

Mravlag Manor, Elizabeth, County of Union, and State of New Jersey, for themselves and on behalf of their children. G.H., J. H., and F.A., and all others similarly situated says;

COUNT ONE

Parties

1. In 1970 Plaintiff E.H., and her sons, Plaintiffs G.H. and J.H., became tenants of the Migliore Manor Housing project of Defendant Elizabeth Housing Authority. As of the filing date of this complaint, Plaintiff E.H. is still a tenant of said housing project.

2. In or about 1970 Plaintiff A.A. and his son, Plaintiff F.A., became tenants of the Mravlag Manor housing project of Defendant Housing Authority. As of the filing date of this complaint Plaintiff A.A., is still a tenant of said housing project.

3. Unnamed Plaintiffs of the class similarly situated are tenants of Defendant Housing Authority's housing projects with minor children named in law enforcement records circulated by Defendant City of Elizabeth and received by Defendant Housing Authority of Elizabeth.

4. Defendant Thomas Dunn is and was at all times described in this Complaint Mayor of the City of Elizabeth. As such, he is responsible for the overall conduct and supervision of Defendant, City of Elizabeth, Elizabeth Police Department, Joseph Brennan, the Elizabeth Housing Authority and its employees and agents. He is also responsible for ensuring that the above mentioned Defendants obey the laws of the State of New Jersey and United States. He is sued in his official capacity.

5. Defendant City of Elizabeth, N. J., is a municipal corporation within the State of New Jersey and at all times relevant to this complaint employed Defendants Dunn and Brennan as Mayor and Police Director respectively; Defendants Unknown Elizabeth Police Officers and/or Officials; Defendants Smolen, Harris, Moran, Padas, Planas, Pasternoster and Dempsey as Commissioners of the Elizabeth Housing Authority; and Defendant Farley as Executive Director of the Elizabeth Housing Authority.

6. Defendant Elizabeth Police Department is a department of Defendant City of Elizabeth responsible for enforcing the penal and disorderly persons laws of the State of New Jersey. At all times relevant to this Complaint said Police Department employed Defendants Brennan and Unknown Police Officials and Officers.

7. Defendant Joseph Brennan is and was at all times described in this Complaint Police Director of the City of Elizabeth. As such he is responsible for the overall conduct and supervision of Defendant Elizabeth Police Department and its employees. He is also responsible by law for enforcing and ensuring that the municipal police department obeys the laws of the State of New Jersey and the United States. He is sued in his official capacity.

8. Defendants Unknown Police Officials and/or Officers are employees of Defendant Elizabeth Police Department responsible for juvenile arrest or incident records ("blotter sheets"), and at all times herein were acting as agents, servants and employees of Defendant Elizabeth Police Department. They are sued in their official capacities.

9. Defendant Housing Authority of Elizabeth is a department of Defendant City of Elizabeth charged under municipal ordinance with the establishment and operation of public housing projects located within Defendant City of Elizabeth; including, Mravlag Manor, Pioneer Homes, and Migliore Manor. The Authority is responsible for conducting "grievance committee hearings", pursuant to the Elizabeth Housing Authority lease. (Attached)

10. Defendants Smolen, Harris, Moran, Padas, Planas, Pasternoster, and Dempsey are the Commissioners of Defendant Elizabeth Housing Authority and responsible for its operation and supervision of its employees. They are sued in their official capacity.

11. Defendant J. William Farley, Jr., is the executive director and an employee of Defendant Elizabeth Housing Authority and responsible for the daily operation of the Department. He is responsible for the conduct of Elizabeth Housing Authority employees, and for ensuring they comply with the laws of the State of New Jersey and the United States. He is sued in his official capacity.

Class Action Allegations

12. This suit is brought as a class action pursuant to R. 4:32-1 and is maintainable pursuant to R. 4:32-1(b) (1)(b);-1 (b) (2).

13. This class is so numerous that joinder of all members is impracticable.

14. The total number and identities of the class members are known only to Defendants.

15. There are questions of law and fact common to the class.

16. The claims of the Plaintiffs are typical of the claims of the class.

17. The Plaintiffs will fairly and adequately protect the interests of the class.

18. Prosecution of separate actions by individual members of the described class would create a risk of adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of other members not parties to the adjudications.

19. Defendants, the parties opposing the class, have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

FACTUAL ALLEGATIONS

20. On or about December 29, 1978, Plaintiff E.H. received from Defendant Housing Authority a written notice to cease certain alleged disorderly acts committed by her children.

21. On or about January 26, 1979, Plaintiff E.H. received from Defendant Housing Authority a written notice to quit and a demand for possession of her apartment, designated "1-H Migliore Manor," for the stated reason that she "failed to control . . . (her) children after . . . (receipt of) a cease and desist letter. . . ."

22. Thereafter Plaintiff E.H. requested a hearing, pursuant

23. On February 27, 1979, Plaintiff E.H. appeared before the Pioneer Homes grievance committee of Defendant Housing Authority with counsel from Union County Legal Services. Defendant Authority was presented by its project manager and agent, Joseph Plowucha.

24. During the course of his case presentation at the aforementioned hearing in support of Plaintiff's eviction, manager Plowucha referred to and read from photocopies of arrest and incident reports (commonly called "blotter sheets") relating to and naming juveniles residing in the housing projects of Defendant Authority. These records specifically referred to alleged criminal and disorderly acts committed by Plaintiffs G.H. and J.H., as well as another of E.H.'s children.

25. On or about November 15, 1978, Plaintiff A.A. received from Defendant Housing Authority a written notice to cease alleged disorderly acts. No statement in the notice specifies the perpetrator of these alleged acts.

26. On or about November 27, 1978, Plaintiff A.A. received from Defendant Authority a written notice to quit and demand for possession of his apartment for the stated reason:

Being drunk and disorderly in hallway, causing a disturbance, annoying other tenants in building, allowing unauthorized persons to stay in your apartment. Breaking bottles on Project grounds.

26. Thereafter Plaintiff A.A. requested a hearing pursuant to the lease grievance procedure of Defendant Authority.

28. On or about January 9, 1979, Plaintiff A.A. appeared

before the Mravlag Manor grievance panel of Defendant Housing Authority. Defendant Authority was represented by its project manager and agent, William Leonard.

29. During the course of its case presentation at this grievance hearing in support of Plaintiff A.A.'s eviction, Defendant Authority's representative relied on photocopies of arrest and incident records and reports relating to and naming juveniles residing in housing projects of Defendant Authority. These records specifically refer to alleged criminal and disorderly acts committed by Plaintiff F.A., Plaintiff A.A.'s then juvenile son.

30. These aforementioned arrest and incident reports were supplied to Defendant Elizabeth Housing Authority; its Commissioners, Executive Director and employees, by Defendant Unknown Officials and Officers of Defendant Elizabeth Police Department as part of a regular program or procedure whereby such records have been and continue to be routinely supplied to Defendant Housing Authority. Defendants Dunn and Brennan are directly responsible for the supervision and conduct of Defendant Unknown Police Officers and Officials.

31. N.J.S.A. 2A:4-65 provides in part;

Disclosure of juvenile records;

Penalties for disclosure.

a. Social medical, psychological, legal and other records of the court and probation department and records of law enforcement agencies, pertaining to juveniles charged under this act, shall be strictly safeguarded from public

inspection. Such records shall be made available only to;

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney for the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed;
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown; and
- (7) Any law enforcement agency when such records are necessary in connection with the investigation of particular acts of delinquency or crime, or when such records are necessary to assist in the protection, apprehension or location of a particular juvenile.

* * * * *

d. Whoever, except as provided by law, knowingly discloses publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a, or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly person's offence. (emphasis added).

32. The actions of the Defendants have been and continue to be in violation of this statutory directive and the rights of the named and class Plaintiffs thereunder.

33. Despite a specific request to Defendant Elizabeth Housing Authority's attorney by letter dated March 8, 1979 to cease and desist these practices (attached), Defendants continue to violate N.J.S.A. 2A:4-65. Defendant Elizabeth Housing Authority has refused to respond to such letter to this date.

WHEREFORE, Plaintiffs demand judgment;

- (1) Certifying the class described in Count One, Paragraph two, herein, pursuant to R4:32-1(b)(1)(B); -1(b)(2);

(2) Declaring Defendants' conduct and actions described this complaint illegal and contrary to law pursuant to N.J.S.A. 2A:16-50 et seq:

(3) Permanently and immediately enjoining Defendants Dunn, City of Elizabeth, Elizabeth Police Department, Brennan and Unknown Elizabeth Police officers and/or officials from disclosing, publishing or releasing in any manner juvenile records, except pursuant to the narrow exceptions set forth in N.J.S.A. 2A:4-65;

(4) Permanently and immediately enjoining Defendants Housing Authority of Elizabeth, Smolen, Harris, Moran, Padas, Planas, Pasternoster, Dempsey and Farley from disclosing, publishing, receiving, or making use of in any way juvenile records emanating from any court, probation department or law enforcement agency;

(5) Ordering Defendant Housing Authority to immediately remove from its files and either destroy or return to the appropriate police officials all presently held juvenile records emanating from any court, probation department or law enforcement agency;

(6) Ordering any other relief the court deems equitable and just.

COUNT II

1. Plaintiffs repeat and incorporate by reference the allegations contained in Count One of the Complaint.

2. The Plaintiffs' rights to privacy as guaranteed by the First, Ninth and Fourteenth Amendments to the Constitution have been violated by the actions of the Defendants.

3. Defendants Dunn, City of Elizabeth, Elizabeth Police Department, Housing Authority of Elizabeth, Unknown Elizabeth Police Officers and/or officials, Smolen, Harris, Moran, Padas, Planas, Pasternoster, Dempsey, and Farley, acting under color of local law, custom, or usage deprived Plaintiffs of rights, privileges and immunities guaranteed by the Constitution contrary to 42 U.S.C.A. 1983.

WHEREFORE, Plaintiffs demand judgment;

(1) Certifying the class described in Court I, paragraph two, herein, pursuant to R. 4:32-1(b) (1) (B); -1(b) (2);

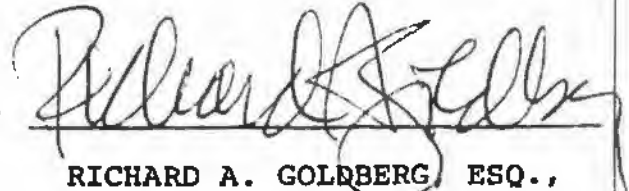
(2) Declaring Defendants' conduct and actions described in this complaint illegal and contrary to law pursuant to N.J.S.A. 2A:16-50 et seq.

(3) Permanently and immediately enjoining Defendants Dunn, City of Elizabeth, Elizabeth Police Department, Brennan, and Unknown Elizabeth Police officers and/or officials from disclosing, publishing or releasing in any manner juvenile records, except pursuant to the narrow exceptions set forth in N.J.S.A. 2A:4-65.

(4) Permanently and immediately enjoining Defendants Elizabeth Housing Authority, Smolen, Harris, Moran, Padas, Planas, Pasternoster, Dempsey and Farley from disclosing, publishing, receiving, or making use of in any way juvenile records emanating from any court, probation department or law enforcement.

(5) Ordering Defendant Housing Authority of Elizabeth, to immediately remove from their files and either destroy or return to the appropriate police officials all presently held juvenile records emanating from any court, probation department or law enforcement agency.

(6) Ordering any other relief the court deems equitable and just.



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