

Tyrone Blackburn, ESQ
Attorney NJS-ID # 232602020
1242 East 80th Street, 3rd Floor
Brooklyn, NY 11236
(347) 342-7432
Tblackburn@tablackburnlaw.com
Counsel for Plaintiff Carlton R. Brathwaite

CARLTON R. BRATHWAITE,

Plaintiff,

v.

MATTHEW TALAVERA,
CITY OF EDISON,
EDISON POLICE DEPARTMENT,
JOHN AND JANE DOES 1 – 10,

Defendants.

**UNITED STATES DISTRICT COURT
STATE OF NEW JERSEY**

CIVIL ACTION: 24-cv-8910

VERIFIED COMPLAINT

Jury Trial Demanded

Plaintiff Carlton R. Brathwaite (“Plaintiff”), by way of Complaint against Defendants Matthew Talavera, City of Edison, and Edison Police Department, does hereby complain of the defendants and allege the following upon information and belief and at all times herein relevant.

NATURE OF ACTION

1. This is an action under 42 U.S.C. Sections 1981, 1983, 1985, 1986, and 1988, the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, as well as under New Jersey State tort law and the New Jersey State Constitution.

PARTIES

2. Plaintiff Carlton R. Brathwaite was and is a resident of Middlesex County, City, and State of New Jersey.

3. Defendant, the Township of Edison, was and is a municipal corporation duly incorporated under the laws of the State of New Jersey.

4. The Defendant, Edison Township Police Department, was and is a Police Department duly formed under the laws of the State of New Jersey.

5. Defendant Matthew Talavera was, at all times relevant hereto, employed by the Township of Edison and/or the Edison Township Police Department.

6. Defendant, "John and Jane Does 1 - 10," first and last name being fictitious and representing unnamed Police Officers of Edison Township Police Department, were at all times relevant hereto, employed by the Township of Edison and/or the Edison Township Police Department.

7. Defendants, the Township of Edison, and/or Edison Township Police Department, at all times relevant hereto, were responsible for the hiring, training, supervision, discipline, retention, firing, and promotion of the police officers, sergeants, detectives, and defendants herein.

8. At all times hereinafter mentioned, the defendants herein are hereby being sued individually and in their official capacity as Police Officers and were acting under the color of state law according to the statutes, Constitution, ordinances, regulations, policies, and customs of the State of New Jersey and under the United States Constitution.

JURISDICTION AND VENUE

9. This action is brought according to 42 U.S.C. Sections 1981, 1983, 1985, 1986, and 1988, the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and under New Jersey State tort law and the New Jersey State Constitution for pendent state causes of action.

10. Jurisdiction is founded in the District Court according to 28 U.S.C. 1331. This is a Civil action arising under 42 U.S.C. Sections 1981, 1983, 1985, 1986, and 1988, as well as the Constitution and the laws of the United States.

11. The venue is properly laid in this district under 28 U.S.C. Section 1391(b), the judicial district where the events giving rise to the claim occurred.

FACTUAL ALLEGATIONS

I. PLAINTIFF BRATHWAITE IS RACIALLY PROFILED AND HARASSED BECAUSE HE WAS SITTING IN A LEGALLY PARKED CAR WHILE BLACK:

12. On or about October 6, 2023, Mr. Brathwaite sat in a parked vehicle with his brother, Derek Brathwaite. The vehicle's engine was turned off, and the brothers were listening to music and having a conversation. The brothers recently lost their mother and were discussing caring for their elderly stepfather.

13. At approximately 1:00 a.m., at or near 28 Redwood Avenue, Edison, New Jersey 08817 the Plaintiff, Carlton R. Brathwaite, was falsely arrested, violently assaulted and brutally beaten, hit with a weapon, pushed into the ground, and held in jail by the Defendant Matthew Talavera; and John and Jane Does 1 - 10," unknown Edison Township Police Officers.

14. Thereafter, Mr. Brathwaite was charged with and maliciously prosecuted for N.J.S.A. 2C:29-1A, N.J.S.A. 2C:33-2A(1), N.J.S.A. 2C:12-1B(5)(A) and N.J.S.A. 2C:29-2A(1) by the defendants. (See Exhibit A).

15. Such actions by the Defendant Police Officers constituted excessive force and directly violated the Plaintiff, Carlton Brathwaite's, State and Federal, Civil, and Constitutional Rights, including, but not limited to, 42 u.s.c. Sections 1981, 1983, 1985, 1986, and 1988, the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and under New Jersey State tort law and New Jersey State Constitution for pendent state causes of action.

16. The defendants' actions described herein were performed under color of state law and in violation of Mr. Brathwaite's Civil and Constitutional Rights.

17. It is further alleged that said defendants acted without provocation and without probable cause.

18. Furthermore, Mr. Brathwaite was denied necessary medical treatment by the defendants herein following the aforementioned violent attack and subsequent incarceration.

19. As a result, Mr. Brathwaite sustained the following injuries:

- a. As a result of the excessive force,
- b. assault and battery,
- c. and violent attack by the defendants herein.

20. Mr. Brathwaite was caused to sustain severe and permanent injury, including, but not limited to, permanent facial scarring, facial lacerations, a fractured skull, a fractured hand, multiple contusions and abrasions on his body, laceration to his head, concussion, headaches, depression, anxiety, humiliation, and fear.

21. Plaintiff almost lost his life as a result of the beating by the individual Defendant. The beating caused Plaintiff to suffer from migraines, angioedema, facial edema, and gastric cancer.

22. As a direct and proximate result of the acts of the defendants herein, Plaintiff Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions, and required to incur expenses to hire counsel to defend against defendants malicious prosecution.



An Image of The Plaintiff's Physical Injuries As A Result Of Individual Defendant.

II. JUDGE COLLEEN M. FLYNN SCOLDED THE DEFENDANTS FOR THEIR BASELESS AND MALICIOUS PROSECUTION OF THE PLAINTIFF:

23. On or about April 2, 2024, Judge Colleen M. Flynn, the Presiding Judge for the Criminal Division of Middlesex Vicinage, dismissed the Defendant's case against the Plaintiff and entered an Expungement Order in Mr. Brathwaite's favor.

24. Judge Flynn ordered the defendants to remove from their records all information relating to Mr. Brathwaite for the following: Petitioner was arrested/taken into custody on 10/06/2023 for:

- a. Promis / Gavel case details
MID-23-004874-001
S-2023-001314-1205
N.J.S.A. 2c:33-2a(1) Disorderly Conduct-Improp Behavior-Fight/Threaten/ Etc-Degree P
N.J.S.A. 2c:29-2a(1) Resist Arr/Elud-Prevents Officer Fro1vi Effecting Arrest-Degree D
S-2023-001314-1205

N.J.S.A. 2c:29-1a Obstruct Admin Of Law-Obstruct Criminal Investigation- Degree 4
N.J.S.A. 2c:12-1b(S)(A) Agg Assault-On Law Enforcement Officer- Degree 4

- b. S-2023-001314-1205
N.J.S.A. 2c:29-1a Obstruct Admin of Law-Obstruct- Degree 4
N.J.S.A. 2c:33-2a (1) Disorderly Conduct-Improp Beha – Degree P
N.J.S.A. 2c:29-2a (1) Resist Arr/Elud-Prevents Offic - Degreed
N.J.S.A. 2c:12-1b (S)(A) Agg Assault-On Law Enforcement- Degree 4

25. Throughout this charade, Judge Flynn provided defendants multiple opportunities to provide tangible evidence to substantiate their baseless incarceration and prosecution of Mr. Brathwaite.

26. After several adjournments and continuances, Defendants could not meet the low bar provided by Judge Flynn.

27. Defendants incompetently provided a stick figure sketch, evidencing the alleged battery visited upon them by Mr. Brathwaite.

28. On Defendant Talavera’s Preliminary Law Enforcement Incident Report dated October 6, 2023, he attests to the following: “The offense/incident was recorded using electronic/surveillance via: Body-worn Camera.” (See Exhibit B). Yet, the prosecutors and Defendants failed to produce "body-worn camera" recordings to Judge Flynn.

29. Upon information and belief, during one hearing, Judge Flynn admonished the defendants, telling them that their criminal claim and attempted prosecution of Plaintiff Brathwaite did not pass the "smell test."

III. DEFENDANTS HAVE A PATTERN AND PRACTICE OF ENGAGING IN CIVIL RIGHTS VIOLATIONS, AS WELL AS HAVING THEIR OFFICERS PROSECUTED FOR CORRUPTION AND RICO ACTIVITIES:

30. In or about 2020, Defendants were sued by Richard Mimms for (1) malicious prosecution under 42 U.S.C. § 1983 (“Section 1983”); (2) malicious use and abuse of process under

Section 1983; (3) false arrest under Section; (4) false imprisonment under Section 1983; and (5) conspiracy to violate civil rights under 42 U.S.C. § 1985 (“Section 1985). Defendants filed a motion to dismiss, lost, and settled before trial.

31. In or about 2008, Defendants were sued by Taleb Ahmed for (1) Assault and Battery); (2) Fales Arrest; (3) False imprisonment; (4) Malicious prosecution; (5) Violation of the Federal and New Jersey State Constitutional Rights. Defendants filed a motion to dismiss, lost, and settled before trial.

32. On or about July 2024, a coalition of civil rights organizations requested the Attorney General for the State of New Jersey to investigate the Edison Police Department for using "threatening and racist language and actions to intimidate individuals.¹" (See **Exhibit C**).

33. The link to the Edison Police Department making racist statements about minorities can be accessed here: <https://www.youtube.com/watch?v=M502g-UVHVA>.

34. "Law and Disorder: Edison's Troubled Police Force" is a study by the Star-Ledger and the New Jersey State's Attorney General's Office. It is an award-winning two-part series in The Star-Ledger led the state Attorney General’s Office to set up new protocols and to increase monitoring of the Edison Police Department’s internal affairs unit². (See **Exhibit D**).

35. In a 2018 APP.com article titled, “Police opposed law aimed to fix Edison department with criminal cops,” commenting on the pushback he is receiving in his attempts to provide oversight of the Edison Police Department, former Assemblyman, and current State Court Judge Peter Barnes III, said "You're up against an entity that doesn't want to have a spotlight put on it and that's our law enforcement," Maras said. "When you add to that the fact that they are

¹ <https://www.nj.com/middlesex/2024/07/ag-asked-to-investigate-as-nj-cops-accused-of-racist-stop-of-migrant-bus.html>

² <https://markmuellerjournalism.com/2012/12/09/law-and-disorder-edisons-troubled-police-department/>

heavily unionized, it makes it a lot more complicated, and they can bring a tremendous amount of pressure to bear." (See Exhibit E).

IV. **CAUSES OF ACTION**

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

36. Plaintiff repeats and reiterates and realleges each and every allegation contained in paragraphs above with the same force and effect as though more fully set forth herein at length.

37. That on or about October 6, 2023, the defendants, Matthew Talavera and "John Does 1 - 10," unknown Edison Township Police Officers involved in the subject incident, were acting as individuals and in their capacity as employees, agents and/or servants for the Defendant, the Township of Edison.

38. That on or about October 6, 2023, the defendants, Matthew Talavera and "John Does 1 - 10," unknown Edison Township Police Officers involved in the subject incident, were acting in their capacity as individuals and employees, agents and/or servants for the Defendant, Edison Township Police Department.

39. On or about October 6, 2023, the defendants, Matthew Talavera and "John Does 1 - 10," unknown Edison Township Police Officers involved in the subject incident, acted as individuals and in their official capacity as Police Officers.

40. That said, the occurrence and the resulting injuries to Mr. Brathwaite occurred without fault or wrongdoing by the Plaintiff contributing thereto.

41. That the aforementioned occurrence constituted an assault and battery upon the Plaintiff, Carlton Brathwaite.

42. That the defendants herein acted without provocation and without probable cause.

43. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, swollen lips, fractured hand, multiple contusions and abrasions on his body, laceration to his head, internal abdominal bleeding/pain, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation and fear.

44. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

45. Because of the preceding Plaintiff, Carlton Brathwaite was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

46. Plaintiff repeats and reiterates and realleges each and every allegation contained in paragraphs above with the same force and effect as though more fully set forth herein at length.

47. The defendants herein subjected the Plaintiff, Carlton Brathwaite, to false arrest, false imprisonment, malicious prosecution, and deprivation of his liberty due to their illegal acts.

48. That on or about October 6, 2024, in the State of New Jersey, Township of Edison, Defendant Matthew Talavera falsely, unlawfully, and wrongfully arrested and imprisoned Plaintiff herein and deprived him of his liberty without due process of law.

49. That the defendants herein acted without probable cause to arrest the Plaintiff herein.

50. As a result of the defendants' actions herein, the Plaintiff, Carlton Brathwaite, was falsely arrested, falsely imprisoned, and maliciously prosecuted for crimes he did not commit.

51. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation and fear.

52. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, falsely imprisoned, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, humiliation, destruction of his reputation, incur substantial legal fees, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

53. Because of the preceding, the Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A THIRD CAUSE OF ACTION ON
BEHALF OF PLAINTIFF**

54. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

55. That on or about October 6, 2024, in the Township of Edison, the defendants, Matthew Talavera, maliciously contrived and intended to injure the Plaintiff's good name and to bring him into public disgrace and scandal, then with force and arms, arrested Plaintiff, compelling him to enter a police vehicle wherein he was taken to the police precinct. Thereafter, they restrained him in a cell without the consent or permission of the Plaintiff herein and against the laws of the State of New Jersey and the United States Constitution.

56. The defendants have continued to maliciously prosecute the Plaintiff herein for crimes he did not commit.

57. The defendants herein intentionally and deliberately violated the Plaintiff's Civil Rights under the New Jersey State and United States Constitutions and intentionally and deliberately continued to prosecute the Plaintiff despite knowing there was insufficient evidence to obtain a conviction.

58. By reason of the above, the Plaintiff was and has been greatly injured in his reputation, brought into public scandal, disgrace, and humiliation, and obliged to spend large sums of money to defend himself and to manifest his innocence of these charges. He was also greatly injured and prevented from attending to and transacting his usual and customary affairs and business.

59. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation and fear.

60. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, falsely imprisoned, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, humiliation, destruction of his reputation, incur substantial legal fees, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

61. That because of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

62. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

63. The defendants, the Township of Edison and Edison Township Police Department knew or should have known of the Defendant, Police Officer Matthew Talavera's propensity to engage in the illegal, unconstitutional, and wrongful acts detailed and described herein.

64. Upon information and belief, the defendants have in the past falsely arrested individuals, committed unconstitutional, illegal, and unlawful actions against individuals, solicited and prosecuted individuals improperly, and allowed Police Officers to make false entries in official Police Department records and cover up and conceal this type of behavior.

65. The defendants, the Township of Edison and Edison Township Police Department have failed to take steps to discipline, train, supervise, or otherwise correct the improper, unconstitutional, and illegal conduct of the defendant police officers.

66. The Township of Edison and Edison Township Police Department have damaged the Plaintiff by failing to properly supervise, train, discipline, review, remove, and/or correct the defendants' illegal and improper acts herein.

67. As the employers of the defendant police officers, the Township of Edison and Edison Township Police Department are liable for the damages suffered by Mr. Brathwaite as a result of the defendant police officers' unlawful, illegal, and unconstitutional conduct.

68. As a direct result of the defendants, Township of Edison's and Edison Township Police Department's failure to train, discipline, and/or remove the defendant police officers and evaluate the personalities and prior acts of the defendant police officers, the aforementioned incident occurred. The Plaintiff suffered severe physical, emotional, and mental pain, lost earnings, and loss of enjoyment of life.

69. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation and fear.

70. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, and deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

71. Because of the preceding, the Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

72. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

73. Plaintiff's Constitutional and Civil Rights to be free from deprivation of liberty and unreasonable seizures without due process of law, protected under 42 U.S.C. Sections 1983 and 1985, were violated by the defendants' actions herein.

74. The allegations alleged above deprived the Plaintiff of the following rights under the United States and the New Jersey Constitutions: a violation under the Fourth, Fifth, and Fourteenth Amendment of the United States Constitution to be free from a deprivation of liberty without due process of law; a violation under the Fourth Amendment against unreasonable seizures; freedom from summary punishment; freedom from illegal and unlawful acts by the defendant police officers acting under color of state law; freedom from false arrests, false imprisonment, and malicious prosecution.

75. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, Mr. Brathwaite sustained at the hands of the defendants herein, was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches emotional distress, anxiety, depression, humiliation and fear.

76. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

77. That is because the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A SIXTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

78. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

79. The aforementioned actions of the defendants in depriving the Plaintiff of his Constitutional and Civil Rights as performed with malice and/or a reckless disregard of the Plaintiff's Civil Rights.

80. The defendants, Township of Edison and Edison Township Police Department, by and through the actions of the Defendant Police Officers, failed to maintain an adequate system of review of actions, such as those described herein, by the Defendant Police Officers, which systems failed to identify instances of unconstitutional and illegal behavior, false arrests, false imprisonment, malicious prosecution or, to discipline, more closely supervise, and/or retrain officers who in fact act improperly and use illegal and unlawful actions.

81. The defendants, Township of Edison and Edison Township Police Department have a systematic deficiency, policy, custom, and pattern which includes, but is not limited to:

- a. Failure to properly investigate such reports and complaints designed to insulate, protect, and vindicate police officers, regardless of whether such actions are justified, illegal, or unlawful;
- b. failure to prepare investigative reports that critically evaluate the actions of the police officers involved in these prior instances;
- c. failure to fully investigate complaints by citizens, and,
- d. failure to maintain records to be used to properly dissipate and evaluate the acts and behaviors of its police officers.
- e. Failure to maintain records of complaints regarding prior and proper and illegal behavior by its police officers.

82. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, he was caused to suffer and continues to experience physical pain permanent facial scarring, facial lacerations, fractured nose, fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation and fear.

83. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

84. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

///

**AS AND FOR A SEVENTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

85. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

86. Defendant Talavera failed to follow the proper arrest rules, regulations, and procedures as mandated by the United States and New Jersey State Constitutions, including, but not limited to, failing to obtain probable cause before arresting and imprisoning Plaintiff.

87. The defendants violated the Plaintiff's United States Constitutional civil rights and New Jersey State Civil Rights against unlawful seizures and imprisonment of the Plaintiff's person.

88. The aforementioned acts violated the Plaintiff's Civil Rights under the New York State and United States Constitutions and 42 U.S.C. Sections 1981, 1983, and 1985.

89. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, he was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, a fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation, and fear.

90. As a direct and proximate result of the acts of the defendants herein, Plaintiff Carlton Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

91. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A EIGHTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

92. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

93. Matthew Talavera's actions were performed intentionally and deliberately to injure the Plaintiff, and such acts were reckless.

94. The defendants' actions herein were performed intentionally and deliberately to injure the Plaintiff, and such acts were excessive force and unnecessary.

95. The Defendant's actions were unprovoked by the Plaintiff and were performed with the intent and deliberate nature to injure the Plaintiff herein.

96. Such acts were wanton, reckless, intentional, and deliberately designed to injure the Plaintiff.

97. The defendants herein, despite their knowledge of the unconstitutional and illegal seizures made by the Defendant Police Officers, continued to falsely arrest, falsely imprison, and maliciously prosecute the Plaintiff herein.

98. Such acts were wanton, reckless, intentional, and deliberately designed to injure the Plaintiff.

99. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, Mr. Brathwaite, sustained at the hands of the defendants herein, he was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, a fractured hand, multiple contusions

and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation, and fear.

100. As a direct and proximate result of the acts of the defendants, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment, and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

101. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A NINTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

102. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

103. Upon information and belief, the defendants, the Township of Edison and Edison Township Police Department, authorized, tolerated and institutionalized the practices, customs, policies, and usages stated herein and approved the misconduct, illegal, and unlawful acts described herein by:

- a. failing to properly instruct, discipline, restrict, control, and supervise its employees, including the defendants herein, known to be irresponsible in the dealings with citizens in the community;
- b. failing to take adequate precautions in hiring, assigning, and retaining the defendant Police Officers herein;

- c. failing to forward to the Edison Township Municipal or Middlesex County Prosecutor's Office evidence of the criminal acts of the defendant police officers herein;
- d. by encouraging the Police Officers to act unlawfully and illegally, failing to establish a functioning bonafide, and meaningful departmental system for dealing with complaints regarding police misconduct;
- e. by tacitly approving and condoning such prior police misconduct, giving rise to liability under Title 42 U.S.C. Section 1983, which also constitutes reckless and wanton behavior and intentional and illegal behavior by the police officers herein;
- f. by failing to discipline, train, retrain, and prosecute prior illegal and unlawful acts by the police officers;
- g. by maintaining a policy of deliberate indifference to such behavior and actions in the past;
- h. by allowing, condoning, and/or permitting the establishment or perpetuation of these policies, customs, practices, and usages, including the deliberate indifference to the rights of the residents and citizens, particularly the Plaintiff herein.

104. Upon information and belief, the defendants, Matthew Talavera, conducted themselves in an intentional, deliberate, and wanton manner by recklessly and deliberately violating the Plaintiff's Civil and Constitutional Rights herein and by falsely arresting, falsely imprisoning, and maliciously prosecuting the Plaintiff herein.

105. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, he was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, a fractured hand, multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation, and fear.

106. As a direct and proximate result of the acts of the defendants herein, Mr. Brathwaite was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

107. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR A TENTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

108. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

109. The Plaintiff, Carlton Brathwaite, is of Afro-Caribbean background.

110. The Defendant, Matthew Talavera, acted and behaved intentionally, maliciously, and discriminately.

111. The defendants' arrest and prosecution of the Plaintiff were discriminatory in nature, based on the Plaintiff's Afro-Caribbean ethnic heritage, which violated Civil and Constitutional Rights and 42 U.S.C. Sections 1981 and 1983.

112. That as a result of the aforementioned false arrest/false imprisonment and malicious prosecution, excessive force, battery, assault, and violent beating, plaintiff Carlton Brathwaite, sustained at the hands of the defendants herein, he was caused to suffer and continues to experience physical pain, permanent facial scarring, facial lacerations, fractured nose, a fractured hand,

multiple contusions and abrasions on his body, laceration to his head, requiring staples, concussion, headaches, emotional distress, anxiety, depression, humiliation, and fear.

113. As a direct and proximate result of the acts of the defendants herein, the Plaintiff, Carlton, was caused to be falsely arrested, maliciously prosecuted, caused to sustain mental suffering, anguish, psychological and emotional distress, loss of wages, loss of reputation, suffer embarrassment and humiliation, defamation of character, loss of properties and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

114. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

**AS AND FOR AN ELEVENTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

115. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

116. The aforementioned actions of the defendants herein were wanton, deliberate, and intentional and designed to injure the Plaintiff herein.

117. The Defendant's actions should be punished, and punitive damages should be awarded of Five Million Dollars (\$5,000,000.00).

**AS AND FOR A TWELFTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

118. Plaintiff repeats and reiterates ~~and realleges each and~~ every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

119. The aforementioned actions were deliberate and designed to injure the Plaintiff herein.

120. The defendants' actions violated 42 U.S.C. Sections 1981 and 1983.

121. As a result of the preceding, the Plaintiff is entitled to receive attorney's fees, costs, and disbursements according to 42 U.S.C. Sections 1985 and 1988.

**AS AND FOR A THIRTEENTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF**

122. Plaintiff repeats and reiterates and realleges each and every allegation contained in the paragraphs above with the same force and effect as though more fully set forth herein at length.

123. On or about October 6, 2024, a number of unknown Edison Police Department Police Officers arrived at plaintiff Carlton Brathwaite's parked vehicle and, in an attempt to intimidate and harass plaintiff Carlton Brathwaite, these unknown Edison Police Department Police Officers, forced Carlton Brathwaite to come out of his vehicle, without probable cause to arrest Carlton Brathwaite and, without an arrest warrant or a search warrant. Furthermore, these unknown Edison Police Department Police Officers opened and entered compartments and structures in the Plaintiff's vehicle without a search warrant or probable cause.

124. As a direct and proximate result of the acts of the defendants herein, the Plaintiff, Carlton Brathwaite, was caused to sustain mental suffering, anguish, psychological and emotional distress, suffer embarrassment and humiliation, defamation of character, loss of properties, and deprivation of his physical liberty, deprivation of his constitutional and civil rights under the United States and New Jersey State Constitutions.

125. That by reason of the preceding Plaintiff, Carlton Brathwaite, was damaged in the amount of Five Million (\$5,000,000.00) Dollars, plus costs, disbursements, attorney's fees, and interest.

V. PRAYER FOR RELIEF AND JURY DEMAND:

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants by:

- a) On the First Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- b) On the Second Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- c) On the Third Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- d) On the Fourth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- e) On the Fifth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- f) On the Sixth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- g) On the Seventh Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- h) On the Eighth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- i) On the Ninth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- j) On the Tenth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;

- k) On the Eleventh Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- l) On the Twelfth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- m) On the Thirteenth Cause of Action, compensatory damages, jointly and severally against all of the defendants, in the sum of Five Million (\$5,000,000.00) Dollars;
- n) Together with such other further relief, including, according to 42 U.S.C. Section 1988, costs, disbursements, reasonable attorney's fees, and punitive damages in an amount the Court may deem just and proper.
- o) Plaintiff demands a trial by jury on all issues triable by a jury.

**T. A. Blackburn Law, PLLC
Attorneys for Plaintiff**

By: *s/ Tyrone A. Blackburn, Esq.*
Tyrone A. Blackburn

Dated: September 2, 2024

DESIGNATION OF TRIAL COUNSEL

In accordance with R. 4:25-4, Plaintiff [s] hereby designates Tyrone A. Blackburn as trial counsel in this action.

**T. A. Blackburn Law, PLLC
Attorneys for Plaintiff**

By: s/ Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn

Dated: September 2, 2024

RULE 4:5-1 CERTIFICATION

I certify that to the best of my knowledge, information, and belief, the matter in controversy is not the subject of any other pending or contemplated court actions or arbitration proceedings. I further certify that to the best of my knowledge, information, and belief, I am unaware of any non-parties who should join the action. I certify that the preceding statements I made are true. I am aware that if any of the preceding statements I made are willfully false, I am subject to punishment.

**T. A. Blackburn Law, PLLC
Attorneys for Plaintiff**

By: s/ Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn

Dated: September 2, 2024

RULE 1:38-7(b) CERTIFICATION

I certify that confidential personal identifiers have been redacted from the documents now submitted to the Court and will be redacted from all documents submitted to the Court in the future in accordance with R. 1:38-7(b).

**T. A. Blackburn Law, PLLC
Attorneys for Plaintiff**

By: s/ Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn

Dated: September 2, 2024

VERIFICATION

Tyrone A. Blackburn, Esq., of full age, certifies as follows:

1. I am Counsel for Plaintiff in this matter.
2. I am the person who submitted the records requests on behalf of the Plaintiff that are the subject of this Verified Complaint.
3. All of the facts stated in the Verified Complaint are true to the best of my own personal knowledge.

I certify that the preceding statements I made are accurate to the best of my knowledge. I am aware that if any of the preceding statements I made are knowingly or willfully false, I am subject to punishment.

**T. A. Blackburn Law, PLLC
Attorneys for Plaintiff**

By: s/ Tyrone A. Blackburn, Esq.
Tyrone A. Blackburn

Dated: September 2, 2024

PRESERVATION NOTICE

The term "you," "your," or "yours" as used herein shall refer to you (the recipient of this letter), as well as to the respondents and any individuals responsible for the custody and control of the below information, including, but not limited to, those individuals' administrative assistants, secretaries, agents, employees, information technology personnel and third-party vendors. From this point forward, you are directed to prevent "spoliation," defined as altering, changing, updating, destroying (even if periodically), editing, or deleting any information set forth hereafter.

If you cause any such alteration, destruction, change, direct, or allow it to occur, you may be charged with discovery rule violations for which sanctions may be imposed. Further, your failure to abide by this request could result in severe penalties against you and form the basis of legal claims for spoliation.

Electronically Stored Information:

In terms of electronically stored information, you are directed to prevent any destructive, alternative or other change to any web pages, virtual profiles or identical (including, but not limited to, Facebook, Instagram, Pinterest, Twitter, Tumblr, LinkedIn, Snapchat, Google Plus+, Flickr, Vine, About.me, ask.fm etc., or any other social media-based web profile or networking site account), emails, voice messages, text messages, instant messages or messaging systems, recordings, digital recordings, media images and videos, temporary memory, memory sticks, portable memory devices, laptops or computers, CDs, DVDs, USB devices, databases, computer activity logs, internet browsing history (including cookies), network access and server activity logs, word processing files and file fragments, backup and archival files, imaging and facsimile files, electronic calendar and scheduling program files and file fragments as well as any other contact and relationship management data (e.g., Outlook), electronic spreadsheet files and file fragments, pertaining in any way to this controversy of the parties or any potential witnesses. This includes a request that such information not be modified, altered, or deleted due to data compression or disk fragmentation (or other optimization procedures), which processes you are hereby directed to suspend until that data can be preserved, copied, and produced.

You are directed not to modify, alter, or delete or allow modifications, alterations, or deletions to be made to any electronically stored information. You are further directed to preserve all, and not to destroy any, passwords, decryption productions (including, if necessary, the software to decrypt the files), network access codes, manuals, tutorials, written instructions, decompression or reconstruction software, and any other information and things necessary to access, view and (if necessary) reconstruct the electronic data we will request through discovery.

Paper Information:

In terms of the paper information, you are directed to preserve any and all emails, videos, texts, memos, reports, documents, notes, correspondence, photographs, investigative information, or other documents which pertain in any way to the controversy, parties, or witnesses in this matter. Through discovery, we expect to obtain from you a number of documents and other data, including text messages, emails, photographs, and other information stored on computers, electronic devices, and telephones.

Although we may bring a motion with a court for order-preserving documents and other data from destruction or alteration, your obligation to preserve documents and other data for discovery, in this case, arises independently from any order on such motion. Electronic documents and the storage media, including but not limited to telephones on which they reside, contain

relevant, discoverable information beyond what may be found in printed documents. Therefore, even where a paper copy exists, we will likely seek all documents in their original, electronic form, along with metadata or information about those documents on the media. We will seek paper printouts of only those documents that contain unique information created after they were printed (e.g., paper documents containing handwriting, signatures, marginalia, drawings, annotations, highlighting, and redactions) and any paper documents for which no corresponding electronic files exist.

The laws and rules prohibiting the destruction of evidence apply to electronically stored information in the same manner they apply to other evidence. Due to its format, electronic information is easily deleted, modified, or corrupted. Accordingly, you must take every reasonable step to preserve this information until the final resolution of this matter. This may include, but would not be limited to, an obligation to discontinue all data destruction and backup tape recycling policies.

Concerning electronic data created after this letter's delivery date, relevant evidence should not be destroyed. You must take the steps necessary to avoid the destruction of such evidence.

T. A. Blackburn Law, PLLC
Attorneys for Plaintiff

By: *s/ Tyrone A. Blackburn, Esq.*
Tyrone A. Blackburn

Dated: September 2, 2024