

RECEIVED / FILED
Superior Court of New Jersey
JAN 15 2009
CIVIL CASE MANAGEMENT
UNION COUNTY

ROBERT WINTERS, ESQ.
7 CENTURY DRIVE, SUITE 201
PARSIPPANY, NEW JERSEY 07054
(973) 538-0101
Attorney for Plaintiff

LYNETTE BAKER-BLEVINS

Plaintiff

vs.

THE COUNTY OF UNION,
UNION COUNTY PUBLIC DEFENDER'S
OFFICE, NEAL DAUGHERTY, ESQ.,
JOHN DOE (1-5) (fictitious names), UNION
COUNTY PROSECUTOR'S OFFICE,
ASSISTANT PROSECUTOR NATALIE
CANDELA, ESQ., JANE DOE (1-5)
(fictitious names), UNION COUNTY
SHERIFF'S OFFICE, RON ROE (1-5)
(fictitious names), UNION COUNTY
PROBATION DEPARTMENT, PAUL POE
(1-5) (fictitious names), UNION COUNTY JAIL,
BILL BOE (1-5) (fictitious names),
OUTREACH CORPORATION,
ABC CORPORATION (1-10) (fictitious names)
JILL JOE (1-5) (fictitious names) and
MIKE MOE (1-5) (fictitious names)

Defendants

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: UNION COUNTY

: Docket No. UNN-L

: CIVIL ACTION

UNN-L 0297-09

: COMPLAINT

: JURY DEMAND

: DESIGNATION OF TRIAL ATTORNEY

: CERTIFICATION

Plaintiff, Lynette Baker- Blevins, residing at 11 South Eleventh Street, in the City of Newark,

County of Essex, and State of New Jersey, complaining of the Defendants, says:

FIRST COUNT

A 1. At all times relevant herein, defendant The County of Union was a public entity of the State of New Jersey, having offices located at 10 Elizabethtown Plaza, Elizabeth, New Jersey.

D 2. At all times relevant herein, defendant the Union County Public Defender's Office was a division of defendant The County of Union having offices located at 65 Jefferson Avenue, Elizabeth, New Jersey.

3. At all times relevant herein, defendants Neal Daugherty, Esq., and John Doe (1-5) (fictitious names) were duly appointed public defenders employed by the Union County Public Defender's Office and/or the County of Union and individually and under the color of State Law, at all relevant times were acting in such capacity as the agent, servant and employee of defendants the County of Union and the Union County Public Defender's Office. Said defendants are sued individually and in their official capacity.

4. At all times relevant herein, defendant the Union County Prosecutor's Office was a division of defendant The County of Union having offices located at 32 Rahway Avenue, Elizabeth, New Jersey.

5. At all times relevant herein, defendants Natalie Candela, Esq., and Jane Doe (1-5) (fictitious names) were duly appointed assistant Prosecutors employed by the Union County Prosecutor's Office and/or the County of Union and individually and under the color of State Law, at all relevant times were acting in such capacity as the agent, servant and employee of defendants the County of Union and the Union County Prosecutor's Office. Said defendants are sued individually and in their official capacity.

6. At all times relevant herein, defendant the Union County Sheriff's Office was a division of defendant The County of Union having offices located at the County Administration Building, First Floor, Elizabeth, New Jersey.

7. At all times relevant herein, defendants Ron Roe (1-5) (fictitious names) were duly appointed

Sheriff's Officers employed by the Union County Sheriff's Office and/or the County of Union and individually and under the color of State Law, at all relevant times were acting in such capacity as the agent, servant and employee of defendants the County of Union and the Union County Sheriff's Office. Said defendants are sued individually and in their official capacity.

8. At all times relevant herein, defendant the Union County Probation Department was a division of defendant The County of Union having offices located at 1143 East Jersey Street, Elizabeth, New Jersey.

9. At all times relevant herein, defendant Paul Poe (1-5) (fictitious names) were duly appointed employees employed by the Union County Probation Department and/or the County of Union and individually and under the color of State Law, at all relevant times were acting in such capacity as the agent, servant and employee of defendants the County of Union and the Union County Probation Department. Said defendants are sued individually and in their official capacity.

10. At all times relevant herein, defendant the Union County Jail was a division of defendant The County of Union having offices located at 15 Elizabethtown Plaza, Elizabeth, New Jersey.

11. At all times relevant herein, defendants Bill Boe (1-5) (fictitious names) were duly appointed employees employed by the Union County Jail and/or the County of Union and individually and under the color of State Law, at all relevant times were acting in such capacity as the agent, servant and employee of defendants the County of Union and the Union County Jail. Said defendants are sued individually and in their official capacity.

12. At all times relevant herein defendants Outreach Corporation and ABC Corporation (1-10) (fictitious names) were business entities (corporations, partnerships, limited liability companies, sole proprietorships and the like) providing mental health evaluation services for persons in the custody of defendants The County of Union, The Union County Prosecutor's Office, The Union County Public

Defender's Office, The Union County Sheriff's Office, The Union County Probation Department and the Union County Jail.

13. At all times relevant herein defendants Jill Joe (1-5) (fictitious names) were agents, servants, employees and/or independent contractors and/or consultants providing mental health evaluation services for defendants Outreach Corporation and ABC Corporation (1-10) fictitious names, involving persons in the custody of defendants The County of Union, The Union County Prosecutor's Office, The Union County Public Defender's Office, The Union County Sheriff's Office, The Union County Probation Department and the Union County Jail.

14. At all times relevant herein defendants Mike Moe (1-5) (fictitious names) were agents, servants, employees and/or independent contractors and/or consultants associated/affiliated with defendants The County of Union, The Union County Prosecutor's Office, The Union County Public Defender's Office, The Union County Sheriff's Office, The Union County Probation Department and the Union County Jail.

15. At all times relevant hereto, and in all their actions described herein, defendants were acting under the color of law and pursuant to their authority as public defenders, prosecutors, sheriff's officers, probation officer's, jail officials, and mental health consultants.

16. Each of the defendants, separately and in concert engaged in the illegal conduct mentioned herein to the injury of plaintiff herein to deprive her of her rights privileges and immunities secured by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Laws of the United States.

17. In or about November, 2006, plaintiff, Lynette Baker-Blevins was arrested for violating a restraining Order and placed into custody of defendants The County of Union, The Union County Jail, Bill Boe (1-5) (fictitious names), The Union County Prosecutor's Office, John Doe (1-5) (fictitious names)

The Union County Sheriff's Office, Ron Roe (1-5) (fictitious names), The Union County Probation Department, Paul Poe (1-5) (fictitious names) and Mike Moe (1-5) (fictitious names).

18. Upon information and belief, Defendant Union County Prosecutor's Office assigned defendants Assistant Prosecutor Natalie Candela, Esq., and Jane Doe (1-5) (fictitious names) to handle the prosecution of the case against plaintiff.

19. Upon information and belief, Defendant Union County Public Defender's Office assigned defendants Neal Daugherty, Esq., and John Doe (1-5) (fictitious names) to handle the defense of the claims against plaintiff.

20. Upon information and belief, shortly after plaintiff was incarcerated, her sister, Denise Baker notified defendants The Union County Jail and Bill Boe (1-5) (fictitious names), that plaintiff had a long standing history of mental illness. Eventually, plaintiff was placed in the hospital section of the Union County Jail.

21. Upon information and belief, thereafter, plaintiff's sister learned that defendant Union County Public Defender's Office had assigned defendants Neal Daugherty, Esq., and John Doe (1-5) (fictitious names) as plaintiff's public defender. Plaintiff's family made several calls to defendants Neal Daugherty, Esq., and John Doe (1-5) (fictitious names) to inquire regarding plaintiff's status and to advise said defendants of plaintiff's long-standing history of mental illness. The calls were not returned.

22. Upon information and belief, plaintiff's sister thereafter learned that defendant Union County Prosecutor's Office had assigned defendants Assistant Prosecutor Natalie Candela, Esq., and Jane Doe (1-5) (fictitious names) to handle the prosecution of the case against plaintiff. Plaintiff's sister then contacted defendants Assistant Prosecutor Natalie Candela, Esq., and Jane Doe (1-5) (fictitious names) and left a message informing defendants of plaintiff's long-standing history of mental illness.

23. Upon information and belief, thereafter, defendant Assistant Prosecutor Natalie Candela, Esq., returned plaintiff's sister's call leaving a message that it was her impression that plaintiff would have a mental health evaluation and then be released if she was not found to be incompetent and would have to appear before the Judge.

24. Upon information and belief, subsequently, plaintiff's sister again contacted defendant Assistant Prosecutor Natalie Candela, Esq., leaving a message reminding her that plaintiff was mentally ill and a danger to her self and others and was incarcerated for violating her restraining Order by breaking the windows in plaintiff's sister's home.

25. Upon information and belief, on or about January 16, 2007, while plaintiff's sister and plaintiff's son, Dijon were on their way to the Union County facilities to address their concerns about plaintiff's being a danger to herself and others and her overall mental health well being, defendant Assistant Prosecutor Natalie Candela, Esq., contacted plaintiff's sister informing her that she felt it was acceptable for plaintiff to be released. Plaintiff's sister pleaded with defendant Assistant Prosecutor Natalie Candela, Esq., to understand the extent of plaintiff's mental illness. The conversation ended with defendant Assistant Prosecutor Natalie Candela, Esq., informing plaintiff's sister that plaintiff would have a mental health evaluation and if found to be incompetent, plaintiff would be taken to the next available mental health facility.

26. Upon information and belief, thereafter, at around 4:00 p.m., defendant Assistant Prosecutor Natalie Candela, Esq., contacted plaintiff's sister informing her that the mental health professionals at defendant Outreach Corporation had found plaintiff to be incompetent and plaintiff was going to be admitted to Trinitas Hospital in Elizabeth.

27. Upon information and belief, shortly thereafter, a social worker, defendant Mike Moe (1-5) (fictitious names) from one of the defendant Union County divisions, The Union County Prosecutor's

Office, The Union County Public Defender's Office, The Union County Sheriff's Office, The Union County Probation Department and/or the Union County Jail, contacted plaintiff's sister informing her that she received plaintiff's transfer papers for her plaintiff's release but she could not provide any additional information.

28. Upon information and belief, defendants Assistant Prosecutor Natalie Candela, Esq., and Jane Doe (1-5) (fictitious names) left work on January 16, 2007 with the understanding and belief that plaintiff had been evaluated by defendants Outreach Corporation, ABC Corporation (1-10) fictitious names and/or Jill Joe (1-5) (fictitious names) and was found to be incompetent and was being transferred to Trinitas Hospital.

29. Upon information and belief, defendants Neal Daugherty, Esq., and John Doe (1-5) (fictitious names) appeared at a hearing concerning plaintiff's release, informed the Court that there was no reason for plaintiff to remain incarcerated, without verifying the status of her most recent mental health evaluation by defendants Outreach Corporation, ABC Corporation (1-10) (fictitious names) and/or Jill Joe (1-5) (fictitious names). Another Assistant Prosecutor Jane Doe (1-5) (fictitious names) signed off on plaintiff's release without verifying the status of plaintiff's most recent mental health evaluation by defendants Outreach Corporation, ABC Corporation (1-10) (fictitious names) and/or Jill Joe (1-5) (fictitious names) or contacting defendant Assistant Prosecutor Natalie Candela, Esq.

30. Upon information and belief, defendants The Union County Sheriff's Office, Ron Roe (1-5) (fictitious names), The Union County Jail, Bill Boe (1-5) (fictitious names), and Mike Moe (1-5) (fictitious names), received correspondence from the defendant Union County Prosecutor's Office advising that plaintiff was to be transferred to Trinitas Hospital and later received correspondence from one of the defendant Union County divisions aforesaid indicating that plaintiff was to be released on her own recognizance. Upon information and belief, said defendants never questioned the discrepancy between the

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages
- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances.

SECOND COUNT

36. Plaintiff repeats and reiterates the allegations of the First Count as if set forth at length herein.

37. Upon information and belief, defendants The County of Union, The Union County Public Defender's Office, The Union County Prosecutor's Office, The Union County Sheriff's Office, The Union County Probation Department, The Union County Jail, Outreach Corporation, and ABC Corporation (1-5) (fictitious names) have responsibility for determining the actions of their employees and agents.

38. Upon information and belief, defendants maintained policies, practices and customs with regard to the procedures respecting custody and release of mentally ill prisoners who are determined to be incompetent that resulted in the failure to train or adequately supervise their employees and which ratified and resulted in the violation of the constitutional rights of individuals, including but not limited to plaintiff, by the actions of defendants' employees or agents.

39. As a direct and proximate result of defendants' failure to adequately train and supervise their employees, plaintiff's Constitutional rights, including but not limited to her Fifth and Fourteenth Amendment Rights, including her right not to be deprived of liberty or happiness, without due process of law and her Eight Amendment right to be free from cruel and unusual punishment, were deprived in

violation of 42 U.S.C. 1983.

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages
- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances.

THIRD COUNT

40. Plaintiff repeats and reiterates the allegations of the First and Second Counts as if set forth at length herein.

41. In or about November 2006, defendants The County of Union, The Union County Prosecutor's Office, The Union County Sheriff's Office, The Union County Probation Department, and The Union County Jail took plaintiff into custody. Shortly thereafter, defendants learned that plaintiff was suffering from mental illness and was thereby disabled.

42. Despite knowing that plaintiff was mentally ill and disabled, defendants failed to provide the appropriate medical care; failed to provide appropriate mental health treatment; failed to follow appropriate guidelines for handling mentally ill prisoners; failed to provide appropriate supervision; and failed to take appropriate actions to protect plaintiff, Lynette Baker-Blevins health safety, and welfare and permitted plaintiff to be released from custody into frigid weather conditions without appropriate clothing and footwear at a time when she was mentally ill, incompetent and a danger to herself and others, without notification to her next of kin.

43. The actions of defendants violate the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et. seq.

44. As a proximate result of defendants' violations, the plaintiff has been damaged in an amount yet to be determined and is entitled to relief in accordance with 42 U.S.C. 12101, et. seq., including costs and disbursements and attorneys fees and other such further relief as this Court deems just, proper and appropriate.

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages
- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances

FOURTH COUNT

45. Plaintiff repeats and reiterates the allegations of the First through Third Counts as if set forth at length herein.

46. The above described actions and omissions of the defendants deprived plaintiff of rights secured to her by the Constitution of the State of New Jersey, including but not limited to her rights to due process and freedom from cruel and unusual punishment.

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages

- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances

FIFTH COUNT

47. Plaintiff repeats and reiterates the allegations of the First through Fourth Counts as if set forth at length herein.

48. In or about November 2006, defendants The County of Union, The Union County Prosecutor's Office, The Union County Sheriff's Office, The Union County Probation Department, and The Union County Jail took plaintiff into custody. Shortly thereafter, defendants learned that plaintiff was suffering from mental illness and was thereby disabled.

49. Despite knowing that plaintiff was mentally ill and disabled, defendants failed to provide the appropriate medical care; failed to provide appropriate mental health treatment; failed to follow appropriate guidelines for handling mentally ill prisoners; failed to provide appropriate supervision; failed to take appropriate actions to protect plaintiff, Lynette Baker-Blevins' health safety and welfare and permitted plaintiff to be released from custody into frigid weather conditions without appropriate clothing and footwear at a time when she was mentally ill, incompetent and a danger to herself and others, without notification to her next of kin.

50. As a direct and proximate result of the above described negligent and/or careless acts and omissions of the defendants, plaintiff suffered severe permanent personal injuries, great pain, discomfort and distress, significant disability and impairment, loss of enjoyment of life, expenses for medical care and treatment and loss of enjoyment of life.

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages
- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances.

SIXTH COUNT

51. Plaintiff repeats and reiterates the allegations of the First through Fifth Counts as if set forth at length herein.

52. In or about November 2006, defendants The County of Union, The Union County Prosecutor's Office, The Union County Sheriff's Office, The Union County Probation Department, and The Union County Jail took plaintiff into custody. Shortly thereafter, defendants learned that plaintiff was suffering from mental illness and was thereby disabled.

53. Despite knowing that plaintiff was mentally ill and disabled, defendants failed to provide the appropriate medical care; failed to provide appropriate mental health treatment; failed to follow appropriate guidelines for handling mentally ill prisoners; failed to provide appropriate supervision; failed to take appropriate actions to protect plaintiff, Lynette Baker-Blevins' health safety and welfare and permitted plaintiff to be released from custody into frigid weather conditions without appropriate clothing and footwear at a time when she was mentally ill, incompetent and a danger to herself and others, without notification to her next of kin.

54. The actions of the defendants violate N.J.S.A. 10:5-1 et. seq., the Law against Discrimination.

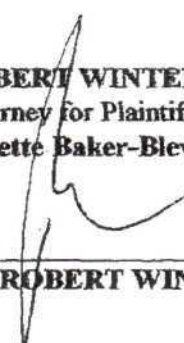
55. As a proximate result of defendants' violations, the plaintiff has been damaged in an amount yet to be determined and is entitled to relief in accordance with N.J.S.A. 10:5-1 et. seq., including costs and disbursements and attorneys fees and other such further relief as this Court deems just, proper and appropriate.

WHEREFORE plaintiff, Lynette Baker-Blevins demands the following relief jointly and severally as to all the defendants:

- (A) Compensatory Damages
- (B) Punitive Damages
- (C) Attorney's fees and costs; and
- (D) Such other relief as this Court may deem appropriate under the circumstances.

DATED: January 13, 2009

ROBERT WINTERS, ESQ.
Attorney for Plaintiff,
Lynette Baker-Blevins

By: 
ROBERT WINTERS

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

DATED: January 13, 2009

ROBERT WINTERS, ESQ.
Attorney for Plaintiff,
Lynette Baker-Blevins

By: 
ROBERT WINTERS

DESIGNATION OF TRIAL COUNSEL

Please take notice that **ROBERT WINTERS, ESQ.**, is hereby designated as Trial Counsel in the above-captioned matter pursuant to Rule 4:25 et. seq.

DATED: January 13, 2009

ROBERT WINTERS, ESQ.
Attorney for Plaintiff,
Lynette Baker-Blevins

By: 
ROBERT WINTERS

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1 (NOTICE OF OTHER ACTIONS), I, the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING?.....YES ___ NO

A. If YES - Parties to other Pending Actions.

B. In my opinion, the following parties should be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED?.....YES ___ NO

A. If YES - Parties contemplated to be joined in other Causes of Action.

3. ARBITRATION PROCEEDINGS PENDING?.....YES ___ NO

A. If YES - Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED?.....YES ___ NO

A. If YES - Parties contemplated to be joined to Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

ROBERT WINTERS, ESQ.
Attorney for Plaintiff,
Lynette Baker-Blevins

DATED: January 13, 2009

By: 
ROBERT WINTERS