

George Riley, 133229B, 2W
James J. Krivacska, 106128C, 2W
Paul Cornwell, 081208B, 8L
Vincent Macrina, 865812C, 7L
William F. Vansciver, 033020A, 7L
Richard A. Gibbs, 232215C, 3W
Peter Braun, 786615A, 8R
Adult Diagnostic & Treatment Center
8 Production Way
Avenel, NJ 07001
No Telephone
Pro se Litigants

RECEIVED-CLERK
U.S. DISTRICT COURT

2006 JAN 27 A 11:06

GEORGE RILEY, JAMES J. KRIVACSKA, :
PAUL CORNWELL, VINCENT MACRINA, :
WILLIAM VANSCIVER, RICHARD A. :
GIBBS, PETER BRAUN and others :
Similarly situated, :
Plaintiffs, :

v. :

DEVON BROWN, WILLIAM PLANTIER, :
JOHN and JANE DOES 1 - 10 :
unnamed, sued in their official :
capacities, :
Defendants. :

UNITED STATES DISTRICT
COURT FOR THE DISTRICT
OF NEW JERSEY

Docket No.:

06-0331

COMPLAINT

Plaintiffs, for themselves and all other members of the class
hereinafter described, allege as follows:

I. INTRODUCTION

1. This is an action for equitable relief challenging the
practice of transporting and holding inmates of the Adult
Diagnostic and Treatment Center ("A.D.T.C."), a facility operated
by the New Jersey Department of Corrections ("DOC") for the
treatment of inmates convicted of sexual offenses who have been

found to be compulsive and repetitive in their offending behavior, with dangerous state prisoners, without reasonable provision for their care, safety and protection from constant, substantial and/or pervasive risk of physical assault and bodily harm, which risks defendants knew of and know of, and disregarded and disregard, constituting deliberate indifference to an excessive risk to inmate health and safety.

2. This is a class action brought by Plaintiffs on their own behalf and on behalf of all others similarly situated, pursuant to the provisions of Rules 23(a), 23(b)(1), 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure.

3. Plaintiffs allege deprivation of their rights, privileges, or immunities secured by the Due Process Clause of the Fourteenth Amendment, violation of their right to be protected from cruel and unusual punishment under the Eighth Amendment, and deprivation of their right of access to the courts under the redress of grievances clause of the First Amendment, by defendants who are acting under the color of statute, ordinance, regulation, custom, or usage of the State of New Jersey, in violation of 42 U.S.C. § 1983, and seek equitable relief, including a Temporary Restraining Order, and Preliminary and Permanent Injunction, against the defendants, to prevent the imminent violation of constitutionally protected rights to which the Defendants have and

Riley, et al v. Brown, et al
Civil Class Action Complaint

3

will subject the Plaintiffs, and declaratory relief pursuant to 28 U.S.C. § 2201.

II. JURISDICTION

4. This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivation, under color of State law, of rights, privileges and immunities secured by the Constitution and laws of the United States.

5. This Court has jurisdiction pursuant to 28 U.S.C. § 1331(a) and 1343, directly under the Constitution of the United States.

6. Plaintiffs have exhausted administrative remedies as required under 42 U.S.C. § 1997e(a), thereby granting this court jurisdiction over this claim.

III. PARTIES

PLAINTIFFS

7. Individual Plaintiffs GEORGE RILEY, JAMES J. KRIVACSKA, PAUL CORNWELL, VINCENT MACRINA, WILLIAM VANSIVER, RICHARD A. GIBBS, and PETER BRAUN are prisoners of the State of New Jersey, in the custody of the New Jersey Department of Corrections. They are currently confined to the Adult Diagnostic and Treatment Center, 8 Production Way, Avenel, New Jersey 07001.

DEFENDANTS

8. Defendant DEVON BROWN is the Commissioner of the New Jersey Department of Corrections. As such, during the dates and times mentioned herein, he was responsible for and in control of the actions of the employees and agents of the DOC.

9. Defendant WILLIAM PLANTIER, is the Director of Operations for the DOC, and as such is responsible for developing and implementing department policies and procedures for the transport of DOC inmates, including those housed at the A.D.T.C., and as such is directly responsible for the deprivations visited upon Plaintiffs by his acts of commission and omission regarding providing for the safety of A.D.T.C. inmates on trips outside of the institution.

10. Defendants JOHN and JANE DOES are employees of the State of New Jersey Department of Corrections and are responsible for developing, implementing and/or supervising policies and procedures for the transport of DOC inmates, including those housed at the A.D.T.C., and as such, are directly responsible for the deprivations visited upon Plaintiff by their acts of commission and omission regarding providing for the safety of A.D.T.C. inmates on trips outside of the institution.

11. Defendants BROWN, PLANTIER and JOHN and JANE DOES are being sued in their official capacities.

12. At all times material to this complaint, Defendants BROWN, PLANTIER, and JOHN and JANE DOES who were or are employed by the DOC, were acting, and continue to act, under color of state law.

IV. CLASS ACTION ALLEGATIONS

13. The class represented by the named plaintiffs in this action, and of which named plaintiffs are themselves members, consists of the class of persons who have been convicted of sexual offenses as delineated in N.J. Stat. Ann. Title 2C and who are currently confined at the A.D.T.C. administered by the New Jersey DOC, and who are, have been, or will be required to, or need to, be transported out of the A.D.T.C. by the Central Transport Unit of the DOC for medical, court or other trips.

14. The number of members of the class, as hereinabove identified and described, is approximately 650 members, or the current inmate count at the A.D.T.C.. The class is so numerous that the joinder of individual members herein is impracticable.

15. There are common questions of law and fact in the action that relate to and affect the rights of each member of the class and the relief sought is common to the entire class, namely:

- (a) whether the commissions and omissions of the defendants, whereby defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates when

said defendants failed to act reasonably to supervise and safeguard A.D.T.C. inmates from known violent and dangerous state prisoners during medical, court and other trips - given a history of physical assaults against A.D.T.C. inmates by state prisoners, and where that history demonstrates a substantial likelihood of such assaults in the future - constitutes deliberate indifference in the form of cruel and unusual punishment prohibited by the Eighth Amendment of the United States Constitution;

- (b) whether the commissions and omissions of the defendants, whereby defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates when said defendants failed to act reasonably to supervise and safeguard A.D.T.C. inmates from known violent and dangerous state prisoners during medical trips - given a history of physical assaults against A.D.T.C. inmates by state prisoners, and where that history demonstrates a substantial likelihood of such assaults in the future - resulting in A.D.T.C. inmates deferring needed medical treatments out of fear of serious harm or injury, constitutes deliberate indifference to the serious medical needs of Plaintiffs as prohibited by the Eighth Amendment of the United States Constitution;

- (c) whether the commissions and omissions of the defendants, whereby defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates when said defendants failed to act reasonably to supervise and safeguard A.D.T.C. inmates from known violent and dangerous state prisoners during court trips – given a history of physical assaults against A.D.T.C. inmates by state prisoners, and where that history demonstrates a substantial likelihood of such assaults in the future – resulting in A.D.T.C. inmates being deterred from exercising their right to redress of grievances and access to the State and Federal Courts for fear of serious bodily harm or injury, violates Plaintiffs' rights under the First Amendment of the United States Constitution;
- (d) whether the commissions and omissions of the defendants in failing to act reasonably to supervise and segregate A.D.T.C. inmates from state prisoners the defendants knew were violent and dangerous, during medical, court and other trips, evidences a disregard for an excessive, pervasive and imminent risk of serious and substantial bodily harm or injury against Plaintiffs in violation of the Eighth Amendment to the United States Constitution.

16. The claims of the named Plaintiffs, who are representative of the class herein, are typical of the claims of the class, in that the claims of all members of the class, including Plaintiffs, depend on a showing of the commissions and omissions of defendants giving rise to the right of plaintiffs to the relief sought herein. There is no conflict as between any individual named Plaintiff and other members of the class with respect to this action, nor with respect to the claims for relief herein set forth.

17. The named plaintiffs are the representative parties for the class, and are able to, and will, fairly and adequately protect the interests of the class.

18. This action is properly maintained as a class action in that the prosecution of separate actions by individual members of the class would create a risk of varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the defendants herein.

19. Moreover this action is properly maintained as a class action inasmuch as the defendants herein, all of whom oppose the class, have acted or refused to act, as hereinafter more specifically stated, on grounds which are applicable to the class, and have by reason of such conduct, made appropriate final injunctive relief or corresponding declaratory relief with respect to the entire class, as sought in this action.

20. Finally, this action is properly maintained as a class action inasmuch as the questions of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

V. GENERAL FACTS

21. Each of the named plaintiffs and members of the class were convicted of a sexual offense as enumerated under N. J. Stat. Ann. § Title 2 and either sentenced to the A.D.T.C. under N.J. Stat. Ann. § 2C:47-3 or otherwise sentenced to State Prison, but transferred to the A.D.T.C. by the Commissioner to serve their sentence.

22. The A.D.T.C. houses only inmates who have been convicted of a sexual offense.

23. As used in this complaint, "State prisoners" will refer to prisoners committed to the custody of NJ DOC who are not housed at the A.D.T.C., while "A.D.T.C. inmates" will refer to those who are housed at the A.D.T.C.

24. Two of the named Plaintiffs, George Riley, and James J. Krivacska, are members of the Legal Subcommittee of the A.D.T.C. Inmate Resident Committee; Mr. Riley is currently Chairman of that subcommittee.

25. The Inmate Resident Committee consists of inmates elected by the residents of each housing unit and meets weekly to discuss issues of concern to the A.D.T.C. population and then meets monthly with Administration to review those concerns with administration and to receive information of interest and importance to the population from the Administration.

26. Complaints about the risk of physical injury and recurring psychological abuse visited upon A.D.T.C. inmates by state prisoners during trips away from the facility are long-standing, dating back at least to 1989.

27. In 1989, the Inmate Resident Committee, as reported in the inmate newsletter, the Podium, dated July/Aug. 1989, brought to the administration's attention at a meeting on June 27, 1989, concerns about threats and harassment suffered by A.D.T.C. inmates at the hands of prisoners and officers from other institutions while on medical trips, complaints which brought no corrective action by defendants.

28. In 1989, William Plantier was an administrator at the A.D.T.C.

29. On information and belief, state inmates who have been convicted of sexual offenses are the most despised and reviled inmates in the prison system, and such inmates housed in general population, hide the nature of their crimes to avoid harassment and assault by non-sex offending inmates.

30. The Monmouth County Correctional Facility, at which Plaintiffs Riley and Krivacska were housed, and Cape May County Jail at which Plaintiff Cornwell was housed, and Camden County Correctional Facility at which Plaintiff Macrina was housed, and Burlington County Correctional Facility at which Plaintiff Vansciver was housed, and Union County Correctional Facility at which Plaintiff Braun — prior to being transferred to the custody of DOC — maintain separate wings, pods or tiers in which those accused of committing a sexual offense and awaiting trial, or those convicted of a sexual offense and awaiting transfer to the custody of the State DOC, are housed.

CLAIMS OF PLAINTIFF GEORGE RILEY

31. Mr. George Riley, on his own behalf, and as Chairman of the IRC Legal Subcommittee, wrote to Mrs. Grace Rogers, A.D.T.C. Administrator, and requested that procedures be put into place to secure the safe transport of A.D.T.C. inmates on medical and court trips in light of the history of assaults, threats and acts of intimidation made against A.D.T.C. inmates by state prisoners.

32. On July 6, 2005, Mr. Bernard Goodwin, Associate Administrator responded, noting that A.D.T.C. did not have authority to change methods of inmate transport, such authority residing with the N.J. DOC Central Office.

33. Mr. Riley next wrote to Mr. Plantier, DOC Director of Operations repeating these concerns; no answer has been received.

34. Mr. Riley currently has an appeal of a Post-Conviction Relief petition pending before Superior Court-Appellate Division which, if remanded to the trial court, will require his appearance in court in the near future.

35. Mr. Riley is 72 years old, and is thus concerned about the probability of suffering a medical ailment in the near future that may require a medical trip out of the building. He is concerned that he may have to forego needed medical treatment if no provisions for the safe transport of A.D.T.C. inmates is made, so as to avoid risk of even more serious injury or harm.

36. Mr. Riley has been an inmate at the A.D.T.C. for 19 years and has personal knowledge that the issue of the safety of A.D.T.C. inmates on medical and court trips has periodically been raised by A.D.T.C. inmates - usually after a particularly egregious and damaging assault - but that DOC has repeatedly ignored these concerns and continues to place A.D.T.C. residents at risk for serious bodily harm or death by continuing to transport and hold A.D.T.C. inmates in unsafe conditions with dangerous and violent state prisoners.

37. Mr. Riley accuses Defendants of being deliberately indifferent to his serious medical needs by failing to act reasonably in the face of a known substantial, pervasive and

Riley, et al v. Brown, et al
Civil Class Action Complaint

13

imminent risk to his health and safety, to provide safe transport for him to receive medically necessary treatment in violation of the Eighth Amendment to the United States Constitution.

38. Mr. Riley accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, in violation of the Eighth Amendment to the United States constitution.

39. Mr. Riley accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, said indifference creating such a risk of serious harm or injury that Mr. Riley has been deterred from exercising his constitutional right of access to the courts, resulting in a violation of Mr. Riley's rights under the First Amendment to the United States Constitution.

CLAIMS OF PLAINTIFF JAMES J. KRIVACSKA

40. On May 31, 2005, Mr. Krivacska was transported to the New Jersey State Prison (NJSP) to have a tooth removed.

41. He was transported with three other inmates from the A.D.T.C., as well as approximately 10 other inmates from other state prisons and a half-way house.

42. However, on the transport vehicle, the A.D.T.C. inmates were separated, front and back, by a row of empty seats, thus making it impossible for inmates from other facilities to have any physical contact with them.

43. During the trip, one of the state prisoners made a derogatory comment about pedophiles but the officer on the vehicle enforced the rule that inmates could not get up out of their seat for any reason, and no further incident during the trip occurred.

44. Upon arrival at the NJSP, the A.D.T.C. inmates were kept in separate holding areas at all times from inmates from other state prisons (with the exception of one occasion when the half-way house and A.D.T.C. inmates were kept in a holding area together for approximately 15 minutes - half-way house inmates pose little risk of harm to A.D.T.C. inmates because they fear losing their half-way house status if they break any rules).

45. Throughout the time spent at the NJSP, from approximately 9:00 AM to 2:00 PM, Mr. Krivacska and the other A.D.T.C. inmates were kept segregated from other state prisoners, except for a brief period while waiting in the infirmary to be seen by the dentist. However, during this period, there was no way for the other state prisoners in the room to know where Mr. Krivacska and the other A.D.T.C. inmates were from (none of them having been on the vehicle). More importantly, a corrections

officer was seated in the waiting room with all the inmates at all times.

46. After the dental procedures were completed, Mr. Krivacska and the A.D.T.C. inmates were again housed in a separate holding area for lunch and then later in a different holding area while awaiting transport back to the A.D.T.C..

47. While at NJSP any time inmates from different facilities were brought together to be divided up either for holding purposes or to load a vehicle, the central transport officer in charge continuously shuffled the paperwork of the A.D.T.C. inmates to the bottom of the pile so that as he called out inmates from other facilities, he did not have to disclose which facility Mr. Krivacska and the other A.D.T.C. inmates were from with other inmates around. Only after inmates from all the other facilities had been moved, did he collect the A.D.T.C. (and half-way house) inmates.

48. A.D.T.C. inmates were again separated by an empty row from inmates from other facilities on the bus trip back. Mr. Krivacska and the other A.D.T.C. inmates were transported directly back to the A.D.T.C. from the NJSP, with no stops at any other facility. Nor were they held at any other facility other than NJSP.

49. On June 4, 2005, Mr. Krivacska filed an Administrative Remedy Form (ARF) which was assigned the case number 05-06-0006.

50. ARFs are the DOC prescribed procedure for filing administrative grievances.

51. In that ARF he described his concern over the assault of Mr. Cornwell on a trip to NJSP several days before his own (herein detailed at 73).

52. Mr. Krivacska indicated that he required a second trip to NJSP for the removal of a second molar, a broken tooth that left sharp, protruding edges in his mouth, which frequently caused cuts to his tongue and inner cheek; the dental consult authorizing the extraction procedure having been issued on March 28, 2005.

53. Mr. Krivacska indicated that he was fearful of being assaulted or even killed if he was not kept segregated from violent and dangerous state prisoners, as had occurred with Mr. Cornwell, if he went to NJSP to have the tooth pulled.

54. Mr. Krivacska also indicated that he had a pending Superior Court case which would require his transport to Monmouth County court sometime in the future.

55. Mr. Krivacska requested that A.D.T.C. inmates be segregated from state prisoners during medical and court trips so as to ensure their safety, as had occurred on his May 31, 2005 trip.

56. Mr. Krivacska indicated that he was afraid to go to NJSP to have his tooth pulled because of the history of assaults on A.D.T.C. inmates on such trips when they are not segregated.

57. Mr. Bernard Goodwin, Associate Administrator of the A.D.T.C., responded on June 14, 2005, by informing Mr. Krivacska that transportation arrangements were under the authority of the Central Transport Unit of DOC and that A.D.T.C. had no authority to change the method of transport, and that it was Mr. Krivacska's decision whether or not to continue his dental treatments.

58. Mr. Krivacska appealed that decision on June 23, 2005, indicating that he did wish to continue his dental treatments, but not at risk of bodily injury or worse. He also identified the fact that there had been a clear pattern of abuse of A.D.T.C. inmates by state prisoners over the years. He also noted in his appeal that if A.D.T.C. did not have the authority to change the policy on the transport of A.D.T.C. inmates, that he would like his ARF forwarded to an administrator in the DOC who had the authority to review and change that policy.

59. Mr. Krivacska pointed out in his appeal the ready availability of holding tanks to segregate A.D.T.C. inmates in all correctional facilities and other measures to protect A.D.T.C. inmates such as those used on his May 31, 2005 trip (hiding the identity of A.D.T.C. inmates whenever possible, ensuring the presence of a corrections officer any time A.D.T.C. inmates are mixed with state prisoners, etc).

60. Mr. Krivacska also pointed out that DOC was clearly aware of the risk posed by state prisoners not sentenced to the

A.D.T.C. for treatment and therefore not benefiting from the positive effects of treatment (such as developing empathy and impulse control), by virtue of the imposition of greater restrictions on A.D.T.C. inmates after DOC started to house state prisoners not sentenced to the A.D.T.C. at the A.D.T.C. in October of 2003.

61. Mr. Goodwin, on July 18, 2005 resolved the appeal of his own earlier decision, by reasserting that A.D.T.C. has no authority over how Central Transport manages the transfer of inmates. Although indicating that central transport was aware of the concerns of A.D.T.C. inmates, Mr. Krivacska's grievance was not forwarded to Central Transport as Mr. Krivacska had requested.

62. The ARF is the sole means of filing an grievance in the New Jersey Department of Corrections. Mr. Krivacska's grievance of June 4, 2005, and his June 23, 2005 appeal of the decision of June 14, 2005, exhausted his appeals in this administrative agency.

63. Mr. Krivacska delayed having his tooth pulled, despite considerable discomfort, until he was able to arrange with the ombudsman to have an oral surgeon who periodically came to the A.D.T.C. to perform dental work on half-way house inmates, to make an exception and pull his tooth at the A.D.T.C. without having to be transported to the NJSP. That tooth extraction occurred on October 26, 2005, some six months after a dental consult had first determined that the tooth had to be removed.

64. Mr. Krivacska is currently a defendant in a civil action in Essex County Superior Court (Docket No.: ESX-L-3229-05), involving \$100,000 in contested legal fees in which his former law firm is the plaintiff.

65. Although he has requested a jury trial, Mr. Krivacska will be forced to default on his defenses costing \$100,000 in a judgment against him because he fears being transported to the Essex County facility without a guarantee of segregation from other prisoners who are highly likely to harm him.

66. The DOC's failure to provide Mr. Krivacska with safe access to the courts, access which he can exercise without fear of bodily harm, or death, deprives him of his right of access to the courts.

67. Mr. Krivacska has a Post-Conviction Relief petition currently pending before Judge Neafsby of the Monmouth County Superior Court, which petition will eventually require his appearance and probable testimony.

68. The threat of verbal assault, physical harm or death leaves Mr. Krivacska very fearful of his safety and will very likely interfere with his ability to prepare for this PCR hearing, assist his counsel, or serve as a witness on his own behalf.

69. Mr. Krivacska also fears suffering any major medical problem requiring transport out of the A.D.T.C., and believes he

may have to forego needed medical treatment for fear of his safety.

70. Mr. Krivacska accuses Defendants of being deliberately indifferent to his serious medical needs by failing to act reasonably in the face of a known substantial, pervasive and imminent risk to his health and safety, to provide safe transport for him to receive medically necessary treatment in violation of the Eighth Amendment to the United States Constitution.

71. Mr. Krivacska accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, in violation of the Eighth Amendment to the United States Constitution.

72. Mr. Krivacska accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, said indifference creating such a risk of serious harm or injury that Mr. Krivacska has been deterred from exercising his constitutional right of access to the courts, resulting in a violation of Mr. Krivacska's rights under the First Amendment to the United States Constitution.

CLAIMS OF PLAINTIFF PAUL CORNWELL

73. On May 24, 2005, inmate Paul Cornwell was transported to NJSP for a medical trip to receive physical therapy for a herniated disc (L-4, L-5).

74. At the conclusion of his medical trip, he and another A.D.T.C. inmate, Zhi-men Chen, were transferred to the Garden State Correctional Facility and placed in a holding area for three hours with approximately a dozen state prisoners.

75. When the A.D.T.C. inmates were placed into the holding area, one of the escorting correction officers announced to the other state prisoners that Mr. Cornwell and Mr. Chen were from "Avenel."

76. The only DOC facility in "Avenel" is the A.D.T.C.; the officers had thus announced that these two inmates were convicted sex offenders. As they removed the wrist restraints, one of the officers asked the other if they should remove the leg restraints, to which the other officer replied, "No, let's keep it a fair fight."

77. After the two officers left, they stood outside a Plexiglas window and observed the events that transpired next.

78. As the inmates in the holding area began to eat their lunches, one of the inmates asked Inmate Chen where he was from, despite having already been told by the officer.

79. Inmate Chen responded "A.D.T.C."

80. Another inmate stated "I know that place: that's where all the rapists go." He then asked Chen, "What did you do?"

81. Inmate Chen replied he had a consensual relationship with a 14-year-old girl.

82. Another inmate asked Mr. Cornwell "Where you from?"

83. Mr. Cornwell replied that he was right next to Rahway. The same inmate then said, "You're with this guy [meaning Chen]. you came from the same place. Why did you say you were from Rahway?"

84. Mr. Cornwell answered, "I didn't say I was from Rahway. I said I was next to Rahway."

85. The inmate who had been talking to Chen then came over and sat next to Mr. Cornwell and asked, "What did you do, rape a little girl?" to which Mr. Cornwell replied, "No, I did not rape a little girl."

86. The inmate then got up and got loud and arrogant and started yelling, "He raped this little girl, he fucked her in the ass." And Mr. Cornwell said, "No, I didn't do that."

87. The inmate then sat back down beside Mr. Cornwell and reached around and punched him in the chest. Then he demanded the gold chain and cross Mr. Cornwell was wearing.

88. Mr. Cornwell answered, "I'm not giving you my fucking chain."

89. Then the inmate stood up, and came up in front of Mr. Cornwell and offered an extended left hand looking for a handshake and said, "I'm sorry."

90. After taking Mr. Cornwell hand, the inmate pulled Mr. Cornwell towards him and then punched Mr. Cornwell hard on the left temple, knocking him down to the floor and knocking him out.

91. When Mr. Cornwell came to, he was lying on the floor, and had a large cut/abrasion on his right arm; at this point, though the assault had ended, the officers observing from behind the Plexiglas window, still had not called for a Code.

92. According to the statement given by Inmate Chen, the Officers watched the assault for several minutes and did not sound the alarm, call a Code, request assistance or make any attempt to intervene, until the assault ended.

93. Based on the statement given by Inmate Chen, after Mr. Cornwell was knocked unconscious, the assault continued with Mr. Cornwell being repeatedly pummeled with fists and kicked with feet about his body while he was unconscious and defenseless.

94. Mr. Cornwell was taken to the infirmary where he was given a bag of ice for his head and information recorded about where he was hurt.

95. Mr. Cornwell returned to the A.D.T.C. later that evening where he gave a statement about the incident to Sergeant Collins, and where he was also examined by the nurse.

96. Mr. Cornwell continued to suffer from injuries sustained in this attack for many weeks.

97. Mr. Cornwell suffered severe physical injuries as a result of this assault, including head injuries leading to dizziness and loss of consciousness in the days after the assault, severe swelling to his face, severe injuries to his right arm which eventually required surgery, and other medical problems continuing to this day.

98. These medical problems resulted in Mr. Cornwell being hospitalized for a total of 55 days, including two separate hospitalizations at St. Francis, each for about a week, and the remainder of the time spend in the hospital at the A.D.T.C. facility.

99. Mr. Cornwell has a permanent scar on his right arm as a result of his injuries.

100. Mr. Cornwell also suffered severe psychological symptoms after the assault including night terrors, nightmares, flashbacks, a hypersensitivity to his environment, fear of being around other people, fear of leaving his immediate bed area in his housing unit.

101. Because he was exhibiting such severe symptoms, Mr. Cornwell was referred for a psychiatric consult and was seen by Dr. Harris, an A.D.T.C. staff psychiatrist, who diagnosed him as

Riley, et al v. Brown, et al
Civil Class Action Complaint

25

suffering from Post-traumatic Stress Disorder (PTSD) resulting from the assault, prescribed medication (Remeron) and group mental health therapy, which he began receiving from social workers Singh and Erasmus.

102. For fear of another attack, Mr. Cornwell refused several medical treatments for his back injury, eventually agreeing to a trip, during which he was continuously subjected to verbal harassment and abuse by a State prisoner during the van trip to the New Jersey State Prison.

103. In light of that experience, and the assault of May 24th, and the refusal of the Department of Corrections to ensure his safety, and the fact that his grievances filed under the DOC grievance procedure were rejected, and his Tort Claim Notice filed against DOC under the New Jersey Tort Claims Notice Act was denied, Mr. Cornwell determined that DOC would make no effort to minimize the risk to his personal healthy and safety posed by State prisoners on medical and court trips, and has thus since declined to be transported out of A.D.T.C. for medical purposes.

104. Mr. Cornwell accuses defendants of being deliberately indifferent to a known and identifiable, substantial risk of physical injury or death, by disregarding that risk and failing to act reasonably to provide supervision and segregation of A.D.T.C. inmates like himself, during medical and court trips.

CLAIMS OF PLAINTIFF VINCENT MACRINA

105. Plaintiff Vincent Macrina, is a 73 year old inmate at the A.D.T.C. who suffers from serious medical conditions including heart disease, severe arthritis in his shoulder and neck as well as a damaged rotator cuff, causing him to suffer from periodic excruciating pain in his neck, shoulder and arms.

106. Mr. Macrina, at 73 years of age, believes he is especially vulnerable to attack because he is unable to defend himself because of his advanced age.

107. Mr. Macrina has been scheduled for medical trips to receive physical therapy, however, because of the incidents of verbal and physical assault on medical trips from state prisoners, he so fears for his own safety, that he has refused needed medical trips to avoid risk of physical assault and injury.

108. On the last trip taken by Mr. Macrina in the early fall, though he was seated in the front of the van, once he arrived at St. Francis, he was placed in one large holding cell with state prisoners.

109. Mr. Macrina accuses Defendants of being deliberately indifferent to his serious medical needs by failing to act reasonably in the face of a known substantial, pervasive and imminent risk to his health and safety, to provide safe transport for him to receive medically necessary treatment in violation of the Eighth Amendment to the United States Constitution.

110. Mr. Macrina accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, in violation of the Eighth Amendment to the United States Constitution.

CLAIMS OF PLAINTIFF WILLIAM F. VANSCHIVER

111. Mr. Vanschiver was not found to be compulsive and repetitive under N.J.S.A. 2C:47-3 and was consequently not sentenced to the A.D.T.C.; rather, before his transfer to A.D.T.C. he was housed at South Woods Correctional Facility.

112. While housed in state prison, the nature of Mr. Vanschiver's offense was not disclosed by actions of the NJ DOC toward him, and thus nothing in how NJ DOC treated him during medical or court trips while housed at South Woods Correctional Facility placed him at risk for having the nature of his offense disclosed to other State prisoners; thus keeping him safe from assault by those State prisoners who harbor particular enmity toward sexual offenders.

113. Mr. Vanschiver suffers from a seizure disorder, both grand mal and petite mal, for which he takes several different medications to control.

114. Despite these medications, Mr. Vansciver, as documented in his DOC maintained medical records, continues to have seizures, which cause continuing and permanent neurological damage.

115. Among the effects of the seizures from which Mr. Vansciver suffers are memory loss, difficulty with balance while walking, difficulty focusing and maintaining attention, and language deficits.

116. Mr. Vansciver also suffers from numerous injuries to his hands, legs, shoulders, back, and other parts of his body, injuries incurred while experiencing a seizure.

117. Mr. Vansciver requires electro-encephalogram evaluation and neurological consults that cannot be provided at the A.D.T.C.

118. Because of the severity of these seizures, a blow to Mr. Vansciver's head is especially likely to cause harm, including potentially death.

119. Mr. Vansciver is aware of the assaults A.D.T.C. inmates have experienced on court and medical trips, including those reported by Mr. Becka and Mr. Cornwell.

120. Since being transferred to the A.D.T.C. by the NJ DOC, a facility to which he was not sentenced, Defendants and their agents now cause his identity as a sexual offender to be disclosed each time he is transported and held with state prisoners on court and medical trips exposing him to risk of harm that was not present when he was housed at other state prisons.

121. Specifically, in the past when Mr. Vansciver has been transported from A.D.T.C. for medical purposes by officers of the Central Transport Unit of DOC, those officers have identified him as an A.D.T.C. inmate to inmates from other state prisons.

122. Prior to the incident involving Mr. Cornwell, Mr. Vansciver would be transported to NJSP for neurological consults approximately three to four times a year and to St. Francis Medical Center for neurological tests approximately twice a year.

123. Because Central Transport Unit refuses to ensure the anonymity of A.D.T.C. residents on medical and court trips, and refuses to segregate A.D.T.C. inmates from other state prisoners, Mr. Vansciver is highly fearful of suffering severe physical and potentially fatal injuries and has thus declined to go on any more medical trips, irrespective of medical need, where DOC will not guarantee his safety.

124. Mr. Vansciver has not received needed medical treatments because of his fear of being transported under dangerous conditions, resulting in an exacerbation of his seizure disorder and additional neurological damage.

125. Having received no consultation, monitoring of medication or treatment in approximately six months, on October 22, 2005, Mr. Vansciver suffered a severe seizure which required, in the opinion of the A.D.T.C. medical staff, his emergency transport via ambulance to Rahway General Hospital, where he was

treated and released back to the A.D.T.C., and for which ambulance services he was subsequently billed \$518.00.

126. Mr. Vansciver accuses Defendants of being deliberately indifferent to his serious medical needs by failing to act reasonably in the face of a known substantial, pervasive and imminent risk to his health and safety, to provide safe transport for him to receive medically necessary treatment in violation of the Eighth Amendment to the United States Constitution.

127. Mr. Vansciver accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, in violation of the Eighth Amendment to the United States Constitution.

CLAIMS OF PLAINTIFF RICHARD GIBBS

128. Richard Gibbs was sentenced to the ADTC on July 16, 1998, and began serving his sentence at the ADTC on approximately October 23, 1999.

129. Mr. Gibbs has a post-conviction relief petition currently pending before Judge LeBon of the Burlington County Superior Court, and has a hearing currently scheduled on a motion seeking to recuse Judge LeBon from hearing his PCR Petition, which hearing is scheduled for January 30, 2006.

130. Mr. Gibbs has been advised by his attorney that his presence at this hearing is vital as Mr. Gibbs' personal testimony under oath will be critical to establishing a record in support of this motion.

131. Mr. Gibbs has advised his attorney in correspondence dated December 23, 2005 that he feels compelled to waive his right to appear at this hearing, recognizing such waiver may well result in a denial of his recusal motion, because of his fear of being seriously injured or killed during transport to and from the court and any period he is held with State Prisoners.

132. Mr. Gibbs is aware of the assault and injuries suffered by M. Cornwell, and the recent harassment and threat of assault suffered by Mr. Braun, co-plaintiffs in this complaint, and is fearful for his health and safety should he consent to such a trip.

133. Mr. Gibbs has advised his attorney that he will only agree to be transported to the Burlington County Court if an court order is presented to DOC compelling DOC to keep Mr. Gibbs separate from State Prisoners throughout the court trip and any period of holding in other facilities.

134. Mr. Gibbs accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with

violent and dangerous state prisoners, in violation of the Eighth Amendment to the United States Constitution.

135. Mr. Gibbs accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous state prisoners, said indifference creating such a risk of serious harm or injury that Mr. Gibbs has been deterred from exercising his constitutional right of access to the courts, resulting in a violation of Mr. Gibbs' rights under the First Amendment to the United State Constitution.

CLAIMS OF PLAINTIFF PETER BRAUN

136. Plaintiff Peter Braun suffers from a severe medical condition, cancer, which has recently required surgery to treat, and for which he will require additional medical follow-up care outside of the A.D.T.C.

137. He also has a history of strokes and high blood pressure and receives medication to control his anxiety.

138. He is also receiving mental health treatment by the mental health staff at the A.D.T.C.

139. Additionally, Mr. Braun is currently involved in legal proceedings in Union County Superior Court - Family Part, involving his children, for which he appears approximately every three months.

140. On December 13, 2005, while returning from a court trip to the Union County Courthouse, Mr. Braun was driven by three officers from the CTU from that court house, past the A.D.T.C. in Avenel, Woodbridge, all the way to Bordentown in Mercer County, where he was transferred to a van in the parking lot of the Garden State Youth Correctional Facility.

141. Mr. Braun was placed in the back seat of the van, next to two State prisoners, despite the fact the front row of seats in the inmate compartment of the van was empty.

142. During the ten minutes before the van left and through the hour and a half it took for the van to proceed from Bordentown to the Northern State Prison in Newark, Mr. Braun was subjected to a barrage of harassment, intimidation, physical assault and psychological torture.

143. One of the State prisoners, who was from Northern State, was the primary aggressor and initially grabbed him and shoved his fist at Mr. Braun, threatening to punch him and shank him, and then pulled down Mr. Braun's shirt collar looking for neck chain, and his shirt sleeve looking for a watch.

144. Mr. Braun was told by the State prisoners that the "cops ain't going to help you, they set you up and told us to have our fun with you."

145. Mr. Braun was told by the State prisoners that the two CTU officers in the front of the van had told them before Mr.

Braun entered the van that he was from the A.D.T.C. and was a convicted sex offender.

146. Throughout the two hour trip the State prisoners continuously harassed, threatened and psychologically tortured Mr. Braun, asking him to give them a good reason why they shouldn't kill him, or torture him, or rape him like he did to his victim, not knowing that Mr. Braun was not incarcerated for rape.

147. They additionally made him beg them not to hurt him and to verbalize that he was "a piece of shit" because he was a sex offender.

148. Throughout this abuse, the officers could see and hear what was going on, and laughed at the threats and harassment they heard and made jokes about it.

149. Upon returning to the A.D.T.C. Mr. Braun was so distressed that an A.D.T.C. Sergeant noticed and questioned him about what had happened.

150. Mr. Braun was then seen by the medical staff in the infirmary and appeared so distraught that they contacted the staff psychiatrist at home.

151. The psychiatrist ordered he be held in the hospital overnight for observation, and was provided with medication.

152. Mr. Braun was released to general population the next day, but was placed on close watch status for the next two days, which status required his housing officer to continually check on

him at regular intervals during the day to make sure he was psychologically stable.

153. Mr. Braun filed an administrative remedy form on December 22, 2005, requesting keep separate status on any future court or medical trips, a grievance to which he has not received any response.

154. Mr. Braun anticipates numerous court and medical trips within the coming weeks and months.

155. Mr. Braun accuses Defendants of being deliberately indifferent to his serious medical needs by failing to act reasonably in the face of a known, substantial, pervasive and imminent risk to his health and safety, to provide safe transport for him to receive medically necessary treatment in violation of the Eighth Amendment to the United States Constitution.

156. Mr. Braun also accuses Defendants of being deliberately indifferent to the excessive risk of serious bodily harm or injury that is likely to occur by transporting and holding him with violent and dangerous State prisoners, in violation of the Eighth Amendment to the United States Constitution.

ASSAULT OF TODD BECKA ON MEDICAL TRIP

157. In July of 2004, the Legal Subcommittee received a copy of a complaint filed with the administration authored by Todd Becka, an inmate at the A.D.T.C. who, along with another inmate,

Donald Schultz, reported an incident of harassment and assault by State Prisoners during a medical trip.

158. The complaint filed with the administration described an incident which occurred on July 20, 2004, at which time Mr. Becka and Mr. Schultz were placed in the front seat of a DOC Central Transport Van under the supervision of Corrections Officers Coons and Gorski. The particulars of the reported incident are as follows.

159. At the time A.D.T.C. inmates Becka and Schultz were placed in the van several inmates, who had already been picked up from other State prisons, were already seated directly behind where inmates Becka and Schultz were placed.

160. Throughout the trip from A.D.T.C., the A.D.T.C. inmates were subjected to a continuous barrage of harassing and intimidating comments, including racial slurs, threats of personal injury and homicide.

161. As no response from the correctional officers on the bus was observed, the state prisoners escalated the severity of their threats as they also increased the volume of their voices.

162. At one point a state prisoner told the A.D.T.C. inmates that "I'm doing 30-50...fuck it...I'm gonna do you now, white-ass crackuh."

163. This state prisoner then immediately delivered a "sharp blow" to the back of Mr. Becka's head, stunning him for a moment.

164. Mr. Becka immediately reported to SCO Coons and Gorski that he had been assaulted. Without turning around to see who was speaking, one of the officers asked Mr. Becka if he wanted medical attention, to which Mr. Becka responded, "No, I want protection."

165. During the rest of the trip to NJSP, the insults and threats from the state prisoners against the A.D.T.C. inmates continued unabated with no intervention from the officers.

166. Upon arrival at NJSP, Sgt. Ahearn briefly interviewed Mr. Becka and Officer Coons, and had Mr. Becka go to the infirmary where he received a cursory examination and 600 mg of Ibuprofen.

167. Mr. Becka was scheduled for another medical trip for physical therapy on 7/21/04. However, Central Transport claimed they did not have paperwork authorizing his transport with his back brace.

168. Mr. Becka's back brace is medically prescribed and necessary to prevent further injury to his back. Despite previously transporting Mr. Becka with the back brace, and therefore aware of its existence and prior medical documentation, Central Transport refused to transport Mr. Becka to his physician-prescribed and scheduled Physical Therapy appointment with his back brace, and also refused to call upstairs to the A.D.T.C. hospital to have documentation of his need for a back brace brought down or confirmed.

169. On July 27, 2004, Mr. Becka was again scheduled for transport to NJSP for physical therapy treatment. This time, the paperwork for the back brace was secured, however, the transporting officer complained to Mr. Becka about how many more of these trips they would have to take him on.

CLAIMS BY OTHER INMATES

170. On information, knowledge and belief, each of the named plaintiffs knows of additional A.D.T.C. inmates who have refused medical or non-compulsory court trips out of fear of suffering serious bodily harm or death from a dangerous and violent state prisoner.

171. On information, knowledge and belief, each of the named plaintiffs knows of additional A.D.T.C. inmates who have suffered verbal or physical assaults while on medical or court trips at the hands of dangerous and violent state prisoners.

172. Many medical procedures needed by Plaintiffs and other A.D.T.C. inmates are unavailable at the A.D.T.C. and can only be provided at either other facilities or at hospitals with which DOC contracts. Inmates who decline transport to these other facilities for medical treatments, have no ready alternative at the A.D.T.C. to meet their medical needs.

173. A.D.T.C. inmates, including the Plaintiffs, are routinely confronted with the Hobson's choice of risking serious

injury or disability as a result of refusing a trip for needed medical treatment or, seeking such treatment and risking serious injury or disability at the hands of a dangerous and violent state prisoner during the medical trip.

174. Similarly, A.D.T.C. inmates, including the Plaintiffs, are routinely confronted with the Hobson's choice of risking serious injury or disability at the hands of dangerous and violent state prisoners by consenting to a court trip, or foregoing important civil and constitutional rights by declining the trip, in order to preserve and protect their body from physical assault.

175. Inmates who have been convicted of sex offenses but who are housed at DOC facilities other than the A.D.T.C., are able to access the courts and seek needed medical treatment without risk of verbal and physical assault because of their status as sex offenders, because Defendants' actions with respect to such inmates protects them from disclosure of the nature of their offenses to violent and dangerous state prisoners.

176. The State of New Jersey has sought to segregate a subpopulation of New Jersey State Prisoners who have committed sex offenses and who have been found to suffer from a mental abnormality, disorder or disability that predisposes them to engage in compulsive and repetitive sex offending behavior, and who have been found to be in need of treatment for that mental abnormality, disorder or disability, in a facility apart from

other state prisoners, and in such a manner that the sexual nature of the crimes committed by those at the A.D.T.C. is disclosed merely by the fact of where they are housed.

177. State law compels DOC to house those sentenced to the A.D.T.C. under N.J.S.A. 2C:47-3 et seq. apart from state prisoners not so sentenced.

VI. CAUSES OF ACTION

FIRST COUNT

(DENIAL OF SUBSTANTIVE DUE PROCESS RIGHTS)

178. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs 1 to 177 as if set forth herein.

179. Defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates during court and medical trips and failed to act reasonably to protect A.D.T.C. inmates from the substantial risk of serious bodily harm or injury, which conduct constitutes deliberate indifference, and has deprived Plaintiffs of substantive and procedural due process rights under the Fourteenth Amendment to the United States Constitution, including the right to redress of grievances under the First Amendment, and the right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

180. Defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates during court and medical

trips and failed to act reasonably to protect A.D.T.C. inmates from the substantial risk of serious bodily harm or injury, which conduct constitutes deliberate indifference, and has deprived Plaintiffs of a liberty and property interest (both with respect to needed medical treatment and liberty interests that are the subject of any court proceeding, access to which is deterred by defendants' actions or inaction) in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

SECOND COUNT
(EQUAL PROTECTION)

181. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs 1 to 180 as if set forth herein.

182. Defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates during court and medical trips and failed to act reasonably to protect A.D.T.C. inmates from the substantial risk of serious bodily harm or injury, which conduct constitutes deliberate indifference, and has therefore denied to Plaintiffs equal protection under the law in violation of the Fourteenth Amendment to the United States Constitution, by deterring the exercise of A.D.T.C. inmates' constitutional rights of access to the courts and necessary medical treatment based solely on where they are housed, while guaranteeing these same

rights to those convicted of sex offense, but housed at other NJ DOC facilities.

THIRD COUNT
(RIGHT TO PETITION)

183. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs 1 to 182 as if set forth herein.

184. Defendants knowingly disregarded an excessive risk to the health and safety of A.D.T.C. inmates during court trips and failed to act reasonably to protect A.D.T.C. inmates from the substantial risk of serious bodily harm or injury, which conduct constitutes deliberate indifference, and has deterred Plaintiffs from exercising their rights to seek redress of grievances and to have access to the courts, in violation of the First Amendment to the United States Constitution.

FOURTH COUNT
(VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION
AND THE AMERICANS WITH DISABILITIES ACT)

185. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs 1 to 184 as if set forth herein.

186. The actions of defendants in failing to provide a safe and secure environment in which Plaintiffs may exercise their constitutional rights of access to the courts and necessary medical treatment, on the basis of their diagnosis of suffering from a mental abnormality, disorder or disability that predisposes

them to compulsively and repetitively commit sexual offenses, violates Plaintiff's rights to be protected from discrimination on the basis of mental condition protected under the New Jersey Law Against Discrimination.

187. The actions of defendants in failing to provide a safe and secure environment in which Plaintiffs may exercise their constitutional rights of access to necessary medical treatment, denies to inmates suffering from conditions that qualify them to protection under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12010 et seq., with equal protection of the law, and discriminates against such inmates in violation of the ADA.

FIFTH COUNT
(CRUEL AND UNUSUAL PUNISHMENT)

188. Plaintiffs repeat and reallege each and every allegation as set forth in paragraphs 1 to 187 as if set forth herein.

189. The actions of defendants in failing to provide a safe and secure environment in which Plaintiffs may exercise their constitutional rights of access to the courts constitutes deliberate indifference to a well established and documented danger, in violation of the Eighth Amendment protections against cruel and unusual punishment.

190. The actions of the defendants in failing to provide a safe and secure environment in which Plaintiffs may exercise their constitutional rights of access to necessary medical treatment

constitutes deliberate indifference to a serious medical need, in violation of the Eighth Amendment protections against cruel and unusual punishment.

VII. STATEMENT OF CLAIMS APPLICABLE TO ALL COUNTS

191. The Defendant's actions complained of herein are done knowingly, voluntarily, intentionally, purposely and maliciously with reckless disregard for Plaintiff's rights, under the United States Constitution.

192. The Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiffs have been and will continue to be irreparably injured by the conduct of the Defendants unless this court grants the declaratory and injunctive relief which Plaintiffs seek.

193. In satisfaction of 42 U.S.C. § 1997e(a), Plaintiffs have fully exhausted all available administrative remedies on all claims presented herein.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request this Court, as authorized by 28 U.S.C. §§ 2201 and 2202, and pursuant to its own equitable powers:

A. To certify this complaint as a class action and certify the class defined herein;

B. To appoint counsel to represent the interests of the class;

C. To render a declaratory judgment, declaring the actions and inactions of the Defendants described herein to be in

violation of the provisions of the Constitution and laws of New Jersey and the United States;

D. To enter a preliminary and permanent injunction enjoining defendants from violating constitutional and statutory rights of plaintiffs as alleged herein;

E. To award Plaintiffs the costs of bringing this action, a reasonable attorney's fees pursuant to 42 U.S.C. § 1988; and

F. To award such other additional relief as the Court may determine to be just and proper.

Riley, et al v. Brown, et al
Civil Class Action Complaint

47

VI. REPRESENTATIONS BY PLAINTIFFS TO COURT

Plaintiffs represent to this Court that this Complaint is not being presented for any improper purposes, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

The claims and legal contentions are warranted by existing law or are non-frivolous arguments for the extension, modification or reversal of existing law, or the establishment of new law; and

The allegations and factual contentions contained in this Complaint have evidentiary support.

I, GEORGE RILEY, Plaintiff in the above entitled action, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2006


George Riley, Pro se

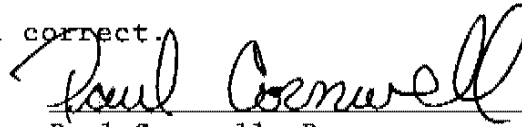
I, JAMES J. KRIVACSKA, Plaintiff in the above entitled action, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2006


James J. Krivacska, Pro se

I, PAUL CORNWELL, Plaintiff in the above entitled action,
pursuant to 28 U.S.C. § 1746, declare under penalty of perjury
that the foregoing is true and correct.

Dated: January 10, 2006


Paul Cornwell, Pro se

I, VINCENT MACRINA, Plaintiff in the above entitled action,
pursuant to 28 U.S.C. § 1746, declare under penalty of perjury
that the foregoing is true and correct.

Dated: January 10, 2006


Vincent Macrina, Pro se

I, WILLIAM VANSCHIVER, Plaintiff in the above entitled action,
pursuant to 28 U.S.C. § 1746, declare under penalty of perjury
that the foregoing is true and correct.

Dated: January 10, 2006


William Vanschiver, Pro se

I, RICHARD GIBBS, Plaintiff in the above entitled action,
pursuant to 28 U.S.C. § 1746, declare under penalty of perjury
that the foregoing is true and correct.

Dated: January 10, 2006


Richard A. Gibbs, Pro se

I, PETER BRAUN, Plaintiff in the above entitled action,
pursuant to 28 U.S.C. § 1746, declare under penalty of perjury
that the foregoing is true and correct.

Dated: January 10, 2006


Peter Braun, Pro se

CLERK, US DISTRICT CT.
ML King Bldg US Courthouse

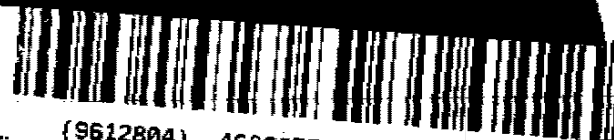
(856) 772-3853

FedEx
Home Delivery

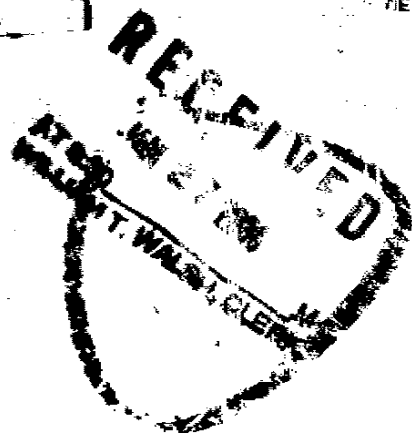
(US)

ORIGINAL ADDRESS ADRESSE CORRECTE	NAME / NOM CLERK, US DISTRICT CT
	ADDRESS / ADRESSE ML King Bldg US Courthouse
	CITY / VILLE NEWARK NJ
	STATE / PROVINCE NJ
	ZIP / POSTAL CODE / CODE POSTAL 07101
	NAME / NOM ATTN CAREY CARLISLE
	ADDRESS / ADRESSE
	CITY / VILLE NEWARK NJ
	STATE / PROVINCE NJ
	ZIP / POSTAL CODE / CODE POSTAL 07102
FEDEX GROUND TRACKING ID / NUMERO DU CODE A BARRE 21827412	
DATE 1-21-05	

FROM:	NAME Howard Margolis
	ADDRESS 1067 Pendleton Ct
	CITY Voorhees
	STATE NJ
SHIP TO: (PLEASE PRINT CLEARLY AND PRESS HARD)	
NAME	Clerk, US District Ct Attn Carey Carlisle
COMPANY	ML King Bldg - US Courthouse
STREET ADDRESS	50 Walnut St
APT, SUITE, ETC.	Rm 4015
CITY	Newark NJ



(9612804) 4686977 61329213



Sign to 3

MR LONC

Re:
Riley et al v Brown et al
ATTN: CAREY CARLISLE

1/18/06

Re: George Riley, et al v. Devon Brown, et al

Attn: Carey Carlisle,

Please add this paperwork to the packet of paperwork you received from us on 1/18/06. Enclosed is a money order for \$100 to be added to the previous money order for \$150 that was in the previous packet. This completes the filing fee of \$250 and the paperwork. We apologize for any inconvenience or confusion this may have caused. Any questions can be addressed to Howard Mangolis 856-772-3853. Thank you.

Howard + Marylee
Mangolis

06cv0331

RECEIVED-CLERK
U.S. DISTRICT COURT
2006 JAN 27 A 11:04