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Attorneys for Plaintiff Nyron Harris

NYRON HARRIS, *
 *
 Plaintiff, *
 *
 vs. *
 *
 STATE OF NEW JERSEY, DIVISION OF *
 STATE POLICE OF THE STATE OF NEW *
 JERSEY, COLONEL RICK FUENTES *
 (RET.), COLONEL PATRICK CALLAHAN*
 LIEUTENANT JOSEPH NETTI, *
 ATTORNEY GENERAL CHRISTOPHER *
 PORRINO and JOHN DOES 1-5, *
 *
 Defendant(s). *
 *

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : MERCER COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff residing in the Borough of Bound Brook, County of Somerset by way of
Complaint against the Defendants herein states:

BACKGROUND

1. Plaintiff is a former member of the New Jersey State Police whose Badge Number was 7399.
2. Plaintiff was a member of the 152nd Class to graduate from the State Police Academy on October 4, 2013.
3. The Plaintiff was born on June 28, 1983.
4. The New Jersey State Police provides for reenlistment after two years of service, four years of service and five years of service.
5. The Plaintiff was due for reenlistment in the year 2017.
6. On August 1, 2017, he was notified that he would not be reenlisted.

7. Plaintiff is an African-American.
8. Prior to August 2017, Plaintiff was stationed at Cranberry Station of the New Jersey State Police.
9. During that time period, Plaintiff's cousin was in the business of selling t-shirts.
10. The cousin, by means of social media, sent the Plaintiff a tee shirt with the picture of nine African-American women, none of the women were identified by name or by any other means.
11. Plaintiff reposted the shirt with the picture of the nine African-American women who were designated as leaders in the community.
12. Plaintiff did not know who some of the women were.
13. As it turned out, one of the women whose picture appeared on the shirt was Joanne Chesimard.
14. Not only did the Plaintiff not know who Joanne Chesimard was but he was born after Joanne Chesimard became known to the world.
15. As a result of the posting of the pictures of the nine African-American women, some members of the State Police saw the posting and began a campaign against the Plaintiff.
16. When it came time for Plaintiff's reenlistment, Plaintiff was notified that he would not be reenlisted for having posted the t-shirt described above.
17. Prior to his reenlistment being denied, Plaintiff had a hearing before a panel of State Police executive officers.
18. Before that same panel were a number of white troopers who had charges against him of greater severity with intentional involvement who were all approved for reenlistment.
19. One of the potential enlistees had a driving offense involving alcohol and others had charges involving dishonesty.
20. The charge against the Plaintiff was one that originated from his lack of knowledge of who the women were on the shirt.
21. When the matter became known to the State Police, an internal investigation was ordered and it was conducted by Defendant Joseph Netti.
22. The investigation conducted by Defendant Netti was conducted in a manner that was discriminatory and dishonest.

23. The Defendant Netti placed on social media and made known to other members of the State Police what is required to be confidential; he revealed the contents of the Internal Affairs investigation.
24. The conduct of Defendant Netti placed into the public realm the facts of the investigation and the content of the investigation.
25. When Netti's revelation became known to other members of the State Police, a campaign was commenced on the internet to punish the Plaintiff.
26. The campaign spilled over to the Defendant Fuentes and he ordered that the Plaintiff not be reenlisted.
27. Defendant Christopher Porrino, the Attorney General for the State of New Jersey, has allowed this injustice to continue and refuses to address it.
28. The Plaintiff, who the State Police refused to enlist because of an honest mistake, has had in his limited career very good evaluations and has been a credit to the New Jersey State Police.
29. At the time of his denied reenlistment, he was one of two troopers on the Turnpike and Parkway who were to receive a commendation.
30. The Defendant Colonel Patrick Callahan is named herein because he has the authority to correct the injustice done by his predecessor.

COUNT ONE

1. Plaintiff repeats each and every allegation as if set forth at length herein.
2. Defendants Fuentes and Netti discriminated against the Plaintiff because of his race.
3. There were other troopers who were white who were guilty of more offensive actions who were given reenlistment.
4. The offenses committed by the white troopers involved dishonesty and serious motor vehicle offenses involving alcohol.
5. Plaintiff was guilty of not knowing who the women were on the t-shirt.

WHEREFORE, the Plaintiff demands judgment reenlisting him as a member of the New Jersey State Police effective August 1, 2017 and for damages, punitive damages and costs of suit, together with counsel fees.

COUNT TWO

1. Plaintiff repeats each and every allegation as if set forth at length herein.
2. Defendants Fuentes and Netti punished the Plaintiff for a legitimate First Amendment expression.

WHEREFORE, the Plaintiff demands judgment against Defendants Fuentes and Netti for damages, punitive damages plus costs of suit, together with counsel fees.

COUNT THREE

1. Plaintiff repeats each and every allegation as if set forth at length herein.
2. Defendant Porrino has been made aware of the injustice heaped upon the Plaintiff by the actions of Defendants Fuentes and Netti and he has taken no action to right this wrong.
3. Defendant Attorney General for the State of New Jersey Christopher Porrino allowed the injustices described herein to continue and therefore, refused to carry out the duties of his office.

WHEREFORE, the Plaintiff demands judgment against the damages, punitive damages plus costs of suit, together with counsel fees.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, George T. Daggett, Esq. has been designated as trial counsel on behalf of Plaintiff in the above-captioned matter.

CERTIFICATION

1. Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

2. I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICES OF GEORGE T. DAGGETT
Attorneys for Plaintiff

By: *George T. Daggett*
GEORGE T. DAGGETT

Dated: December 13, 2017

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-002665-17

Case Caption: HARRIS NYRON VS DIVISION OF STATE
PO LICE

Case Initiation Date: 12/13/2017

Attorney Name: GEORGE T DAGGETT

Firm Name: GEORGE T. DAGGETT

Address: 328 F SPARTA AVE

SPARTA NJ 07871

Phone:

Name of Party: PLAINTIFF : HARRIS, NYRON

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

12/13/2017

Dated

/s/ GEORGE T DAGGETT

Signed