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MERCER COUNTY  
FAMILY CASE MANAGEMENT

Andreana Kavadas, et al, : SUPERIOR COURT OF NEW JERSEY  
Plaintiff : CHANCERY DIVISION — FAMILY PART  
vs. : MERCER COUNTY  
: DOCKET NO. MER-L-1004-15  
Raymond P. Martinez, et al, : Civil Action  
Defendant :  
: **SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:  
The plaintiffs, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971.  
A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.  
If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment. If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529).  
If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

/s/ Jennifer Perez  
JENNIFER PEREZ  
Acting Clerk of the Superior Court

DATED: April 24, 2016

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Attorney for plaintiffs

Andreana Kavadas, Alisha Grabowski,  
LaQuay Dansby, Paulo Arede,

Plaintiffs

vs.

Raymond P. Martinez, in his official  
capacity as Chief Administrator of  
the New Jersey Motor Vehicle  
Commission, and The New Jersey Motor  
Vehicle Commission,

Robert Lougy, Esq., in his official  
capacity as Acting Attorney General  
of the State of New Jersey,

Natasha Johnson, in her official  
capacity as Director of the  
Department of Human Services,  
Division of Family Development,  
Office of Child Support Services, and  
the Department of Human Services,  
Division of Family Development,  
Office of Child Support Services,

Hon. Glenn Grant, JAD, in his  
official capacity as Acting Director  
of the Administrative Office of the  
Courts, The Administrative Office of  
the Courts, and the Probation  
Division,

Catherine Carr, Chevonne Cheatham,  
Daneed Newkirk, Dawn Dougherty, Diane  
Meleos, Domba Muamba, Eleanor  
Sciancalepore, Holly Henderson,  
Ijeoma Ouma, Jasbir Singh, Jenn  
Brown, Jennifer Muller, Jennifer  
Weatherby, Jerome Mansfield, Joann  
Thompson, Keri Gnacek, Lawrence  
Kantrowitz, Lida Perez, Lynn Muller,  
Lynn Jankowski, Marcia Shipley,  
Milagros Garcia, Nilsa Garcia, Noel  
Bovino, Olga Lieggi, Robert  
Macdonald, Terry-lee Bauer, Warren  
Johnson, Yajaira Jimenez, in their  
official capacity as child support  
probation officers,

Defendants

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION - MERCER COUNTY  
: DOCKET NO. MER-L-1004-15

Civil Action

SECOND AMENDED VERIFIED  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF

B

I. PRELIMINARY STATEMENT

1. Plaintiffs are parents ordered to pay child support ("obligors") and who are in arrears under child support orders due to an inability (not unwillingness) to comply. Plaintiffs are facing or have already incurred a suspension of their driver's licenses through procedures which deprive them of rights guaranteed by the Constitutions of the United States and the State of New Jersey, and by Federal and State statutes. The named plaintiffs are representative of a class of persons who are similarly situated.

2. This complaint requests declaratory and injunctive relief pursuant to 42 U.S.C. §1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1, against the named defendants to prevent them from engaging in practices which abridge the statutory, substantive and procedural constitutional rights of plaintiffs and all those similarly situated.

II. JURISDICTION AND VENUE

3. Jurisdiction is conferred on this Court by Article 6 §1.2 of the New Jersey Constitution.

4. Venue is appropriate in Mercer County under Rule 4:3-2(a) as defendants are located or reside in this judicial district, and the alleged events giving rise to the claim occurred in this judicial district.

### III. PARTIES

#### Plaintiffs

5. Plaintiff Andreana Kavadas is a citizen of the United States and a resident of the State of New Jersey. She is under obligations pursuant to orders entered in FD-05-000080-05 and FD-18-000123-08 to pay child support in the amount of \$64 per week plus \$24 per week toward arrears. She has been unable to remain current with this obligation and currently is in arrears.

6. Ms. Kavadas has been subjected to enforcement proceedings. She was not notified of her right to counsel at any point in the process, and was not provided with an attorney in spite of being subjected to a consequence of magnitude. Pursuant to orders issued through the Superior Court, Chancery Division, Family Part, she is on "two week bench warrant status", meaning that her driver's license can be suspended without further notice or process if she fails to make two or more weekly support payments. She has had her driver's license suspended pursuant to procedures that violate the statutes and constitutions of the State of New Jersey and is at risk of having this occur again. She has been unable to remain current with this obligation and currently has arrears that exceed the amount due for two weeks support.

7. Ms. Kavadas adopts by reference the factual allegations contained in the certification in support of plaintiffs' application for an order to show cause being filed with this complaint.

8. Plaintiff Alisha Grabowski is a citizen of the United

States and a resident of the State of New Jersey. She is under an obligation pursuant to an order entered in FM-11-192-04 to pay child support in the amount of \$100 per week plus \$50 per week toward arrears. She has been unable to remain current with this obligation and is currently in arrears. She has been unable to remain current with this obligation and currently has arrears that exceed the amount due for two weeks support.

9. Ms. Grabowski has been subjected to enforcement proceedings. She was not notified of her right to counsel at any point in the process, and was not provided with an attorney in spite of being subjected to a consequence of magnitude. Pursuant to Family Part orders, she is on "two week bench warrant status", meaning that her driver's license will be suspended without further notice or pursuant to procedures that violate the statutes and constitutions of the State of New Jersey and is at risk of having this occur again.

10. Plaintiff LaQuay Dansby is a citizen of the United States and a resident of the State of New Jersey. He is under an obligation pursuant to an order entered in FM-11-504-11K to pay child support in the amount of \$135 per week toward arrears. He has been unable to remain current with this obligation and currently has arrears that exceed the amount due for two weeks support.

11. Mr. Dansby has been subjected to enforcement proceedings. Pursuant to Family Part orders, he is on "two week bench warrant status", meaning that his driver's license may be suspended at any time and without further notice. He was not notified of his right

to counsel prior to January of 2014, and prior to January of 2014 was not provided with an attorney in spite of being indigent and subject to a consequence of magnitude. Mr. Dansby has had his driver's license suspended pursuant to procedures that violate the statutes and constitutions of the State of New Jersey and is at risk of having this occur again.

12. Plaintiff Paulo Arede is a citizen of the United States and a resident of the State of New Jersey. He is under an obligation pursuant to an order entered in FM-09-2326-06 to pay child support in the amount of \$155.00 per month plus \$20.00 per month toward arrears. He has been unable to remain current with this obligation and currently has arrears.

13. Mr. Arede has been subjected to enforcement proceedings. He was not notified of his right to counsel at any point in the process, and was not provided with an attorney in spite of his being indigent subjected to a consequence of magnitude. Pursuant to Family Part orders, he is on "two week bench warrant status", meaning that his driver's license will be suspended without further notice or process if he fails to make two or more weekly support payments. Mr. Arede has had his driver's license suspended pursuant to procedures that violate the Constitution of the State of New Jersey and is at risk of having this occur again. He has been unable to remain current with this obligation and currently has arrears that exceed the amount due for two weeks support.

Defendants

14. Defendant Raymond P. Martinez is the Chief Administrator

of the New Jersey Motor Vehicle Commission. He is a State Actor. As a state actor generally, and specifically pursuant to N.J.S.A. 39-2-2, he has a duty to uphold the Constitution of the United States and of the State of New Jersey. His duties include suspending and reinstating driver's privileges.

15. Robert Lougy, Esq. is the Acting Attorney General for the State of New Jersey. He is a State Actor. As a state actor generally, and specifically pursuant to N.J.S.A. 45:17A-21, he has a duty to uphold the Constitution of the United States and of the State of New Jersey. His duties include acting as the state's chief law enforcement officer and legal advisor, and is responsible for the management and administration of the Division of Law.

16. Natasha Johnson is the Director of the Department of Human Services, Division of Family Development, Office of Child Support Services. She is a State Actor and, as such, has a duty to uphold the Constitution of the United States and of the State of New Jersey. Her duties pursuant to the Constitution and 45 C.F.R. §302.10 and N.J.A.C. 10:110 include ensuring that the state's Child Support Program is operating constitutionally, properly, efficiently, effectively and that all of its agents are in compliance with all aspects of federal law under the State Plan.

17. Hon. Glenn Grant, JAD, in his non-judicial role, is the Acting Administrative Director of the Courts of the State of New Jersey, appointed by the Chief Justice of the New Jersey Supreme Court. He is a State Actor. He has a duty to uphold the Constitution of the United States and of the State of New Jersey.



His duties include overseeing the operation of the probation division and the prompt administration of judicial business of the State of New Jersey. N.J.S.A. 91:6-7.1, New Jersey Const., Art. 6 §7 ¶1.

18. Defendants Catherine Carr, Chevonne Cheatham, Daneed Newkirk, Dawn Dougherty, Diane Meleos, Domba Muamba, Eleanor Sciancalepore, Holly Henderson, Ijeoma Ouma, Jasbir Singh, Jenn Brown, Jennifer Muller , Jennifer Weatherby, Jerome Mansfield, Joann Thompson, Keri Gnacek, Lawrence Kantrowitz, Lida Perez, Lynn Muller, Lynn Jankowski, Marcia Shipley, Milagros Garcia, Nilsa Garcia, Noel Bovino, Olga Lieggi, Robert Macdonald, Terry-lee Bauer, Warren Johnson, Yajaira Jimenez, in their official capacity, are individual child support probation officers who took direct action against the plaintiffs resulting in the suspension of their licenses in violation of their rights as asserted herein.

#### IV. CLASS ACTION

19. The named plaintiffs bring this suit individually and, pursuant to Rule 4:32-1(a) and 4:32-1(b) of the Rules Governing the Courts of the State of New Jersey, on behalf of all residents of the State of New Jersey who: (1) have been, currently are, or will in the future be under support orders issued by the Chancery Division, Family Part of the Superior Court as a result of their alleged inability to comply; (2) have been, are now, or may in the future be in arrears under these support orders; (3) are at risk of having their driving and other licenses suspended via procedures

that violate their constitutional and statutory rights.

20. This is a proper class action under Rule 4:32-1(a) and 4:32-1(b) of the Rules Governing the Courts of the State of New Jersey in that, as to the class: (1) the persons affected are so numerous that joinder of all parties is impracticable; (2) there are common questions of law and fact; (3) the claims and defenses of the representative plaintiffs are representative of those of the class; (4) the representative plaintiffs will fairly and adequately protect the interests of the class; and (b) (2) the parties opposing the class plaintiffs have acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief to the class as a whole.

#### V. CAUSE OF ACTION

21. Plaintiffs assert a cause of action pursuant to N.J.S.A. 10:6-2 (the "New Jersey Civil Rights Act) as to all violations of State substantive and statutory rights. Defendants have violated these rights, are violating these rights, and, unless enjoined from doing so by the court, there is a great likelihood that the constitutional rights of plaintiffs and all those similarly situated will again be violated by defendants.

22. Plaintiffs assert a cause of action 42 U.S.C. §1983 as to all violations of Federal substantive, procedural, and statutory rights. Defendants have violated these rights, are violating these rights, and, unless enjoined from doing so by the court, will continue to violate these rights.

23. At all relevant times, the defendants herein acted under color of statute, ordinance, regulation, custom, or usage of the State of New Jersey when they subjected, or caused to be subjected, the plaintiff and all those similarly situated to the deprivation of their rights, privileges, or immunities secured by the Constitution and laws of the United States of America and of the State of New Jersey.

24. Plaintiffs' rights to procedural and substantive due process, which rights arise under the Constitution of the State of New Jersey and the Constitution of the United States have been violated by defendants' actions as more fully set forth in the memorandum of law in support of plaintiffs' application for a preliminary injunction being filed herewith. Plaintiffs adopt by reference the factual and legal allegations contained therein.

25. Plaintiffs additionally allege violations of specific provisions of N.J.S.A. 2A:17-56.44 insofar as defendants have failed to provide the required delay between the entry of a license suspension order and its implementation.

WHEREFORE, plaintiffs and all those similarly situated pray that this Court enter a judgment in their favor:

1. Declaring that the suspension of the driver's licenses of plaintiffs and all those similarly situated via the procedures complained of herein have violated plaintiffs' substantive and procedural due process rights under the New Jersey Constitution, and statutory rights arising under the laws of

Certification pursuant to R. 1:38-7(c) personal identifiers

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

Notice of Other Actions

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding nor is any other such action or arbitration proceeding is contemplated

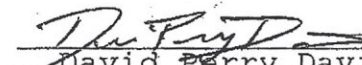
Certification pursuant to Rules 4:28 and 4:29 (joinder)

I hereby certify that no non-party should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts except that a potential claim against the Treasurer of the State of New Jersey exists as to the refund of license restoration fees paid by plaintiff class.

Designation of Trial Counsel

David Perry Davis, Esq., is hereby designated as trial counsel.

Respectfully submitted this 28<sup>th</sup> day of March, 2016

  
David Perry Davis, Esq.

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Attorney for plaintiff

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Andreana Kavadas, et al,	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION — FAMILY PART
Plaintiff	:	MERCER COUNTY
	:	DOCKET NO. MER-L-1004-15
vs.	:	
	:	<u>Civil Action</u>
Raymond P. Martinez, et al,	:	
	:	<b>ACKNOWLEDGEMENT OF SERVICE</b>
Defendant	:	
	:	

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The undersigned hereby acknowledges service of an original  
and one copy of plaintiff's Second Amended Complaint and Summons  
this 26 day of April, 2016.

By: ROBERT T. LOUGY  
ACTING ATTORNEY GENERAL

APR 26 2016

(Print name:)

Ellen Seitz