

Daniel W. Sexton, Esq. LLC
AIN 1021992
329 Pacific Avenue
Jersey City, NJ 07304
201 332 5455/ 201-406-9960

NIJER PARKS

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

PASSAIC COUNTY
DOCKET NO.: L

Plaintiff

Vs.

Civil Action

JOHN E. McCORMACK, MAYOR OF
WOODBIDGE, In his personal and
official capacity, ROBERT HUBNER
DIRECTOR OF THE WOODBRIDGE POLICE,
n his personal and official capacity, CITY OF
WOODBIDGE POLICE
OFFICERS JOHN AND JANE DOE, 1 – 20,
being as yet unknown actors, MIDDLESEX
DEPARTMENT OF CORRECTIONS, JOHN and
JANE DOES 1-20, being unknknow
actors, MIDDLESEX COUNTY
PROSECUTOR, ACTING
PROSETOR, CHRISTOPHER
KUBERIET

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendants

Plaintiff, NIJER PARKS, by and through his attorney, Daniel W.

Sexton, Esq. LLC complains of the DEFENDANTS as follows

FACTS COMMON TO ALL COUNTS

1. Plaintiff is an African American man residing at of 485 E.19th Street, Apartment #3G, Patterson, NJ.
2. On or about January 30, 2019, Plaintiff's grandmother called him to tell him that a warrant for arrest out of Woodridge, NJ
3. Upon hearing this from his grandmother, Plaintiff called the Woodbridge Police Department Municipal Court Clerk and inquired about the Warrant.
4. Plaintiff was told that there was a matter involving an incident in a hotel in Woodbridge and that a summons had been issued for his arrest in relation to it.
5. Plaintiff told the Municipal Clerk that he had never been in Woodbridge in his entire life and, indeed, that he did not know where it even was.
6. At the time, plaintiff did not even have a driver's license, and had never had a driver's license prior to June of 2019, and the Plaintiff told the Clerk this information as well.
7. On or about February 5, 2019, plaintiff was driven by his cousin to Woodbridge, NJ, in order to clear up what he knew to be matter of mistaken identity.
8. Plaintiff went to the municipal Clerk who directed him to go to the Woodbridge Police Station which was located in the same municipal complex.
9. Plaintiff, therefore, went to the Woodbridge Police window and explained that he was there to clear up what was clearly a matter of mistaken identity.
10. However, instead of being heard about this lack of involvement with the incident, Plaintiff was taken into the offices of the Woodbridge Police

Department and was questioned at length about an alleged assault by vehicle.

11. As he had previously told the clerk, Plaintiff told the interrogators that had never had a driver's license, that he had never owned a car, and that he had never even been in Woodbridge.
12. Plaintiff also gave him detailed information about a solid alibi that proved he could not have done what he was suspected of doing.
13. As the interrogation got more intense and hostile, the police investigators tried to have Plaintiff moved to a room in the back of the police offices out of range of the camera causing plaintiff to fear that he was going to be tortured.
14. In order to avoid torture, plaintiff feigned an asthmatic attack falling to the ground so that he could not be moved to the back room.
15. As a result of this feigned attack, the EMS was called and plaintiff managed to avoid being beaten at the police headquarters.
16. After being examined by the EMS, Plaintiff was processed and transferred to the Middlesex County Corrections Center even though there was no evidence, no probable cause, no reasonable suspicion.
17. After his wrongful arrest, hostile and threatening interrogation, the Middlesex Corrections officers continued the abuse of plaintiff by keeping him in functional solitary confinement by keeping Plaintiff in intake for his first week at the jail.
18. Because he was kept in intake, , Plaintiff took meals alone.
19. Because he was kept in intake, Plaintiff was denied recreation outside.
20. Because he was kept in intake, Plaintiff was denied recreation opportunities on

the regular tiers, e.g. television, library, conversation.

21. While wrong kept in intake for an extended period, Plaintiff was in fear of physical abuse as the Corrections Officers verbally threatened him with excessive force because, they wrongly asserted, "he had attacked a fellow officer."
22. Plaintiff was only transferred to a tier after his first court appearance seven days later after, upon information and belief, his Public Defender intervened.
23. This extended stay in intake was contrary to best practices in prison management, and, upon information and belief, was contrary to the standards and procedures of the Middlesex Corrections Facility.
24. Plaintiff's first court appearance occurred three days after his wrongful arrest.
25. At that time, Plaintiff's Public Defender did nothing for him even though Plaintiff testified in open court that he had never driven a car, had never been in Woodbridge, and that this was a case of mistaken identity.
26. Defendants already knew or should have known by this time that Plaintiff's DNA did not match the DNA found at the scenes of the crimes.
27. Defendants already knew or should have known by this time that Plaintiff's finger prints did not match the prints found at the scenes of the crimes.
28. Despite this information given at arraignment and the total absence of any incrimination evidence, Plaintiff was returned to the jail.
29. Defendant police department was relying solely on the faulty and illegal Clearview Facial Recognition App or some analogous program while all evidence and forensics confirmed that Plaintiff had no relationship to the

suspect for the crimes.

30. Due to the misconduct of the police defendants, Plaintiff was returned to the Middlesex Jail where he remained until the next court appearance about a week later.
31. Again at this second court appearance, Plaintiff asserted that this was a case of mistaken identity- telling the court again that he does not drive, that he had never been to Woodbridge prior to responding there because of the wrongful summons, that he had a solid alibi proving he could not have committed the crimes, etc.
32. The State and the Woodbridge Defendants continued to argue that Plaintiff's incarceration should be continued even though no evidence tied him to the crime.
33. The targeting of plaintiff, his arrest, and the abuse aspects of his detention together with the insistence on proceeding with the prosecution all occurred without a scintilla of evidence to support it.
34. Plaintiff was released but only due to the new no bail rules
35. Once out of jail, Plaintiff, was terrified that some inexplicable conspiracy or vendetta would destroy him, retained an expensive and talented criminal lawyer.
36. However, despite this, the defendants kept Plaintiff in a state of apprehension for a year, refusing to drop charges, demanding a plea to lesser included charges, and promising that he would be tried and convicted.
37. Plaintiff suffered physical and emotional pain because of the wrongful acts of defendants.

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38. Plaintiff also suffered financial loss and disruption since he was AWOL from his job while wrongly incarcerated.
39. Plaintiff continued to suffer from anxiety and distress even after all charges were finally dismissed by the court when the Middlesex Prosecutor was reprimanded in court for this wrongful arrest, confinement and prosecution.
40. The actions of the defendants were either willfully malicious or were done in reckless disregard and are actions that shock the conscience.

COUNT I

AS AND FOR A FIRST CAUSE OF ACTION FOR A VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT N.J.S.A. 10:6.2, EQUAL PROTECTION CLAIM

41. Anti black animus was a substantial motivating factor leading to the wrongful acts of defendants.
42. Plaintiff, therefore, asserts a claim under the New Jersey Civil Rights Act
43. *Inter alia*, the wrongful treatment of Plaintiff was an extreme case of racial profiling.
44. Racial profiling is considered to be an equal protection claim- essentially that Plaintiff was detained, arrested, and charged primarily because he is or appears racially African or African-American. (citing *Groman v. Twp. of Manalapan*, 47 F.3d 628, 638 (3d Cir. 1995)).

45. Likewise, the equal protection clause is also directed at official conduct, and therefore requires “state action.” *Id.* (citing *Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 937, 102 S. Ct. 2744 (1982)); *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 619, 111 S. Ct. 2077, 2082 (1991) (“The Constitution’s protections of individual liberty and equal protection apply in general only to action by the
46. The defendants had had a discriminatory effect and (were motivated by a discriminatory purpose.’ ”¹⁷ See *Alvin v. Calabrese*, 455 F. App’x 171, 177 (3d Cir. 2011) (quoting *Bradley v. United States*, 299 F.3d 197, 205 (3d Cir. 2002))
47. Plaintiff is a member of a protected class and he was treated differently from similarly situated individuals in an unprotected class.”
48. Plaintiff’s race was a substantial factor” in disparate treatment he received.

COUNT II

AS AND FOR A SECOND CAUSE OF ACTION FOR EXCESSIVE FORCE, A VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT (FOURTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND OF THE NEW JERSEY CIVIL RIGHTS ACT (N.J.S.A. 10:6.2)

- 61.. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 60 above as if set forth in full.
62. The police action against plaintiff was not justified and was excessive .

63. Excessive force refers to force in excess of what a police officer reasonably believes is necessary.

63. No reasonable officer would be able to consider that it was reasonable to issue an arrest warrant on the basis of facial recognition technology that is known to be faulty and untrustworthy.

64. No reasonable officer would believe that it was necessary to enforce an arrest warrant when plaintiff presented himself to clear up the case of mistaken identity.

65. No reasonable officer would have been involved in the terrorizing of Plaintiff through this entire ordeal (from refusing to consider Plaintiff assertions that he did not drive, that he had never been to Woodbridge prior to responding to the summons, that the fact that all the forensics exonerated Plaintiff (DNA, finger prints).

66. No reasonable officer would believe it reasonable to threaten plaintiff with phsyical harm.

71. The use of Excessive Force by Defendants is a violation of the Fourth Amendment to the Constitution of the United States of America.

72. All of the other officers who observed the wrongful treatment of Plaintiff are also liable for not preventing the wrongdoers from using excessive force.

73. The actions of defendants were such to put plaintiff in a reasonable concern for his physical safety as he was in apprehension of being physically assaulted.

COUNT III

**AS AND FOR A THIRD CAUSE OF ACTION CIVIL CONSPIRACY
UNDER JERSEY CIVIL RIGHTS LAW (N.J.A.S 10-12.1 et seq.)**

74. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 73 above as if set forth in full
75. Defendants engaged in a conspiracy for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; and
76. Defendants acted in furtherance of the conspiracy
77. Plaintiff was deprived of any right or privilege of a citizen of the United States.
78. Plaintiff also asserts this claim under the relevant Federal analog including but not limited to Sec. 1985.

COUNT IV

**AS AND FOR A FOURTH CAUSE OF ACTION FOR CRUEL AND
UNUSUAL PUNISHMENT THROUGH THE NEW JERSEY CIVIL
RIGHTS ACT**

79. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 78 above as if set forth in full.

80. *Inter alia*, the New Jersey Civil Rights Act gives a cause of action to New Jersey Citizens for violation

81. The Eight Amendment to the Constitution of the prohibits cruel and unusual punishment.

82. Plaintiff was kept in a functional equivalent to solitary confinement for the first four days of his wrongful arrest which is *per se* cruel and unusual.

83. Plaintiff was put in fear of physical harm during his initial interrogation.

84. Plaintiff remained in fear of physical harm during his entire incarceration as he was subjected to continuous threats of illegal and unconstitutional violence.

85. Plaintiff was put in fear and apprehension that his innocence was of no import even though obvious and manifest because he had never driven a car, had never been to Woodbridge, that the fingerprints did not match, and the DNA did not match.

COUNT V

AS AND FOR A FIFTH COUNT FOR COMMON LAW FALSE ARREST

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86. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 85 above as if set forth in full.

87. Plaintiff was restrained against his will

88. This restraint of plaintiff was unlawful in that there was a complete lack of probable cause to arrest him.

89. It was obvious that no crime had been committed by the plaintiff.

90. Defendants, nonetheless, proceeded in a manner calculated to destroy Plaintiff.

COUNT VI

AS AND FOR A FIFTH CAUSE OF ACTION FOR FALSE IMPRISONMENT

91. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 89 above as if set forth in full

92. Plaintiff was deprived of freedom of movement when he was taken into custody by defendants and kept in captivity until released against the will of defendants by the court after a second appearance.

COUNT VIII
AS AND FOR AN EIGHTH COUNT, PLAINTIFF HAS SUFFERED THE
TORT
OF FALSE LIGHT

93. Plaintiff repeats and re-alleges the facts asserted in paragraphs 1 through 92 above
as if restated fully herein.

94. Defendants have made false communications both written and spoken about
Plaintiff.

95. Defendants have acted with actual malice.

96. In so doing, Defendants have placed Plaintiff in a false light, for example, that he
is a dangerous madman who may perpetuate a mass shooting.

97. This false light would be s highly offensive and embarrassing to any reasonable
person.

COUNT XIV
AS AN FOR A NINTH COUNT, PLAINTIFF HAS SUFFERED
INTERFERENCE WITH HIS BUSINESS
REPUTATION

98. Plaintiff repeats and re-alleges the facts asserted in paragraphs 1 through 97
above as if restated fully herein.

99. Defendants' wrongful acts have been done with malice, which is the intent to cause interference with his business reputation without justification.

100. There was a reasonable likelihood that the interference would cause the loss of prospective gain and resulting damages such that third person will not enter into or have a prospective relation with plaintiff.

COUNT X
DEFENDANTS ARE LIABLE FOR INTENTIONAL INTERFERENCE WITH
PLAINTIFF'S PROSPECTIVE ECONOMIC ADVANTAGE

101. Plaintiff repeats and re-alleges the facts asserted in paragraphs 1 through 100 above as if restated fully herein.

102. Defendants actions constitute false and malicious allegations challenging the competency and integrity of Plaintiff to co-defendants, to other employees, and, upon information and belief, to others in community and profession.

103. Plaintiff had a reasonable expectation of economic advantage or benefit belonging or accruing to her due to her heretofore excellent professional history.

104. The defendants had knowledge of such expectancy of economic advantage;

105. This injury by defendants wrongfully and without justification interfered with plaintiff's expectancy of economic advantage or benefit;

106. In the absence of the wrongful act of the defendants, it is reasonably probable that the plaintiff would have realized her a significant economic advantage or benefit.

107. Instead the plaintiff sustained damages quantum of which shall be shown at trial. By acting as fore described, defendants acted with malice or with reckless disregard for plaintiff's rights, causing her injury and entitling her to money damages.

COUNT VII

AS AND FOR A SEVENTH CAUSE OF ACTION FOR FRAUDULENT CONCEALMENT and DESTRUCTION OF EVIDENCE

108. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 107 above as if set forth in full.

109. Defendants had a legal obligation to create evidence, e.g. by making accurate reports, and preserve evidence at the time of the wrongful conduct.

110. This evidence would be material to this litigation.

111. Plaintiff had no way to create or safeguard this evidence.

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112. Upon information and belief, Defendants have intentionally failed to write accurate reports or have intentionally destroyed such reports.

COUNT VII

AS AND FOR AN EIGHTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

98.. Plaintiff repeats and re-alleges all of the factual averments in paragraphs one through 112 above as if set forth fully herein.

99. The defendants acted intentionally or at the very least recklessly in violating the civil rights of plaintiff as well as his common law rights.

100. The defendant, in fact, intended to create great emotional distress in plaintiff or alternatively, the defendants acted in deliberate disregard of a high degree of probability that emotional distress would follow.

102. The actions of defendants were, in fact, outrageous in character and were so extreme in degree so as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

103. Plaintiff did, in fact, experience great emotional distress at the time, immediately after and it continues until this day and it is such that no reasonable person can be expected to endure such distress.


104. Plaintiff's response is consistent with the response of the average person. similarly situated to the plaintiff.

WHEREFORE, plaintiff demand judgment against Defendants for

- (a) compensatory damages, for pain and suffering, both physical and emotional damages,
- (b) and for punitive damages with interest, cost of suit incurred,
- (c) and with counsel fees enhanced by the Rendine factor to be paid to plaintiff's counsel.

Date: November 25, 2020

by:


Daniel W. Sexton, Esq.

DESIGNATION OF TRIAL COUNSEL PURSUANT TO R.4:25-1(b)(14)

Daniel W. Sexton, is hereby designated as trial counsel.

by:

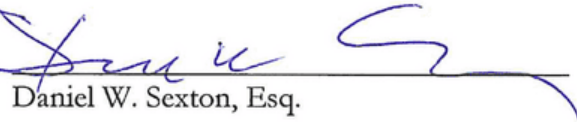

Daniel W. Sexton, Esq.

Dated: November 25, 2020

JURY DEMAND

Plaintiff demands a trial by a jury of six.

by:


Daniel W. Sexton, Esq.

Dated: November 25, 2020

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any other action pending in any court or pending in any arbitration proceeding and that no such action or arbitration proceeding is contemplated. To plaintiffs' knowledge no other party should be joined in this action.

by:


Daniel W. Sexton, Esq. LLC

Dated: November 25, 2020

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-003672-20

Case Caption: PARKS NIJEER VS MCCORMACK JOHN

Case Initiation Date: 11/25/2020

Attorney Name: DANIEL W SEXTON

Firm Name: DANIEL W SEXTON LLC

Address: 329 PACIFIC AVE

JERSEY CITY NJ 07304

Phone: 2013325455

Name of Party: PLAINTIFF : Parks, Nijeer

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: CIVIL RIGHTS

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? YES

Are sexual abuse claims alleged by: Nijeer Parks? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

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

11/25/2020

Dated

/s/ DANIEL W SEXTON

Signed