

Frances A. Hartman (#8391) ATTORNEYS
 HARTMAN, CHARTERED Blason II
 505 S. Lenola Road, Suite 121
 Moorestown, NJ 08057 (856)
 235-0220
 Attorneys for Karin C Knight-Capes
 Our File No. 6756

UNITED STATES DISTRICT COURT
 FOR THE
 DISTRICT OF NEW JERSEY

KARIN C. CAPES, a/k/a KARIN C. :
 KNIGHT-CAPES AND JEFFREY : Civil Action No.
 CAPES, individually and per quod, :

 Plaintiffs :

 v. : COMPLAINT AND
 : JURY DEMAND

PATROLMAN RONALD WEINMAN,
 individually and as a Police Officer of
 MOUNT HOLLY TOWNSHIP; MOUNT
 HOLLY TOWNSHIP; CORRECTIONS
 OFFICER DOUGLAS CHILTON,
 individually and as a Corrections Officer
 of Burlington County; BURLINGTON
 COUNTY; and JOHN DOES 1-5 (a
 fictitious name); and JANE DOES 1-5 (a
 fictitious name)

Defendants

Karin C. Capes and Jeffrey Capes, residing at 902 Island Road, Columbus,

Mansfield Township, County of Burlington, State of New Jersey say:

JURISDICTION

1. Jurisdiction in this case is based on the Federal Civil Rights Act, 28 U.S.C.

1983.

BACKGROUND

2. Karin C. Capes (hereinafter referred to as "Karin") resides at 902 Island Road, Columbus, Mansfield Township, County of Burlington, and State of New Jersey.

3. At all times relevant hereto, Jeffrey Capes (hereinafter referred to as "Jeffrey"), was the husband of Karin.

4. At all times relevant hereto, Karin and Jeffrey were citizens of the United States.

5. At all times relevant hereto, Ronald Weinman was employed by the Township of Mount Holly as a police officer with the Mount Holly Police Department and was acting within the scope of his employment and/or in his individual capacity.

6. At all time relevant hereto, the Township of Mount Holly was and is a corporate body politic in the County of Burlington existing under the laws of the State of New Jersey.

7. At all times relevant hereto, Douglas Chilton was employed by the County of Burlington as a corrections officer and was acting within the scope of his employment and/or in his individual capacity.

8. At all times relevant hereto, the County of Burlington was and is a corporate body politic existing under the laws of the State of New Jersey.

9. John Does 1-5 and Jane Does 1-5 (fictitious names) are persons presently unknown.

10. On February 4, 2004, Karin fell at her home and hit her head. Jeffrey called an ambulance, which took Karin to Virtua Memorial Hospital in Mount Holly, New Jersey.

11. At the hospital Karin was disoriented and disruptive. Jeffrey said he would take her home.

12. Outside of the hospital, Karin encountered Patrolman Ron Weinman (hereinafter referred to as "Ptlm. Weinman"), a Mount Holly Township Police Officer present for an unrelated matter. He took offense when Karin spoke to him.

FIRST COUNT
Assault and Battery

13. Without provocation, Ptlm. Weinman grabbed Karin and threw her against a wall. Karin was taken back into the hospital. When Jeffrey tried to intervene, he was thrown against a wall as well.

14. Ptlm. Weinman's conduct was unreasonable, unnecessary and excessive force was used.

15. Ptlm. Weinman's conduct was an unconsented to assault and battery. 16. Both Karin and Jeffrey suffered damages as a result of the assaults and batterys.

WHEREFORE plaintiffs, Karin C. Capes and Jeffrey Capes, demand judgment against Ptlm. Weinman for reasonable damages, both actual and punitive, pre-judgment interest, costs and such other relief as the Court deems equitable and just.

SECOND COUNT
False Arrest and Imprisonment

17. Plaintiffs repeat all of the paragraphs set forth above and incorporate same herein as if set forth at length.

18. Ptlm. Weinman was aided and abetted in his efforts to restrain Karin by three other persons, who for now, are named as John Doe 1, John Doe 2 and John Doe 3, all of who are believed to be Mount Holly Township Police Officers.

19. Karin was handcuffed and taken by Ptlm. Weinman in a Mount Holly Township marked police unit to the Mount Holly Township lock-up. Jeffrey was told to bring \$1,500.00 in bail money and she would be released.

20. When Jeffrey arrived with the bail money at the jail, he was advised by police that she was fine, and to return in the morning to get her.

21. In fact, Karin was taken to the Burlington County Jail in Pemberton, where she remained incommunicado until 11:00 a.m. the following day, February 5, 2004, when she was able to call her mother.

22. The bail was raised to \$5,000.00, which Karin's sister posted, along with the \$1,500.00, and Karin was finally released at 8:00 p.m. on February 5, 2004.

23. The arrest and subsequent imprisonment were without legal justification.

24. As a result of the false arrest and imprisonment, Karin suffered damages.

WHEREFORE plaintiff Karin C. Capes demands judgment against Ptlm. Weinman and John Does 1-3 for reasonable damages, both actual and punitive, pre-judgment interest, costs and such other relief as the Court deems equitable and just.

THIRD COUNT
Malicious Prosecution

25. Plaintiffs repeat all of the paragraphs set forth above and incorporate same herein as if set forth at length.

26. In an effort to conceal his misconduct, Ptlm. Wienman charged Karin with Aggravated Assault, Resisting Arrest, and Disorderly Conduct.

27. At the Burlington County Jail, while trying to defend herself against an attack described hereinafter, Karin stuck a corrections officer with the pin from his badge. Also, a piece of rubber tubing was found in her possession.

28. In a further effort to conceal his misconduct and to portray Karin as a serious criminal, Ptlm Weinman charged Karin with Assaulting a Law Enforcement Officer in the Performance of His Duties; Possessing a Weapon with a Purpose to use it Against Another; and Possession of Contraband she Knew or Should Have Known it Was Unlawful to Possess. These are indictable offenses which caused the increase in bail.

29. The charges were lacking in probable cause.

30. The charges were made with malice.

31. Ultimately all but one of the charges were dismissed.

WHEREFORE plaintiff Karin C. Capes demands judgment against Ptlm. Weinman for reasonable damages, both actual and punitive, pre-judgment interest, costs and such other relief as the Court deems equitable and just.

COUNT FOUR

Assault

32. Plaintiffs repeat all of the paragraphs set forth above and incorporate same herein as if set forth at length.

33. When Karin was admitted to the Burlington County Jail, she was taken into a small room by Corrections Officer Douglas Chilton (hereinafter "Corrections Officer Chilton"), who, without provocation, sprayed her with pepper spray/mace for about 15 seconds. Karin jumped up and seized the officer's badge and pricked him with it.

34. Whereupon Corrections Officer Chilton threw her to the floor. Two other women, Jane Does 1 and 2, presumably correction officers, rushed into the room and, with unreasonable and excessive force, kned Karin in the back, sat on her, and pulled her legs apart, while ripping off her pants, shirt and other clothing.

35. Karin again was sprayed with pepper spray/mace both in her face and in her vaginal area.

36. Karin, while naked, was handcuffed and taken to a cell, where fecal matter was everywhere, and thrown on the floor where she remained in segregation for hours until being taken to Robert Wood Memorial Hospital.

WHEREFORE plaintiff Karen C. Capes demands judgment against Corrections Officer Chilton and Jane Does 1-2 for reasonable damages, both actual and punitive, prejudgment interest, costs and such other relief as the Court deems equitable and just.

COUNT FIVE
Deprivation of Civil Rights

37. Plaintiffs repeat all of the paragraphs set forth above and incorporate same herein as if set forth at length.

38. The conduct of the defendants, Ptlm. Weinman, Corrections Officer Chilton, John Does 1-5 and Jane Does 1-5 were intended to and did deprive Karin of her constitutional rights of due process of law, and equal protection of law.

39. The conduct of the defendants Ptlm. Weinman, Corrections Officer Chilton, John Does 1-5 and Jane Does 1-5, variously violated the law, by misconduct in office, assault, false imprisonment, all of which are violations of Karin and Jeffrey's civil rights.

40. These denials caused plaintiffs damages.

WHEREFORE plaintiffs demands judgment against Ptlm. Weinman, Corrections Officer Chilton, and John Does 1-5, and Jane Does 1-5 for reasonable damages, both actual and punitive, pre-judgment interest, attorneys fees, costs and such other relief as the Court deems equitable and just.

COUNT SIX
Conspiracy

41. Plaintiffs repeat all the paragraphs set forth above and incorporate same herein as if set forth at length.

42. At all times relevant hereto, defendants, Ptlm. Weinman, Corrections Officer Chilton, John Does 1-5 and Jane Does 1-5, in their official capacity and/or individually,

conspired to deprive Karin of her constitutional rights of due process of law, and equal protection of law.

43. As a proximate result of the wrongful acts of the defendants as set forth above, Karin has been prejudiced, has been deprived of her rights to due process under the Fourteenth Amendment, the rights to defend herself, and the right to pursue her civil action, and has otherwise suffered damages.

WHEREFORE, plaintiffs demand judgment against Ptlm. Weinman, Corrections Officer Chilton, and John Does 1-5, and Jane Does 1-5 for reasonable damages, both actual and punitive, pre-judgment interest, attorneys fees, costs and such other relief as the Court deems equitable and just.

COUNT SEVEN
Employers Liability

44. Plaintiffs repeat all the paragraphs set forth above and incorporate same herein as if set forth at length.

45. The Township of Mount Holly and the County of Burlington failed to train and properly supervise the individual defendants in their respective employ.

WHEREFORE, plaintiffs demand judgment against the Township of Mount Holly and the County of Burlington, for reasonable damages, both actual and punitive, prejudgment interest, attorneys fees, costs and such other relief as the Court deems equitable and just.

COUNT EIGHT
Per Quod Claim

46. Plaintiffs repeat all of the paragraphs set forth above and incorporate same herein as

if set forth at length.

47. Jeffrey suffered the loss of the benefits inherent in and arising out of his marriage to Karin.

WHEREFORE, plaintiff Jeffrey Capes demands judgment under counts 1-4 of the complaint for reasonable damages, pre judgment interest, and costs of suit.

DEMAND FOR TURY TRIAL

The plaintiffs hereby demand a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Francis J. Hartman, Esquire, of Attorneys Hartman, Chartered, is hereby designated as trial counsel for the plaintiffs in the within matter.

CERTIFICATION OF COUNSEL

The undersigned hereby certifies that to the best of my knowledge, the matter in controversy is not the subject of any other pending action or arbitration. Further to the best of my knowledge and belief there are no other parties who must be joined in this action.

ATTORNEYS HARTMAN, CHARTERED

Attorneys for Plaintiffs

s/ Frances A. Hartman

By: Frances A. Hartman

Dated: 2/1/06