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RECEIVED / FILED
Superior Court of New Jersey
JAN 05 2012
CIVIL CASE MANAGEMENT
UNION COUNTY

GERALD HATTON, individually, and
LAURA HATTON, individually and as
wife of Gerald Hatton,

Plaintiffs,

vs.

**COUNTY OF UNION, UNION COUNTY
DEPARTMENT OF CORRECTIONAL
SERVICES, WILLIAM BURKERT,**
individually and in his official capacity;
KEVIN BURKERT, individually and in his
official capacity; **KENNETH BURKERT**,
individually and in his official capacity;
BRIAN RIORDAN, individually and in his
official capacity,
ABC CORPORATIONS 1-10 (fictitious
names representing unknown entities),
and JOHN/JANE DOES 1-20 (fictitious
names representing unknown persons),

Defendants.

SUPERIOR COURT OF NEW JERSEY
UNION COUNTY, LAW DIVISION, CIVIL
PART

Docket No: UNNL 0084 12

Civil Action

COMPLAINT AND JURY DEMAND

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Plaintiffs, GERALD HATTON and LAURA HATTON, his wife, residing in Union
County, by way of Complaint against the Defendants, allege and say:

COMPUTER
JAN 06 2012
SECTION

COUNT 1: Intentional infliction of emotional distress

1. Plaintiff GERALD HATTON (“Mr. Hatton”) and Plaintiff LAURA HATTON (“Ms. Hatton”), husband and wife, live at 9 William Street, New Providence, New Jersey 07974. They are residents of the County of Union.
2. At all times herein concerned, Defendant COUNTY OF UNION, was a subdivision of the State of New Jersey and body politic; its headquarters and/or principal place of business is located at the County Administration Building at 10 Elizabethtown Plaza, Elizabeth, New Jersey.
3. Defendant UNION COUNTY DEPARTMENT OF CORRECTIONAL SERVICES is a Department and a Division and section of government Defendant COUNTY OF UNION.
4. Defendant COUNTY OF UNION and UNION COUNTY DEPARTMENT OF CORRECTIONAL SERVICES are together referred to as “UNION COUNTY” in this Complaint.
5. At the time of the Accident, Defendant UNION COUNTY was Plaintiff’s employer and was in full control and in operation of the Union County Jail Facility located in the City of Elizabeth, State of New Jersey, where incidents underlying this Complaint occurred.
6. Defendant BRIAN RIORDAN is the director of UNION COUNTY DEPARTMENT OF CORRECTIONAL SERVICES at all times relevant to the subject matter of

this Complaint, and was the individual with disciplinary control and oversight of corrections officers. Upon information and belief, he is a resident of Union County. Union County Administrative Code 1-76.

7. Defendant WILLIAM BURKERT, KEVIN BURKERT, and KENNETH BURKERT, are and were corrections officers employed by UNION COUNTY at all times relevant to the subject matter of this Complaint. Together, WILLIAM BURKERT, KEVIN BURKERT, and KENNETH BURKERT are referred to as "THE BURKERT DEFENDANTS". Upon information and belief, they are residents of Union County. Union County Administrative Code 2-22.
8. Mr. Hatton experienced persecution causing medical injury, as follows.
9. On January 8, 2011 anonymous picture flyers were scattered through the parking garage consisting of a wedding picture of Mr. Hatton and his wife with vulgar, pornographic, and gang-related language added thereto.
10. Among other details, the flyers accused Ms. Hatton, a woman, of unchastity.
11. Among other details, the flyers accused Ms. Hatton of commission of a crime.
12. Among other details, the flyers accused Mr. Hatton of being incompetent and ineffectual.
13. The subject material of these flyers is extreme and outrageous.
14. Upon information and belief, THE BURKERT DEFENDANTS watched Mr. Hatton retrieve the fliers and made threatening comments as he walked past.

intimidation by THE BURKERT DEFENDANTS. Upon information and belief, THE BURKERT DEFENDANTS also made numerous false statements during this period about Mr. Hatton to third parties.

23. The flyers, threats and physical intimidation of Mr. Hatton caused him to be unable to work and caused him to seek psychological treatment, which treatment is ongoing.
24. An independent investigation by Mr. Hatton's union established Defendant WILLIAM BURKERT as the author of the flyers based on handwriting analysis.
25. Defendant WILLIAM BURKERT later admitted to authoring the fliers after handwriting tests confirmed his authorship.
26. Defendant BRIAN RIORDAN and UNION COUNTY dragged their feet on investigation and did not pursue the wrongdoers.
27. Despite a confession by one of the wrongdoers and an apparent indictable offense having been committed, Defendant BRIAN RIORDAN and UNION COUNTY refused to pursue any criminal prosecution of the wrongdoing. Mr. Hatton was told to file a complaint in Elizabeth Municipal Court if he felt that a criminal act had occurred.
28. The lack of investigation and discipline made Mr. Hatton further fear for his safety and exacerbated his symptoms.

