

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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*Attorneys for Plaintiffs Sirrano Keith Baldeo and Stacey Baldeo*

\_\_\_\_\_  
SIRRANO KEITH BALDEO, and STACEY:  
BALDEO, husband and wife,  
  
Plaintiffs,

vs.

CITY OF PATERSON, COUNCILMAN  
WILLIAM "BILL" MCKOY,  
COUNCILWOMAN RUBY N. COTTON,  
COUNCILWOMAN MARITZA DAVILA,  
COUNCILMAN MICHAEL "MIKE"  
JACKSON, COUNCILMAN DOMINGO  
"ALEX" MENDEZ, COUNCILMAN  
KENNETH M. MORRIS, JR.,  
COUNCILMAN ANDRE SAYEGH,  
COUNCILMAN LUIS VELEZ,  
COUNCILMAN SHAHIN KHALIQUE,  
COUNCILMAN MOHAMMAED  
AKHTARUZZAMAN, COUNCILMAN  
JULIO TAVAREZ, ROMINA M.  
PASQUAL, ESQ. - CITY ATTORNEY,  
NELLI POU - BUSINESS  
ADMINISTRATOR, and JOHN DOES A-Z,  
  
Defendants.

Civil Action No.

**COMPLAINT AND JURY DEMAND**

Plaintiffs, Serrano Keith Baldeo and Stacey Baldeo (“Plaintiffs”), residing at 2633 McKinney Avenue #133-122, in the City of Dallas, County of Dallas, State of Texas, through their attorneys, by way of Complaint against Defendants City of Paterson (“Paterson”), Councilman William “Bill” McKoy, Councilwoman Ruby N. Cotton, Councilwoman, Maritza Davita, Councilman Michael “Mike” Jackson, Councilman Domingo “Alex” Mendez, Councilman Kenneth M. Morris, Jr., Councilman Andre Sageyh, Councilman Luis Velez, Councilman Shahin Khalique, Councilman Mohammed Akhtgaruzzaman, Councilman Julio Tavaréz, Romina M. Pascual, Esq. - City Attorney, and Nelli Pou - Business Administrator (collectively “the Council”) all located at City Hall, 155 Market Street, in the City of Paterson, County of Passaic, State of New Jersey; and John Does A-Z (all collectively referred to at times as “Defendants”) says:

### **JURISDICTION AND VENUE**

The Court has jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1332(a)(1), 28 U.S.C. § 1343(a)(1), 28 U.S.C. § 1343(a)(3), 28 U.S.C. § 1367, 42 U.S.C. § 1983, 42 U.S.C. § 1985(3). The amount in controversy exceeds \$75,000, exclusive of interest and costs. Venue is appropriate in this judicial district under 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1391(b)(2).

### **PARTIES**

1. Plaintiff Serrano Keith Baldeo is the founder and president of the *New Jersey Pulse* newspaper (formerly known as the *Patterson Pulse*), which since 2007, has sought to bring the people of Paterson together by letting them know what is really going on in their community through its honest, no-nonsense news reporting. Plaintiff Stacey Baldeo is the wife of Plaintiff Serrano Keith Baldeo.

2. Defendant City of Paterson is the largest city in, and county seat of, Passaic County, New Jersey. Paterson is New Jersey's third most populous city.

3. Paterson is governed by a Faulkner Act Plan-D Mayor-Council Form of government where the Mayor is the chief executive who is responsible for administering Paterson's activities, while the City of Paterson Municipal Council has the responsibility of reviewing and approving municipal legislation. At all times relevant hereto, Defendants Councilman William "Bill McKoy, Councilwoman Ruby N. Cotton, Councilwoman, Maritza Davita, Councilman Michael Jackson, Councilman Domingo "Alex" Mendez, Councilman Kenneth M. Morris, Jr., Councilman Andre Sageyh are/were members of the City of Paterson Municipal Council, while due to electoral changes, Councilman Luis Velez, Councilman Shahin Khaliq, Councilman Mohammed Akhtgaruzzaman, Councilman Julio Tavaréz are/were members of the City of Paterson Municipal Council for part of the time relevant hereto. At all times relevant hereto, Defendant Romina M. Pascual, Esq. is/was the Paterson City Attorney and Defendant Nelli Pou is/was Paterson's Business Administrator.

4. John Does A-Z are other individuals and/or entities, whose identities and involvement can only be ascertained through further discovery.

## **BACKGROUND**

### **Mr. Baldeo speaks out against the Council**

5. On or about March 15, 2016, Mr. Baldeo spoke at the Council meeting about criminal accusations made by Council members against Paterson's former mayor, Joey Torres. At the meeting, Mr. Baldeo accused the Council of having their own "demons" while trying to discrediting former Mayor Torres. Mr. Baldeo called various Council members out name.

6. After that meeting, Mr. Baldeo, as he had done in the past, published on his Facebook page how corrupt and incompetent the Council was, and that the Council members should not be re-elected. Mr. Baldeo then created "Team Paterson" to unite candidates that would better serve Paterson, to run against the incumbent Council members in the upcoming election.

7. On or about March 22, 2016, when Defendant Councilman Michael "Mike" Jackson, who has a Black Belt in Karate, saw Mr. Baldeo outside of Paterson City Hall at his car on his way to the Council meeting, Councilman Jackson began harassing Mr. Baldeo while also physically blocking Mr. Baldeo from going into his car.

8. Later in the Council chamber, Councilman Jackson saw documents that Mr. Baldeo was going to present at the Council meeting. These documents stated that Councilman Jackson took \$140,000 from taxpayers but did not pay \$38,000 in business taxes. While Mr. Baldeo and two reporters were behind the Clerk in the officials' seating area, the Clerk told them that they could not stay where they were.

9. After they walked over to the public area, Councilman Jackson passed by and falsely proclaimed that Mr. Baldeo "tried to hit him with my shoulders", and then Councilman Jackson called in other officers to specifically remove Mr. Baldeo from the chamber, saying he was in fear

for his life and that Mr. Baldeo actually assaulted him with my shoulders. As both a member of the Press and as an individual citizen, Mr. Baldeo was prevented from speaking and attending the meeting. One of the other reporter states that Councilman Jackson intentionally lied because he did not want Mr. Baldeo speaking about Councilman Jackson at the meeting

**The Council blocks Mr. Baldeo from speaking at the April 5, 2016 Council meeting**

10. On or about April 5, 2016, Paterson held a special meeting where certain parts were to be live broadcast to the general public while the rest of the meeting were not to be broadcast. Paterson put out two ‘sign in’ sheets, one for the unrecorded broadcast and the other for the live broadcast to the public. Mr. Baldeo had previously confronted and posted on Social Media that Defendant Councilman William “Bill” McKoy, the Council President, as well as his colleagues should not be re-elected. When the public portion of the meeting came up, Councilman McKoy called for all those who signed the live portion sheet, but nobody responded because nobody signed that sheet.

11. A motion was made by a council member to close the meeting and second, but Councilman McKoy, as Council President, blocked the motion and called out to Ernest Rucker, who is an avid supporter of Councilman McKoy and is active in his re-election campaign. Councilman McKoy wanted Mr. Rucker to speak, yet Mr. Rucker, a regular at Council meetings who targets those who goes against Councilman McKoy, never asked to speak.

12. Once the blank sheet was discarded and the meeting was open to one, it had to be opened to all, but Councilman McKoy stated only Mr. Rucker could speak. Instead of addressing city business or what was on the agenda, Mr. Rucker’s entire speech was a rant directed towards Mr. Baldeo and his newspaper. After Mr. Rucker was finished, Mr. Baldeo asked to speak but was

ignored.

13. The Council then allowed Donald Lynch, another person who is in the political camp of Councilman Michael Jackson to speak. As he approached the microphone, Mr. Baldeo stood up and stated, “If he speaks, I have to speak.” Mr. Baldeo made sure the Council knew that he wanted to address the. Mr. Lynch’s speech was similar to Mr. Rucker’s as he made all kinds of threats against Mr. Baldeo while also targeting his newspaper before everyone in attendance and the live broadcast.

14. When it was Mr. Baldeo’s turn to speak, a member of the Council stated, “seeing no one else, move to close”, while looking right at Mr. Baldeo’s face, this while he was yelling, “I have a right to speak sir.” The incident was captured on Mr. Baldeo’s personal camera as well as Paterson’s cameras, and was witnessed by all in the room including a reporter.

15. Sitting on the Council that night were Defendants Councilman William “Bill” McKoy, Councilwoman Ruby N. Cotton, Councilwoman, Maritza Davita, Councilman Michael “Mike” Jackson, Councilman Domingo “Alex” Mendez, Councilman Kenneth M. Morris, Jr., Councilman Andre Sageyh, Councilman Mohammed Akhtgaruzzaman, and Councilman Julio Tavarez, who were all advised by Defendant Romina M. Pascual, Esq., the Paterson City Attorney, and Defendant Nelli Pou, Paterson’s Business Administrator, neither of whom did anything to stop the Council from censoring Mr. Baldeo, and who both in fact encouraged the Council’s illegal retaliatory animus towards Mr. Baldeo.

**The Council dumps Mr. Baldeo's newspaper in the trash**

16. On April 7, 2016, while attending another special meeting to cover a discrimination case filed by three Muslims who had resigned from the Board of Adjustment, Mr. Baldeo was again harassed and targeted by the Council President McKoy, Councilman Jackson, and others in retaliation against Mr. Baldeo for publishing that the Council is corrupt, and for opposing their re-election.

17. Before the meeting, Councilman Jackson went right up to Mr. Baldeo to intimidate him for being at the meeting, telling him to get his newspaper out of City Hall, and that he was eventually going to ban both Mr. Baldeo and his newspaper.

18. Later as the meeting was about to start, Mr. Baldeo entered in the chamber and was confronted by Councilman McKoy who was sitting in his Council seat. Councilman McKoy shouted directly at Mr. Baldeo to remove his newspaper (which had been there for 10 years) from City Hall. Mr. Baldeo replied that his newspaper had been there for years and Councilman McKoy wants the newspaper removed because Mr. Baldeo will not support him. Councilman McKoy then left his Council seat, walked all the way to the table outside of the chamber where the public gets the paper, took every copy. He then went back to the restricted Council area and dumped all of the newspapers in the back.

**The Council prevents Mr. Baldeo from filming the April 7, 2016 Council meeting**

19. That did not suffice to satisfy the Council. For about 10 years prior, Mr. Baldeo used a small handheld camera about to record the meetings. It never bothered Councilman McKoy or anyone else before. As a pretext to harass and get back at Mr. Baldeo, and to show that he has power over the press, Councilman McKoy from his Council seat, ordered Mr. Baldeo to remove the camera from the ledge separating the Council from the public and to get a tripod and then stand in the corner.

20. Councilman McKoy gave this directive despite being very well aware that Mr. Baldeo was in an accident which caused him to be designated as disabled by the State of New Jersey, as he walks with a cane and cannot stand for long. Yet Councilman McKoy insisted that Mr. Baldeo stand in the corner. Mr. Baldeo objected, stating that has been recording for years without any objection. Councilman McKoy replied that there is a policy and he is now enforcing it. Mr. Baldeo later learned from none other than the City Clerk stated there is no Paterson ordinance, resolution, or policy to regulate cameras, the press, or any kind of recordings in the Council chamber.

**The Council unlawfully directs a police officer to remove Mr. Baldeo from the meeting**

21. While there was a break, Councilman McKoy left the Council chamber for a short period of time. As Mr. Baldeo sat there quietly, Councilman McKoy and a police officer came at Mr. Baldeo from opposite directions, Councilman McKoy directed that if Mr. Baldeo does not remove the camera from the ledge, Mr. Baldeo is to be removed from the chamber, and if Mr. Baldeo refuses to leave, he will be arrested. Knowing that the Council was wrong and just looking for an excuse to arrest Mr. Baldeo, he moved the camera and held it, thinking he would deal with the Council at a later date. But the police officer demanded that Mr. Baldeo turn off the camera. Mr. Baldeo replied that he is with the press and has a right to record the meeting. The police officer insisted that he turn off the camera.

22. At that point Mr. Baldeo asked if this order is coming from the officer or Councilman McKoy, who then said, "I said to remove it!". The officer never answered the question as he did not seem to want to take it further, so Mr. Baldeo asked, to be clear, "officer you tell me what to do and I would do it." Councilman McKoy then told the officer to remove Mr. Baldeo from the chamber and arrest Mr. Baldeo if he does not leave, which was Councilman McKoy's intended



punishment to retaliate against Mr. Baldeo, who was not allowed to record the meeting, or do his job of reporting on the meeting, or even attend the public meeting. Shortly after leaving, when Mr. Baldeo went into City Hall to file a notice to sue, Councilman Jackson again confronted him, saying that he is banned from the meeting and is not to return or else he will go to jail.

**Paterson's law enforcement refuses to protect Mr. Baldeo**

23. On April 12, 2016, Mr. Baldeo wrote a letter to the Police Chief, the Police Department, Police Director Jerry Speziale and the Mayor's office asking for "police assistance and protection at the city council meetings." None of them ever responded. Mr. Baldeo called Police Director Speziale and told him what had happened but he refused to provide any assistance. When Mr. Baldeo said that he would report on this in his newspaper, Director Speziale began yelling at Mr. Baldeo that he was threatening him, so Mr. Baldeo quickly hung up the phone. Director Speziale supported Councilman McKoy and others on the council for their re-election.

24. Mr. Baldeo had to skip the April 12, 2016 Council meeting, but planned to attend the next meeting. Prior to the meeting, while outside of City Hall, a man leaving stopped Mr. Baldeo and informed him not to go upstairs, because Councilmen Sayegh, McKoy, and Jackson were all waiting to set up Mr. Baldeo by bumping into him, saying that he hit them, and then have him arrested, with all of these elected officials being witnesses for each other.

25. With no protection or support from Paterson, Mr. Baldeo stopped going to the Council meetings, not only for his personal safety but also because the Council made it a very hostile, fearful, and dangerous place for him to work as a journalist, and attend as a witness. Mr. Baldeo's April 12, 2016 letters all stated, "this has caused me great fear, extreme emotions stress and worry for being at the meeting and doing my job." The prevention of Mr. Baldeo doing his job

included all other members of the press except him into closed chamber to cover the debates in April and May, 2016.

**The Council bans Mr. Baldeo's newspaper and other media from receiving information**

26. On July 1, 2016, Mr. Baldeo went to City Hall prior to the meeting, as he was afraid to stay, so he just collected a copy of the agenda and left. His newspapers in City Hall for free distribution to the public were all gone, while every other local newspaper but his, as well as advertisements were allowed to be placed on the table. Mr. Baldeo protested to the Clerk, who informed him that the order to remove his newspaper came from the Council President McKoy.

27. Mr. Baldeo's four newspapers and online media were still on the list of newspapers and other media to receive information, but were then removed from the list by the Council. At the July 12, 2016 meeting, the Council voted to ban all Mr. Baldeo's newspapers and other media from receiving agendas and meetings notices. Mr. Baldeo's newspapers and media were the only ones banned from the list, as the Council even left others who do not qualify, or who are not even in business or who are only online, on the list. The clerk again told Mr. Baldeo that they are not allowed to send Mr. Baldeo any meeting notices or agendas anymore, because the Council banned Mr. Baldeo's newspapers and media, and removed them from the list. After being on the list for 10 years, this was done maliciously by the Council to retaliate against Mr. Baldeo.

28. Sitting on the Council that night were Defendants Councilman William "Bill" McKoy, Councilwoman Ruby N. Cotton, Councilwoman, Maritza Davita, Councilman Michael "Mike" Jackson, Councilman Domingo "Alex" Mendez, Councilman Kenneth M. Morris, Jr., Councilman Andre Sageyh, Councilman Luis Velez, and Councilman Shahin Khalique, who were all advised by Defendant Romina M. Pascual, Esq., the Paterson City Attorney, and Defendant Nelli

Pou, Paterson's Business Administrator, neither of whom did anything to stop the Council from censoring Mr. Baldeo, and who both in fact encouraged the Council's illegal retaliatory animus towards Mr. Baldeo.

**The Council admits to banning Mr. Baldeo's newspaper and other media due to content**

29. Nearly a year went by until a weeks before the Council's annual re-organization meeting held on July 1, 2017, Mr. Baldeo sent a letter to the Paterson Clerk and Council requesting that his newspaper be placed back on the list, so that all notices and agendas would be sent to him.

30. During that meeting the Council conducted a public hearing on what criteria to use to ban Mr. Baldeo's newspaper from being listed with the others. They could not come up with any legal reason so they concluded by saying that they did not like the content of Mr. Baldeo's newspaper.

31. Sitting on the Council that night were Defendants Councilman William "Bill" McKoy, Councilwoman Ruby N. Cotton, Councilwoman, Maritza Davita, Councilman Domingo "Alex" Mendez, Councilman Kenneth M. Morris, Jr., Councilman Luis Velez, Councilman Shahin Khalique, who were all advised by Defendant Romina M. Pascual, Esq., the Paterson City Attorney, and Defendant Nelli Pou, Paterson's Business Administrator, neither of whom did anything to stop the Council from censoring Mr. Baldeo, and who both in fact encouraged the Council's illegal retaliatory animus towards Mr. Baldeo.

**Council President McKoy assaults Mr. Baldeo**

32. In addition, Mr. Baldeo filed a series of criminal charges against the members of the Council pursuant to N.J.S.A. 2C:30-2a (prohibiting an elected official from misusing their office for purposes of obtaining a benefit for themselves or another, or to injure or to deprive another of a legal right afforded them), which were sent to Pompton Lakes because the local judges were conflicted from adjudicating these charges. The charges contended that the Council engaged in Official Misconduct, Harassment, and Disorderly Conduct for violating Mr. Baldeo's First Amendment rights, Due Process, Equal Protection, the Sunshine Law, and their own Oath of Office. The Pompton Lakes Judge refused to dismiss the charges, and allowed the cases to go forward.

33. On or about August 9, 2017, when the five of the seven Council members (Councilwoman Davila and Councilwoman Cotton were not present) showed up at their Pre-Indictment Hearing, Councilman McKoy tried to harass Mr. Baldeo upstairs at the Passaic County Courthouse. Mr. Baldeo left, but was stopped in the front of the courthouse by a reporter for an interview. At the same time, the Council members exited the courthouse. During an interview with NBC, Councilman McKoy came over to Mr. Baldeo pretending that he wanted to videotape something, but instead, slammed his body into Mr. Baldeo, which caused the already disabled Mr. Baldeo to go through at least four to five months of physical therapy.

**The Council hires a private investigator to harass Mr. and Mrs. Baldeo**

34. In addition, the Council hired a private investigator to conduct surveillance of Mr. and Mrs. Baldeo, who twice caught the private investigator trying to get close to her. She eventually called the police and filed charges. The private investigator said he was hired by a person in Paterson who Mr. Baldeo allegedly slandered in his newspaper.

35. Mr. Baldeo later interviewed the former Police Director of Passaic County who stated that Councilman Sayegh was one of the people who was involved in going after Mrs. Baldeo, in order to get revenge against Mr. Baldeo for politically opposing the Council.

36. Both Mr. Baldeo and Mrs. Baldeo have been severely traumatized and have suffered extreme emotional distress as a result of Defendants' concerted ongoing efforts to censor, punish, and ultimately destroy Mr. Baldeo and his newspaper. Mr. and Mrs. Baldeo are now living in fear. Mr. Baldeo was in the process of putting together a run for Mayor of Paterson that never transpired because Mr. and Mrs. Baldeo lived in fear on a daily basis, wondering who the Council was going to send after them next, and what they were going to do. This perpetual state of fear caused Mr. and Mrs. Baldeo to install cameras their cars, check for explosive devices with a mirror every day, and rush home to make sure their home was safe. In the face of this onslaught, Mr. and Mrs. Baldeo were forced to sell their home, leave Paterson, and move to Dallas, Texas. They debilitating distress suffered by Mr. and Mrs. Baldeo as a result of Defendants' violations of their civil rights, warrants an award of at least \$10,000,000.00.

**Defendants have violated Plaintiffs' civil rights**

37. In sum, Defendants violated Plaintiffs' civil rights as follows:
- a. Depriving Mr. Baldeo of his civil rights when they block him from speaking at a public meeting, while they allowed their campaign people to slander and defame him and his newspaper.
  - b. Removing Mr. Baldeo's newspaper and other media from the Paterson's notice to punish Mr. Baldeo, for opposing their re-election.
  - c. Refusing to let Mr. Baldeo attend a debate while they allowed all other interested media to attend.

- d. Falsely informing a police officer of a non-existent assault, in order to block Mr. Baldeo from speaking at a public meeting and attending the meeting.
- e. Forcing Mr. Baldeo to remove his small camera and making it difficult for him the record a public meeting, even though no camera policy exists.
- f. Violating Mr. Baldeo's disability rights, forcing him to leave a Council meeting because he was unable to stand and record the meeting.
- g. Unlawfully removing Mr. Baldeo from a public meeting because he will not support their campaign for office.
- h. Dumping Mr. Baldeo's newspaper in the back from the public area because he opposed their re-election.
- I. Assaulting Mr. Baldeo as he made an appearance seeking to hold the Council liable for their misconduct.
- j. Making the Council chamber an extreme, hostile and fearful place for Mr. Baldeo to work and exist as both a member of the press, and a private citizen.
- k. Paying a private investigator to follow Mr. and Mrs. Baldeo for purposes of harassing and intimidating them, and attempting to retaliate against Mr. Baldeo by trying to hurt Mrs. Baldeo.

**FIRST COUNT**

**(Civil Rights Act of 1871 - 42 U.S.C. § 1983)**

38. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 37 as if set forth herein full, and as the basis for this claim.

39. Defendants, at all times and in all events relevant hereto, have acted under the color of authority of the statutes of the State of New Jersey.

40. The actions of Defendants, in violation of 42 U.S.C. § 1983, were performed under the color of authority of state statutes, municipal ordinances, and/or the customs or usage of the State of New Jersey and the City of Paterson and have caused Plaintiffs to be deprived of their

constitutionally guaranteed rights of liberty secured and guaranteed under the First, Fifth and Fourteenth Amendments of the United States Constitution, and corresponding rights guaranteed by the New Jersey State Constitution.

41. Defendants palpably abused their discretionary authority in that their actions were in all regards arbitrary, capricious, unreasonable, and otherwise wrongful in violation of Plaintiffs' federal and state constitutional rights.

42. Plaintiffs' interests have been adversely affected and manifest injustice has resulted from Defendants' arbitrary, capricious, and unconstitutional actions.

43. Specifically the actions of Defendants as chronicled herein, were based upon improper motives and were:

- a. arbitrary, capricious, unreasonable, and oppressive; and
- b. based upon unlawful criteria.

44. By engaging in the aforementioned course of conduct, Defendants have violated Plaintiffs' First Amendment rights to free speech and have likewise violated Plaintiffs' Fourteenth Amendment right to equal protection of the laws.

45. Defendants' aforementioned course of conduct against Plaintiffs was also:

- a. not reasonably related to a legitimate government interest;
- b. in fact motivated by bias, bad faith and improper motive; and
- c. in and of itself, egregiously unacceptable and outrageous.

46. By egregiously abusing Plaintiffs' liberty and civil rights in a manner that shocks the conscience, Defendants have violated Plaintiffs' Fourteenth Amendment rights to substantive due process.

47. Defendants, by engaging in the course of conduct chronicled herein, while acting under the color of state law, have individually and collectively deprived Plaintiff s of federal statutory and constitutional rights in violation of 42 U.S.C. § 1983.

**SECOND COUNT**

**(New Jersey Civil Rights Act - N.J.S.A. 10:6-2(c))**

48. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 47 as if set forth herein full, and as the basis for this claim.

49. By engaging in the aforementioned course of conduct under the color of state law, and by causing Plaintiff to be deprived of his constitutionally guaranteed rights of liberty and free speech secured and guaranteed under the First and Fourteenth Amendments of the United States Constitution, and corresponding rights guaranteed by the New Jersey State Constitution, Article I, Sections 1, 6, and 18. Defendants have violated the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c).

50. Defendants, by engaging in the course of conduct chronicled herein, while acting under the color of state law, have individually and collectively deprived Plaintiffs of constitutional rights in violation of N.J.S.A. 10:6-2(c).



**THIRD COUNT**

**(Breach of Fiduciary Duty)**

51. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 50 as if set forth herein full, and as the basis for this claim.

52. Defendants Paterson and the Council, as public entities, elected officials, and/or political appointees stand in fiduciary relationship with their constituents.

53. As fiduciaries and trustees of the public, said Defendants are under an inescapable obligation to serve the public, including taxpayers such as Plaintiffs, with the highest fidelity, intelligence, skill, diligence, conscientiousness, reasonableness, good faith, honesty, and integrity.

54. Said Defendants are further obligated to be impervious to corrupting influences, and must transact their business frankly, openly, and fairly.

55. Said Defendants knew or should have known that there existed a special relationship of trust and confidence between Plaintiffs and Defendants.

56. By engaging in the course of conduct described herein, said Defendants breached their fiduciary duties to Plaintiffs, and said breach has proximately caused Plaintiff's damages.

57. Said Defendants, by engaging in the course of conduct chronicled herein, have individually and collectively engaged in breach of fiduciary duty.

**FOURTH COUNT**

**(Civil Rights Act of 1871 - 42 U.S.C. § 1985(3))**

58. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 57 as if set forth herein full, and as the basis for this claim.

59. By engaging in the course of conduct chronicled herein, Defendants have conspired for the purpose of depriving, either directly or indirectly, Plaintiffs of the equal protection of the laws and of the equal privileges and immunities under the laws.

60. Defendants' conspiracy to interfere with Plaintiffs' with Plaintiffs' civil rights has deprived Plaintiffs of having and exercising their rights and privileges as citizens of the United States, and has resulted in damages and injury to Plaintiffs.

61. Defendants, by engaging in the course of conduct chronicled herein, have individually and collectively conspired to violate Plaintiffs' civil rights in violation of 42 U.S.C. § 1985(3).

**FIFTH COUNT**

**(Battery)**

62. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 61 as if set forth herein full, and as the basis for this claim.

63. Defendant Councilman William "Bill" McKoy, by slamming his body into Mr. Baldeo, which caused the already disabled Mr. Baldeo to go through at least four to five months of physical therapy, struck at Mr. Baldeo with unlawful force and violence on August 9, 2017.

64. Councilman McKoy intended to cause and did cause harmful contact with Mr. Baldeo's person, and Mr. Baldeo did not consent to Councilman McKoy's act.

65. As a direct and proximate result of Councilman McKoy's conduct which was done with malice a wanton disregard of Mr. Baldeo's personal rights and sensitivities and/or with foreseeability of unintended harmful consequences, Mr. Baldeo has been injured.

**SIXTH COUNT**

**(Assault)**

66. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 65 as if set forth herein full, and as the basis for this claim.

67. Defendant Councilman William "Bill" McKoy intended to cause, and did cause Mr. Baldeo to suffer immediate apprehension of an immediate harmful contact.

68. Councilman McKoy did attempt to strike Mr. Baldeo with unlawful force and violence.

69. As a direct and proximate result of Councilman McKoy's conduct which was done with malice a wanton disregard of Mr. Baldeo's personal rights and sensitivities and/or with foreseeability of unintended harmful consequences, Mr. Baldeo has been injured.

**SEVENTH COUNT**

**(Civil Conspiracy)**

70. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 69 as if set forth herein full, and as the basis for this claim.

71. Two or more of the Defendants formed an unlawful agreement, or multiple unlawful agreements, among themselves (and, as to the corporate defendants, of their principals, agents, officers, management, control persons and/or other employees), to engage in the tortious conduct described above.

72. Even if they did not explicitly agree to commit the tortious acts, Defendants understood the general objectives and contours of the scheme, accepted their parts to further them, and acted accordingly.

73. During the course of the conspiratorial agreement(s) and in furtherance of each conspiratorial objective, at least one overt act was committed by Defendants.

74. The above-pleaded wrongful conduct is the product of the unlawful agreement(s) among Defendants.

75. Defendants' civil conspiracy has thus caused Plaintiffs to be harmed and suffer damages.

76. Defendants, by engaging in the course of conduct chronicled herein, have individually and collectively engaged in a civil conspiracy.

#### **EIGHTH COUNT**

#### **(Aiding & Abetting)**

77. Plaintiffs repeat, reallege, and re-emphasize the allegations set forth in Paragraphs 1 through 76 as if set forth herein full, and as the basis for this claim.

78. Defendants have committed independently wrongful acts, as set forth above.

79. Defendants committed the tortious acts in concert with one another, or pursuant to a common design or scheme.

80. Defendants knew of the wrongful acts and substantially assisted or encouraged other Defendants to effectuate the wrongful acts against Plaintiffs.

81. Defendants' aiding and abetting has caused Plaintiffs to be harmed and suffer damages.

82. Defendants, by engaging in the course of conduct chronicled herein, have individually and collectively aided and abetted each other in the commission of the wrongful acts chronicled herein.

**REQUESTED RELIEF**

WHEREFORE, Plaintiffs demand judgment as follows:

- a. such equitable relief as the Court may deem necessary to remedy the injustices and unconstitutional deprivations perpetrated upon Plaintiff;
- b. compensatory damages;
- c. consequential damages;
- d. punitive damages against the individual Defendants;
- e. costs of suit;
- f. interest;
- g. statutory attorneys fees; and
- h. such other relief as the Court deems necessary and just.

MICHAEL S. KASANOFF  
Attorneys for Plaintiffs Serrano Keith Baldeo and Stacey Baldeo

Dated: April 3, 2018

S/ Michael S. Kasanoff  
Michael S. Kasanoff (MK 7133)

**CERTIFICATION OF NO PENDING ACTIONS**

Pursuant to L. Civ. R. 11.2, Plaintiffs certify that to the best of Plaintiffs' knowledge information and belief, there are no other pending court actions, arbitrations, or administrative proceedings involving the parties and/or subject matter of this case.

MICHAEL S. KASANOFF  
Attorneys for Plaintiffs Serrano Keith Baldeo and Stacey Baldeo

Dated: April 3, 2018

S/ Michael S. Kasanoff  
Michael S. Kasanoff (MK 7133)

**ARBITRATION CERTIFICATION**

Pursuant to L. Civ. R. 201.1, the amount in controversy exceeds \$150,000.00.

MICHAEL S. KASANOFF  
Attorneys for Plaintiffs Serrano Keith Baldeo and Stacey Baldeo

Dated: April 3, 2018

S/ Michael S. Kasanoff  
Michael S. Kasanoff (MK 7133)

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury of all of the claims so triable alleged herein.

MICHAEL S. KASANOFF  
Attorneys for Plaintiffs Serrano Keith Baldeo and Stacey Baldeo

Dated: April 3, 2018

S/ Michael S. Kasanoff  
Michael S. Kasanoff (MK 7133)