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FILED  
 JAN 29 2010  
 CIVIL CASE MANAGEMENT  
 UNION COUNTY

UNION COUNTY CORRECTIONS	:	SUPERIOR COURT OF NEW JERSEY
OFFICER ALVIN WHITE,	:	LAW DIVISION –UNION COUNTY
	:	
	:	DOCKET NUMBER: <b>UNCL 0431-10</b>
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
UNION COUNTY,	:	<b>COMPLAINT, JURY DEMAND,</b>
DEPARTMENT OF CORRECTIONS.	:	<b>DESIGNATION OF TRIAL COUNSEL</b>
and JOHN DOE(s),	:	<b>AND CERTIFICATION</b>
	:	
Defendants.	:	

Plaintiff, Union County Corrections Officer Alvin White, by way of Complaint and Jury Demand against the defendant, states as follows:

**THE PARTIES**

1. The plaintiff, Alvin White, hereinafter referred to as “plaintiff”, currently resides at 176 Old York Road, Ringoes, in the State of New Jersey. At all relevant times mentioned herein, he was and currently remains a corrections officer employed by the County of Union, Department of Corrections. He is an excellent officer in his own right.
2. The defendant, Union County, Department of Corrections, hereinafter referred to as “defendant”, is a county entity formed and operated pursuant to the laws of the State of New Jersey, and employs plaintiff within its department of corrections.

3. Defendant John Doe(s) are as of yet unidentified employees of defendant who took action at the defendant's behest.

### **RELEVANT FACTUAL AVERMENTS**

4. On/about July 15, 2008, in the City of Elizabeth, County of Union, the plaintiff was working as a Union County Corrections Officer at the Union County Jail.
5. At that same time, Edwin Reyes was an inmate at the Union County Jail.
6. Sometime during the plaintiff's work-shift that day, Reyes caused/was caused to create a disturbance at a particular location in the jail.
7. At that time plaintiff, along with certain other corrections officers, took that force that was reasonably necessary under the circumstances and legally permissible to bring the situation under control and/or subdue Reyes.
8. Plaintiff did absolutely nothing untoward or illegal, yet an internal affairs and criminal investigation were thereafter commenced into what allegedly transpired.
9. Sometime thereafter, certain corrections officers were questioned and/or criminally charged and/or administratively charged.
10. Currently, all officers who were investigated and/or charged are back on the job.
11. On/about December 9, 2008, the plaintiff was indicted, based in large part on an incomplete and slipshod bogus IAD investigation by the defendants.
12. Plaintiff was never given the opportunity to fully explain what transpired.
13. The defendant, John Doe(s) and certain others within its employ surreptitiously and wrongfully agreed to pin the blame for the entire fiasco and alleged injury to Reyes upon the plaintiff.
14. Currently, the plaintiff is the only individual allegedly involved in the occurrence to remain suspended without pay, facing second and third degree criminal charges and

the possibility of ten years or more in New Jersey State Prison. All other John Does who were allegedly involved were part and parcel of a wrongful plan to single out the plaintiff and allow him to take most, if not all, of the blame for an alleged assault upon Reyes.

15. The defendant, John Doe(s) and certain of its employees acted in a grossly negligent and palpably unreasonable fashion during this entire investigation to date, and the New Jersey State Attorney General Guidelines dealing with internal affairs policies and procedures were grossly violated repeatedly during this sham investigation.
16. On/about June 29, 2009, a Title 59 Initial Notice of Tort Claim was properly filed with the defendant.

### **SPECIFIC CAUSES OF ACTION**

#### **A. (GROSSLY NEGLIGENT/PALPABLY UNREASONABLE CONDUCT)**

17. The actions of the defendants and certain of its employees as herein described were grossly negligent and palpably unreasonable.

#### **B. (CIVIL CONSPIRACY)**

18. There existed an illegal plan/scheme/design, hatched by the defendants and certain others, in order to violate the civil rights of the plaintiff and hoist all responsibility for what allegedly transpired upon him and him only.

#### **C. (42 U.S.C. 1983)**

19. By and through their actions as enumerated above, all defendants violated the civil rights of the plaintiff by hatching a scheme/conspiracy in an attempt to blame the plaintiff for an alleged assault perpetrated upon inmate Reyes, when in reality the plaintiff acted at all times properly and within the confines of the law.

**D. (INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

20. The actions of the defendants and certain of its employees toward the plaintiff as herein described were extreme and outrageous, and intended to cause severe emotional distress upon him. No objective person in the plaintiff's position would have been able to stand this unwarranted, severe and purposely inflicted emotional distress.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff prays that this honorable Court:

- (a) accept jurisdiction over this matter;
- (b) empanel a jury to hear and decide this matter;
- (c) award against defendants compensatory and punitive damages in a manner determined by a jury;
- (d) enjoin defendants from engaging in further retaliation, and purge plaintiff's files of each and every memorandum which reflects retaliation animus;
- (e) award to plaintiff the reasonable attorneys' fees and costs of this litigation; and
- (f) for such/any other relief that this Court deems equitable and just.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 4:35-1, the plaintiff Alvin White, herein demands a trial by jury.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4 and Rule 4:5-1(c), Patrick P. Toscano, Jr., is hereby designated trial counsel for the plaintiff, Alvin White.

**CERTIFICATION PURSUANT TO RULE 4:5-1**


I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding.

I also certify that at the present time no other action or arbitration with respect to the matter in controversy is contemplated.

On the basis of the present knowledge, I am aware of no other party or parties who should be joined in this action.

Dated: January 25, 2010

By: \_\_\_\_\_

  
Patrick P. Toscano, Jr.  
Attorney for Plaintiff