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<p>JAJUAN R. HENDERSON,  <i>Plaintiff,</i></p> <p>v.</p> <p>CITY OF TRENTON, NEW JERSEY,              319 East State Street              Trenton, NJ 08608</p> <p>and,</p> <p>STEVE E. WILSON, DIRECTOR,              TRENTON POLICE DEPARTMENT,              319 East State Street              Trenton, NJ 08608</p> <p>and,</p> <p>M.G., C.H., J.C., J.L., AND JOHN DOES 1-              10, OFFICERS, TRENTON POLICE              DEPARTMENT,              319 East State Street              Trenton, NJ 08608</p> <p><i>Defendants.</i></p>	<p>SUPERIOR COURT OF NEW JERSEY              LAW DIVISION: MERCER COUNTY</p>    <p>CIVIL ACTION NO.</p>    <p>JURY TRIAL DEMANDED</p>
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**CIVIL COMPLAINT**

**INTRODUCTION**

This case involves yet another needless police shooting that has left a twenty-nine-year-old Black man paralyzed from the chest down after a far from routine “traffic stop.” Just after

midnight on February 12, 2022 in Trenton, New Jersey, Jajuan R. Henderson went to retrieve some iced tea from a car parallel parked outside of his home. In the middle of the night, Jajuan sat lawfully parked in a car with the engine turned off when an unidentified dark car approached and parked next to him, boxing him in. A group of men, fully masked and in dark plain clothes, then jumped out of this mysterious vehicle and began yelling at Jajuan. As many others would do in this escalating situation, Jajuan used his cell phone to call for support.

This group of men, appearing as any other group of dangerous criminals from a horror movie, turned out to be from the Trenton Police Department. A Black man sitting in a car at midnight while on a cell phone was all the unidentified police needed to smash the driver's side window. Despite being unarmed, nonthreatening, and minding his own business, the police proceeded to use lethal force and shoot Jajuan in the neck. It is a miracle Jajuan survived, and he will have a long road to recovery, if at all, from the actions of the Trenton Police Department.

This incident and incidents like it are all too familiar. These officers—sworn to protect and serve all—rushed to execution. These officers devalued the life of another Black man. These officers pulled the trigger that nearly ended another Black man's life. When Black parents give their children “the talk,” they must now add sitting in the car after midnight to the list of things Black men must avoid so they do not appear suspicious.

In a legal system that prioritizes maintaining the anonymity of the officers who attempted to kill him, Jajuan and his family bring this lawsuit demanding justice, change, and transparency. They hold their heads high, despite the Trenton Police Department's best efforts, and they will not be swayed. Too many lives have been shattered; too many families destroyed. The time for waiting is over.

### **PARTIES**

1. Plaintiff Jajuan R. Henderson (“Plaintiff”) is a citizen of the State of New Jersey.
2. Defendant City of Trenton (“Defendant Trenton”) is a municipality existing pursuant to the laws of New Jersey. At all times relevant hereto, Defendant Trenton operates, pursuant to State and local law, a police department known as the Trenton Police Department (the “Department”).
3. Defendant Director of the Department, Steve E. Wilson, (“Defendant Director”) is at all times relevant hereto employed by Defendant Trenton as the Director of the Department, responsible for creating, promulgating, and enforcing the rules, procedures, customs, practices, and training of the Department.
4. Department Police Officers M.G., C.H., J.C., and J.L. are police officers, employed by Defendant Trenton who were involved in the shooting of Plaintiff but have not been identified by Defendants, other than through initials.
5. Police Officers John Does 1-10 are individual police officers not identified at this time. Collectively, these unidentified police officers, including M.G., C.H., J.C., and J.L., are referred to as “Defendant Police Officers.”

### **JURISDICTION AND VENUE**

6. Jurisdiction is properly laid in this Court as Defendants are subject to personal jurisdiction in the State of New Jersey.
7. Moreover, Plaintiff’s cause of action arises out of Defendants’ acts and/or omissions, which occurred in Mercer County, New Jersey.

**STATEMENT OF FACTS**

8. On or about February 12, 2022 sometime after but around midnight, Plaintiff Jajuan R. Henderson left the home of his child in Trenton, New Jersey and lawfully entered an automobile in the possession of his child's mother in order to retrieve a bottle of iced tea inadvertently left in the vehicle.
9. The automobile Plaintiff entered was lawfully parallel parked on Centre Street between two other vehicles.
10. When Plaintiff entered the automobile and closed the driver door, a dark, unmarked sedan pulled up next to the automobile.
11. The dark, unmarked sedan blocked in the automobile occupied by Plaintiff, making it impossible for Plaintiff to drive into the street.
12. Two males, dressed in black wearing masks and no identification jumped out of the dark sedan and moved toward Plaintiff.
13. As this was happening, Plaintiff called the mother of his child, who was in the house. He told her that unidentified men were banging on the vehicle's window.
14. The men in black, wearing masks were later identified as police officers employed by Defendant Trenton.
15. According to subsequently produced reports by Defendants, Plaintiff was stopped as part of a motor vehicle stop.
16. In these documents, Defendants admit that Plaintiff was shot four times by police during the vehicle stop.
17. Defendants have admitted that Plaintiff appeared to be communicating on a cellular phone with another individual at the time of the stop.

18. Defendants have admitted that at the time Plaintiff appeared to be communicating on a cellular phone, the engine of the car Plaintiff occupied was turned off.
19. Defendants claim they ordered Plaintiff to produce identification.
20. Defendants have admitted that one of the Defendant Police Officers broke the driver-side window of the car while Plaintiff was inside the vehicle.
21. Plaintiff did not possess a gun, knife, or other weapon inside the car.
22. Defendants claim Plaintiff turned on the engine of the car after a Defendant Police Officer broke the driver side window.
23. At the time Plaintiff allegedly turned the engine of the car on, the car was surrounded by a parked car in front of it, a parked car behind it, an unmarked police vehicle parallel to it on the driver's side, and a curb with a large utility pole on the passenger side.
24. At the time Defendant Police Officer broke the driver side window of the car, it was impossible for the car Plaintiff was occupying to flee the scene due to the position of the above described vehicles and utility pole.
25. Defendants have admitted that two police officers were at the sides of the vehicle, one on the driver and one on the passenger side, when Plaintiff was shot by at least one Defendant officer.
26. Defendants claim that after breaking the driver-side window of the car, Plaintiff started the car engine, placed the vehicle in drive, and attempted to flee the scene.
27. Even if it was true that Plaintiff did start the car and attempt to flee the scene after the window was broken, it was impossible to flee because the car was boxed in by the other cars and a utility pole.

28. Despite being unarmed and with no person or police officer in harm's way, one or more unidentified police officers without justification or legal cause opened fire upon Jajuan R. Henderson, who was unarmed and not a danger to himself or others when the shots were fired.
29. Four bullets fired by Defendant Police Officers struck Jajuan R. Henderson. At least one of the bullets struck his spinal cord rendering him paralyzed him from the chest down.
30. As of the time of this Complaint, no police officer has been identified, arrested, or charged.
31. Upon information and belief, one or more of Defendants "M.G.,C.H., J.C., and J.L." unlawfully shot Plaintiff Jajuan R. Henderson.
32. No officer present at the scene of the shooting of Jajuan R. Henderson was identified by anything other than initials in documents supplied by Defendants.
33. The body worn cameras of Defendants M.G., C.H., J.C., and J.L. have not been produced to Plaintiff, his attorney, or the public at the time this Complaint was filed.
34. The description of events as described in the documents supplied by Defendants do not include Defendants' efforts (if any) to de-escalate the situation.
35. The Defendant Police Officers failed to make every effort to preserve and protect human life and the safety of all persons.
36. Defendant Police Officers failed to use the amount of force that was objectively reasonable, necessary, and proportional to safely achieve legitimate law enforcement objectives under the circumstances.
37. Defendant Police Officers failed to follow New Jersey Attorney General Guidelines related to use of force and deadly force in this matter.
38. Plaintiff filed a notice of tort claims on all Defendants on March 9, 2022.

**COUNT ONE  
COMMON LAW TORTS  
ASSAULT & BATTERY  
(Plaintiff v. All Defendant Officers)**

39. Each and every allegation of the Complaint is incorporated herein as if fully set forth.
40. Defendant Officers committed the torts of assault and battery upon Plaintiff.
41. Defendant Officers acted within the scope of their employment and/or as agents of Defendants Trenton and Defendant Director.
42. As a direct and proximate result of Defendant Officers' actions, Plaintiff suffered bodily injuries requiring severe and invasive medical attention and resulting in pain and suffering, inconvenience, mental anguish, and the loss of capacity for the enjoyment of life.
43. Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages, attorney's fees, costs, fees, and any other appropriate relief.

**COUNT TWO  
COMMON LAW TORTS  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(Plaintiff v. All Defendant Officers)**

44. Each and every allegation of the Complaint is incorporated herein as if fully set forth.
45. Defendants engaged in outrageous conduct toward Plaintiff with the intention to cause or with reckless disregard for the probability of causing Plaintiff to suffer severe emotional distress. To the extent that this outrageous conduct was perpetrated by certain defendants, the remaining defendants adopted and ratified this conduct with a wanton and reckless disregard of the deleterious consequences to Plaintiff.
46. As a direct and/or proximate result Defendants' intentional infliction of emotional distress,

Plaintiff suffered and continues to suffer mental anguish, humiliation, extreme mental distress, loss of capacity for the enjoyment of life, and other damages.

47. Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages, attorney's fees, costs, fees, and any other appropriate relief.

**COUNT THREE**  
**NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:1-1 to 59:12-3**  
**NEGLIGENCE**  
**(Plaintiff v. All Defendants)**

48. Each of the foregoing paragraphs are incorporated as if fully set forth herein.

49. Plaintiff has complied with the notice requirements of the Tort Claims Act, N.J.S.A. 59:1-1 to 59:12-3.

50. Defendants owed numerous duties to Plaintiff, including the duty to refrain from using lethal force without adequate legal justification and to operate within the professional standards of care when interacting with Plaintiff.

51. By its acts and omissions, Defendants violated their duties of care owed to Plaintiff and acted with negligence, gross negligence, recklessly, and/or maliciously.

52. As a direct and proximate result of Defendants' negligent treatment, Plaintiff was required to obtain additional and extensive medical treatment causing Plaintiff to expend great sums of money for said treatment and causing Plaintiff great pain and suffering, permanent injury, loss of enjoyment of life, and other economic loss.

53. By its acts and omissions, Defendant proximately caused permanent injuries to Plaintiff, including substantial physical, emotional, developmental, psychological, and/or psychiatric harm.

54. Defendant's acts and omissions were a material element and/or a substantial factor in



bringing harm about to Plaintiff.

55. The harms sustained by Plaintiff were reasonably foreseeable.

56. Plaintiff demands judgment against Defendants, jointly and severally, individually and as agent, servant, and/or employee of Defendant Trenton, for compensatory and punitive damages including pain and suffering, loss of enjoyment of life, hospital bills, medical bills with interest, and costs of suit.

**COUNT FOUR**  
**NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-2**  
**NEW JERSEY CONSTITUTION DUE PROCESS**  
**(Plaintiff v. All Defendants)**

57. Each and every allegation of the Complaint is incorporated herein as if fully set forth.

58. The foregoing actions and inactions of Defendants resulted in Plaintiff being deprived of constitutionally protected interests without due process of law, such as his constitutional rights to: (1) liberty, safety, and happiness under Article 1, Paragraph 1 of the New Jersey Constitution; (2) equal protection under the law pursuant to Article 1, Paragraph 5 of the New Jersey Constitution; and (3) freedom from unreasonable searches and seizures under Article 1, Paragraph 7 of the New Jersey Constitution.

59. These constitutional rights were clearly established at all relevant time hereto, and a reasonable individual would have known that their acts and/or omissions would violate these clearly established constitutional rights.

60. Defendants arbitrarily and capriciously deprived Plaintiff of his due process rights in the absence of any countervailing state interest.

61. Defendants' actions and/or inactions were a substantial factor leading to, and the proximate cause of, the physical, emotional, developmental, psychological, and/or psychiatric harm

that Plaintiff has suffered, continues to suffer, and will suffer.

62. Defendants' actions and/or inactions were also a substantial factor leading to, and the proximate cause of, Plaintiff's deprivation of freedom and loss of capacity for the enjoyment of life.
63. Plaintiff was vested with certain state-created interests protected by the State's Due Process Clause, including the right to be free from physical, legal, or psychological abuse.
64. Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, punitive damages, injunctive relief, attorney's fees, costs, fees, and all other appropriate relief.

**COUNT FIVE**  
**NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-2**  
**FAILURE TO TRAIN**  
**(Plaintiff v. Defendant Trenton & Defendant Director)**

65. Each of the foregoing paragraphs is incorporated as if fully set forth herein.
66. Defendant Trenton and Defendant Director had a duty to maintain policies and practices related to arrests, traffic stops, use of force, tasers/electronic weapons, de-escalation, and/or use of lethal force consistent with the laws of the State of New Jersey and the United States Constitution.
67. Defendant Trenton and Defendant Director have a policy, custom, and/or practice of ignoring the appropriate standards for arrests, traffic stops, use of force, tasers/electronic weapons, de-escalation, use of lethal force, and/or has failed to train its officers appropriately.

68. Defendant Trenton and Defendant Director have a duty to properly train Defendant Police Officers to ensure that they exercise their law enforcement authority and discretion within safe, constitutional parameters.
69. Defendant Trenton and Defendant Director have created and tolerated an atmosphere of lawlessness and have developed and maintained longstanding, department-wide customs, policies, and/or practices that have caused a failure to properly train and/or supervise its officers, including Defendant Police Officers.
70. Defendant Trenton and Defendant Director specifically failed to properly train and/or supervise their officers in the proper discharge of their duties with respect to avoiding racial profiling, preventing excessive force, and executing arrests only with probable cause.
71. As such, Defendant Trenton, Defendant Director, and their agents were deliberately indifferent and reckless with respect to potential violations of constitutional rights.
72. Defendant Trenton and Defendant Director were the moving force behind the actions of Defendant Officers that led to the shooting of Plaintiff.
73. Defendant Trenton and Defendant Director's policies, practices, and/or customs as described herein led Defendant Officers and/or agents to believe that they could violate the constitutional rights of Plaintiff with impunity and with the tacit approval of Defendant Trenton and Defendant Director.
74. Defendant Trenton and Defendant Director's policies, customs, and/or practices were a direct and proximate cause of the physical, emotional, developmental, psychological, and/or psychiatric injuries suffered by Plaintiff and Plaintiff's deprivation of freedom and loss of capacity for the enjoyment of life.

75. Plaintiff demands judgment against Defendant Trenton and Defendant Director, jointly and/or severally, and appropriate declaratory relief regarding the Department's unlawful and unconstitutional policies and customs, and appropriate equitable relief, including the enjoining and permanent restraining of these violations, and direction to Defendant Trenton and Defendant Director to take affirmative steps necessary to ensure that the effects of the unlawful practices are eliminated, together with attorney's fees, costs, fees, and all other appropriate relief.

**COUNT SIX**  
**NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-12**  
**RACE & GENDER DISCRIMINATION IN PUBLIC ACCOMODATIONS**  
**(Plaintiff v. All Defendants)**

76. Each of the foregoing paragraphs are incorporated as if fully set forth herein.

77. At all times relevant hereto, Defendants were charged with policing, protecting, and serving the inhabitants of the City of Trenton.

78. At all times relevant hereto, Defendants represented to Plaintiff and the general public that they devoted their time and professional attention to the use and employment of their authority, and, for a fee, applied their skills, judgment and expertise to the needs of the general public.

79. Defendants selectively targeted Plaintiff, a Black man, on the basis of his race and gender.

80. Plaintiff's race and gender are protected classes prohibited from discrimination in public accommodations.

81. Defendants subjected Plaintiff to a racially motivated, gender-based traffic stop, use of force, search, and arrest.

82. Plaintiff's race and gender were motivating factors in Defendants' exercise of services to the public.
83. As a direct and proximate result of Defendants' discriminatory actions, Plaintiff has suffered a deprivation of freedom, bodily injury, pain and suffering, inconvenience, mental anguish, loss of capacity for the enjoyment of life, and other damages.
84. Plaintiff demands judgment against Defendants, jointly and/or severally, for compensatory damages, punitive damages, injunctive relief, attorney's fees, costs, fees, and all other appropriate relief.

**ZEFF LAW FIRM, LLC**

*/s/ Gregg L. Zeff*  
Gregg L. Zeff, Esq.  
Eva C. Zelson, Esq.  
Derek J. Demeri, Esq.  
*Attorneys for Plaintiff*

Dated: March 16, 2022

**JURY DEMAND AND TRIAL COUNSEL DESIGNATION**

Please take notice that Plaintiff hereby demands a trial by jury as to all issues and that pursuant to Rule 4:25-4, Gregg L. Zeff, Esquire, is hereby designated as trial counsel in the above captioned matter on behalf of The Zeff Law Firm, LLC.

**CERTIFICATION**

I certify pursuant to Rule 4:5-1 that I know of no other proceedings pending or that are contemplating in any court or arbitration proceeding that concerns this subject matter and know of no other parties that need be joined with action.

Dated: March 16, 2022

*/s/ Gregg L. Zeff*

Gregg L. Zeff, Esq.  
*Attorneys for Plaintiff*