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NOV 21 2011

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MONICA RAAB

Plaintiff,

vs.

CITY OF OCEAN CITY, NEW JERSEY
a municipal corporation of the State of
New Jersey; CITY OF OCEAN CITY
POLICE DEPARTMENT, OFFICER
JESSIE SCOTT RUCH in his official and
individual capacity, Fictitious
Designation, John Does (#1-25);
Fictitious Designation, ABC Corps. (#1-
25).

Defendants.

CIVIL ACTION NO.:

**COMPLAINT AND
JURY TRIAL DEMAND**

Plaintiff, Monica Raab, residing at 233 West Atlantic Boulevard, in the City of Ocean City, County of Cape May, State of New Jersey, by way of Complaint against all defendants, states as follows:

PRELIMINARY STATEMENT

This suit is filed in order to vindicate the rights of Plaintiff to engage in activity protected by the Fourth and Fourteenth Amendments to the Constitution of the United States of America without fear of reprisal and to seek economic redress for losses suffered by the Plaintiff at the hands of defendants.

JURISDICTION

1. This Court has jurisdiction over the dispute between the parties pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343(a) (3) and (4) because Plaintiff's civil causes of action arise under the Constitution and laws of the United States, specifically 42 U.S.C. §1983 and the Fourth and Fourteenth Amendment to the Constitution of the United States of America.

2. Plaintiff hereby invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367 to hear related state causes of action.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because this Court sits in the district where all of defendants reside and is also the district where the substantial part of the events or omissions in connection with Plaintiff's claims arose.

PARTIES

4. Plaintiff, Monica Raab, is an individual and resides at 233 West Atlantic Boulevard, in the City of Ocean City, County of Cape May, State of New Jersey.

5. Defendant, the City of Ocean City, New Jersey (hereinafter "City of Ocean City") is, upon information and belief, a duly designated municipality of the State of New Jersey and organized under the laws of the State of New Jersey, located in the County of Cape May.

6. Defendant, the Ocean City Police Department is, upon information and belief, a municipal department and/or agency of the government of Defendant, City of Ocean City.

7. Defendant, Officer Jessie Scott Ruch #246, (hereinafter "Officer Ruch") was at all relevant times a duly appointed and active police officer of the Defendant, Ocean City Police Department and was acting in such capacities as the agent, servant, and/or employee of Defendant, City of Ocean City and was acting under color of law.

8. At all relevant times, John Does 1-25, names of said individuals presently unknown and fictitious, were supervisors, agents, employees, servants or otherwise acting on behalf of and within the scope of their employment with the City of Ocean City and/or the Ocean City Police Department, acting under color of law.

9. ABC Corps. 1-25 are fictitious designations for one or more private or public entities and organizations whose identities are currently unknown.

10. At times stated herein, Defendant, City of Ocean City, Defendant, Ocean City Police Department, Defendants, John Does 1-25 and Defendants, ABC Corps. 1-25 are collectively referred to as "these defendants" and/or "the defendants."

FACTS COMMON TO ALL COUNTS

11. On or about May 11, 2010, Plaintiff was inside her home located 233 West Atlantic Boulevard, in the City of Ocean City, County of Cape May, State of New Jersey.

12. Plaintiff was awakened at approximately 9:30 a.m. and noticed the presence of an Ocean City police officer at the roadside curb in front of her residence. The officer was concentrating his attention on a small garden trailer that was parked in the public road in front of Plaintiff's residence.

13. The small garden trailer belonged to Plaintiff's brother-in-law. The trailer had been parked in the roadside curb in front of Plaintiff's residence for approximately one (1) month prior to this incident.

14. Plaintiff left the inside of her residence and approached the police officer, later identified as Defendant, Officer Ruch, to inquire as to the reason for his presence. Plaintiff inquired of the officer if she could help him with anything and he responded that he was "getting rid of the trash on the street", referring to the small garden trailer.

15. Plaintiff explained to Officer Ruch that the small garden trailer belonged to

her brother-in-law who lived approximately two (2) blocks away from Plaintiff's residence.

16. At this time, without provocation or instigation from Plaintiff, Officer Ruch became irritated with Plaintiff and stated "I don't care who the trailer belongs to – it is going to be towed."

17. Plaintiff asked Officer Ruch several times to not tow the trailer and she offered to move it from the street to her driveway.

18. A citizen, Michael Hinchman, stopped at the scene offered to help Plaintiff and her daughter move the trailer. They proceeded to pull the trailer up over the curb and onto Plaintiff's driveway. They were able to get the trailer up over the curbside and onto Plaintiff's driveway.

19. While in Plaintiff's driveway, Officer Ruch approached Plaintiff and although he was familiar with her, he repeatedly asked her name. Plaintiff responded by stating "we are the Raabs."

20. At all relevant times, Plaintiff was clearly unarmed and unequal to Officer Ruch's physical presence.

21. At that point, without providing any warning or explanation for his actions, Officer Ruch violently grabbed Plaintiff's right arm from behind and forcibly pushed Plaintiff to the ground while handcuffing her, which caused her to immediately suffer great pain in her arm and shoulder.

22. Officer Ruch forcibly restrained Plaintiff. He also pushed Plaintiff's daughter to the ground, causing her to fall into the bushes adjacent to the neighbor's property.

23. While Plaintiff's was lying face up on the pavement, Officer Ruch continued to pull and twist Plaintiff's right arm over and over again causing her to repeatedly hit her head on the pavement. Plaintiff repeatedly stated out loud that she was in severe pain and was clearly in distress. Plaintiff called out for help and requested an ambulance.

24. Officer Ruch ignored Plaintiff's pleas to stop the assault.

25. Shortly thereafter a second police officer from the Ocean City Police Department, later identified as Officer Campbell, arrived on the scene and walked up Plaintiff's driveway to where Plaintiff, her daughters and Officer Ruch were located.

26. At that point, Officer Campbell commanded Officer Ruch to take the handcuff off of Plaintiff and Officer Ruch complied.

27. Plaintiff was never charged with any violation of criminal statutes stemming from the incident.

FIRST COUNT

Claim For Violation Of Rights Against Being Subjected To Unreasonable Seizures As Protected By The Fourth and Fourteenth Amendment Of The U.S. Constitution Brought Pursuant to 42 U.S.C. §1983

28. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 27 as if set forth at length herein.

29. At all relevant times, Officer Ruch was acting under color of law, as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

30. The Fourth Amendment to the United States Constitution protects persons from being subjected to unreasonable seizures by the police.

31. On or about May 11, 2010, Officer Ruch intentionally restrained Plaintiff against her will when he forcibly threw her to the ground, purposefully placed his handcuff upon her right arm and continued to stand over her in a deliberate and conscious decision to restrain and confine her movement.

32. As a result of Officer Ruch's aforementioned intentional acts, Plaintiff was subjected to a seizure as she was unable to leave and terminate the encounter between

her and Officer Ruch. The intentional conduct of Officer Ruch constituted a stop and/or arrest of Plaintiff amounting to an unlawful "seizure" within the meaning of the law.

33. All of the aforementioned acts or omissions of Officer Ruch were unnecessary and completely unreasonable under the circumstances, not justified according to law and deprived Plaintiff of her federally protected constitutional right to be free from unlawful seizures, false arrest, and false imprisonment.

34. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

SECOND COUNT

Claim For Violation Of Rights Against Being Subjected to Excessive Force As Protected By The Fourth and Fourteenth Amendment Of The U.S. Constitution Brought Pursuant to 42 U.S.C. §1983

35. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 34 as if set forth at length herein.

36. At all relevant times, Officer Ruch was acting under color of law, as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

37. The Fourth Amendment to the United States Constitution protects persons from being subjected to excessive force while being arrested and/or stopped by the police.

38. On or about May 11, 2010, without provocation and while located on Plaintiff's private property, Officer Ruch intentionally threw Plaintiff to the ground, purposefully placed his handcuff upon her right arm, repeatedly pulled, pushed and violently twisted Plaintiff's arm behind her back while she laid face up on the pavement, continued to stand over her while consciously ignoring Plaintiff's repeated requests for him to cease in such conduct.

39. Officer Ruch's conduct was unnecessary, unjustified and completely unreasonable under the circumstances. At all relevant times, Plaintiff was unarmed, not the physical equal of Officer Ruch, and posed absolutely no danger to the safety and welfare of Officer Ruch and all those around her.

40. All of the aforementioned acts or omissions of Officer Ruch constitute excessive force within the meaning of the law.

41. All of the aforementioned acts or omissions of Officer Ruch were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of her federally protected constitutional right to be free from excessive force at the hands of the police.

42. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

THIRD COUNT

**Claim For Violation Of Rights Against Being Subjected to Unlawful Search
As Protected By The Fourth and Fourteenth Amendment Of The U.S. Constitution
Brought Pursuant to 42 U.S.C. §1983**

43. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 42 as if set forth at length herein.

44. At all relevant times, Officer Ruch was acting under color of law, as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

45. The Fourth Amendment to the United States Constitution protects persons from unreasonable searches of their “persons, houses, papers and effects”

46. On or about May 11, 2010, Plaintiff was lawfully on her private, residential property located at 233 West Atlantic Boulevard, in the City of Ocean City, County of Cape May, State of New Jersey.

47. At all relevant times, Plaintiff enjoyed a reasonable expectation of privacy in her persons and also with her property.

48. At all relevant times, Officer Ruch intentionally approached and entered upon Plaintiff’s driveway and her private residential property.

49. Officer Ruch did not attempt to or ever obtain a duly issued warrant justifying his intrusion and entry onto Plaintiff’s private property nor did he possess any reasonable or lawful justification that would obviate his need to obtain such a warrant.

50. The aforementioned conduct of Officer Ruch constituted an unlawful and illegal search upon Plaintiff’s person and property in contravention to her rights protected by the Fourth Amendment to the U.S. Constitution.

51. As a direct and proximate result of the aforementioned violations of Plaintiff’s

civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

FORTH COUNT

Supervisor Liability For Violations of Civil Rights Pursuant to 42 U.S.C. §1983

52. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 51 as if set forth at length herein.

53. At all relevant times, John Does 1-25 were acting under color of law, as supervisors, agents, servants, employees or otherwise acting on behalf of and within the scope of their employment with Defendants, City of Ocean City and the Ocean City Police Department.

54. Furthermore, these John Does 1-25 were the superiors and/or supervisors of Officer Ruch. Additionally, these John Does 1-25 were responsible for making government policy and for oversight of the functions and duties of their respective departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

55. John Does 1-25 directed Officer Ruch to undertake the actions in question, and/or had knowledge of Officer Ruch's violations of Plaintiff's constitutional rights and acquiesced in that violation, and/or with deliberate indifference to the consequences,

established and maintained a policy, practice or custom which directly caused the aforementioned violations of Plaintiff's constitutional rights.

56. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

FIFTH COUNT

Liability For Inadequate Training Causing Violations of Civil Rights Pursuant to 42 U.S.C. §1983

57. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 56 as if set forth at length herein.

58. Defendants, City of Ocean City, the Ocean City Police Department, John Does 1-25 and ABC Corps. 1-25 were responsible for making government policy and for oversight of the functions and duties of their respite departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

59. These defendants failed to establish adequate training programs in order to properly train its police employees to carry out their official duties in effectuating lawful seizures of its citizens and applying reasonable degrees of force in connection with same.

60. The failure on behalf of these defendants to adequately train its police employees amounted to deliberate indifference to the fact that inaction would obviously

result in the violation of its citizens' Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

61. The failure on behalf of these defendants to adequately train its police employees including Officer Ruch proximately caused the violation of Plaintiff's Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

62. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1-25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

SIXTH COUNT

Liability For Inadequate Supervision Causing Violations of Civil Rights Pursuant to 42 U.S.C. §1983

63. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 62 as if set forth at length herein.

64. Defendants, City of Ocean City, the Ocean City Police Department, John Does 1-25 and ABC Corps. 1-25 were responsible for making government policy and for oversight of the functions and duties of their respite departments, divisions, bureaus and agencies engaged in providing general welfare services, including police protection.

65. These defendants failed to adequately supervise its police employees in carry

out their official duties when effectuating lawful seizures of its citizens and applying reasonable degrees of force in connection with same.

66. These defendants knew or should have known that certain police employees held vindictive personal animus against Plaintiff and other citizens which would require some amount of reasonable supervision over said employees.

67. The failure on behalf of these defendants to adequately supervise its police employees amounted to deliberate indifference to the fact that inaction would obviously result in the violation of Plaintiff's and other citizens' Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

68. The failure on behalf of these defendants to adequately supervise its police employees, including Officer Ruch, proximately caused the violation of Plaintiff's Fourth Amendment Rights to be free from unlawful seizures and excessive force at the hands of the police.

69. As a direct and proximate result of the aforementioned violations of Plaintiff's civil and constitutional rights actionable under 42 U.S.C. § 1983, Plaintiff was caused to suffer serious and permanent injuries, and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

PENDENT STATE LAW CLAIMS

SEVENTH COUNT

**False Arrest/Imprisonment
In Violation Of New Jersey State Law**

70. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 69 as if set forth at length herein.

71. At all relevant times, Officer Ruch was acting as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

72. On or about May 11, 2010, Officer Ruch intentionally restrained Plaintiff against her will when he forcibly threw her to the ground, purposefully placed his handcuff upon her right arm and continued to stand over her in a deliberate and conscious decision to restrain and confine her movement.

73. As a result of Officer Ruch's aforementioned intentional acts, Plaintiff was subjected to a seizure as she was unable to leave and terminate the encounter between her and Officer Ruch. The intentional conduct of Officer Ruch constituted a stop and/or arrest of Plaintiff within the meaning of the law.

74. All of the aforementioned acts or omissions of Officer Ruch were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of her constitutional rights under the laws of the State of New Jersey to be free from unlawful seizures, false arrest, and false imprisonment.

75. As a direct and proximate result of the aforementioned violations of Plaintiff's civil rights actionable under both Federal and State Constitutions, Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and

permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

EIGHTH COUNT

Excessive Force In Violation Of New Jersey State Law

76. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 75 as if set forth at length herein.

77. At all relevant times, Officer Ruch was acting as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

78. On or about May 11, 2010, Officer Ruch intentionally threw Plaintiff to the ground, purposefully placed his handcuff upon her right arm, repeatedly pulled, pushed and violently twisted Plaintiff's arm behind her back while she laid face up on the pavement, and continued to stand over her while consciously ignoring Plaintiff's repeated requests for him to cease in such conduct.

79. All of the aforementioned acts or omissions of Officer Ruch constitute excessive force within the meaning of the law. At all relevant times, Plaintiff was unarmed, not the physical equal of Officer Ruch, and posed absolutely no danger to the safety and welfare of Officer Ruch and all those around her.

80. All of the aforementioned acts or omissions of Officer Ruch were unreasonable under the circumstances, not justified according to law and deprived Plaintiff of her federally and state protected constitutional right to be free from excessive force at the hands of the police.

81. As a direct and proximate result of the aforementioned violations of Plaintiff's civil rights actionable under both Federal and State Constitutions, Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

NINTH COUNT

**Assault and Battery
In Violation Of New Jersey State Law**

82. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 81 as if set forth at length herein.

83. At all relevant times, Officer Ruch was acting as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

84. On or about May 11, 2010, without provocation Officer Ruch approached Plaintiff from the rear and intentionally attempted to and did grab Plaintiff by her right arm

and purposefully threw her to the ground, placed his handcuff upon her right arm, repeatedly pulled, pushed and violently twisted Plaintiff's arm behind her back while she laid face up on the pavement, and continued to stand over her. At the time of the beating, Plaintiff was unarmed and not the physical equal of Officer Ruch.

85. All of the aforementioned forcible contact by Officer Ruch with his attempts to touch and his actual touching of Plaintiff were without Plaintiff's consent.

86. All of the aforementioned acts or omissions of Officer Ruch were made with an unlawful amount force and violence and constitute negligent or intentional assault.

87. As a direct and proximate result of the aforementioned conduct of Officer Ruch, Plaintiff was caused to suffer serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

TENTH COUNT

Negligent Infliction Of Emotional Distress In Violation Of New Jersey State Law

88. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 87 as if set forth at length herein.

89. At all relevant times, Officer Ruch was acting as an agent, servant, and employee of Defendants, City of Ocean City and the Ocean City Police Department, in connection with the incident described herein involving Plaintiff.

90. The aforementioned acts of Officer Ruch were made with an unlawful amount of force and violence and in a careless, reckless, and negligent manner completely unreasonable under the circumstances.

91. Officer Ruch knew or should have known that his actions would inflict emotional distress on Plaintiff.

92. As a direct and proximate result of the aforementioned conduct of Officer Ruch, Plaintiff was caused to suffer severe, serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

ELEVENTH COUNT

Negligent Retention and Supervision In Violation Of New Jersey State Law

93. Plaintiff, Monica Raab, repeats and realleges the allegations contained in Paragraphs 1 through 92 as if set forth at length herein.

94. At all relevant times, John Does 1-25 while acting as the agents, servants, employees or otherwise on behalf of Defendants, City of Ocean City and the Ocean City Police Department were charged by statutes, law, code, regulation, policy, procedure, or other authority to perform their functions and duties in a safe and reasonable manner and

to act properly in furtherance of protecting and safeguarding its citizens, including Plaintiff.

95. Defendants, John Does 1-25 owed a duty to exercise due and reasonable care in carrying out their functions and duties as assumed towards its citizens, including Plaintiff.

96. At all relevant times, Officer Ruch possessed dangerous propensities to commit unlawful, violent acts of physical abuse while performing his duties as a law enforcement officer thereby creating an unreasonable risk of injury to the citizens he was sworn to protect.

97. Defendants, John Does 1-25 knew or should have known of Officer Ruch's dangerous propensities and the risk of injury that he presented to Plaintiff as well as other citizens.

98. Defendants, John Does 1-25 acted in a negligent, careless, reckless, or otherwise palpably unreasonable manner, breaching their duty of care owed to Plaintiff, by retaining Officer Ruch in his employment position despite such knowledge of his dangerous propensities and failed to adequately supervise him.


99. As a direct and proximate result of the aforementioned conduct of Officer Ruch, Plaintiff was caused to suffer severe, serious and permanent injuries, including permanent loss of ability to function and permanent disfigurement for which medical treatment and expenses are in excess of \$3,600 and has sustained other losses and damages.

WHEREFORE, Plaintiff, Monica Raab, demands judgment against Defendants, City of Ocean City, the Ocean City Police Department, Officer Ruch, John Does 1-25 and ABC Corps. 1- 25 jointly and severally for compensatory damages, punitive damages, attorney's fees, interest, cost of suit, and such other and further relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff demands a trial by jury as to all issues so triable.

**DiFrancesco, Bateman, Coley, Yospin
Kunzman, Davis & Lehrer, P.C.**

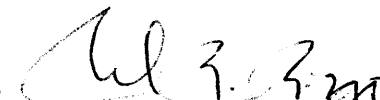
By: 
Paul R. Rizzo, Esq.
Attorneys for Plaintiff

Dated: Nov. 18, 2011

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Paul R. Rizzo, Esq. as trial counsel in connection with the above-captioned matter.

**DiFrancesco, Bateman, Coley, Yospin
Kunzman, Davis & Lehrer, P.C.**

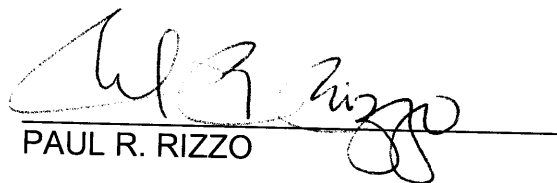
By: 
Paul R. Rizzo, Esq.
Attorneys for Plaintiff

Dated: Nov. 18, 2011

CERTIFICATION OF COUNSEL

The undersigned hereby certifies that at the time of filing this Complaint, the matter in controversy is not the subject of any other action pending in any court and/or arbitration proceeding. The undersigned is unaware of any non-party who should be joined in this action at this time

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


PAUL R. RIZZO

Dated: Nov. 18, 2011

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Raab, Monica</p> <p>(b) County of Residence of First Listed Plaintiff <u>Cape May County</u></p> <p>(c) Attorney's (Firm Name, Address, Telephone Number and Email Address) DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis and Lehrer, P.C. 15 Mountain Blvd., Warren, NJ 07059 908-757-7800; prizzo@newjerseylaw.net</p>	<p>DEFENDANTS City of Ocean City, City of Ocean City Police Dept., Officer Jesse Scott Ruch</p> <p>County of Residence of First Listed Defendant <u>Cape May County</u></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

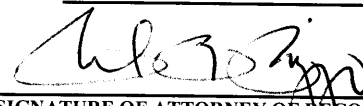
Brief description of cause:
violations of Federal Constitution, Fourth Amd. - excessive force, false imprisonment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 1,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions): JUDGE _____ DOCKET NUMBER _____

Explanation:
November 18, 2011

DATE _____


 SIGNATURE OF ATTORNEY OF RECORD
PAUL R. PRIZZO, ESQ.

DiFRANCESCO, BATEMAN, COLEY,
YOSPIN, KUNZMAN, DAVIS
& LEHRER, P.C.

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AFFILIATED WITH BIVONA & COHEN, P.C.
NEW YORK, NEW YORK

AFFILIATED OFFICES

LOS ANGELES PHILADELPHIA LONDON BOCA RATON

November 18, 2011

SANDRA BELL
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JOHN J. RUSSO*
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JAMES M. HARDING
JOSHUA H. BEINHAKER
SARAH M. MAHONY^{□▲}
C. JUSTIN MCCARTHY
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RICHARD D. POMPELIO[□]
MICHAEL A. PATICCHIO

RECEIVED

NOV 21 2011

AT 8:30
WILLIAM T. WALSH
CLERK

MEMBERS OF THE NEW JERSEY BAR
□also NY □also PA △also DC
□also TX □also MO *LLM-Taxation
□also MD □also CT □also CO □also FL
Director of Finance and Administration
*Certified by the Supreme Court
of NJ as a Civil Trial Attorney
*Certified by the Supreme Court
of NJ as a Matrimonial Law Attorney
*Certified by the Supreme Court
of NJ as a Criminal Trial Attorney

Writer's Ext. 112

Email – npompelio@newjerseylaw.net

VIA FIRST CLASS MAIL

United States District Court
District of New Jersey – Camden
Attn: Clerk's Office
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: **Raab v. City of Ocean City, et al.**

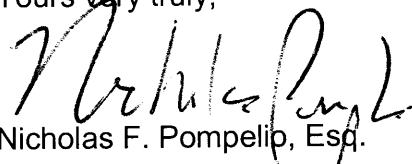
Dear Sir or Madam:

This firm represents the interest of plaintiff, Monica Raab, in connection with the above referenced matter. Enclosed for filing, please find an original and one (1) copy of plaintiff's Complaint and Jury Demand, Civil Cover Sheet, and a separate Summons for each named defendant. I have also enclosed a check in the amount of \$350 made payable to the "Clerk, United States District Court" for the required filing fees.

Kindly file the enclosed documents and return the copy marked "filed" to this office along with the executed Summons. I have enclosed a self-addressed, stamped envelope for your convenience.

Should you have any questions or require additional information, please do not hesitate to contact me. Thank you.

Yours very truly,


Nicholas F. Pompelio, Esq.

Encls.
NFP/jg
Cc: Monica Raab

