

Joseph C. Grassi, Esquire
BARRY, CORRADO, GRASSI & GIBSON, P.C.
2700 PACIFIC AVENUE
WILDWOOD, NEW JERSEY 08260
(609) 729-1333 (phone) (609) 522-4927(fax)
JGrassi@Capelegal.com
JCG 7213
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CURTIS A. RICCIARDI AND DOMINIC
J. RICCIARDI,

Plaintiffs,

vs.

ATLANTIC CITY POLICE OFFICER
JAMES KNIGHTS, JR. (A.K.A.
ATLANTIC CITY POLICE OFFICER
MICHAEL KNIGHTS); ATLANTIC CITY;
ATLANTIC CITY POLICE DEPARTMENT;
TRUMP TAJ MAHAL ASSOCIATES
(D/B/A TRUMP TAJ MAHAL CASINO
RESORT); JOHN DOE TRUMP TAJ
MAHAL CASINO SECURITY GUARDS 1-
5; JOHN DOE ATLANTIC CITY POLICE
OFFICERS 2-5,

Defendants.

CASE NO: 07-CV 158 (RBK)

CIVIL ACTION

**PLAINTIFFS' FIRST AMENDED
COMPLAINT AND JURY DEMAND**

Plaintiffs Curt and Dominic Ricciardi, by way of complaint
against defendants in this matter, hereby aver:

THE PARTIES

1. Plaintiff Curt Ricciardi is an adult individual whose
permanent residence is 306 Beach Avenue, City of Atlantic
City, State of New Jersey.

2. Plaintiff Dominic Ricciardi is an adult individual whose permanent residence is 203 Blue Spruce Avenue, Egg Harbor Township, New Jersey.

3. Defendant Atlantic City police officer James Knights, Jr., who is also known as officer Michael Knights, is an adult individual who is employed as a police officer with the City of Atlantic City, a municipal corporation organized under the laws of the State of New Jersey, with offices at the Atlantic City Municipal complex in Atlantic City, New Jersey. At the time of the incident recounted in this complaint, defendant Atlantic City Police Officer James Knights, Jr., was employed and acting as an Atlantic City police officer.

4. Defendants John Doe Atlantic City police officers 2-5, are adult individuals and police officers with the City of Atlantic City, a municipal corporation organized under the laws of the State of New Jersey, with offices at the Atlantic City Municipal complex in Atlantic City, New Jersey. At the time of the incident recounted in this complaint, defendant John Doe Atlantic City police officers 2-5 were employed and acting as Atlantic City police officers.

5. Defendant Trump Taj Mahal Associates, d/b/a Trump Taj Mahal Casino Resort, is the owner and operator of defendant Trump Taj Mahal Casino Resort and the Casbah Nightclub.

The plaintiffs were injured while guests of the Trump Taj Mahal Casino Resort and the Casbah Nightclub.

6. Defendants John Doe Taj Mahal Security Guards 1-5 are adult individuals and were employees of defendant Trump Taj Mahal Associates at all relevant times hereto.

JURISDICTION & TORT CLAIM REQUIREMENTS

7. This is a suit for, inter-alia, federal civil rights violation brought pursuant to 42 U.S.C. §1983. This court has jurisdiction over Plaintiffs' federal law claims pursuant to 28 U.S.C. §1331 and §1343 (a) (3), and jurisdiction over Plaintiffs' state law claims pursuant to the principles of pendant and ancillary jurisdiction.

8. Venue is proper in this district pursuant to 28 U.S.C. §1343 because events giving rise to this claim occurred therein.

9. Plaintiffs have complied with the notice requirements of N.J.S.A. 59:1-1 et. seq., by forwarding a Notice of Tort Claim on behalf of plaintiff Curt Ricciardi on March 10, 2005, and on behalf of plaintiff Dominic Ricciardi on March 29, 2005. Completed Tort Claim Questionnaires were sent on July 12, 2005. More than six months has elapsed since the Tort Claim notice was perfected, and the claim has not been resolved.

SUBSTANTIVE ALLEGATIONS

COUNT I

10. In the early morning hours of January 16, 2005, plaintiffs were patrons of the Casbah Night Club at the Trump Taj Mahal Casino Resort in Atlantic City, New Jersey.

11. Two intoxicated male patrons approached both Dominic and Curt Ricciardi, who were seated near the dance floor, and initiated an altercation with the brothers.

12. After the fight began, Atlantic City Police Officers and Trump Taj Mahal Security Personnel became involved.

13. Dominic was grabbed and thrown into a wall and punched in the mouth while he was falling backwards as a result of being thrown in that direction by defendant Atlantic City police officer James Knights, Jr.

14. Dominic Ricciardi was thrown outside of the Casbah Night Club by Atlantic City Police, Trump Taj Mahal Security, or Casbah security.

15. When Curt followed his brother outside, he was punched by an unknown Atlantic City Police Officer.

16. At such time that all members of plaintiffs' party were outside with several unknown Atlantic City police officers and several unknown Casbah management personnel and security officials, members of plaintiffs' group were choked, restrained, and/or handcuffed by both Atlantic City police officers and casino security personnel.

17. When he tried to intervene, Curt was thrown head first into a concrete wall.

18. In the course of the assault, defendant Atlantic City police officer James Knights, Jr. and defendants, John Doe Atlantic City Police Officers 2-5 used improper, excessive, and illegal force against plaintiffs, including punching and throwing plaintiffs, causing plaintiffs to suffer serious physical injuries.

19. Plaintiff Curt Ricciardi has required and will require medical treatment for the neck, back, and knee injuries he sustained in this altercation.

20. Plaintiff Dominic Ricciardi has required and will require medical treatment for the dental injuries he sustained in this altercation.

21. The actions of Defendant Atlantic City Police Officer James Knights, Jr. and defendants John Doe Atlantic City Police Officers 2-5 as described above were undertaken under color of state law.

22. Defendant Atlantic City Police Officer James Knights, Jr. and defendants John Doe Atlantic City Police Officers 2-5 actions were willful, wanton, malicious, and intentional, and were undertaken without any cause whatsoever.

23. As a proximate result of the actions of defendant Atlantic City police officer James Knights, Jr. and defendants John Doe Atlantic City Police Officers 2-5

conduct, plaintiffs were deprived of their constitutional rights, and in particular their right under the Fourth Amendment to freedom from unlawful and unreasonable seizure, and its concomitant right to freedom from seizure with undue, unnecessary, or excessive force.

24. The Atlantic City Police Department has policies and procedures in place which detail officers to private businesses and which foster and permit attacks such as these perpetuated on plaintiffs.

25. As a further proximate result of defendants' actions and the deprivation of their rights, plaintiffs have been injured in that they were deprived of their liberties, assaulted and physically injured and subject to emotional distress and reputational injury.

WHEREFORE, plaintiffs seek judgment in their favor and against defendants The City of Atlantic City, Atlantic City police officer James Knights, Jr., and defendants John Doe Atlantic City Police Officers 2-5 as follows:

- a. compensatory damages.
- b. attorney's fees pursuant to 42 U.S.C. §1988.
- c. all other appropriate relief.

COUNT II

26. Plaintiffs incorporate the averments of Paragraphs 1 through 25 as if fully set forth.

27. Defendant Atlantic City police officer James Knights, Jr. and defendants John Doe Atlantic City Police Officers

2-5 acts of engaging in conduct as described above constitutes intentionally tortuous conduct in the form of a willful, wanton, and deliberate physical assault upon plaintiffs.

28. As a proximate result of that conduct, plaintiffs were injured as set forth above.

WHEREFORE, plaintiffs seek judgment in their favor and against Defendants as follows:

- a. Compensatory damages.
- b. Punitive damages.
- c. Costs, fees, and other appropriate relief.

COUNT III

29. Plaintiffs repeat the allegations of all prior counts make them a part hereof.

30. On January 16, 2005, the defendant, Trump Taj Mahal Associates, was engaged in the operation of Trump Taj Mahal Casino Resort. The Casbah Night Club is located on the Trump Taj Mahal Casino Resort premises in Atlantic City, New Jersey.

31. At that time and place, plaintiffs were customers at the Casbah Night Club.

32. While plaintiffs were patrons at the Casbah Nightclub, they were assaulted by: a) other night club patrons; b) defendant James Knights, Jr.; c) defendants John Doe Atlantic City police officers 2-5; and d) Trump Taj Mahal security personnel.

33. Defendant Trump Taj Mahal Associates were negligent at said time and place by failing to adequately protect the safety of its patrons; by failing to aid or attempt to aid plaintiffs, while plaintiffs were being assaulted, beaten, and violently attacked; and by failing to exercise reasonable care and caution in protecting plaintiffs from the assault, beating, and violent action of the unknown patrons.

34. As a result of said negligence, plaintiffs were caused to suffer serious bodily injury of a permanent nature, and have been compelled to expend large sums of money for medical expenses.

WHEREFORE, the plaintiffs demand judgment against the defendants for damages, together with interest and costs of suit.

COUNT IV

35. Plaintiffs repeat the allegations of all prior counts and make them a part hereof.

36. Defendant Atlantic City neglected to adequately train defendant Atlantic City police officer James Knights, Jr. and defendants John Doe Atlantic City police officers 2-5.

37. Defendant Trump Taj Mahal Casino neglected to adequately train defendants John Doe Trump Taj Mahal Casino security guards 1-5.

38. Defendant Atlantic City neglected to adequately screen defendant Atlantic City police officer James Knights, Jr.

and defendants John Doe Atlantic City police officers 2-5 prior to hiring them.

39. Defendant Trump Taj Mahal Casino neglected to adequately screen defendants John Doe Trump Taj Mahal Casino security guards 1-5 prior to hiring them.

40. Defendant Atlantic City neglected to adequately supervise defendant Atlantic City police officer James Knights, Jr. and defendants John Doe Atlantic City police officers 2-5.

41. Defendant Trump Taj Mahal Casino neglected to adequately supervise defendants John Doe Trump Taj Mahal Casino security guards 1-5.

42. Defendants Atlantic City and Trump Taj Mahal Associates failed to implement and maintain adequate policies regarding how to break up fights.

43. Defendants were deliberately indifferent to the rights of plaintiffs and those similarly situated.

44. The acts committed and omitted by defendant Atlantic City and defendant Trump Taj Mahal Associates make them liable for the injuries to plaintiffs under any of the actions in the other counts of this complaint where such liability is permitted by law and directly liable as well.

WHEREFORE, the plaintiffs demand judgment against the defendants for damages, together with interest and costs of suit.

COUNT V

45. Plaintiffs repeat the allegations of all prior counts and make them a part hereof.

46. The actions, inactions, failure to act, and callous disregard of the defendants with respect to the danger created, and which caused the suffering of plaintiffs Dominic Ricciardi and Curt Ricciardi were such that the defendants are liable for punitive damages.

BARRY, CORRADO, GRASSI & GIBSON, P.C.

/s/ Joseph C. Grassi_____

JOSEPH C. GRASSI, ESQUIRE
Attorney for plaintiffs

Dated: January 10, 2008