

Daniel W. Sexton, Esq. LLC, AIN 1021992
229 NEW CENTRE ROAD
HILLSBOROUGH, NJ 08844
DANIELSEXTONESQ@GMAIL.COM / 201-406-9960
Attorney(s) for Plaintiff

KE WANG

Plaintiff

Vs.

NEW JERSEY STATE POLICE (NJSP),
NJSP DET. ANTHONY EGGERT #7474,
NJSP DSG. BRETT MUNCH #6742,
NJSP SFC. JOSEPH VILLALTA-MORAN #6431,
NJSP TPR. JOHN BARNETT #7721,
NJSP COL. PATRICK CALLAHAN,
NJSP CAP. FIDIBERTO SOTO,
NJDCJ DAG. AMY SIEMINSKI, in her individual
And official capacity,
NJSP JOHN DOES AND JANE DOES 1-20
(names fictitious as presently unknown)

Defendants

SUPERIOR COURT OF NEW
JERSEY LAW DIVISION

HUDSON COUNTY
DOCKET NO.: HUD-L-003180-22

Civil Action

**FIRST AMENDED
COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

FACTS COMMON TO ALL COUNTS

1. Plaintiff is highly educated Chinese national who had come into the United States as on a student visa between 2009 and 2016.
2. Because Plaintiff has a well-founded fear of persecution including incarceration and death, he applied for asylum.
3. While awaiting asylum, Plaintiff obtained a work permit and pursuant to work at American Express Company.
4. On November 5, 2021, Plaintiff was living 130 Tuers Ave on the 3rd Floor, of 130 Tuers Avenue, Jersey City, N.J.

5. 130 Tuers Avenue is a multifamily dwelling which is attached to 132 Tuers Avenue and is owned by the same landlady, Jean Haedrich.
6. Defendant State Troopers improperly and illegally executed a Search Warrant upon Plaintiff in his apartment.
7. Correspondence in Plaintiff's apartment clearly indicated that his address was 130 Tuers Avenue, not 132 Tuers Avenue.
8. The deficient warrant indicated that 132 Tuers, the east part of the building was to be searched.
9. The entrance to Plaintiff's third floor apartment was through 130 Tuers, the door on the west side of the building.
10. Defendant police officers came through 132, the entrance on the east side of the building and illegally and forcibly breached two separate locked doors thorough the back stairway which serviced 130 Tuers Avenue.
11. The acts of the police were clearly and knowingly beyond what was authorized by the warrant.
12. Plaintiff was not a named suspect on the warrant nor its affidavit.
13. In addition to violating the clear terms of the warrant, the errors in the execution of the search warrant are shocking and manifold.
14. Firstly, the Warrant executed was expired. The return of the warrant has a warrant number that matches an expired warrant # VM-HUD-6748-SW-21, dated October 21st, 2021, and not the extended warrant # VM-HUD- 7165-SW-21, dated November 3rd, 2021.
15. Secondly, the Search Warrant and the Supporting Affidavit on their face reference only 132 Tuers Avenue, not 130 Tuers Avenue so the officers had no authorization to enter upon 130 Tuers Avenue.
16. Thirdly, the warrant was executed around 4:30 am, half hour prior to the time which the warrant was allowed to be executed.
17. Fourthly, the warrant required that the officers knock, but, in fact, the officers executed it as if it were a "no knock warrant" before or after breaching into 130 Tuers and merely pushed the door in terrifying plaintiff who was asleep in the studio apartment at that time wearing nothing but underwear briefs. Actually, the word "knock" was never mentioned in any police report nor in the return of the warrant.

18. Fifthly, upon information and belief, the chain of custody of the electronics seized is defective and it may be possible that the defendants engaged in evidence tampering and evidence planting.
19. The defendant officers had guns drawn and these were placed at plaintiff's head while his hands were zip tied.
20. The officers were screaming at plaintiff and roughly pushed him downstairs to another unit while he was naked having refused to allow him to dress.
21. While illegally detained for over an hour in a manner that was humiliating and terrifying, the defendant officers tore apart his studio apartment.
22. Plaintiff was notified that the search was about child pornography, but he was not told what exact crimes he was suspected of.
23. In particular, officer Anthony Eggert misled plaintiff about the crimes they were going to charge, by saying the "possession" charge would be dropped if plaintiff could cooperate with them, and only the "distributing" charge would be left. However, both charges are still pending on the criminal complaint until this day.
24. Although plaintiff was not in possession of anything illegal, a female officer then said she found illegal "stuff" in plaintiff's room, and the team arrested him.
25. The police had seized a hard drive from his room, where an envelope was originally placed on the top of the hard drive, which had his address as 130 Tuers Ave. on it putting them on additional notice that the seizure was beyond the warrant.
26. The police also seized a flash thumb drive from Plaintiff's room, which was tied to his keyset, which had a label "130 Tuers Ave. 3rd Fl." on it so that the officers knew they were executing a warrant at the wrong address.
27. Plaintiff's lease agreement, which had his address as 130 Tuers Ave, was also seized but was never acknowledged to be in the possession of defendants.
28. At no time was Plaintiff shown the Warrant or the Affidavit during the search and seizure.
29. The Defendant officers demanded plaintiff's identification papers (Passport, visa, employment authorization card, etc) and took photos of them, and realized plaintiff was a Chinese national.
30. Plaintiff was searched, restrained, detained, and transported without being read his Miranda rights which were not read until he was taken to the Hudson County Prosecutor's office.

31. Plaintiff was never provided a receipt of inventory of the properties seized, a violation of court Rule 3:5-5.
32. Plaintiff was also never told what exact crimes he was accused of though and had to rely upon inferences drawn from the interrogation he was subjected to at the Hudson County Prosecutor's office.
33. Plaintiff was not provided a face mask nor allowed to wear his own face mask before he was imprisoned, even though he admonished the officers that he was not vaccinated for COVID-19.
34. Plaintiff was transferred to the Hudson County Corrections facility in Kearny where he was ordered to be released with pretrial conditions, but he was then transferred to a U.S. Immigration and Customs Enforcement (ICE) facility.
35. Plaintiff was incarcerated for over six weeks and was transported from NJ to Florida.
36. Plaintiff experienced cruel and unusual punishment while incarcerated and suffered physical and mental distress.
37. Consequently, Plaintiff lost his corporate job, his apartment, and was suspended from his dual master's degree programs at Georgia Tech and UT Austin.
38. After great difficulty, Plaintiff was able to get himself released from ICE custody and, at his own expense, paid for his return to NJ from Florida.
39. Upon return, plaintiff was faced with harsh internet restrictions which greatly hampered both his daily living and his efforts to mount a defense of the wrongful charges against him.
40. Plaintiff also had to repurchase a cellphone and a tablet along with software at his own expenses, as the replacement of the seized electronics to maintain his daily life.
41. Plaintiff even had to reimburse his landlady for the cost of fixing the doors damaged by defendant officers.
42. Plaintiff could not renew his expired working permit if the criminal proceeding against him was not resolved, so he could not find any new job.
43. The police prepared a Return of Search Warrant on December 6th, 2021, which was one month after the search that was conducted on November 5th, 2021, violated court Rule 3:5-5 which requests all warrant accompanied documents should be submitted within 14 days of execution.
44. This caused great prejudice as the police delayed the drafting of the Return of Search Warrant, upon information and belief, in order to conceal from Plaintiff the multiple

inaccuracies and discrepancies described above with conspiracy, particularly when the delay was until two days before Plaintiff's Early Disposition Conference (EDC) hearing on December 8th, 2021, that Plaintiff's public defender had an extremely limited time to review the case before the hearing.

45. Amy Sieminski, a Deputy Attorney General from the NJ Division of Criminal Justice, performed as the prosecutor in the criminal proceeding against plaintiff, is a named defendant in her individual and official capacities.
46. The search warrant and its return were not shared with plaintiff by Amy Sieminski until January 19th, 2022, which listed only five male officers from Internet Crimes Against Children Unit (ICACU).
47. Upon information and belief, Anthony Eggert and Brett Munch among the five officers (collectively, the ICACU Defendants) led the unlawful search and seizure and the following false arrest.
48. Plaintiff filed an initial notice of claim against ICACU Defendants on February 15th, 2022, and USPS tracking indicated NJ Dept. of Treasury, Bureau of Risk Management received the notice on February 16th, 2022.
49. Two police reports of the incident were shared with the plaintiff by Amy Sieminski until August 4th, 2022, which listed additional fifteen male officers from T.E.A.M.S North.
50. Upon information and belief, Joseph Villalta-Moran and John Barnett among the fifteen officers (collectively, the T.E.A.M.S Defendants) led the illegal intrusion into plaintiff's room and controlled him with excessive forces.
51. Upon information and belief, the officers involved in the unconstitutional and wrongful search and seizure and arrest of plaintiff include the ICACU Defendants, the T.E.A.M.S Defendants, multiple male officers with known names but unknown roles, and at least an unknown female officer, Jane Doe (collectively, the Trooper Defendants).
52. Plaintiff filed an amended notice of claim against all Trooper Defendants on August 27th, 2022, and USPS tracking indicated NJ Dept. of Treasury, Bureau of Risk Management received the notice on August 29th, 2022.
53. Upon information and belief, the officers Patrick Callahan and Fidiberto Soto, John & Jane Does 1-10 (collectively, the Supervisor Defendants) have a duty to supervise and discipline NJSP officers.
54. Plaintiff realized the Supervisor Defendants were liable for their failure to supervise after discussing a civil right case with his counsel on August 8th, 2022, and filed the 2nd amended notice of claim against all Individual Defendants including the supervisors

on September 7th, 2022, and USPS tracking indicated NJ Dept. of Treasury, Bureau of Risk Management received the notice on September 8th, 2022.

55. Plaintiff has never looked at nor downloaded child pornography and is certain that a credible forensic analysis of the laptops will prove this.
56. However, neither the police reports nor the return of search warrant listed the names of the officers who conduct the search and the forensic preview, especially the female officer's name, which calls into question the chain of custody.
57. In addition, the officers failed to seize one of plaintiff's laptop adapters and they never asked plaintiff to provide any password to log into his electronics so that it is doubtful that defendants could conduct a credible forensic analysis.
58. The criminal prosecution, which has not moved forward in any meaningful way and in which the state has obstinately refused to produce any discovery until this day.
59. Plaintiff filed a motion to suppress the unlawful search and seizure on June 21st, 2022, and the first motion hearing was conduct on October 13th, 2022.
60. Both defendants Anthony Eggert and John Barnett attended the hearing and made numerous testimonies which contradicted to either physical evidence or their own statements in various legal documents.
61. Firstly, Anthony Eggert testified there was no female officer participated in the search and arrest after looking at the returned search warrant, and John Barnett also testified there was no female officer in his team, while plaintiff's counsel provided the judge a photo captured by the surveillance camera in front of the building on the incident date, which clearly showed a female wearing a jacket with "POLICE" sign standing next to plaintiff and to Anthony Eggert.
62. Secondly, John Barnett testified that the two teams met up around 5:30 am prior to the incident, and Anthony Eggert testified that they commenced the search at approximately 6:00 am, while another photo captured by the surveillance camera showed that plaintiff was arrested at exact 5:32 am. It was preposterous that if plaintiff was arrested even before defendants commenced the search.
63. Thirdly, both Anthony Eggert and John Barnett testified that there was no door locked between the 2nd floor and the 3rd floor of the building, so they went up to plaintiff's apartment effortlessly. However, in a photo provided by the officers themselves, it clearly showed that there were doors between the 2nd floor and the 3rd floor, and one of the door frames next to lock was damaged by force, leaving pieces of wood on the ground.

64. Fourthly, Anthony Eggert also testified he never touched any document in plaintiff's room except the passport, but he typed plaintiff's social security number in the criminal complaint, where a US social security number could never be found from a passport issued from China.
65. Fifthly, Anthony Eggert testified that the warrant he executed has the warrant # VM-HUD-7165-SW-21, which contradicted to his own statement in the return of the warrant "On November 5th, 2021, the attached Search Warrant (# VM-HUD-6748-SW-21) was executed", where both he and the Deputy Attorney General Amy Sieminski verified the document and undersigned their names.
66. The perjuries further delayed the criminal proceeding against plaintiff, as plaintiff and his counsel's had to spend more time to show contradicting evidence in a later court hearing, and plaintiff had to pay additional cost to purchase the hearing transcripts to clarify the contradictions.
67. Colonel Patrick A. Callahan, Superintendent of the New Jersey State Police, is a named defendant in his official capacity and the entity, the New Jersey State Police (NJSP) is a named defendant.
68. Upon information and belief, the NJSP is liable on under theories of entity liability borrowed from *Monell* theory of liability because it:
- a) Has erroneous or inadequate policies and procedures;
 - b) Has failed to exercise due care in hiring state troopers;
 - c) Has failed to adequately and properly train state troopers;
 - d) Has failed to adequately and properly supervise state troopers;
 - e) Has failed to adequately and properly discipline state troopers.
69. Plaintiff brings this action, *inter alia*, under the New Jersey Civil Rights Act, N.J.S.A. § 10:6-2, the New Jersey Law Against Discrimination N.J.S.A. § 10:5-1 et seq, and the New Jersey Tort Claims Act, N.J.S.A. § 59:1-1 et seq.
70. Plaintiff, if not specified, pleads every claim against all pertinent defendants, in their individual and official capacities or as entities, through the above acts whichever applicable.

COUNT I

Claim for Anti-Asian Animus in violation of the New Jersey Law Against Discrimination, against all Trooper Defendants, in their Individual and Official Capacities, under the New Jersey Law Against Discrimination

71. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
72. Plaintiff is Chinese, a racial minority, and a member of a protected class.
73. The leading ICACU Defendants were, upon information and belief, all Caucasian.
74. The actions of the Defendants were shocking and the failure of disclose the evidence to connect Plaintiff in anyway to the allegations, is prima facie evidence of racist animus.
75. Additionally, defendants expressed anti-Asian sentiment during their wrongful conduct.
76. In particular, defendant Anthony Eggert asserted that child pornography is culturally acceptable to Chinese people, a shocking and slanderous assertion.
77. Upon information and belief, this kind of assertions was not allowed or even heard against Caucasians or others not within the protected class.
78. Furthermore, defendant Anthony Eggert informed plaintiff that he should worry more about how long he could stay in the US, rather than about how long he would stay in jail, implied that the defendant knew and intended to abuse an unlawful policy against foreign nationals within the NJSP.
79. Defendants then directly or indirectly shared plaintiff's nationality information with ICE and caused him detained in ICE custody for over one month.
80. Plaintiff was therefore discriminated based on his nationality, as a US national could not be detained in ICE custody.

COUNT II

Claim for Unlawful Search and Seizure in violation of the Fourth Amendment, against all Trooper Defendants, in their Individual Capacities and Official Capacities under the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination

81. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

82. The Fourth Amendment to the Constitution of the United States and Article I of the Constitution of the State of New Jersey, Paragraph Seven, require that search warrants must particularly describe the place to be searched, and the law recognizes that this particularity requirement ensures that each search will be carefully tailored to its justifications, and will not take on the character of a wide-ranging exploratory search.
83. The law recognizes that in the execution of a search warrant that lacks particularity, the officers must limit their search to those parts of the property unambiguously covered by the warrant and exclude any areas that they know or should know the warrant does not authorize them to search.
84. The warrant was for 132 Tuers Avenue, not 130 Tuers Avenue.
85. Specifically, the warrant indicates “The residence to be searched the left (east) side of a two family, three-story home, divided vertically.”
86. The entrance corridor and door to Plaintiff’s third floor apartment was on the west side of the building.
87. Based on the warrant, there was no probable cause to search 130 Tuers Avenue nor the west side of the building.
88. The Defendant officers knew this or should have known this, so the search was manifestly invalid.
89. Defendant officers violated Plaintiff’s right to be protected from a wide-ranging exploratory search by the particularity requirement of the Fourth Amendment to the Constitution of the United States and of the Constitution of the State of New Jersey.
90. In addition, the search was invalid because, *inter alia*, the executed warrant was expired, because Plaintiff was not a named suspect in the warrant affidavit, because it was executed as a no-knock warrant although it was not such, because it was executed prior to 5:00 am, the time specified on the Warrant, and because the defendants failed to preserve a chain of custody.

COUNT III
Claim for Common Law Tort: Intrusion on Seclusion, against all Trooper Defendants

91. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
92. The law recognizes that the occupier of a residence has an interest protected by the Constitutions of the United States, Fourth Amendment, *inter alia*, and New Jersey State Constitution, Art I, Sec. 7, *inter alia*, in the privacy of his home.
93. An intrusion on a person's seclusion without permission from the person which is highly offensive to a reasonable person constitutes tort of intrusion on seclusion, a type of invasion of privacy.
94. The intrusion upon plaintiff by the defendants was of a kind that would be highly offensive to a reasonable person.

COUNT IV

Claim for Common Law Tort: Conversion, against the ICACU Defendants

95. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
96. The law recognizes that the elements of conversion in New Jersey are: "(a) that the property and right to immediate possession thereof belong to the plaintiff; and (b) the wrongful act of interference with that right by the defendant. To prevail on a claim for conversion, a plaintiff must prove the wrongful exercise of dominion and control over property owned by another inconsistent with the owners' rights.
97. The ICACU Defendants seized plaintiff's electronics without probable cause, consent, and payment, and failed to provide plaintiff a receipt of inventory.
98. Defendant Anthony Eggert even denied they seized plaintiff's lease agreement and caused plaintiff more difficult to prove his address was 130 Tuers Avenue.
99. Defendants declined to produce any discovery based on the seizure nor return any property to plaintiff until this day.

COUNT V

Claim for Excessive Force in violation of the Fourth Amendment, against all Trooper Defendants, in their Individual and Official Capacities under the

**New Jersey Civil Rights Act, and under the New Jersey Law Against
Discrimination**

100. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
101. The law recognizes that the application of force to a detainee requires an assessment of the reasonableness on the individual's rights as guaranteed by the and New Jersey State Constitution , Art I, Sec. 7 and by the Fourth Amendment of the Constitution of the United States, balancing whether the individual poses an immediate threat to the safety of officers, whether he is actively resisting or attempting to flee, the possibility that he is dangerous, the duration of the action, and the number of persons with whom the officers must contend at one time against the intrusion on the detainee's Fourth Amendment interests.
102. The amount of force used by Defendants against Plaintiff by barging into his bedroom unannounced, by dragging him out of his apartment nearly naked, by zip tying the plaintiff, by not allowing plaintiff to wear clothing, and by pointing their weapons at plaintiff's head were objectively unreasonable under the totality of the circumstances, of securing the property to be searched.

COUNT VI

**Claim for False Arrest in violation of Fourth Amendment, against the ICACU
Defendants, in their Individual and Official Capacities under the New Jersey
Civil Rights Act, and the New Jersey Law Against Discrimination**

103. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
104. The law recognizes false arrest is grounded in the Fourth Amendment's guarantee against unreasonable seizures.
105. Plaintiff was restrained against his will.
106. This restraint of plaintiff was unlawful as it was derived from an illegal entry, an unreasonable search, and a seizure with unverifiable chain of custody.
107. Defendants lacked probable cause to arrest plaintiff.

108. Defendants, nonetheless, proceeded in a manner calculated to restrain plaintiff's liberty to prevent plaintiff from knowing the misconducts they have done during the unlawful search and seizure.

COUNT VII

Claim for False Imprisonment in violation of the Common Law and the New Jersey Constitution and of the Fourth Amendment to the Constitution of the United States

109. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
110. False imprisonment is recognized at Common Law and also upon constitutional bases.
111. Plaintiff was deprived of freedom of movement against his will when he was taken into custody by defendants and kept in captivity until released six weeks later.
112. This imprisonment was unlawful as it was also derived from an illegal entry, an unreasonable search, and a seizure with unverifiable chain of custody.
113. Defendants lacked probable cause to commence the imprisonment proceeding against plaintiff.
114. Plaintiff timely filed Notices of Claim under the discovery rule to preserve his right to sue under the Tort Claims Act.

COUNT VIII

Claim for Cruel and Unusual Punishment in violation of the Eighth Amendment, against all Trooper Defendants, in their Individual and Official Capacities under the New Jersey Civil Rights Act, and the New Jersey Law Against Discrimination

115. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
116. *Inter alia*, the New Jersey Civil Rights Act gives a cause of action to New Jersey Citizens for violation of rights guaranteed by the Constitution of the United States.

117. The Eighth Amendment of the Constitution prohibits cruel and unusual Punishment.
118. Plaintiff was humiliated as he was paraded in his underwear briefs only and was not allowed to put any other clothing on in front of multiple officers and tenants during the search and seizure.
119. Plaintiff was put in fear of physical harm during his initial arrest and interrogation.
120. Plaintiff was kept in a functional equivalent to solitary confinement for the first six days of his wrongful imprisonment which is *per se* cruel and unusual.
121. Plaintiff remained in fear of physical harm during his entire incarceration as he was subjected to continuous threats of illegal and unconstitutional violence.
122. Plaintiff was also put under the apprehension of being deported, especially after he expressed credible fear of persecution from his home country in his asylum application.
123. Plaintiff suffered severe allergic reaction and faced COVID-19 spread without social distance control while incarcerated in ICE custody.
124. Plaintiff also faced risk of falling to the ground as he was assigned to an upper bunk without any guardrail protection while incarcerated in ICE custody.
125. Plaintiff suffered long term harsh internet restriction after his release, and had to report pretrial monitoring service for his criminal proceeding on a weekly basis. The long prosecution cycle was mainly driven by the defendants' failure to produce any discovery and the defendant's other delaying and concealing activities.

COUNT IX

Claim for Aiding and Abetting, against Amy Sieminski, Anthony Eggert, and John Barnett, in their Individual and Official Capacities under the New Jersey Civil Rights Act, and the New Jersey Law Against Discrimination

126. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

127. The law recognizes that a defendant is liable as an aider or abettor if (1) the party whom the defendant aids must perform a wrongful act that causes an injury; (2) the defendant must be generally aware of his role as part of the overall illegal or tortious activity at the time that he provides the assistance; and (3) the defendant must knowingly and substantially assist the principal violation.
128. Defendants Amy Sieminski and Anthony Eggert cosigned an affidavit to apply for the search warrant VM-HUD-6748-SW-21 on October 19th, 2021.
129. The search warrant VM-HUD-6748-SW-21 was approved on October 21st, 2021, when the warrant issuing judge particularly requested “YOU ARE FURTHER COMMANDED to execute this warrant within ten (10) days from the issuance hereof, between the hours of 5:00 a.m. and 11:00 p.m., make return thereof, to me, with your report of the execution of this warrant and the written inventory of the property seized hereunder by you.”
130. Defendants Amy Sieminski and Anthony Eggert cosigned another affidavit to apply for the extended search warrant VM-HUD-7165-SW-21 on November 3rd, 2021.
131. The search warrant VM-HUD-7165-SW-21 was approved on the same day, November 3rd, 2021, when the warrant issuing judge reiterated the same request “YOU ARE FURTHER COMMANDED to execute this warrant within ten (10) days from the issuance hereof, between the hours of 5:00 a.m. and 11:00 p.m., make return thereof, to me, with your report of the execution of this warrant and the written inventory of the property seized hereunder by you.”
132. The unlawful search and seizure and the false arrest against plaintiff happened on November 5th, 2021.
133. Defendant Amy Sieminski, as the prosecutor in the criminal proceeding against plaintiff, knew the plaintiff’s EDC hearing was scheduled on December 8th, 2021. She should also be familiar with the court Rule 3:5-5 which requests all warrant accompanied documents should be submitted within 14 days of execution.
134. Defendant Anthony Eggert testified that he participated in the executions of a couple dozen search warrants prior to the November 5th, 2021 incident, so he should be also aware of the court Rule 3:5-5.
135. On December 6th, 2021, defendants Amy Sieminski and Anthony Eggert drafted the return of the search warrant VM-HUD-6748-SW-21 with confirmative

statement “On November 5th, 2021, the attached Search Warrant was executed”, cosigned the file, and submitted it sometime later.

136. Based on the information, Amy Sieminski knowingly authorized or at least acquiesced Anthony Eggert to execute the expired warrant VM-HUD-6748-SW-21 as of November 5th, 2021, and to violate court Rule 3:5-5 by returning the search warrant more than 31 days after execution, as they cosigned all relevant documents.

137. This left plaintiff's public defender only two days to review the documents ahead of his EDC on December 8th, 2021. If his public defender had more time to review documents and raised up the wrong address issue or the expired warrant issue in the EDC, his criminal case should have been resolved by that hearing date.

138. Moreover, plaintiff filed a motion to suppress the unlawful search and seizure in his criminal proceeding on June 21st, 2022, which could be accessed by the defendant Amy Sieminski through the NJ eCourt system.

139. Plaintiff also filed the original civil complaint on September 23rd, 2022, and his agents successfully served copies of the complaint to defendants Anthony Eggert and John Barnett twice, on October 7th, 2022 and on October 12th, 2022, respectively.

140. On October 13th, 2022, plaintiff, plaintiff's witness, and plaintiff's criminal counsel observed that defendants Amy Sieminski, Anthony Eggert, and John Barnett arrived at the Hudson County Court around 1:00 pm, and conducted verbal discussion together in the hallway until 2:30 pm when plaintiff's motion to suppress hearing began.

141. Upon information and belief, the three defendants were preparing for their testimonies ahead of the hearing.

142. Ideally, plaintiff himself was the first witness to testify, but defendant Amy Sieminski interrupted him and requested defendants Anthony Eggert and John Barnett to testify earlier, by stating the detectives had to leave by 4:00 pm to catch up a train.

143. Defendants Anthony Eggert and John Barnett then testified multiple statements that were provably false, and some of the bogus statements were undoubtedly pre-aligned.

144. Based on the information, defendants Anthony Eggert and John Barnett aided each other to coordinate the false testimonies in the hallway ahead of the hearing, and defendant Amy Sieminski knowingly suborned them or at least abetted them to do so.
145. The three defendants could have exchanged their knowledges from the motion brief and from the original civil complaint, and thus they requested to testify earlier before 4:00 pm when they still had fresh memory of the aligned but fabricated statements.
146. Defendant Amy Sieminski is not entitled to absolute immunity if she was an aider and abettor when contributing to others' misconducts, because all her actions alleged in this claim occurred prior to each court hearing respectively, and could only be categorized as her administrative or investigative functions, instead of her judicial function.
147. More specifically, defendant Amy Sieminski wasn't performing as an advocate for the government when committed alleged actions above, but only as an advisor for defendants Anthony Eggert and John Barnett.

COUNT X

Claim for Retaliation in violation of the First Amendment, against Anthony Eggert and John Barnett, in their Individual and Official Capacities under the New Jersey Civil Rights Act, and the New Jersey Law Against Discrimination

148. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
149. The law recognizes that in order to succeed on a retaliation claim under the First Amendment, a plaintiff must demonstrate (1) constitutionally protected conduct, (2) retaliatory action sufficient to deter a person of ordinary firmness from exercising his constitutional rights, and (3) a causal link between the constitutionally protected conduct and the retaliatory action.
150. Plaintiff expressed his First Amendment right by initiating this civil litigation against defendants on September 23rd, 2022, and his agents successfully served copies of the original civil complaint to defendants Anthony Eggert and John Barnett twice, on October 7th, 2022 and on October 12th, 2022, respectively.
151. Defendants Anthony Eggert and John Barnett retaliated plaintiff by testifying about organized falsehoods in the court hearing on October 13th, 2022.

152. Their testimonies, if not provable as counterfeit, would make plaintiff's criminal proceeding distinctly more difficult to be terminated favorable to him, a key element of the claim for Malicious Prosecution in this lawsuit, and thus deterred plaintiff from exercising his First Amendment rights.

153. It was within one week from the date when the original civil complaint was served to the date when the perjuries were committed, suggesting an "unusually temporal proximity" that established the required causal connection.

COUNT XI

Civil Conspiracy, against all Trooper Defendants and Amy Sieminski, in their Individual and Official Capacities under the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination

154. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

155. There were more than twenty police officers participated the search and seizure, and the entire search and seizure lasted more than one hour.

156. There were multiple misconducts during the unlawful search and seizure and the following false arrest, but all of the participated officers as the defendants remained "silent" during the entire proceeding, where none of them questioned, notified, or warned each other for any potential misconduct.

157. While the incident happened on November 5th, 2021, the defendant Anthony Eggert drafted the return of the search warrant until December 6th, 2021, with only five officers' identities were disclosed.

158. The initial police reports written by defendants Anthony Eggert and John Barnett were provided to plaintiff only until August 4th, 2022, which disclosed additional fifteen officers' identities.

159. All of the disclosed identities are male, while the identity of the female officer who participated in searching the plaintiff's bedroom remains unknown.

160. Actually, there is no identity being mentioned in neither document as to who performed the initial search, the forensic preview, and the evidence seizure.

161. Both defendants Anthony Eggert and John Barnett testified aligned but spurious statements to support each other's testimonies, showing continued conspiracy to cover up their misconducts.

162. Thus, there was an obvious civil conspiracy to deprive plaintiff's constitutional rights and to obstruct justice, by covering up deficiencies in the search and by shielding the involved officers, especially when a racial discriminatory animus was involved, a violation of 42 U.S.C. § 1985(2) and § 1985(3) and common law.

163. Defendant Amy Sieminski was also involved in the civil conspiracy, based on her aiding and abetting role by signing the defective and late return of warrant, and by preparing with defendants Anthony Eggert and John Barnett for their fraudulent testimonies.

COUNT XII

Failure to Intervene, against all Trooper Defendants and Amy Sieminski, in their Individual and Official Capacities under the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination

164. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

165. Along with the arguments mentioned in the Civil Conspiracy claim, there was also a failure to intervene any misconduct during the search and seizure and the reporting stages, as all of the defendants remained silent to cover up the deficiencies.

COUNT XIII

Claim for Substantive Due Process in violation of the Fourth, Sixth, and Fourteenth Amendments, against all Trooper Defendants and Amy Sieminski, in their Individual and Official Capacities under the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination

166. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

167. The Fourteenth Amendment to the United States Constitution, Section 1, guarantees that "no State shall. . . deprive any person of life, liberty, or property,

without due process of law.” A substantive due process violation is the deprivation of a protected interest involving an abuse of official power that “shocks the conscience.”

168. The Defendants deprived the Plaintiff's Fourth, Sixth, and Fourteenth Amendment rights by participating in unlawful search and seizure, wrongful arrest, detention, false imprisonment, delaying and falsifying documents, and lying in court.

169. Plaintiff asserts that these actions deprived him of his fundamental right to privacy and liberty against his will, and of his constitutional rights to a fair and speedy trial, to know the nature of the accusation, and to confront the female accuser in court.

170. Plaintiff alleges the Defendants acted in a way that “shocks the conscience” by hiding the search warrant and the receipt of seizure inventory from Plaintiff and by manipulating evidence in order to support Plaintiff's arrest and prosecution, and by intentionally concealing the identities of the officers who conducted the initial search, the forensic preview, and the evidence seizure, and thus breaking the chain of custody.

COUNT XIV

Claim for Equal Protection in violation of the Fourteenth Amendment and 42 U.S.C, § 1981, against all Trooper Defendants and Amy Sieminski, in their Individual and Official Capacities under the New Jersey Civil Rights Act and under the New Jersey Law Against Discrimination

171. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

172. The 14th Amendment to the Constitution of the United States guarantees equal protection under the laws.

173. The wrongful conduct of the defendants substantially motivated by anti-Asian animus violates the Equal Protection Clause.

174. Specifically, while motivated by the Anti-Asian discrimination, defendants concealed material facts from plaintiff, deprived his right of producing evidence and his First, Fourth, Sixth, Eighth, and Fourteenth Amendment rights, and caused him suffering from unusual punishment, emotional pains, and penalties.

COUNT XV

Claim for Abuse of Process

175. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
176. The legal procedure began as when the defendants applied warrant # VM-HUD-6748-SW-21, dated October 19th, 2021, and the defendants abused the process through various manners.
177. Firstly, defendants executed an expired warrant on a different premise than in the warrant without requesting authorization on November 5th, 2021, and thus searched plaintiff's room unlawfully, and arrested plaintiff falsely.
178. Secondly, defendants didn't provide the search warrant in person to the plaintiff, as the unlawful search and seizure could be ceased from the very beginning if the plaintiff knew and argued that the defendants were searching for a wrong premise. The plaintiff could also ask his landlady to retain the surveillance footage of the incident as key evidence, to show the warrant execution time and whether there was a Knock-and-Announcement if he knew the requests in the warrant.
179. Thirdly, defendants didn't provide the receipt of seizure inventory in person to the plaintiff, as the false arrest could be stopped if the plaintiff knew and argued the defendants' search was invalid, because the search was conducted in a wrong premise.
180. Fourthly, defendants brought plaintiff downstairs to the 2nd floor, which made plaintiff impossible to identify which exact officers searched his apartment on 3rd floor, and how did they conduct the search and forensic preview.
181. Fifthly, defendants failed to read the Miranda right during the search on scene, expressed the plaintiff with misleading criminal charges, humiliated plaintiff for not allowing him to wear cloths during the search, and stated discriminative language against the plaintiff and his culture.
182. Sixthly, defendants twisted plaintiff's words during the interrogation, and wrote them into the police report to justify the unlawful search and seizure and false arrest.
183. Seventhly, defendants didn't leave the search warrant nor the receipt of seizure inventory in plaintiff's apartment, and delayed the draft of the return of warrant until December 6th, 2021. The intentional concealment and delay left plaintiff's legal counsel with extremely limited time and material facts to review the case before plaintiff's EDC hearing on December 8th, 2021. The defendant Anthony Eggert even falsified a police report and the return of search warrant, by stating "A copy of the search warrant and evidence receipt was left at the residence."

184. Eighthly, defendants shared plaintiff's nationality information with ICE, and caused him incapable to attend the EDC hearing in person and to explain that his address was different than the address listed on the warrant.
185. Ninthly, defendants concealed the initial police reports until August 4th, 2022, one and half month after plaintiff filed a motion to suppress the unlawful search and seizure. If the police reports could be rendered earlier, the plaintiff should be also arguing the chain of custody was unverifiable in the suppress motion of his criminal proceeding.
186. Tenthly, defendants testified fictitious statements in court, and therefore wasted plaintiff and his counsel's time to show contradicting evidence in a later court hearing, costed plaintiff more money to purchase the hearing transcripts to clarify the contradictions, and retaliated against plaintiff for his initiation of this civil action.
187. With all of the abuses of legal processes above, the defendants gained considerable advantages during the prosecution against the plaintiff, and a significant amount of time to cover up their misconducts.
188. Defendant Amy Sieminski was also involved in the abuse of processes, based on her aiding and abetting role by signing the defective and late return of warrant, and by preparing with defendants Anthony Eggert and John Barnett for their fraudulent testimonies.

COUNT XVI

Claim for Malicious Prosecution

189. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
190. The disposition of the criminal charges filed against Plaintiff is still pending.
191. This Count is filed to preserve Plaintiffs rights in light of the statute of limitations.
192. The law recognizes that when a person is the subject of a criminal proceeding that ends in his favor, he has right of action under the New Jersey State Constitution, Article I and the Fourth Amendment if (i) the defendant initiated the proceeding without probable cause; (ii) the defendant acted maliciously or for a purpose other

than bringing the plaintiff to justice; and (iii) the plaintiff suffered deprivation of liberty consistent with the concept of seizure as a consequence of the legal proceeding.

193. Additionally, Malicious Prosecution is also cognizable at Common Law and this claim was preserved properly by filing of timely notices to satisfy the Tort Claims Act.

194. Defendants initiated the criminal proceeding against Plaintiff without probable cause to believe he had committed the offense.

195. At the time of the initiation of his criminal complaint against Plaintiff, Defendants were aware or should have been aware that plaintiff lived at 130 Tuers Avenue.

196. The law recognizes that actual malice can be inferred from a lack of probable cause to initiate the criminal proceedings.

197. Actual malice can be also inferred from multiple misconducts displayed through abuse of process and civil conspiracy motivated by anti-Asian animus.

198. Upon on information and belief, the primary purpose of this criminal prosecution was to prevent plaintiff from realizing the deficiencies in the search, by restricting his internet access as a pretrial release condition, by triggering his detention in ICE custody or even a potential deportation, and by constantly refusing to produce discovery.

199. The initiation of a criminal proceeding against him by Defendants on November 5, 2021, was a violation of Plaintiff's rights under the Fourth Amendment to the Constitution of the United States and actionable under the New Jersey Civil Rights Act.

COUNT XVII

Claim for Common Law Tort Intentional Infliction of Emotional Distress, against all Trooper Defendants

200. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

201. Plaintiff was intentionally humiliated as he was kept naked, wearing only his underwear briefs and being prevented from dressing during the search and seizure.

202. Defendant Anthony Eggert intentionally used racially discriminative language, by asserting that watching child pornography could be driven by plaintiff's culture.
203. Defendant Anthony Eggert, also intentionally denied plaintiff's request to access to the contact phone numbers in his seized cell phone, also refused to provide any officer name and police station address.
204. This action led to serious emotional strain on plaintiff and almost caused him to suicide while incarcerated, as plaintiff could not contact any family member, friend, colleague, or attorney in his first 14 days in custody, and he also could not contact any police officer to release the contact information from his cell phone.
205. All of these actions were so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.
206. Plaintiff alleges the combined actions by the defendants caused him emotional distress immediately after and it continues until this day, and the emotional distress was severe enough to any reasonable person, not limited to Asians or Chinese, because it derived from a straight humiliation, a cultural attack, and a deliberate indifference.
207. Plaintiff also suffered intense depression in his long-term unreasonable detention and was panic about additional persecutions he would face after his potential deportation, especially in light that he could not contact any intimate person while in custody, leading him to commit a failed suicide in a bathroom at an ICE facility.

COUNT XVIII

Claim for Common Law Tort Negligent Infliction of Emotional Distress, against all Trooper Defendants

208. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
209. The law recognizes that there are alternative theories under which a plaintiff can establish a *prima facie* claim for negligent infliction of emotional distress, where a plaintiff can show "the defendant's negligent conduct placed the plaintiff in 'reasonable fear of immediate personal injury' which gave rise to emotional distress that resulted in a substantial bodily injury or sickness."

210. Plaintiff suffered severe allergic reaction to woolen blanket during the unlawful incarceration, which developed permanent scars on his face and body.

211. Plaintiff is also experiencing post-traumatic stress disorder symptoms until this day, which were driven by his fears of immediate death after the defendants pointed their guns at his head, of immediate bodily injury after he viewed incessant fights among inmates, and of immediate sickness when he was placed in a circumstance of uncontrollable COVID-19 spread.

COUNT XIX

Claim for Common Law Tort Fraudulent Concealment, against ICACU Defendants

212. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

213. The law recognizes that the elements of fraudulent concealment are: (1) the defendants had a legal obligation to disclose the evidence in connection with an existing or pending litigation; (2) the evidence was material to the litigation; (3) plaintiff could not reasonably have obtained access to the evidence from another source; (4) defendant intentionally withheld, altered, or destroyed the evidence with purpose to disrupt the litigation; and (5) plaintiff was damaged in the underlying action by having to rely on an evidential record that did not contain the evidence defendant concealed.

214. The ICACU defendants had the legal obligation to disclose the evidence in connection to plaintiff's criminal proceeding.

215. Defendant Anthony Eggert testified that they were already able to identify illegal files and programs from plaintiff's electronics during the search and seizure, but he refused to produce any discovery until this day.

216. Defendants also concealed the identity of the female officer who conducted the initial search, the forensic preview, and the evidence seizure, and thus broke the chain of custody.

217. Upon information and belief, defendant intentionally withheld, altered, or destroyed the evidence with purpose to cover up their misconducts.

218. The ICACU defendants seized electronics from plaintiff, so plaintiff could not obtain access to any evidence that defendants intended to produce.

219. The prosecution against plaintiff could not move forward to the trial phase due to the lack of evidence, so he had to rely on his own discovery to bolster his motions to suppress the unlawful search and seizure and to dismiss the criminal case.

COUNT XX

Claim for Defamation against Anthony Eggert

220. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

221. In the original civil complaint dated September 23rd, 2022, plaintiff mentioned that the charges he faced in the criminal complaint was false and misleading, so this claim is filed within one-year statute of limitations under the relation back doctrine.

222. Plaintiff was only able to realize the falsehoods inside the criminal complaint against him after he was ultimately released from custody on December 17th, 2021, so this claim is also filed within one-year statute of limitations under the discovery rule.

223. The law recognizes that the elements of a defamation claim are: (1) a false statement about the plaintiff; (2) communication of the statement to a third party; (3) fault of the defendant amounting at least to negligence; and (4) damages suffered by the plaintiff.

224. Defendant Anthony Eggert made false statements in the criminal complaint and the police report about the plaintiff, by declaring child pornography files were observed from a computer belonging to plaintiff.

225. Both the criminal complaint and the police report were uploaded to the NJ eCourt system, which is a third party.

226. The criminal complaint further generated plaintiff's arrest record with charged offences which were publicly accessible.

227. Defendant Anthony Eggert acted with at least negligence.

228. Plaintiff experienced economic damages as numerous of his former colleagues assumed he was a criminal and declined talking to him, which shrunk his opportunity to find a new job through networking.

COUNT XXI
Claim for False Light against Anthony Eggert

229. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
230. Along with the Defamation claim, this False Light claim is also filed within one-year statute of limitations under the relation back doctrine and the discovery rule.
231. The law recognizes that the tort of false light has two elements: (1) the false light in which the other was placed would be highly offensive to a reasonable person; and (2) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.
232. Defendant Anthony Eggert publicized his falsehoods in the criminal complaint and the police report about the plaintiff through the NJ eCourt system, and acted with at least reckless disregard.
233. Plaintiff asserts that the false light he experienced was highly offensive and embarrassing to any reasonable person, because he was truly viewed as a criminal after others read the documents or his arrest record.

COUNT XXII
Entity Liability for the New Jersey State Police and the Supervisor Defendants
Based on the Failure to Supervise, Investigate, and Discipline

234. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
235. Defendant Patrick Callahan, as Superintendent of the NJSP, is liable for creating, implementing, and enforcing policies, practices, and customs of the NJSP.
236. Defendants Patrick Callahan and John & Jane Does 1-5, were, at all relevant times, supervisory personnel for the NJSP, with oversight responsibility for the Trooper Defendants. They were responsible for the hiring and firing, instruction, supervision, correction, discipline, and training of all officers, including the Trooper Defendants, on all aspects of law enforcement procedures, including the use of force, arrest procedures, pursuit, conducting traffic stops, proper investigative techniques, and evaluation of what constitute a proper determination of probable cause.

237. Defendant Fidiberto Soto, as Bureau Chief of Intake and Adjudication Bureau under the Office of Professional Standards of the NJSP, was responsible for conducting Division-wide inspections to assure that the activities of the Division members were conducted in accordance with its policies and procedures, Rules and Regulations, and orders. He was also responsible for the adjudication of all violations of the Rules and Regulations of the Division by members of the State Police.
238. Defendants John & Jane Does 6-10 from the Administrative Internal Proceedings Unit, under Fidiberto Soto's management, were responsible to review and analyze all internal investigations which contained substantiated allegations against Division members. They were also responsible to prepare and present disciplinary charges to the Superintendent Patrick Callahan as well as monitors all disciplinary hearings.
239. Plaintiff filed the first Internal Affair (IA) Complaint in the early April 2022, against the five known ICACU Defendants and two unknown troopers at that time, complaining most of the known misconducts from the incident happened on November 5th, 2021.
240. Defendant Fidiberto Soto admitted he received the first IA complaint on April 5th, 2022, with reference # 2022-0152, and he promised to perform "a comprehensive review" of the IA complaint.
241. Plaintiff provided additional pieces of evidence in email to facilitate the first IA complaint investigation, and an officer from Intake Unit of the Officer of Professional Standards of the NJSP, under Fidiberto Soto's management, admitted he received the email with evidence on April 13th, 2022.
242. In the middle April 2022, a single Defendant John / Jane Doe claimed to be the detective from the Officer of Professional Standards of the NJSP called plaintiff's landlady, and questioned her the correct address as where the plaintiff was living on the incident date. The landlady affirmed the defendant that the plaintiff was living in 130 Tuers Ave instead of 132 Tuers Ave.
243. Defendant Fidiberto Soto formally responded plaintiff's first IA complaint on April 27th, 2022, by stating that "this review found no violations of any New Jersey State Police Standing Operating Procedures, Rules and Regulations, or laws of the State of New Jersey as were alleged. As such, this matter will be administratively closed."

244. Based on the information, the Supervisor Defendants' failure to supervise, investigate, and discipline the Trooper Defendants was flagrant, as they refused any violation even after reviewing Plaintiff's first IA complaint with supportive evidence and confirming the details from the witness.
245. Plaintiff filed the second IA complaint in the late October 2022, against Anthony Eggert and John Barnett, complaining about their perjuries in court hearing happened on October 13th, 2022.
246. Plaintiff explicitly stated in the second IA complaint that he really hoped to resolve this perjury complaint outside of the court room, to save the times and money from both sides.
247. Plaintiff mailed separate copies of the second IA complaint with appended exhibits of photos and documents as physical evidence to the Office of Superintendent of the NJSP and the Office of Professional Standards of the NJSP.
248. The USPS tracking indicated that the copies were either delivered on October 25th, 2022 or October 26th, 2022, respectively.
249. Plaintiff didn't receive any response from any of the offices until this day, which implies another example of the Supervisor Defendants' failure to supervise and to even commence an investigation.
250. Therefore, the New Jersey State Police Division is liable under the *Monell* analysis which is the theory of entity liability operative under the New Jersey Civil Rights Act.
251. Also, under the New Jersey Law Against Discrimination, the entity is vicariously liable when a supervisor fails to take effective remedial measures when confronting a complaint of a discrimination-related incident.
252. Even under the New Jersey Tort Claims Act, the entity could be vicariously liable for unintentional or negligent "injuries proximately caused by an act or omission of a public employee within the scope of his employment."

COUNT XXIII

Claim for Neglect to Prevent, in violation of 42 U.S.C, § 1986 and Common Law Tort of Grossly Negligent Supervision and Retention, against the New

**Jersey State Police, Patrick Callahan, Fidiberto Soto, Joseph Villalta-Moran,
and Brett Munch, in their Individual and Official Capacities or as Entities**

253. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
254. Plaintiff filed the original civil complaint on September 23rd, 2022, which already included a claim for Civil Conspiracy in violation of 42 U.S.C, § 1985.
255. Plaintiff unambiguously declared that “there was a neglect to prevent conspiracy based on discrimination and racial animus against the plaintiff” in his claim for punitive damage of the original civil complaint, and thus preserved his right to pursue the 42 U.S.C, § 1986 violation within one year since the November 5th, 2021 incident under the relation back doctrine.
256. This claim is also filed within one year since the first preventable action of the civil conspiracy occurred on December 6th, 2021, when the late and false return of search warrant was drafted, which only included the names of five male officers.
257. Defendant Patrick Callahan, as the Superintendent of the NJSP, was the supervisory personnel for the NJSP, with oversight responsibility for Defendants Anthony Eggert and John Barnett.
258. Defendant Fidiberto Soto, as Bureau Chief of Intake and Adjudication Bureau under the Office of Professional Standards of the NJSP, was responsible for conducting Division-wide inspections to assure that the activities of the Division members were conducted in accordance with its policies and procedures, Rules and Regulations, and orders. Accordingly, he also had oversight responsibility for Defendants Anthony Eggert and John Barnett.
259. Upon information and belief, Defendant Joseph Villalta-Moran was the direct leader of Defendant John Barnett, and therefore also had the oversight responsibility.
260. Upon information and belief, Defendant Brett Munch was the direct leader of Defendant Anthony Eggert, and therefore also had the oversight responsibility.
261. Both Defendants Joseph Villalta-Moran and Brett Munch participated the unlawful search and seizure on November 5th, 2021, so they knew or should have known the other participants, or at least the participants’ genders.

262. Based on the information, Defendant Brett Munch had sufficient knowledge, power, and time (more than one month) to prevent the initial civil conspiracy of delaying and falsifying the return of search warrant by defendant Anthony Eggert.
263. Plaintiff filed his first Internal Affair Complaint with reference # 2022-0152 in the early April 2022, which also informed the NJSP and Defendants Patrick Callahan and Fidiberto Soto about the issue of missing officer identity.
264. The defective police reports written by defendants Anthony Eggert and John Barnett for the incident were revealed to plaintiff only until August 4th, 2022, which only included the names of other fifteen male officers.
265. Based on the information, the NJSP and the four officers alleged in this claim had sufficient knowledge, power, and time (more than nine months in the reporting stage) to prevent the continued civil conspiracy of falsifying police reports.
266. Furthermore, Plaintiff also articulated in the original civil complaint that he had filed a motion to suppress the unlawful search and seizure in his criminal proceeding, with a pending hearing date.
267. Plaintiff's agents successfully served copies of the original civil complaint to the NJSP and the four officers alleged in this claim twice, on October 7th, 2022 and on October 12th, 2022, respectively.
268. Based on the information, the NJSP and the four officers were apparently cautioned by the plaintiff and aware of the civil conspiracy, and they had sufficient knowledge, power, and time (six calendar days or four business days) to prevent the continued civil conspiracy of committing coordinated perjuries by Defendants Anthony Eggert and John Barnett, in the court hearing on October 13th, 2022.
269. Nevertheless, the civil conspiracy persisted, which caused additional delay of the criminal prosecution against the plaintiff and costed him more money on purchasing the hearing transcripts to clarify the false testimonies.
270. Therefore, the NJSP and the four officers in this claim presented an action for Neglect to Prevent, a violation of 42 U.S.C, § 1986 and Common Law Tort of Grossly Negligent Supervision and Retention.

COUNT XXIV

Claim for *Monell* Liability of having unlawful policy, custom or practice and inadequate training in violation of the Fourth and Fourteenth Amendments, against the New Jersey State Police, under the New Jersey Civil Rights Act

271. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.
272. The law recognizes that a public entity may be held liable under the New Jersey Civil Rights Act if it establishes a policy or custom or practice that directly or indirectly causes a constitutional violation which injures plaintiff.
273. Upon information and belief, the defendant New Jersey State Police either have deficient policies or customs or practices which are causally related to the violations alleged by Plaintiff.
274. Upon information and belief, the policies and customs and practices of the defendant New Jersey State Police caused the unconstitutional acts suffered by Plaintiff.
275. In particular, the defendant New Jersey State Police permitted directly or indirectly sharing information of foreign nationals charged with certain crimes with federal agencies like U.S. Immigration and Customs Enforcement (ICE) under the “Immigrant Trust Directive”.
276. Upon information and belief, this directive was initially issued by the Office of Attorney General and then adopted by defendant Patrick Callahan into the NJSP.
277. The ICACU Defendants, after taking photos of plaintiff’s identification documents, classified plaintiff as a foreign national charged with certain crimes, directly or indirectly shared his nationality information with ICE, and caused plaintiff’s detention under ICE custody.
278. Plaintiff could not attend the EDC hearing on December 8th, 2021, because he was detained under ICE custody in Miami, FL.
279. The ICACU Defendants maliciously used the deficient policies or customs implemented by the defendant New Jersey State Police, deprived plaintiff’s fundamental and constitutional rights of pretrial liberty prior to any conviction even with a pretrial release order and of access to the New Jersey Superior Court on December 8th, 2021, and therefore gained advantages in the criminal prosecution that

they wrongfully initiated without probable cause but only based on racial animus against plaintiff.

280. By practicing this kind of policies or customs, the defendant New Jersey State Police substantially discriminated against plaintiff based on his nationality, and obstructed plaintiff from justice.

281. In addition, Defendant John Barnett testified that defendant New Jersey State Police had a policy or custom or practice to bring all the people under control into one designated area for their convenience to gather information, which led plaintiff unable to perceive what exactly happened on his 3rd floor apartment, because he was detained in a 2nd floor unit with other tenants during the search and seizure.

282. Upon information and belief, the defendant New Jersey State Police also failed to train, supervise, or discipline officers so that it is liable for the violations alleged.

283. Alternatively, the defendant New Jersey State Police negligently hired or retained officers so that it is liable for the violations alleged.

COUNT XV

Claim for Punitive Damages pursuant to the New Jersey Punitive Damages Act, against all Defendants, in their Individual and Official Capacities or as Entities, under the New Jersey Civil Rights Act and the New Jersey Law Against Discrimination

284. Plaintiff repeats and realleges the facts asserted in all of the foregoing paragraphs as if set forth fully herein.

285. When claiming Punitive Damage in individual capacities, the law recognizes that punitive damages may be awarded to the plaintiff only if the plaintiff proves, by clear and convincing evidence, that the harm suffered was the result of the defendant's acts or omissions, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

286. Defendants acted with incontestable malice, wanton and willful disregard against plaintiff by unlawfully searching plaintiff's apartment with multiple violations, by illegal seizing his electronics with unverifiable chain of custody, by falsely arresting him and imprisoning him for over six weeks and almost deporting him without

probable cause, by maliciously prosecuting him but refusing to provide any discovery, by punishing him cruelly until even this day, by conspiring with each other to cover up deficiencies in the search and shield the involved officers, by showing blatant Anti-Asian Animus through discriminative assertion, by abusing the entire legal procedures to gain advantages in the criminal prosecution, by intentionally depriving plaintiff's due process rights, by intentionally humiliating plaintiff in front of others, by showing deliberate indifference to plaintiff's request for contact information release, by spotting lies in court, and by intentionally refusing to discipline troopers after investigating an IA complaint with supportive evidence and witness's confirmation.

287. When claiming Punitive Damage in official capacities or as entities, the law recognizes that punitive damages are appropriate when the wrongdoer's conduct is especially egregious and only in the event of actual participation by upper management or willful indifference.

288. The Trooper Defendants acted with incontestable malice, wanton and willful disregard against plaintiff and expressed blatant Anti-Asian Animus through discriminative assertion.

289. The Supervisor Defendants refused to discipline any Trooper Defendant after performing a promised "comprehensive review" and investigating an IA complaint with supportive evidence and witness's confirmation.

290. The Defendant New Jersey State Police had policies and customs and practices that discriminated against foreign nationals and directly or indirectly deprived their constitutional rights of pre-trial liberty and of access to state court.

291. The Defendant New Jersey State Police had vicarious liability for the negligence of its employees' actions, especially when there was a neglect to prevent conspiracy based on discrimination and racial animus against the plaintiff.

WHEREFORE, Plaintiff, KE WANG, requests judgment against the Defendants, NEW JERSEY STATE POLICE, NJSP DET. ANTHONY EGGERT #7474, NJSP DSG. BRETT MUNCH #6742, NJSP SFC. JOSEPH VILLALTA-MORAN #6431, NJSP TPR. JOHN BARNETT #7721, NJSP COL. PATRICK CALLAHAN, NJSP CAP. FIDIBERTO SOTO, NJDCJ DAG. AMY SIEMINSKI, JOHN DOES AND JANE DOES 1-20 for compensatory damages, punitive damages, reasonable attorney's fees, interest and costs of suit.

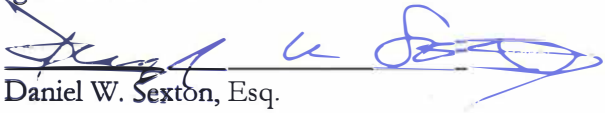
Date: December 5, 2022


Daniel W. Sexton,
Counsel for Plaintiff

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

Daniel W. Sexton is hereby designated as trial counsel.

by:

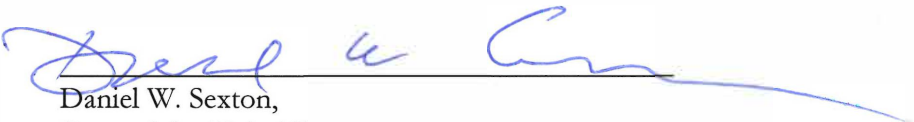

Daniel W. Sexton, Esq.

Dated: December 5, 2022

JURY DEMAND

Plaintiff, KE WANG, requests a trial by jury of all issues which are triable by a jury.

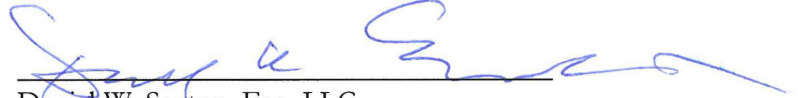
Date: December 5, 2022


Daniel W. Sexton,
Counsel for Plaintiff

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: December 5, 2022

HUDSON COUNTY SUPERIOR COURT
HUDSON COUNTY
583 NEWARK AVENUE
JERSEY CITY NJ 07306

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 748-4400
COURT HOURS 8:30 AM - 4:30 PM

WANG KE
DATE: SEPTEMBER 23, 2022
RE: ~~SEXTON DANIEL~~ VS THE NEW JERSEY STATE POLICE
DOCKET: HUD L -003180 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARTHA D. LYNES

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 748-4400.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.

PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: DANIEL W. SEXTON
DANIEL W SEXTON LLC
229 NEW CENTRE RD
HILLSBOROUGH NJ 08844

ECOURTS

Civil Case Information Statement

Case Details: HUDSON | Civil Part Docket# L-003180-22

Case Caption: ~~SEXTON, DANIEL~~ ^{WANG, KE.} VS THE NEW JERSEY
STATE POLICE
Case Initiation Date: 09/23/2022
Attorney Name: DANIEL W SEXTON
Firm Name: DANIEL W SEXTON LLC
Address: 229 NEW CENTRE RD
HILLSBOROUGH NJ 08844
Phone: 2014069960
Name of Party: PLAINTIFF : ~~Sexton, Daniel~~ ^{Wang, Ke}
Name of Defendant's Primary Insurance Company
(if known): None

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)? NO
Does this case involve claims related to COVID-19? NO
Are sexual abuse claims alleged by: ~~Daniel Sexton~~ ^{Ke Wang} **? 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? YES 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)

09/23/2022
Dated

/s/ DANIEL W SEXTON
Signed