARIE D. ANTOINE, was done intentionally, maliciously, and/or with a reckless disregard for the natural and probable consequences of their acts, was motivated by race and/or nationality-based, invidiously discriminatory animus, was done in retaliation for MAX ANTOINE's exercise of his First Amendment rights to free speech, was done without lawful justification, and was designed to and did cause damage and injury in violation of MAX ANTOINE's, MARIE E. ANTOINE's, MARIE D. ANTOINE's and NELCHAEL ANTOINE's rights as guaranteed under 42 U.S.C. §§ 1981, 1983, 1985 and the United States Constitution, including its First, Fourth and Fourteenth Amendments.

26. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEL ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and

psychological injury.

SECOND CLAIM

**DEPRIVATION OF RIGHTS UNDER THE
UNITED STATES CONSTITUTION and 42 U.S.C. §§ 1981, 1983 and 1985**

27. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 26 as if fully set forth herein.

28. By their failure to take any steps to protect MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE from the unjustified and unconstitutional treatment they were receiving at the hands of the defendants, in conspiring to falsify and fabricate an account surrounding the false arrest of MAX ANTOINE, false imprisonment of MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE, and assaults on MAX ANTOINE, MARIE E. ANTOINE and MARIE D. ANTOINE, in falsifying and fabricating that account, and in conspiring to cover-up the injuries caused by the assault on MAX ANTOINE, defendants RUCKER, ALEMAN, STOUCH, DOES and ROES, acting under color of law and without lawful justification, intentionally, maliciously, with racially discriminatory animus, in retaliation for MAX ANTOINE's exercise of his First Amendment rights to free speech, and/or with a deliberate indifference to or a reckless disregard for the natural and probable consequences of their acts, did cause damage and injury in violation of MAX ANTOINE's, MARIE E. ANTOINE's, MARIE D. ANTOINE's and NELCHAE L ANTOINE's rights as guaranteed under 42 U.S.C. §§ 1981, 1983, 1985 and the United States Constitution, including its First, Fourth and Fourteenth Amendments.

29. As a direct and proximate result of the defendants' conduct complained of herein,

MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEL ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

THIRD CLAIM

MONELL CLAIM FOR CONSTITUTIONAL VIOLATIONS

30. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 29 as if fully set forth herein.

31. At all times material to this complaint, defendant THE TOWNSHIP OF IRVINGTON, acting through defendants BOST, RUSSO, RUCKER, ALEMAN, STOUCHE and DOES, had in effect explicit orders, as well as de facto policies, practices and customs that were a direct and proximate cause of the unconstitutional conduct of the defendant police officers.

32. On information and belief, defendant THE TOWNSHIP OF IRVINGTON failed to effectively train, supervise and discipline its police officers and employees, including the defendant police officers and employees herein, so as to prevent violations of citizens' constitutional rights. Defendant THE TOWNSHIP OF IRVINGTON failed to train, supervise and discipline its police officers and employees regarding unconstitutional conduct, thereby permitting and allowing the defendant police officers to arrest, assault and imprison MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEL ANTOINE, and to otherwise cause them injury and violate their federal and state constitutional rights, and/or to permit these actions to take place with the knowledge or consent of police officers and employees of THE TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE

DEPARTMENT.

33. On information and belief, the defendant police officers and employees of THE TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE DEPARTMENT herein have been the subject of prior civilian and departmental complaints of misconduct that gave notice to, or should have given notice to the defendants THE TOWNSHIP OF IRVINGTON, THE IRVINGTON POLICE DEPARTMENT, MAYOR SARAH BOST and POLICE CHIEF DANIEL RUSSO that the defendant police officers and employees herein were likely to engage in conduct that would violate the civil and constitutional rights of the public, such as the conduct complained of by MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE herein.

34. As a result of the foregoing conscious policies, practices, customs and/or usages, defendants THE TOWNSHIP OF IRVINGTON, THE IRVINGTON POLICE DEPARTMENT, MAYOR SARAH BOST and POLICE CHIEF DANIEL RUSSO have permitted and allowed the employment and retention of individuals as police officers and employees whose individual circumstances, training and supervision place the public or segments thereof at substantial risk of being the victims of unlawful and/or unreasonable behavior. Such policies, practices, customs and/or usages are a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the injuries to MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE.

35. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation,

invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

FOURTH CLAIM

**RESPONDEAT SUPERIOR LIABILITY OF THE TOWNSHIP OF IRVINGTON AND
THE IRVINGTON POLICE DEPARTMENT
FOR STATE LAW VIOLATIONS**

36. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 35 as if fully set forth herein.

37. The conduct of defendant employees RUCKER, ALEMAN, STOUCH and DOES, alleged herein, occurred while they were on duty and in uniform, and/or in and during the course and scope of their duties and functions as police officers for THE TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE DEPARTMENT, and while they were acting as agents and employees of the defendants THE TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE DEPARTMENT, and as a result, the defendants THE TOWNSHIP OF IRVINGTON and THE IRVINGTON POLICE DEPARTMENT are liable to the plaintiff pursuant to the state common law doctrine of respondeat superior.

FIFTH CLAIM

FALSE ARREST

38. Plaintiff JOSEPH ANTOINE, as next friend of MAX ANTOINE, incorporates by reference the allegations set forth in Paragraphs 1 through 37 as if fully set forth herein.

39. By the actions described above, defendants RUCKER, ALEMAN, STOUCH and DOES falsely arrested MAX ANTOINE, or caused MAX ANTOINE to be falsely arrested without reasonable or probable cause, illegally and without a warrant, and without any right or

authority to do so. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to the MAX ANTOINE and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

40. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

SIXTH CLAIM

FALSE IMPRISONMENT

41. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 40 as if fully set forth herein.

42. By the actions described above, defendants RUCKER, ALEMAN, STOUCHE and DOES falsely imprisoned MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE, or caused MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE to be falsely imprisoned, without reasonable or probable cause, illegally and without a warrant, and without any right or authority to do so. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to the MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE, and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

43. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE

sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

SEVENTH CLAIM

ASSAULT and BATTERY

44. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 43 as if fully set forth herein.

45. By the actions described above, defendants RUCKER, ALEMAN, STOUCHE and DOES did cause the assault and battery of MAX ANTOINE, MARIE E. ANTOINE and MARIE D. ANTOINE. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to MAX ANTOINE, MARIE E. ANTOINE and MARIE D. ANTOINE, and violated their statutory and common law rights as guaranteed her by the laws and Constitution of the State of New Jersey.

46. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE and MARIE D. ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

EIGHTH CLAIM

INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

47. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 46 as if fully set forth herein.

48. By the actions described above, defendants RUCKER, ALEMAN, STOUCHE and

DOES engaged in extreme and outrageous conduct, conduct utterly intolerable in a civilized community, which intentionally and/or negligently caused severe emotional distress to MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

49. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

NINTH CLAIM

CONSPIRACY UNDER STATE LAW

50. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 49 as if fully set forth herein.

51. By the actions described above, defendants RUCKER, ALEMAN, STOUCH and DOES, jointly and severally, acting in their individual capacities and under color of law, conspired together and maliciously and wilfully entered into a scheme to deprive MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEI ANTOINE of their rights, liberty, well-being and to commit the above-alleged unlawful acts. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to MAX ANTOINE,

MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE, and violated their rights as guaranteed by 42 U.S.C. §§ 1981, 1983, 1985, and by the United States Constitution, including its First, Fourth and Fourteenth Amendments, and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

52. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAE L ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

TENTH CLAIM

LOSS OF CONSORTIUM

53. Plaintiff MARIE D. ANTOINE, individually and in her capacity as natural parent and guardian of NELCHAE L ANTOINE, incorporates by reference the allegations set forth in Paragraphs 1 through 52 as if fully set forth herein.

54. At all times mentioned herein, MARIE D. ANTOINE was and still is the lawful wife of MAX ANTOINE; they did and still continue to live together as wife and husband.

55. At all times mentioned herein, NELCHAE L ANTOINE was and still is the daughter of MAX ANTOINE; they did and still continue to live together as a family.

56. By the actions described above, defendants engaged in intentional and negligent conduct which did cause MAX ANTOINE to sustain specific and serious bodily injury, and severe emotional and psychological injury. As a direct and proximate result of defendants action complained of herein, MARIE D. ANTOINE has been deprived of the services, companionship

and society of her husband, MAX ANTOINE, and NELCHAEL ANTOINE has been deprived of the services, companionship, guidance and support of her father, MAX ANTOINE, all in violation of their rights as guaranteed by 42 U.S.C. §§ 1981, 1983, 1985 and by the United States Constitution, including its First and Fourteenth Amendments, and in violation of their statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

ELEVENTH CLAIM

NEGLIGENCE

57. The plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 56 as if fully set forth herein.

58. By the actions described above, defendants RUCKER, ALEMAN, STOUCH and DOES, jointly and severally, negligently caused injuries and emotional distress. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHIAEL ANTOINE and violated their statutory and common law rights as guaranteed by the laws and Constitution of the State of New Jersey.

59. As a direct and proximate result of the defendants' conduct complained of herein, MAX ANTOINE, MARIE E. ANTOINE, MARIE D. ANTOINE and NELCHAEL ANTOINE sustained specific and serious bodily injury, pain and suffering, terror, extreme humiliation, invasion of the right to privacy, deprivation of liberty, mental anguish, emotional and psychological injury.

TWELFTH CLAIM

TRESPASS


60. Plaintiff MARIE E. ANTOINE incorporates by reference the allegations set forth in Paragraphs 1 through 59 as if fully set forth herein.

61. The defendants willfully, wrongfully and unlawfully trespassed upon the home of plaintiff MARIE E. ANTOINE at 208 Nesbit Terrace, Irvington, New Jersey.

WHEREFORE, the plaintiffs demand the following relief jointly and severally against all of the defendants:

- a. Compensatory damages;
- b. Punitive damages;
- c. The convening and empanelling of a jury to consider the merits of the claims herein;
- d. Costs and interest and attorney's fees;
- e. 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: 8/6, 2003



WILLIAM H. BUCKMAN, ESQ.