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Superior Court of New Jersey

APR 01 2013

CIVIL CASE MANAGEMENT  
UNION COUNTY

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Attorney for Plaintiff  
LORRAINE SELECKY,

Plaintiff,

vs.

OFFICER JAMES CANTRELL,  
BOROUGH OF ROSELLE PARK  
POLICE DEPARTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION : UNION COUNTY  
DOCKET NO. UNN-L-

UNNE 1171 13  
Civil Action

COMPLAINT AND  
JURY DEMAND

Plaintiff Lorraine Selecky, residing [REDACTED] in the City of Elizabeth,  
County of Union and State of New Jersey, by way of Complaint against the defendants,  
alleges and says:

FIRST COUNT

1. At all times mentioned herein, the Borough of Roselle Park Police Department  
was a duly authorized law enforcement agency established under the laws of the State of  
New Jersey.

2. At all times mentioned herein, defendant Officer James Cantrell was the  
employee, agent, or servants of the Borough of the Roselle Park Police Department and  
was at all times acting in the course of that employment.

3. On or about September 19, 2009, defendant James Cantrell did illegally,  
improperly and without probable cause issue parking summons E-142583 falsely charging  
plaintiff with unlawful parking in a space marked for the physically handicapped in violation  
of NJSA 39:4-138(o).

4. There was no probable cause for the issuance of that parking ticket and  
defendant knew that to be the case at the time he issued it.

5. The conduct of defendant aforesaid resulted in plaintiff being falsely, maliciously  
and unlawfully prosecuted in the Roselle Park and Kenilworth Municipal Courts, which  
prosecutions subjected her to the rigors and anxiety associated with such prosecutions and  
the expense of retaining counsel to defend upon the false charge and thereby deprived

plaintiff of her right to be free from the unreasonable and unlawful seizure of her person and to the Equal Protection and Due Process of Law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States, the laws of the United States including but not limited to 42 U.S.C. 1983, and the Constitution and laws of the State of New Jersey including but not limited to NJSA 10:6-2.

6. On October 15, 2009, plaintiff was tried before the Roselle Park Municipal Court and found guilty of the parking violation. On January 11, 2012, the Superior Court of New Jersey, Appellate Division, reversed the conviction and remanded the matter for trial in a municipal court other than Roselle Park. On March 6, 2012, plaintiff was tried before the Kenilworth Municipal Court and a judgment of acquittal entered upon completion of all the testimony.

7. All of the acts of defendant were undertaken in a willful and malicious manner with an immoral purpose and to unjustly enrich the defendant and to injure the reputation, standing and integrity of plaintiff, to her detriment, and defendant is therefore liable to plaintiff for punitive damages in addition to compensatory damages.

8. As a direct and proximate result of the actions of the defendant, and particularly of his willful, intentional, false, malicious, reckless, or grossly negligent actions in falsely issuing plaintiff the parking ticket, plaintiff was greatly humiliated and disgraced, suffered great mental and physical anguish, suffered severe damage to her reputation and standing in the community, required her to retain counsel to defend on the false charge, and has otherwise damaged and injured her in diverse other manners to her great detriment.

WHEREFORE, plaintiff demands judgment for damages against defendant, both compensatory and punitive, together with reasonable attorney's fees, lawful interest and costs of suit.

#### SECOND COUNT

1. Plaintiff repeats all the allegations contained in the First Count of the Complaint as though set forth fully at length.

2. At all times mentioned herein, the Borough of Roselle Park Police Department was the employer of the individual defendant who was acting as its agent, servant and employee.

3. The Borough of Roselle Park Police Department failed to use reasonable care in the selection of its employees, agents and servants, failed to properly train and

supervise the defendant, and failed to provide appropriate safeguards to prevent the unlawful conduct described resulting in the violation of plaintiff's civil rights.

4. The Borough of Roselle Park Police Department acted under color of law pursuant to its official policy or custom and practice and intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis the defendantss in the performance of his duties and otherwise failed to refrain the defendant from unlawful conduct described resulting in the violation of plaintiff's civil rights.

5. The Borough of Roselle Park Police Department had knowledge of or had it diligently exercised its duties to instruct, supervise, control and discipline defendant on a continuing basis should have had knowledge of the wrongs that were done as alleged and intentionally, knowingly, or with deliberate indifference to the rights of plaintiff failed or refused to prevent their commission.

6. The Borough of Roselle Park Police Department directly or indirectly and under color of law thereby approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of defendant.

WHEREFORE, plaintiff demands judgment against defendant Borough of Roselle Park Police Department for both compensatory and punitive damages, together with reasonable attorney's fees, lawful interest and costs of suit.

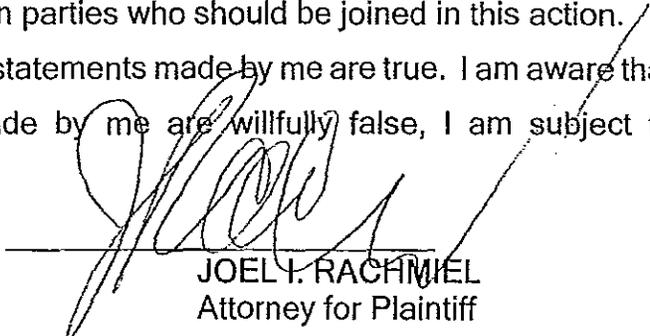
JURY DEMAND

Plaintiff hereby demands trial by jury on all issues.

ATTORNEY CERTIFICATION PURSUANT TO R.4:5-1(b)2

The matter in controversy is not the subject of any other action pending in any Court or of any pending arbitration proceeding, nor are any such actions or arbitrations contemplated. There are no other known parties who should be joined in this action.

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 for contempt of court.

  
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JOEL I. RACHMIEL  
Attorney for Plaintiff

Dated : March 25, 2013