

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE

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PATRICIA AIKEN, EDPDLAW, LTD.,
LUIS OCASIO, DANIEL MURRAY, and
OMAR ORTIZ,

Plaintiffs,

v.

KIRK EADY, personally and in his capacity :
as Deputy Director, OSCAR AVILES, :
Director of Corrections, :
THOMAS A. DEGISE, County Executive :
HUDSON COUNTY DEPARTMENT :
OF CORRECTIONS, HUDSON COUNTY :
John and Mary Does 1 through 63; :
ABC and XYZ Corporations 1-20, :

Defendants.

CIVIL ACTION NO.:
The Honorable Judge _____

Jury Trial

COMPLAINT

PARTIES

1. Plaintiff, Patricia Aiken, resides at [REDACTED] in Egg Harbor Township, County of Atlantic, State of New Jersey.
2. Plaintiff, EdPDLaw, LTD is a business within the State of New Jersey with an address at [REDACTED] in Egg Harbor Township, County of Atlantic, State of New Jersey.
3. Plaintiff, Luis Ocasio, is a correction officer employed by the Hudson County Department of Corrections and at all times relevant hereto the President of PBA Local #109.

PBA President Ocasio resides at [REDACTED] in the City of East Rutherford, County of Bergen, State of New Jersey.

4. Plaintiff, Daniel Murray, is a correction officer employed by the Hudson County Department of Corrections and at all times relevant hereto the Grievance Committee Chairman of PBA Local #109. Chairman Murray resides at [REDACTED] in the City of Kearny, County of Hudson, State of New Jersey.

5. Plaintiff, Omar Ortiz, is a Corrections Officer Lieutenant employed by the Hudson County Department of Corrections and at all times relevant hereto the President of PBA Local #109 Superior Officers Association. SOA PBA President Ortiz resides at [REDACTED] in the City of Jersey City, County of Hudson, State of New Jersey.

6. Defendant, Kirk Eady, for all relevant time periods was employed as a Deputy Director of the Hudson County Department of Corrections (hereinafter referred to as "HCDOC"), located at 35 Hackensack Ave, in the City of Kearny, County of Hudson, State of New Jersey.

7. Defendant, Oscar Aviles, for all relevant time periods was employed as the Director of the Hudson County Department of Corrections, located at 35 Hackensack Ave., in the City of Kearny, County of Hudson, State of New Jersey.

8. Defendant, Thomas A. DeGise, for all relevant time periods, served as the County Executive for Hudson County, with a business address of 567 Pavonia Avenue, in the City of Jersey City, County of Hudson, State of New Jersey.

9. Defendant, Hudson County, is a duly created County within the State of New Jersey, and is located at 567 Pavonia Avenue, in the City of Jersey City, County of Hudson, State of New Jersey.

10. Defendant, Hudson County Department of Corrections (HCDOC), is located at 35 Hackensack Ave., in the City of Jersey City, County of Hudson, State of New Jersey.

JURISDICTION

11. Jurisdiction is proper under Section 1331 of Title 28 (28 U.S.C.A. § 1331) in that the claims arise under 18 U.S.C.A. § 2520, the Federal Communications Act and 42 U.S.C.A. 1983.

12. This court has pendent jurisdiction over the State law claims because they arise from a nucleus of operative facts common to those causes arising under 18 U.S.C.A. § 2520, and because the exercise of pendent jurisdiction serves the interests of judicial economy, convenience, and fairness to the parties.

FACTS RELEVANT TO ALL COUNTS

13. During relevant time periods, Plaintiff Patricia Aiken (hereinafter Aiken), owned and operated Plaintiff EdPDLaw, LTD a business, which provided Union Support Services for law enforcement unions and their membership in a variety of matters, including, but not limited to, correction officer discipline.

14. In and around August 2010, PBA Local 109, which was comprised of over 400 HCDOC corrections officers voted to, and awarded EdPDLaw, LTD a contract to provide Union Support Services, for a term of 2 year(s). Said Contract was renewed in August 2012 for another 2 year term.

15. During all relevant time periods, Aiken also maintained a law enforcement informational website, EdPDLaw.com (hereinafter web site), which reported on various issues surrounding law enforcement employment, discipline, grievances and other issues of interest to the law enforcement community.

16. During all relevant time periods, Defendant Thomas A. DeGise, pursuant to N.J.S.A. 40:41A-33 et seq., served as Defendant Hudson County's County Executive, who had the ultimate authority to oversee the operation of HCDOC.

17. During all relevant time periods Defendant, Oscar Aviles, served as the Department Head for the Department of Corrections and was the final institutional authority in all matters of policy, operations, and discipline.

18. During all relevant time periods, Defendant Kirk Eady, served as Deputy Director at HCDOC and oversaw all the day-to-day administrative activities at HCDOC, which included staff discipline, contract negotiations, shift assignments, overtime assignments and the like.

19. The discipline procedure is outlined in PERS.05, the Rules and Regulations, the Contract and in the Internal Affairs Policy & Procedure.

20. In most, if not all, correction officer discipline cases, a discipline matter would be brought to the attention of Defendant Eady by the charging officer, investigator, or citizen, or investigations would be initiated at his request, or with his approval. Eady, a former internal affairs supervisor, would monitor the status of most, if not all, discipline matters and would make recommendations and provide guidance; would be apprised of all witnesses that were interviewed, or evidence that was in the file; in some instances, he would oversee the scheduling of witnesses for hearings; and, on occasion would testify in cases brought against correction officers.

21. Throughout pending disciplinary actions, there would be confidential, privileged, and very sensitive communications between, without limitation, the charged officer, union officials including PBA President Luis Ocasio, Grievance Committee Chairman Daniel Murray, SOA President Omar Ortiz, Aiken and EdPDLaw, LTD., and attorneys representing the disciplined officer. Many of those also communications would be telephonic, where, without limitation,

facts about the underlying disciplinary charge, strategy, and/or the strengths and weaknesses of the matter would be discussed.

22. During all relevant time periods, the Plaintiffs in their respective roles with the Union, were also in active communications amongst themselves and others regarding contract negotiations for the correction officers and the County. A majority of those communications would be telephonic, where negotiation strategy, among other sensitive matters would be discussed.

23. Throughout all relevant time periods, Plaintiff Luis Ocasio was the president of PBA Local 109, and would be consulted and advised on all correction officer discipline, Union Contract Negotiations, new Policy & Procedures being implemented, grievances and all other pertinent Union Business.

24. Throughout all relevant time periods, Plaintiff Daniel Murray, served as Chairman of PBA Local 109's Grievance Committee, and would assist in the taking and the filing of union member's grievances regarding HCDOC administration, discipline, shift assignments, post assignments, policy & procedure and all relevant Union Business.

25. Throughout all relevant time periods, Plaintiff Omar Ortiz was the President of the PBA Superior Officers Union and was actively involved in union activities, was negotiating the Union contract and was involved in promotional grievances, the filing of unfair labor practices, lawsuits against the Administration filed by Superior Officers and other confidential, protected and privileged matters involving Superior Officers and their attorneys, as well as other Union Business and communications with the Union Attorneys.

26. In and around September 2011 the Union and EdPDLaw commenced an investigation into the titles of top administrators, including Director Oscar Aviles, Deputy Director Eady, Director of Internal Affairs Thaddeus Caldwell and Internal Affairs Sergeant Ricardo Aviles, the Director's cousin, as to their correct "titles" and their entitlement to remain in the Police and Fire Pension System.

27. During this investigation it was uncovered that, upon information and belief, Director Aviles, Eady, and Caldwell held civilian titles but remained in the Police and Fire Pension System. It was also revealed that Ricardo Aviles was promoted to the position of Internal Affairs Sergeant, the promotion being back dated 2 years, without taking a civil service test which is against civil service regulations, specifically, N.J.A.C. 4A:2-1 et seq., and violates the Superior Officer Association Collective Bargaining Agreement.

28. In **February of 2012**, the results of the above referenced Pension investigation were turned over to the Chairman of the Police and Fireman's Pension System (PFRS) for further investigation, and on **February 8, 2012**, Aiken through her website EdPDLaw, posted an editorial titled "Title Shifting" releasing the investigation's findings.

29. Simultaneously, on **February 8, 2012**, Aiken through her web site EdPDLaw also posted an editorial revealing that Ricardo Aviles, the Director's cousin, had received a promotion

without anyone's knowledge and without the position being posted in violation of Civil Service regulations, specifically, N.J.A.C. 4A:2-1 et seq and the SOA Collective Bargaining Agreement.

30. Within 24 hours of these postings, Aiken began to receive harassing, intimidating, and threatening phone calls from someone clearly disguising their voice to sound feminine.

31. Aiken immediately chronicled the phone numbers from "Caller ID" and forwarded them to Grievance Committee Chairman, Plaintiff Daniel Murray. Plaintiff Murray, within an hour of Aiken getting the calls, attempted to call the numbers, but they were disconnected.

32. In and around this time and continuing for days, Plaintiffs Murray, Ortiz and the Safety Committee Chairman Kevin Dille, whose name appears as the contact on the Pension Investigation, also relayed that they too were receiving harassing phone calls. All reported receiving calls from the same Caller ID # which would later be traced to Eady.

33. In addition to receiving the harassing and threatening phone calls referenced above, the Plaintiffs were getting information relayed to them by different sources that Eady was vowing to retaliate against the Plaintiffs by assigning them to undesirable duties or shifts, and, as to Aiken and EDPdLaw would see to it that she would be "fired."

34. On or about **February 28, 2012**, the Safety Committee Chairman Kevin Dille met with Director Aviles about the increasingly irregular, potentially dangerous, and alarming behavior of Eady. The Director took no corrective action.

35. On or about **March 1, 2012**, after receiving no relief from the meeting of **February 28, 2012**, the PBA filed a formal grievance with Director Oscar Aviles enumerating in writing the increasingly irregular, potentially dangerous, and alarming behavior of Eady.

36. Without limitations, examples of Eady's behavior included, on **February 16, 2012**, Eady issued a Memorandum banning *all* liquids from the facility. When told that he could not deny officers bottled water, Eady responded that the officers could drink from the bathroom sink. Plaintiffs interpreted this conduct as Eady's deliberate attempt to retaliate against them, and to put pressure on the Union to terminate Aiken's contract.

37. Similarly, in an unprecedented move, Eady organized a "Family Fun Day" for 85 Maximum Security Inmates posing an extreme security risk for all those that would be in attendance at the event.

38. When Eady was questioned as to the reason he issued these orders he blatantly stated in a room full of witnesses that it was in retaliation for information Plaintiffs were sending to the County Freeholders.

39. The PBA requested that Eady be sent for a Fitness for Duty Exam and not be permitted to work until cleared by a doctor. The grievance was ignored, and on **March 7, 2012** a follow-up letter was again sent to Director Aviles, Thomas DeGise, County Counsel and all Freeholders requesting, for a 3rd time in a 2 week period, immediate intervention. This was also ignored and

no corrective action was taken against Eady nor was any action taken to determine his fitness for duty.

40. On or about **March 6, 2012**, Plaintiff EdPDLaw posted an editorial about Defendant Aviles' cousin, Ricardo Aviles, obtaining a recently "created" position in work release, which was also not posted in violation of the SOA Collective Bargaining Agreement and the LAP decision which dictates that all Superior Officers would be given an opportunity to apply for newly created positions.

41. In and around this time, all the Plaintiffs attended the PBA Convention in Atlantic City.

42. Immediately after the **March 6, 2012** editorial appeared on the EdPDLaw website, Plaintiff Aiken once again began receiving harassing, intimidating, and threatening phone calls from the same "woman" as referenced above. All of the calls came from different "Caller IDs" in the "201" area code (Hudson County), but the person's voice on the other end was the same "woman".

43. Plaintiff Aiken then stopped taking calls from unfamiliar phone numbers; however, she started getting calls from phone numbers she recognized but upon answering the call discovered that it was the same "woman's" voice referenced above. One of the calls indicated that the call was placed from the PBA Office located at HCDOC. Murray immediately called the HCDOC, and after an immediate check of the office by officers on duty, it was revealed that there was no one in the office at the time.

44. Also during this period of time, Plaintiff Aiken's son received a phone call on his personal cell phone, from a female in area code "201" stating, "don't you remember me". Ms. Aiken's son has never been to, nor does he know anyone in Hudson County. Ms. Aiken perceived this to be a clear message from the "woman" that "she" had access to Ms. Aiken's son.

45. In and about this same time period, Contract Negotiations were active between both Unions and Hudson County. EdPDLaw was active in obtaining financial information on the County's budget and expenditures for use by the Unions and their attorneys to find "monies" to justify raises for the members.

46. Also around this time, SOA President Omar Ortiz had filed an Unfair Labor Practice against the County for the retro-active and secret promotion of the Director's Cousin, Ricardo Aviles as well as his reassignment to the newly created position in "Work Release".

47. On or about **March 16, 2012**, SOA President Omar Ortiz challenged Eady's authority to sign disciplinary charges against the members as Policy clearly dictated under PERS.05 that only the Director can impose major discipline; the next day, on **March 17, 2012**, Defendant Director Aviles changed the Policy to allow Eady to impose discipline.

48. In and about **April 28, 2012**, EdPDLaw posted an editorial about a HCDOC Superior Officer, who, upon information and belief, was a close and personal friend of Eady. The article revealed that a law suit was filed against this HCDOC Superior Officer for conducting a flawed

investigation which led to the wrongful firing of a member of the SOA.

49. The next day, **April 29, 2012**, Aiken received a phone call from one of HCDOC Superior Officer supporters, who was also an appointed member of PBA 109's Executive Board, indicating that she was very upset with the article and wanted same taken down off the web site immediately. The member stated that she (the complaining member) would lose her "preferential treatment" from the HCDOC Superior Officer as well as Eady if the article was not taken down and demanded that she (the complaining member) get to approve and dictate the articles that are posted on the web site.

50. The article was not taken down. Immediately thereafter, Aiken and Murray were subjected to a pattern of harassment in the form of being labeled as racists. These and other defamatory remarks were being made, published, and echoed, upon information and belief, by the HCDOC Superior Officer and Eady.

51. In and about **May 9, 2012**, an individual, who is cooperating with the FBI's investigation into the allegations contained within this complaint, hereinafter referred to as CI #1, who was a close friend and confidant of Eady, advised **Ocasio** how Eady planned to retaliate against the Plaintiffs and that Eady also relayed that he could do "whatever the fuck he wanted with just a phone call."

52. This placed the Plaintiffs in fear for the careers, and caused them emotional distress and anxiety. Moreover, spreading the rumor that a white correction officer (Murray) was a racist in a predominately black inmate population severely compromised Murray's safety among the inmate population as well as undermined his credibility with the black correction officers.

53. On or about **May 15, 2012**, in an email sent to numerous PBA members, the County Executive, the Freeholders and the Plaintiffs from a subject identifying themselves as "Agnes Moore." "Agnes Moore" states that she overheard Eady making threats towards the Plaintiffs and detailing how he was going to "expose" them and "get" them. The email also referenced that Eady made the same threats on his Facebook page in a conversation between himself and a HCDOC disciplinary hearing officer.

54. This email contained a link to the EdPDLaw web page and a copy of Eady's Facebook postings made between Eady and the above referenced hearing officer.

55. In the Facebook posts, Eady admits that he is just waiting for the right time to make his move and reveals that he is going to use protected health information that he is privy to in his position as an Administrator about one of the Plaintiffs, SOA President Ortiz.

56. At a Hudson County Freeholder meeting held in and around this time, this "threat" was brought to the attention of the Freeholders during the public portion of the Freeholder's Meeting by a former corrections officer. The Freeholders directed that the incident was to be investigated by the Prosecutor's Office and further instructed Director Aviles to handle the matter internally if the Prosecutor's Office did not take any action.

57. Upon information and belief, nothing was done as it relates to that directive.

58. In and around this time, Eady was also denying release time for Union members to attend meetings, which is a violation of Federal and State Union Law, as well as a breach of the CBA.

59. In and around **May 25, 2012**, Eady requested a third party investigation by an outside law firm to get to the bottom of the Facebook issue and "clear his name".

60. On **June 1, 2012**, the PBA objected to the hiring of a 3rd party law firm to conduct an investigation into something that had clearly been proven with Eady's Facebook Posts and demanded that disciplinary action be taken against Eady and he be made to submit to a Fitness for Duty Exam.

61. On **June 6, 2012**, Plaintiff Ocasio learned from CI#1 that the person who was making the harassing, intimidating, and threatening phone calls to the Plaintiffs referenced above was Eady.

62. On **June 07, 2012**, Ocasio was advised and warned by CI#1, that Eady was recording the conversations of PBA President Ocasio, Lt. Omar Ortiz, Officer Daniel Murray, and Mrs. Aiken of EdPDLaw.

63. To Ocasio's shock and amazement, CI#1 also advised Ocasio that Eady had, for an unknown amount of time, been recording the Plaintiffs' telephone conversations, and CI#1 was also able to repeat almost verbatim the conversations Ocasio had with the other plaintiffs from a recording Eady played for CI#1 to listen to.

64. CI#1 also advised Ocasio that Eady admitted that he recorded numerous conversations amongst the plaintiffs, and that Eady was able to do so by using a program that allows him to change both the phone numbers that show up on the caller ID and change his voice to sound like a woman.

65. CI#1 also warns Ocasio that he and the other plaintiffs need to be very careful and that Eady has a "Master Plan" for them.

66. Upon being advised of this shocking revelation, the Plaintiffs were fearful for their and their families' safety; were emotionally distraught over the thought their privacy was violated, not knowing what conversations were being tapped and/or taped, what personal and private information was or could have been disclosed, and not knowing how long persons were listening to their and their families' conversations.

67. On **June 8, 2012** the Plaintiffs notified the FBI.

68. In or around **June 2012**, CI#1 advised Plaintiff Aiken that Eady advised CI#1 that Eady had threatened to send a white powdery substance through the mail to Plaintiff Aiken, and that he planned to wear gloves and type the letter in the HCDOC Library using a typewriter to avoid detection.

69. Although the threat never came to fruition, Plaintiff Aiken, as well as all of the Plaintiffs,

were placed in fear for themselves and their families and suffered through severe emotional distress and anxiety.

70. CI#1 also indicated that Eady instructed officers to “shadow” Ocasio’s activities and to report that information to Eady, upon being advised of this, Ocasio was placed in fear for himself and his family and suffered through severe emotional distress and anxiety because of not knowing if people were following him and his family and monitoring his movements.

71. CI#1 also advised that Eady admitted that he had contacts within the HCDOC Personnel Department where he obtains the “emergency contact” and personal information on officers that he is targeting.

72. CI#1 also indicated that Eady admitted that he planned to contact Plaintiff Murray’s wife to start “trouble.”

73. CI#1 also indicated that Eady admitted that he had past PBA President James in his “pocket”, and his plan was to get everyone to vote for James, so he could control the Union. Eady was then going to orchestrate the termination EdPDLaw’s contract with the union.

74. CI#1 also relayed that Eady stated that he had a group of officers that were ready to physically assault Murray, Ocasio and Ortiz in the jail.

75. Although the threat never came to fruition, Plaintiffs were placed in fear for themselves and their families and suffered through severe emotional distress and anxiety.

76. On or about **June 21, 2012**, a second witness, who will be identified as CI#2, came forward and reported to Ocasio that he had listened to recordings of Plaintiffs’ conversations that Eady had recorded and played for him.

77. In **July 2012**, Ocasio was elected to a second term as President and EdPDLaw won a second two year term.

78. On **July 5, 2012**, Ocasio received an anonymous email containing allegations of sexual harassment by a HCDOC Supervisor and close friend of Eady’s towards a female civilian employee.

79. In **July 6, 2012**, in accordance with Hudson County Policy, Chapter 12, Unlawful Harassment/Sexual Harassment Policy, the PBA President reported the incident to Internal Affairs who instructed him to write an Incident Report and turn in both emails.

80. On **July 16, 2012**, Ocasio was ordered to report to the County Administrative Building in reference to the incident, and was advised he was to be interviewed by independent investigators on **July 18, 2012** as it pertains to the above complaint, which he did.

81. On **July 19, 2012**, Eady personally handed a Memorandum to Ocasio revoking the 25 year old past practice of allowing the PBA President full release time to conduct PBA business,

and also assigning him to a uniformed post in receiving, which Ocasio reasonably interpreted as being retaliation for reporting the alleged activity of Eady's friend, the accused supervisor.

82. Then, on **July 26, 2012**, to further retaliate against Ocasio, he was ordered to write a report for arriving to work early, something he had frequently done during his 15 years employed at HCDOC, and not in violation of any rule or regulation, was never done before.

83. Also on **July 26, 2012**, Ocasio had to meet with an attorney after work on PBA Business, something Eady and the Administration were aware of, but he was held over for mandatory overtime. He was advised by a HCDOC sergeant that he was to be held for mandatory overtime per Eady's directive.

84. The "overtime list" is used to assign officers to mandatory overtime, and it was later learned from the Operations Officer, that Ocasio was not, in fact, on the overtime list and this was done by Eady to create a reason to fabricate discipline against Ocasio.

85. On **August 24, 2013**, Ocasio was relieved from intake control duty to attend a Union meeting. Eady advised Ocasio that he was not going to be paid because Eady did not approve the release time, even though all other officers similarly relieved to attend were paid.

86. In and about this same time the PBA Executive Members, which included Ocasio, put in for leave time to attend the PBA Convention being held in Las Vegas from September 14 – 21, 2012. Eady only approved 2 of the members' requests to attend, and denied the rest, even though it is law, specifically, N.J.A.C. 40A:14-177 that the entire Executive Board is to be permitted to attend.

87. When asked by the State Delegate why he did not approve everyone, Eady responded: "Get rid of EdPDLaw!"

88. In and about **September 2012**, PBA President Ocasio was supplied with a taped conversation of Eady, wherein Eady was trying to convince a civilian to go to the Freeholder's Meeting and tell the Freeholders that Ocasio was trying to set Eady up, knowing that it was not true.

89. On **October 19, 2012**, as a result of the stress and anxiety caused by the conduct of Defendants alleged herein, PBA President Ocasio was taken from the facility via ambulance to the Jersey City Medical Center where he was diagnosed as having an anxiety attack. He was then put out on medical leave.

90. With PBA President Ocasio out on medical leave, the Vice President, became the acting president, and upon information and belief, was a close friend and confidant of Eady.

91. On **November 28, 2012**, the Vice President took it upon himself to end the Contract with EdPDLaw, and warned Murray not to contact her again, contrary to the vote and without another vote or approval of the Executive Board. This was contrary to the Bylaws of the Union and in Breach of EdPDLaw's contract.

92. PBA President Ocasio returned to work on **February 28, 2013** after being out on medical leave.
93. On **March 20, 2013** the F.B.I. raided Eady's office at the correctional facility and his home.
94. On **March 21, 2013**, articles of the raids appeared in the media and on the front cover of the Jersey Journal.
95. Also on **March 21, 2013**, the same PBA member that called Plaintiff Aiken and demanded the Nalls article be removed from the web site, and who waged an active campaign to have EdPDLaw fired from the Union, approached PBA President Ocasio and told him he was going straight to hell and would pay for this. She also admitted that Eady had also made "calls" to her, but that she "got over it."
96. On **January 14, 2014**, Eady was arrested on one count of illegal wiretapping. Defendant Eady has been charged under criminal complaint Mag.No. 14-6502 in the United States District Court-District of New Jersey for violating 18 U.S.C.A. §2511(1)(a).
97. Plaintiffs, upon obtaining the Criminal Complaint on **January 14, 2014**, learned for the first time that Eady had also been using a web site, "Evil Operator" to record them, from **July 26, 2010 through August 2011**, but believe that it could have been longer.
98. Coincidentally, **July 2010** was the time period that PBA President Ocasio won the election for President, that Murray was appointed Grievance Committee Chairman, and EdPDLaw was awarded a contract.
99. One of the first undertakings of Ocasio, Murray, and Aiken, was to gather outdated charges from 2006 wherein 10 union members were charged administratively for being present at a shooting incident where 2 correction officers were shot, one fatally at the Blue Ribbon Bar.
100. Upon information and belief, Eady was the highest ranking officer present at the bar at the time of the shooting.
101. Grievance Committee Chairman Murray was tasked with gathering the charge sheets from the officers to prepare the Grievance and subsequent Civil Service appeal which was filed on **September 10, 2010**.
102. Plaintiffs were also attempting to determine if Eady was also administratively charged.
103. Through all relevant time periods, (as uncovered by the FBI investigation) Defendant Eady utilized a public accessible website known as "Evil Operator", which permitted paying customers to have the ability to place phone calls to individuals while hiding or altering their caller identification ("Caller ID") number.

104. The "Evil Operator" feature of the web site also permitted its customers to call and record 2 other people simultaneously, and make it seem as though one of the 2 parties to phone call originated the call, and not the "Evil Operator" user.

105. Upon information and belief throughout dates between 2010 through August 2012, Defendant Eady used the "Evil Operator" feature of the website to initiate, listen to, and record phone calls between the Plaintiffs herein, as well as yet to be identified individuals.

106. Upon information and belief, Defendant Eady used the "Evil Operator" website feature between the dates of 2010 through September 2012 utilizing phone numbers belonging to all four Plaintiffs herein.

107. Coincidentally, within 48 hours of Eady's arrest for illegal wiretapping, the "Evil Operator" website feature was taken off the internet.

108. Upon information and belief, Defendant Eady used his power and authority as Deputy Director to gain access to and utilize HCDOC equipment to further his objectives in overseeing correction officer discipline, negotiating contracts, implementing/enforcing Policy & Procedure and to hinder detection of his own unethical and illegal activities by intercepting communications as referenced above.

109. Throughout the dates referenced above, Defendant Eady recorded conversations involving the Plaintiffs, to which Defendant Eady was not a party to, and conversations which the Plaintiffs did not have knowledge of Eady's interception and did not authorize the interception, recording, or dissemination thereof.

110. Defendant Eady disclosed the contents of the telephone conversations to other persons who were not privy to the phone calls, in an attempt to obtain an unfair advantage, obtain privileged, sensitive, and confidential information as it relates to correction officer discipline, Union contract negotiations, and to poison the Union against Plaintiff EdPDLaw with hopes of gaining control of the Union.

111. Defendant intercepted the telephone conversations described herein, without Plaintiffs' knowledge or consent and without the knowledge or consent of any of the third parties to whom the Plaintiffs spoke to by telephone.

112. Upon information and belief, the EdPDLaw Contract with the Union was terminated because of Aiken's disclosure of negative information about Defendant Eady and others on the EdPDLaw website.

113. At all relevant times to this Complaint, Defendants, Hudson County and HCDOC employed authorized agents, servants and employees, real and/or ostensible agents including Defendants Eady, Aviles, and DeGise, and Defendants John Doe and Jane Doe 1- 63, such that any negligent act and/or omission committed by any such person imposes liability on Defendants, Hudson County and HCDOC, under the doctrines of vicarious liability and/or respondeat superior and/or ostensible agency and/or actual agency and/or the laws of agency of

the State of New Jersey.

114. Throughout all times relevant to this complaint, Defendants Eady, Aviles, and DeGlis were all employees of Defendants HCDOC and/or Hudson County.

115. The conduct of the Defendants Eady, Aviles, an DeGlis as alleged within this complaint were within the scope of their employment with Defendants HCDOC and/or Hudson County

116. Upon information and belief, at all times relevant to this complaint, Eady served as the Deputy Director at HCDOC, even though he was not permitted to do so since he did not pass the Civil Service examination for that title, which would have made him unqualified to hold that title as a matter of law.

COUNT ONE
UNLAWFUL INTERCEPTION OF PLAINTIFF'S WIRE COMMUNICATION

117. Plaintiffs hereby incorporate by reference all of the allegations above as though fully set forth herein.

118. Defendant Eady intercepted Plaintiff's telephone communication in violation of 18 U.S.C.A. § 2511(1)(a).

119. As a result of this conduct, the Plaintiffs had their privacy violated, have suffered emotional distress, have been humiliated, some have suffered financially, and were otherwise damaged.

WHEREFORE, Plaintiffs are entitled to relief for Defendants violation of 18 U.S.C.A. § 2511(1)(a) under 18 U.S.C.A. § 2520, including, jointly and severally, but not limited to, statutory damages, compensatory damages, punitive damages, attorneys fees and costs, and any other remedy they are legally or equitably may be entitled.

COUNT TWO.
UNLAWFUL DISCLOSURE AND USE OF PLAINTIFFS' WIRE COMMUNICATION

120. Plaintiffs hereby incorporate by reference all of the allegations above as though fully set forth herein.

121. Defendant disclosed and used the contents of the intercepted conversations in violation of 18 U.S.C.A. § 2511(1)(c) and 18 U.S.C.A. § 2511(1)(d).

122. As a result of this conduct, the Plaintiffs had their privacy violated, have suffered emotional distress, have been humiliated, some have suffered financially, and were otherwise damaged.

WHEREFORE, Plaintiffs are entitled to relief for Defendant's violation of 18 U.S.C.A.

§ 2511(1)(c) and (d), and under 18 U.S.C.A. § 2520, jointly and severally, including, but not limited to, statutory, compensatory damages, punitive damages, attorneys fees and costs, and any other remedy they are legally or equitably may be entitled.

COUNT THREE
VIOLATION OF STATE WIRETAPPING ACT

123. Plaintiffs hereby incorporate by reference all of the allegations above as though fully set forth herein.

124. Defendant Eady's conduct was in violation of New Jersey's Wiretapping statute, N.J.S.A. 2A:156-1 et seq.

125. As a result of this conduct, the Plaintiffs had their privacy violated, have suffered emotional distress, have been humiliated, some have suffered financially, and were otherwise damaged.

WHEREFORE, Plaintiff is entitled to relief for Defendant's violations of N.J.S.A. 2A:156-1 et seq. under N.J.S.A. 2A:156-24, jointly and severally, including, but not limited to, statutory damages, compensatory damages, punitive damages, attorneys fees and costs, and any other remedy they are legally or equitably may be entitled.

COUNT FOUR
INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

126. Plaintiffs hereby incorporate by reference all of the allegations above as though fully set forth herein.

127. Defendant intentionally intruded on Plaintiffs' seclusion by his conduct.

128. Defendants intentional intrusion on Plaintiffs' seclusion was offensive and objectionable to Plaintiffs and would be offensive or objectionable to a reasonable person.

129. Plaintiff is entitled to relief for Defendant's tortious intrusion on Plaintiff's seclusion under the common law of the State of New Jersey.

WHEREFORE, Plaintiff requests judgment, jointly and severally, against Defendant for damages as allowed under 18 U.S.C.A. § 2520, including reasonable attorney's fees and other litigation costs, or as may be proper under any other statute or rule of law.

COUNT FIVE
42 U.S.C.A. § 1983 CLAIM FOR VIOLATING PLAINTIFFS' 4TH AMENDMENT
RIGHTS TO PRIVACY

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

130. The Fourth Amendment to the U.S. Constitution protects its citizens from unreasonable searches and seizures, as well as privacy.

131. The Plaintiffs had a reasonable expectation of privacy as it pertains to their telephonic communications.

132. The Plaintiffs reasonable expectation of privacy was one which would be objectively reasonable by society as a whole.

133. The Defendants conduct, acting under color of state law, violated that expectation of privacy, in violation of the Fourth and Fourteenth Amendments to the U.S. Constitution, which damaged the plaintiffs.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

COUNT SIX
42 U.S.C.A. § 1983 CLAIM FOR VIOLATING PLAINTIFFS' FIRST
AMENDMENT RIGHTS TO SPEECH AND ASSOCIATION

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

134. The First Amendment to the U.S. Constitution protects and preserves citizens' rights to free speech and association.

135. The Defendants conduct, acting under color of state law, violated those rights, in violation of the First and Fourteenth Amendments to the U.S. Constitution, which damaged the plaintiffs.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

COUNT SEVEN
42 U.S.C.A. § 1983 CLAIM FOR VIOLATING FEDERAL AND STATE
WIRETAP LAWS

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

136. Defendant Eady intercepted Plaintiffs' telephone communications in violation of 18 U.S.C.A. § 2511(1)(a) and N.J.S.A. 2A:156-1 et seq.

137. Defendant was acting under the color of state law when he committed these acts.

138. As a result, the Plaintiffs were damaged.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

COUNT EIGHT
INTERFERENCE WITH CONTRACT

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

139. Plaintiffs hereby incorporate by reference all of the allegations above as though fully set forth herein.

140. Plaintiff, EdPDLaw, LTD, had an existing contractual relationship or reasonable expectation of economic advantage, with PBA Local 109A.

141. Defendant Eady interfered in that contract by intentionally taking actions against the union to place pressure on the Union to terminate the contract with EdPDLaw, LTD.

142. The interference was without justification or excuse, done in retaliation, and was done with "malice."

143. The interference caused the loss of the prospective gain or of the contract, or at least that there is a reasonable probability that if the wrongful acts had not occurred, the agreement would have been performed, to the Plaintiff's benefit, or, in situations without a contract, that there was a reasonable probability that the Plaintiff would have obtained the anticipated economic benefit with which Defendant is alleged to have interfered

144. The interference damaged the Plaintiff.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy

due them under the Law.

**COUNT NINE
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

- 145. The negligent acts of defendants have caused the Plaintiffs emotional distress.
- 146. As a direct and proximate result of those acts, the Plaintiffs have been damaged.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

**COUNT TEN
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGE**

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

- 147. The intentional acts of Defendants have caused the Plaintiffs emotional distress.
- 148. The conduct of the Defendants was intentionally intended to produce emotional distress or recklessly done in deliberate disregard of a high degree of probability that their conduct would result in emotional distress.
- 149. The conduct of the Defendants was extreme and outrageous.
- 150. The emotional distress caused was severe.
- 151. As a direct and proximate result of those acts, the Plaintiffs have been damaged.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

**COUNT ELEVEN
NEGLIGENCE: PROMOTING AND IN FAILURE PROPERLY TRAIN AND/OR
SUPERVISE**

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

152. At all times mentioned in this Complaint, Defendants Hudson County, HCDOC, DeGise and Aviles were the employers and/or persons who implemented and oversaw the policies and procedures, as well as the day-to-day administrative duties, at HCDOC.

153. Contrary to New Jersey Civil Service Laws and Regulations, Eady should never have been serving or performing the duties of Deputy Director at HCDOC as a matter of law; the intentional, negligent, or reckless conduct of the Defendants placing Eady in that position damaged the Plaintiffs.

154. Defendants Hudson County, HCDOC, DeGise, and Aviles also failed to use reasonable care in the selection of its employees, agents and servants, failed to properly train and supervise the individual Defendant Eady and failed to provide appropriate safeguards to prevent Eady's conduct.

155. Defendants Hudson County, HCDOC, DeGlis, and Aviles acted under color of law pursuant to the official policy or custom and practice of the HCDOC and negligently, intentionally, knowingly, recklessly or with deliberate indifference failed to properly and adequately control and discipline on a continuing basis Defendant Eady in the performance of his duties and otherwise failed to refrain Defendant Eady from unlawfully and maliciously acting and/or conspiring to violate the Plaintiffs rights, in violation of the rights, privileges and immunities guaranteed to Plaintiffs by the Constitution and laws of the United States and the State of New Jersey.

156. The Defendants Hudson County, HCDOC, DeGise, and Aviles had knowledge of, or had it diligently exercised its duties to instruct, supervise, control and discipline the individual Defendant Eady on a continuing basis should have had knowledge of, the wrongs that were done as alleged in this Complaint and negligently, intentionally, knowingly, or with deliberate indifference to the rights of Plaintiffs failed or refused to prevent their commission.

157. As a direct and proximate result of those acts, the Plaintiffs have been damaged.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

**COUNT TWELVE
RETALIATION IN VIOLATION OF TITLE VII AND THE N.J.L.A.D.**

Plaintiffs hereby incorporate by reference all of the allegations set forth above as though fully set forth below and plead in addition to or in the alternative:

158. Plaintiff Ocasio, in following department policy, reported up through the chain of command allegations of sexual harassment involving a Hudson County Employee.

159. As a result of cooperating with the departmental investigation, Plaintiff Ocasio was

retaliated against.

160. It is an unlawful employment practice under Title VII of the Civil Rights Act of 1964 and New Jersey's Law Against Discrimination (N.J.S.A. 5:10-1 et seq.) for any person to take reprisals against any other person because that person: (1) has opposed any practices or acts forbidden by Title VII and N.J.L.A.D.; or (2) has filed a charge, assisted, testified, or participated in any investigation into allegations of violations of the acts.

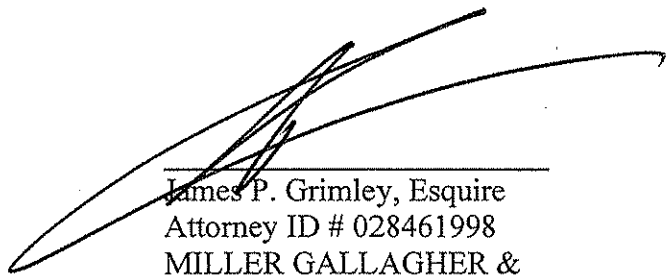
161. As direct result of his charging, assisting, testifying, or participating in the investigation into allegations of violations of the acts, Ocasio was subject to retaliation.

162. Because of that retaliation, Plaintiff was damaged.

WHEREFORE, Plaintiffs seek a Judgment against Defendants, jointly and severally, for compensatory and punitive damages, attorneys fees and costs of suit, as well as any other remedy due them under the Law.

Dated: _____

2/7/14



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