

File No.: 1075-1792

*Grace E. Lempka - Attorney I.D.: 238472019*

**Dvorak & Associates, LLC**

467 Middlesex Avenue

Metuchen, New Jersey 08840

(732) 317-0130 (732) 317-0140 (FAX)

Attorneys for Defendants, Woodbridge Detective Bryan Jaremczak, Detective Shayne Bodnar, Detective Patrick Harris, Detective Nicole Hubner, Patrolman Jeian Rastegarpanah, Detective Juan Carlos Bonilla, Jr.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**KATIRIA ORTIZ, MARY MOE, whose  
initials are K.O., JANE DOE, whose  
initials are I.P., a minor by her Guardian  
ad Litem KATIRIA ORTIZ, K.O. and  
KATIRIA ORTIZ, K.O., individually,**

**Plaintiffs,**

**v.**

**TOWNSHIP OF WOODBRIDGE, its  
agents, servants and/or employees,  
DETECTIVE JUAN CARLOS BONILLA,  
JR., in his official capacity, DETECTIVE  
Bryan JAREMCZAK, in his official and  
individual capacity, DETECTIVE SHANE  
BODNAR, in his official and individual  
capacity, DETECTIVE PATRICK  
HARRIS, in his official and individual  
capacity, DETECTIVE NICOLE  
HUBNER, in her official and individual  
capacity, PATROLMAN JEIAN  
RASTEGARPANAH, in his official and  
individual capacity, CHIEF LAW  
ENFORCEMENT OFFICER CAPTAIN  
SCOTT KUZMA, ROY HOPPOCK, in his  
official supervisory and individual  
capacity, DEPUTY POLICE DIRECTOR  
JOSEPH NISKY, in his official  
supervisory and individual capacity,  
POLICE DIRECTOR ROBERT  
HUBNER, in his official supervisory and  
individual capacity, et. al.,**

**Defendants.**

**Civil Action No.: 19-cv-014139**

**STATEMENT OF MATERIAL FACTS  
NOT IN DISPUTE PURSUANT TO  
LOCAL CIVIL RULE 56.1(a)**

Defendants, Woodbridge Detectives Bryan Jaremczak, Shayne Bodnar, Patrick Harris, Nicole Hubner, Juan Carlos Bonilla, Jr. and Patrolman Jeian Rastegarpanah hereby submit the following Statement of Material Facts, not in dispute, pursuant to Local Civ. Rule 56.1(a), to which there is no genuine dispute.

**STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. Defendants, Woodbridge Detectives Bryan Jaremczak, Shayne Bodnar, Patrick Harris, Nicole Hubner, Juan Carlos Bonilla, Jr. and Patrolman Jeian Rastegarpanah were public employees as defined in N.J.S.A. 59:1-3, and hence the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq. defines the parameters within which recovery for non-constitutional, tortious injury may be had against those defendants.
2. Plaintiff filed the within Third Amended Complaint (Docket 53) on or about September 15, 2021. (See, Township of Woodbridge Exhibit “A”, Plaintiff’s Third Amended Complaint.)
3. In 2011, and prior to the incident giving rise to the investigation involving the named defendants which is the subject of this litigation, plaintiff Katiria Ortiz, then Katiria Pardo was arrested with regard to several charges in Woodbridge concerning possession of cocaine with the intent to distribute, obstruction and resisting arrest. Joshua Pardo was also arrested as part of the investigation into the possession and distribution of cocaine [See Exhibit “AA”]
4. Katiria Ortiz as a result of her 2011 arrest, entered into Pre-trial intervention. Upon her completion of PTI, the case was dismissed [Exhibit “Q”, Plaintiff’s Deposition Transcript, T138:18-139:1] [Exhibit “FF” Plaintiff’s NJ Criminal History]
5. This action arises from an execution of a search warrant which occurred on June 21, 2018

at approximately 11:01 am in South Amboy, New Jersey. (Exhibit A, Exhibit BB Incident Report by Det. Bonilla).

6. During the month of May 2018, Defendant Det. Bonilla received drug related information from a confidential informant, regarding Joshua Pardo selling Cocaine within Woodbridge Township. (Exhibit “Y”, Affidavit of Probable Cause for the Search Warrant).
7. Over the course of an investigation, including surveillance, Defendants were able to establish that Joshua Pardo, and his registered vehicles, resided at 124 Adamecs Way, South Amboy N.J. 08879. Id.
8. 124 Adamecs Way, South Amboy was associated with Katiria Ortiz, confirmed by a motor vehicle history report. Id.
9. On June 13, 2018, Defendant Bonilla appeared in front of Middlesex County Superior Court Judge Colleen M. Flynn requesting the execution of a search warrant for Joshua Pardo, the registered vehicles of Joshua Pardo, and 124 Adamecs Way which was approved. (Exhibit “Y”; Exhibit “Z” Superior Court Search Warrant; Exhibit “BB”)
10. On June 21, 2018, members of the Woodbridge Police Department Special Investigations Unit, (Det./Sgt. Bodnar, Det. Jaremczak, Det. Harris, Det. N. Hubner, Det. Bonilla and Ptl. Rastegarpanah) set up surveillance utilizing undercover vehicles, in the area around Adamecs Way. (Exhibit “BB”)
11. At approximately 10:50am Joshua Pardo was observed exiting Adamecs Way apartment complex. Det. Harris pulled behind Mr. Pardo and attempted to initiate a motor vehicle stop at which point Joshua Pardo fled. (Exhibits “BB” and “DD”).
12. Det. Harris observed Joshua Pardo looking down and swerving, appearing to be utilizing a

cell phone. Det. Harris, Det. Hubner, Sgt. Bodnar, and Ptl. Rastegarpanah were involved with the pursuit and apprehension of Joshua Pardo. (Exhibits “CC” and “DD”).

13. Ptl. Rastegarpanah observed Joshua Pardo throw a clear plastic bag from the vehicle during the pursuit. The thrown item was a clear plastic bag, containing numerous smaller clear plastic bags of suspected cocaine packaged for distribution. (Exhibit “CC”).
14. Det. Bonilla was advised that during the pursuit of Joshua Pardo, Pardo was observed using his cell phone during the pursuit and that his phone was in his hand when he was placed under arrest. Due to these circumstances Det. Bonilla reasonably believe that Pardo had contacted someone to alert them of the police activity. (Exhibit “BB”).
15. Det. Bonilla determined to execute the search warrant with Det. Jaremczak at 124 Adamecs way. Id.
16. Det. Bonilla prior to executing the search warrant, was aware of Katiria Ortiz’s previous arrest involving resisting arrest and obstructing the administration of law including refusal to comply with officers’ lawful command. (Exhibits “Y” and “BB”).
17. Det. Bonilla reasonably believed that Plaintiff was alerted to their presence, and that evidence would be destroyed, made entry into 124 Adamecs Way without knocking, and announcing their presence by yelling “Police! Search Warrant!” (Exhibit “BB”).
18. Approaching the third floor, Det. Bonilla heard the sound of running water coming from the bedroom. In the bedroom, Det. Bonilla located a closed door and heard the sound of shuffling. Id.
19. Det. Bonilla attempted to open the door, which was locked. At no point was there a response to Det. Bonilla’s yelling or attempt to open the bathroom door. Id.

20. Concerned for a potential ambush, or potential destruction of evidence, Det. Bonilla opened the door with a kick. Id.
21. The bathroom door swung open, and struck Plaintiff in the face. (Exhibits “Q”, “R”, “S”, “T”, “U”, “BB”, “EE”).
22. Plaintiff subsequently wiped her nose which was bleeding and threw the blood in the direction of Det. Bonilla. (Exhibit “BB” and Exhibit “GG-1”).
23. South Amboy Police officers arrived on scene and rendered aid. (Exhibit “BB”)
24. Woodbridge EMS was dispatched at 11:17 am, arrived at 11:28am and the EMT’s were with the patient at 11:30am. (Exhibit “R”)
25. Plaintiff refused medical treatment and signed a refusal for medical assistance. Id.
26. At that time, Det. Harris, Det. Hubner, Det./Sgt. Bodnar and Ptl. Rastegarpanah arrived on scene to assist in searching the apartment. (Exhibit “BB”).
27. During the search of the bathroom the following were found: a brown colored backpack contained a wallet with credit cards in the name of Joshua Pardo; a zip lock bag inside the garbage bag, later determined to have the presence of cocaine inside; and \$3,006.00 held together by rubber bands located in the toilet reservoir tank. (Exhibit “BB” and “GG 2-4”).
28. As part of Joshua Pardo’s plea agreement, the \$3,006.00 were seized and forfeited. (Exhibit “HH”).
29. Plaintiff was transported to Woodbridge Police Department by South Amboy Police Department Marked Unit on or about 12:58pm. (Exhibit BB)
30. At Woodbridge Police, Plaintiff was booked, processed and charged with Possession of CDS (2C:35-10A(1)); Tampering with Physical Evidence (2C:28-6(1)); Money Laundering

- (2C:21-25A)); Obstruction (2C:29-1A); and Throwing Bodily Fluids at a Law Enforcement Officer (2C:12-13) on Complaint Warrant. 1220-W-2018-103. (Exhibit “BB” and “X”).
31. Upon completion of the complaint, Det. Bonilla contacted South Amboy Municipal Court Judge James Weber who found probable cause and authorized the complaint. (Exhibit “BB” and “X”).
32. While at Woodbridge Police Department, Plaintiff complained of pain and an ambulance was dispatched. Port Reading First Aid Squad was notified and dispatched at 15:04, with Plaintiff at 15:07 and left Plaintiff at 15:20. (Exhibit “S”).
33. Plaintiff refused medical treatment and signed a refusal for medical assistance. Id.
34. Plaintiff later complained that she was still in pain and an ambulance was dispatched. Port Reading First Aid was notified and dispatched at 16:52, with Plaintiff at 16:57 and transported her to the hospital at 17:02. (Exhibit “T”).
35. Plaintiff was transported and treated by Raritan Bay Medical Center. (Exhibit “BB” and “V”).
36. After being released by Raritan Bay Medical Center in Perth Amboy, Plaintiff was transported to the Middlesex County Correctional Facility. (Exhibit “BB”).
37. Plaintiff filed a Notice of Tort Claim on September 17, 2018, alleging that Defendants had pushed the door into her face. (Exhibit “EE”).
38. On May 31, 2019, Plaintiff stipulated to probable cause for her arrest, the exigent circumstances to entering the house, and the authorized search warrant in exchange for a dismissal of the charges. (Exhibit “W”).

Based on the foregoing undisputed material facts, Defendants Woodbridge Detectives Bryan Jaremczak, Shayne Bodnar, Patrick Harris, Nicole Hubner, Juan Carlos Bonilla, Jr. and Patrolman Jeian Rastegarpanah are now moving for summary judgment.

**DVORAK & ASSOCIATES, LLC**  
**Attorneys for Defendants, Woodbridge Detective**  
**Bryan Jaremczak, Detective Shayne Bodnar,**  
**Detective Patrick Harris, Detective Nicole**  
**Hubner, Patrolman Jeian Rastegarpanah,**  
**Detective Juan Carlos Bonilla, Jr.**

By: /s/ Grace E. Lempka  
**GRACE E. LEMPKA, ESQ.**

Dated: September 19, 2024