

Christopher Roberts (#001351995)
Attorney at Law
7 Glenwood Avenue
Suite 401
East Orange, New Jersey 07017
(973)-673-0600
Attorney for Plaintiff

Cesare Riccardi

Plaintiff,

vs.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY**

DOCKET NO: PAS-L-000836-25

Civil Action

COMPLAINT AND JURY DEMAND

Township of Maplewood,
Gerald Giamis, Patrick Wherry,
Paul Kittner, Greg Schuster,
John Does (1-10),
Jane Does (1-10), ABC
Corporation (1-10), Individually,
Severally Jointly

Defendants.

Plaintiff Cesare Riccardi residing in Borough of Hawthorne, County of Passaic, State of New Jersey, complaining of defendant, alleges as follows:

PARTIES

1. At all relevant times, Defendant Township of Maplewood hereinafter "Maplewood" was and is a corporation organized and existing under the laws of the State of New Jersey with

its principal place of business located at 359 Boyden Avenue, Maplewood, County of Essex, State of New Jersey.

2. At all relevant times Defendants Paul Kittner, Patrick Wherry, Gerald Giamis, Greg Schuster, and John Does (1-10), Jane Does (1-10), ABC Corporation (1-10), were in the employ of Defendant Maplewood whose location is at 359 Boyden Avenue, Maplewood, County of Essex, State of New Jersey. At all relevant times defendants were the agents, employees, representatives, servants of Defendant Maplewood who assisted and/or actively, and intentionally participated in the malicious prosecution of Plaintiff Cesare Riccardi.
3. At all relevant times Defendants Township of Maplewood, Paul Kittner, Patrick Wherry, Gerald Giamis, and John Does (1-10), Jane Does (1-10), ABC Corporation (1-10), were acting under color of law and within the scope of their employment with the Maplewood at all relevant times. All are sued in their individual capacities. Maplewood and the individuals Defendants are collectively referred to herein as "Defendants."
4. This action is brought pursuant to 42 U.S.C. § 1983 and New Jersey State Constitution, New Jersey Civil Rights Act N.J.S.A. 10:6-1 et seq to redress the violation of Plaintiff Cesare Riccardi's constitutional rights secured by the First, Fourth and Fourteenth Amendments to the United States Constitution.

(FACTS COMMON TO ALL CLAIMS)

1. Plaintiff Cesare Riccardi began his employment with Defendant Maplewood in or about 1998. In or about 2020 Plaintiff began serving Defendant Maplewood as Superintendent of Public Works.

2. In or about Spring of 2022, Jamaine Cripe committee women spoke with Plaintiff in private at the DPW Facility, after the closed session to separate both departments (Engineering and DPW); and told Plaintiff that Maplewood Township Business Administrator Jerry Giamis and Maplewood Township Business Administrator Paul Kittner “came for your jugular” and the rest followed.
3. In or about September 2022, Defendant Maplewood through its aforementioned Defendants made false allegations of criminal activity about Mr. Riccardi. Those false allegations which consisted of allegations that Mr. Riccardi initiated and carried out a scheme in which fictitious bids were submitted for Township projects so that one contractor could be the lowest bidder and thus win the contract. The Township falsely alleged through its employees that Mr. Riccardi accepted falsified bids within the Township and awarded work within the Township based on falsified bids and unjustifiably benefited favored contractors to the detriment of the Township.
4. As a result of the Township’s false claims, Mr. Riccardi was charged with four criminal counts of official misconduct and one count of tampering with public records which were indictable offenses that carried years prison time if convicted. On or about March 13, 2023, the Essex County Prosecutor’s Office arrested Plaintiff
5. As a result of these charges, Defendant Maplewood in or about 2023 terminated Mr. Riccardi from his position as Department of Public Works Superintendent which has caused him severe economic harm.
6. Also, during this time in or about March 2023, employees of the Township made disparaging discriminatory remarks about Mr. Riccardi, in which those employees accused him of being in the mafia in connection with allegations of the falsified bids and benefitting

avored contractors. Mr. Riccardi, who is Italian, contends that he was subjected to discriminatory conduct by the Township, was in a hostile work environment and that his nationality was a factor in the false allegations made against him which led to his termination. For example, during Plaintiff's employment Paul Kittner Director of Public Works & Engineering would periodically ask Plaintiff starting in or about 2021 if Plaintiff was in the Italian Mafia.

7. On March 13, 2023 the Essex County Prosecutor Investigator returns to the Maplewood Department of Public Works to arrest Plaintiff. Maplewood Township Business Administrator Greg Schuster suspends Plaintiff indefinitely without pay. Defendant Maplewood Township continues pursuing a hostile work environment claim against Plaintiff Essex County moves forward with the criminal charges. Plaintiff had to hire a criminal defense lawyer, Tim Smith.
8. On or about March 20, 2023 the false allegations, criminal charges and Plaintiff's arrest were published online by news outlet Patch staff reporter Caren Lissner which contributed to further embarrassment, mental anguish and emotional distress for Plaintiff. Maplewood Township Business Administrator Jerry Gaimis was interviewed by the Patch reporter and the interview was regarding the criminal charges and arrest of plaintiff.
9. In or about November 2023, New Superintendent of Public Works appointed by Maplewood Township Committee to replace Plaintiff while Plaintiff was still in the position.
10. Upon information and belief, in the Spring of 2024 Defendant Maplewood Township Administrator Patrick Wherry instructs insurance consultant Brown & Brown to cancel Plaintiff's medical and dental insurance coverage without Plaintiff's knowledge and

Plaintiff was never informed of his COBRA rights to continue coverage and left his family with no medical coverage. This cancellation caused provider bills to pile up as previous appointments were being denied due to Patrick Wherry's actions or inactions.

11. On or about July 17, 2024, upon information and belief, the Essex County Prosecutor decided not to pursue the charges and withdraw them.
12. Upon information and belief, Defendant(s) Jerry Gaimis, Paul Kittner, Patrick Wherry, Greg Schuster John Does (-10), Janes Does (1-10) aided and abetted the discriminatory treatment against Plaintiff.
13. As a direct, foreseeable and proximate result of Defendants' discriminatory and tortious acts, Plaintiff has suffered and continues to suffer substantial losses in earnings, such as lost income and benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress and discomfort and damaged to his reputation.
14. In or about September 2024, Plaintiff filed a notice of claim against Defendant Maplewood.

COUNT ONE

(VIOLATION OF NEW JERSEY LAW AGAINST DISCRIMINATION N.J.S.A. 10:5-1 et seq.)

1. Plaintiff refers to the allegations set forth in the Facts Common to All Counts statement and previous Count One of the Complaint and by such reference repleads and incorporates them as though fully set forth herein.
2. At all relevant times, Plaintiff is a man of Italian descent.
3. This action is brought pursuant to the New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et. seq., which prohibits discrimination against a person in the terms, conditions or privileges of employment on the basis of the person's ethnicity, national origin and ancestry.
4. Upon information and belief, at all relevant times, Defendant Township of Maplewood regularly employed five or more persons, bringing defendant employer within the provisions of N.J.S.A. 10:5-1 et seq. prohibiting employers or their agents from discriminating against employees on the basis of ethnicity, national origin, ancestry.
5. Upon information and belief, Defendant Township of Maplewood discriminated against plaintiff because of Plaintiff's ethnicity, national origin and ancestry in that alleging that Plaintiff was in the mafia and that he was the reason for the alleged misconduct.
6. At all relevant times, N.J.S.A. 10:5-1 et seq., provided statutory jurisdiction over defendants. Defendant subjected Plaintiff to retaliation, disparate treatment, wrongful termination, hostile work environment, continuous violation harassment, and failed to have

harassment monitoring mechanisms in place and/or take preventive/remedial measures to stop harassment in violation of the New Jersey Law Against Discrimination.

7. As a direct foreseeable, and proximate result of defendants' discriminatory acts, plaintiff has suffered and continues to suffer substantial economic losses, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress.
8. Defendant Township of Maplewood has committed the aforementioned acts oppressively, willfully and maliciously, entitling plaintiff to an award of punitive damages.

COUNT TWO

(MALICIOUS PROSECUTION PURSUANT TO 42 U.S.C. § 1983 AGAINST DEFENDANTS)

1. Plaintiff refers to the allegations set forth in the fact statement of the complaint and Count One and by such reference repleads and incorporates them as though fully set forth herein.
2. Upon information and belief, Defendants instigated criminal charges against Plaintiff with Defendants Frank McGehee, Dean Dafis, Paul Kittner, Gerald Giamis, Greg Schuster serving as complaining witnesses which initiated the Essex County Prosecutors Office to file state criminal charges against Plaintiff.
3. Defendants undertook these actions knowingly and recklessly and despite the fact that there was no probable cause that Plaintiff committed any fraudulent and/or criminal act.
4. To the extent that Defendants claim they believed that the arrest and prosecution of Plaintiff was supported by probable cause, Defendants belief was objectively unreasonable because there was no evidence that Plaintiff purposefully or knowingly committed any crimes.
5. On or about July 17, 2024, the charge was eventually resolved in Plaintiff's favor when the Essex County Prosecutors office dismissed and/or withdrew the criminal charges.

6. As a result of the Defendants' actions described above, Plaintiff suffered damages through the loss of liberty.
7. Defendants' actions described herein were intentional, wanton, malicious and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.
8. By reason of the foregoing arrest, false imprisonment and unlawful detention, Plaintiff was deprived of his liberty, suffer mental anguish and was exposed to public embarrassment and greatly injured in his reputation, caused him to suffer economic losses, mental anguish and physical pain.

COUNT THREE

(MALICIOUS PROSECUTION PURSUANT TO NJ CIVIL RIGHTS ACT 10:6-1 ET SEQ. AGAINST DEFENDANTS)

9. Plaintiff refers to the allegations set forth in the fact statement of the complaint and Counts One and Two and by such reference repleads and incorporates them as though fully set forth herein.
10. Upon information and belief, Defendants instigated criminal charges against Plaintiff with Defendants Frank McGehee, Dean Dafis, Paul Kittner, Gerald Giamis and Greg Schuster serving as complaining witnesses which initiated the Essex County Prosecutors Office to file state criminal charges against Plaintiff.
11. Plaintiff was deprived of his substantive due process rights and equal protection rights.
12. Defendants undertook these actions knowingly and recklessly and despite the fact that there was no probable cause that Plaintiff committed any fraudulent and/or criminal act.
13. To the extent that Defendants claim they believed that the arrest and prosecution of Plaintiff was supported by probable cause, Defendants belief was objectively unreasonable because there was no evidence that Plaintiff purposefully or knowingly committed any crimes.
14. On or about July 17, 2024, the charge was eventually resolved in Plaintiff's favor when the Essex County Prosecutors office dismissed and/or withdrew the criminal charges.

15. As a result of the Defendants' actions described above, Plaintiff suffered damages through the loss of liberty.
16. Defendants' actions described herein were intentional, wanton, malicious and exhibited a reckless indifference to Plaintiff's clearly established constitutional rights.
17. By reason of the foregoing arrest, false imprisonment and unlawful detention, Plaintiff was deprived of his liberty, suffer mental anguish and was exposed to public embarrassment and greatly injured in his reputation, caused him to suffer economic losses, mental anguish and physical pain.

COUNT THREE

(VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS OF THE U.S. CONSTITUTION PURSUANT TO 42 U.S.C. . § 1983 AGAINST MAPLEWOOD)

1. Plaintiff refers to the allegations set forth in the Fact statement, Counts One, and Two above and by such reference repleads and incorporates them as though fully set forth herein.
2. Defendant Maplewood maintains, condones and is deliberately indifferent to unconstitutional and discriminatory policies, customs and practices of the Maplewood Administrators but not limited to falsely accusing individuals of crimes without probable cause in violation of the Fourth and Fourteenth Amendment.
3. These customs and practices are so pervasive that they constitute de facto policies of Maplewood.
4. In addition, by its actions, Defendant Maplewood has ratified the unlawful conduct of the individual Defendants.
5. By reason of the foregoing arrest, false imprisonment and unlawful detention, Plaintiff was deprived of his liberty, suffer mental anguish and was exposed to public embarrassment

and greatly injured in his reputation, caused him to suffer economic losses, mental anguish and physical pain.

COUNT FOUR

(INVASION OF PRIVACY, DEFAMATION SLANDER PER SE)

1. Plaintiff refers to the allegations set forth in the Fact statement, Counts One, Two and Three above and by such reference repleads and incorporates them as though fully set forth herein.

2. Defendants., in committing the above-described acts, intended to and did defame the character of the plaintiff and place him in a false light per se. Defendants acted with reckless disregard in defaming plaintiff's character and placing him in a false light.

3. Defendants engaged in defamatory per se (slander/libel) conduct by accusing Plaintiff of having committed a criminal offense and communicated said defamation to third parties which subjected Plaintiff to ridicule, contempt and caused damage to his reputation.

4. As a direct result of the outrageous acts and omissions, conduct, harassment and discrimination, plaintiff became distraught and he suffered damages.

COUNT FIVE

(FALSE ARREST)

1. Plaintiff refers to the allegations set forth in the fact statement of the complaint and Counts On, Two, Three and Four by such reference repleads and incorporates them as though fully set forth herein.

2. Defendants Maplewood and individual Defendants, who were acting within the scope of their employment and as agents, servants and/or servants of Defendant Maplewood and. falsely, wrongfully, and maliciously and without warrant, authority law or probable cause,

against Plaintiff's wishes and without probable cause caused Plaintiff to be arrested and taken into custody and thereafter caused Plaintiff to be deprived of his liberty.

3. By reason of the foregoing arrest, false imprisonment and unlawful detention, Plaintiff was deprived of his liberty, suffer mental anguish and was exposed to public embarrassment and greatly injured in his reputation, caused him to suffer mental anguish and physical pain.

COUNT SIX

(MALICIOUS PROSECUTION)

1. Plaintiff refers to the allegations set forth in the fact statement of the complaint and Counts On, Two, Three, Four and Five by such reference repleads and incorporates them as though fully set forth herein.
2. Upon information and belief, Defendants instigated criminal charges against Plaintiff causing him to be arrested with Defendants Giamis, Kittner, Wherry, Schuster serving as complaining witnesses which initiated the State prosecution of Plaintiff.
3. Defendants undertook these actions knowingly and recklessly and despite the fact that there was no probable cause that Plaintiff committed any crime.
4. The criminal charges were eventually resolved in Plaintiff's favor when the Essex County Prosecutor withdrew and/or dismissed the criminal charges.
5. As a direct result of the Defendants' conduct described above, Plaintiff suffered damages through loss of liberty, suffered economic losses, suffered emotional distress and pain and suffering and damages to his reputation in the community

COUNT SEVEN

(VIOLATION OF NJ CIVIL RIGHTS ACT 10:6-1 ET SEQ.)

1. Plaintiff refers to the allegations set forth in the fact statement of the complaint and Counts On, Two, Three, Four, Five and Six by such reference repleads and incorporates them as though fully set forth herein.

2. The State of New Jersey and/or any individual subject to the Constitution of New Jersey Defendants violated Plaintiff's rights under the Constitution of New Jersey thus liable in damages, proximately caused by the defendants' violation,

Where such rights include:

- a) The right to equal protection of the law;
 - b) The right to due process;
 - c) The right not to be denied or discriminated against in any civil right;
 - d) The right to life, pursue and obtain safety and happiness
 - e) The right to be free from cruel and unusual punishment.
 - f) The right be free from unreasonable searches and seizures
3. Upon information and belief, Defendants Giamis, Kittner, Wherry, Schuster, John Does (1-10), Jane Does 1-10), ABC Corp (1-10), were acting under color of law and deprived, interfered and/or attempted to interfere with the exercise or enjoyment by plaintiff of any substantive due process or equal protection rights, right to be free from unreasonable searches and seizures, privileges, or immunities secured by the Constitution or laws of the State of New Jersey Article I, right to equal protection and are liable to the plaintiff for his damages and/or for injunctive or other appropriate relief.
 4. Upon information and belief, Defendants acting under color of state law willfully and intentionally, knowingly deprived Plaintiff of his rights, privileges afforded to them under the Constitution of New Jersey.
 5. The actions and inactions of the Defendants deprived Plaintiff of his right to be free from cruel and unusual punishment guaranteed to him by the New Jersey Constitution Art.1, Section 12 and his right to life, liberty and the pursuit of happiness guaranteed to him by

the New Jersey Constitution and the right to be free from unreasonable searches and seizures Art. 1, Section 1 and Section 7

6. As a direct and proximate result of the Defendants' actions and inactions, the Plaintiff has been harmed.

WHEREFORE, Plaintiff prays for Judgment against all Defendants Township of Maplewood, Giamis, Wherry, Kittner and Schuster, John Does (1-10), Jane Does (1-10), ABV Corp. (1-10), individually, jointly, severally and each of them for all aforementioned claims, for the following injunctive and monetary relief as follows:

1. An order compelling Defendant Township of Maplewood to take prompt appropriate and effective corrective measures, including those that effect all supervisors and personnel, to prevent abuse, harassment, bullying and discrimination complained of in this Complaint by any employee, agent, and/or representative toward any member of the Township of Maplewood community.
2. An order enjoining Defendants from taking retaliatory action of any type against any employees for reporting to or objecting to Defendants' improper activities, policies, and/or practices believed to be in violation of contract, law, rule, and/or regulation promulgated pursuant to law.
3. Any other prospective injunctive relief that the Court deems just and appropriate
4. For compensatory damages including lost wages and benefits, and emotional distress damages
5. Punitive damages
6. Pain and suffering
7. Attorney fees and costs, plus interest
8. For such other and further relief as the Court deems proper.

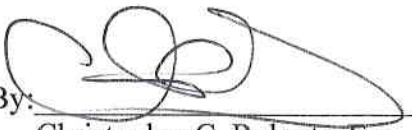
By: 

Christopher C. Roberts, Esq.

Dated: March 8, 2025

CERTIFICATION OF NO OTHER ACTIONS


Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

By: 
Christopher C. Roberts, Esq.

Dated: March 8, 2025

DESIGNATION OF TRIAL COUNSEL

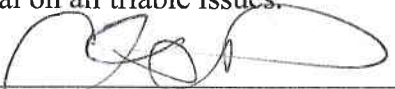
Christopher C. Roberts, Esq. is hereby designated as trial counsel.

By: 
Christopher C. Roberts, Esq.

Dated: March 8, 2025

JURY DEMAND

Plaintiff demands a jury trial on all triable issues.

By: 
Christopher C. Roberts, Esq.

Dated: March 8, 2025