

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

William Suggs, both individually and
on behalf of a Class of others similarly situated,

Plaintiffs,

v.

COUNTY OF CUMBERLAND, CUMBERLAND COUNTY
CORRECTIONAL FACILITY, GLENN SAUNDERS,
both individually and in his official capacity as the
Warden of the Cumberland County Correctional Facility,
LEWIS WALKER, both individually and in his official
capacity as Assistant Warden of the Cumberland County
Correctional Facility, KEITH LAMCKEN, both individually
and in his official capacity as Captain for Security and
Operations of the Cumberland County Correctional
Facility, CUMBERLAND COUNTY SHERIFF'S
DEPARTMENT, MICHAEL BARRUZZA, both individually
and in his official capacity as Sheriff of the County of
Cumberland, JAMES ELLIOTT, both individual and in his
capacity as Under sheriff of the County of Cumberland,

Defendants.

Civil Action

Case No.: 06-cv-87 (JHR) (JBR)

ANSWER OF DEFENDANTS

Defendants County of Cumberland, Cumberland County Correctional Facility,
Glenn Saunders, Lewis Walker, Keith Lameken, Cumberland County Sheriff's
Department, Michael Barruzza, and James Elliott, by way of Answer to plaintiff's Class
Action Complaint, say that:

NATURE OF ACTION

1. Defendants deny that either plaintiff or any class of persons were strip-searched
at the Cumberland County Correctional Facility in contravention of any Fourth
Amendment rights.

2. Defendants deny that either plaintiff or his putative class are entitled to any of the
relief requested.

PARTIES

3. Defendants deny that plaintiff was strip-searched at the Cumberland County Jail on or about July 9, 2005. It is further denied that plaintiff was committed in the Cumberland County Jail on July 9, 2005. Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph and, accordingly deny those allegations.

4. Defendant Cumberland County admits that the Cumberland County Correctional Facility is and, at all relevant times, was a department of the County of Cumberland and that defendant County of Cumberland is and was responsible for the policies, practices, supervision and implementations of proper policies at the Cumberland County Correctional Facility. Defendants deny that either the Cumberland County Sheriff's Department or any personnel in the Sheriff's Department had any role whatsoever in the policies, practices, supervision or management of the Cumberland County Correctional Facility at any time relevant to this action.

5. Defendants admit that the Cumberland County Correctional Facility (the "Correctional Facility") is a department of the County of Cumberland. Defendants admit the remaining allegations of this paragraph.

6. Defendants admit that the Cumberland County Sheriff's Department is a department of the County of Cumberland. Defendants deny that the Cumberland County Sheriff's Department had any role in the operation, management or supervision of the Correctional facility at any time relevant to this action.

7. Admitted.

8. Admitted.

9. It is admitted that defendant Kenneth Lameken is a Captain at the Correctional Facility. It is denied that Captain Lameken was a “policy maker” with respect to the treatment of detainees at the Correctional Facility.

10. Defendants admit that Michael Barruzza is the Sheriff of Cumberland County and deny all remaining allegations made in this paragraph.

11. Defendants admit that James Elliot is the Undersheriff of Cumberland County and deny all remaining allegations made in this paragraph.

12. This paragraph makes no allegations which require response by defendants.

13. This paragraph makes no allegations which require response by defendants.

JURISDICTION

a. Defendants do not dispute plaintiff’s assertions as to the jurisdiction of this Court.

b. Defendants do not dispute plaintiff’s assertions as to venue.

CLASS ACTION ALLEGATIONS

14. Defendants deny that this action is suitable for certification as a class action under Fed.R.Civ.Pro. 23, and defendants further deny that either the plaintiff or any member of his proposed class were unlawfully detained and strip-searched by defendants.

15. Defendants deny that there is any class of individuals arrested for misdemeanors, violations or any minor offense, who were unlawfully searched at defendants’ Correctional Facility.

16. Defendants deny that plaintiff’s proposed class meets any of the prerequisites of Rule 23(a).

17. Defendants deny that the proposed class is so numerous as to render joinder impracticable. Defendants further deny that either the plaintiff or anyone else committed to the Correctional Facility were unlawfully searched.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

24. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

25. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

26. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

27. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

28. Defendants lack sufficient information to determine the truth of the matters alleged in this paragraph and, accordingly denies those allegations.

29. Defendants admit that there are no other pending actions making the allegations made in this action. Defendants deny that they violated any rights of the plaintiff or anyone else in connection with the alleged strip-search regimen.

30. Denied.

31. Defendants deny that certification of a class is appropriate under any subpart of Rule 23.

FACTS

32. This allegation is a statement of law and cannot be admitted or denied.

33. Denied. At all relevant times it was the policy of the Correctional Facility that individuals committed to the facility for minor offenses would not be strip searched in the absence of reasonable cause to suspect that the individual was carrying or concealing weapons or contraband.

34. Denied.

35. Defendants did not institute, enforce or permit enforcement of any policy or practice of conducting strip searches of individuals committed for minor violations without reasonable cause.

36. Denied. Defendants written policy precludes such searches.

37. This allegation is a statement of law and cannot be admitted or denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied. It is believed that plaintiff was taken to the Correctional Facility on July 14, 2005 at approximately 7:30 p.m. as a result of an order issued by the Superior Court holding him in contempt of court.

43. Denied.

CAUSES OF ACTION

44. Defendants repeat their answer to each and every allegation made in paragraphs 1 through 42 as though fully set forth herein.

45. Defendants lack sufficient information to determine the truth of the matter alleged in this paragraph and, accordingly denies those allegations.

46. Denied.

47. Denied.

48. Denied as to the Sheriff defendants who have no role whatsoever in connection with the operation of the Correctional Facility. It is admitted that the County of Cumberland, the Correctional Facility and the Warden and Assistant Warden have and had responsibility for establishing the policies and procedures in the operation of the Correctional Facility, including the policy regarding strip-searches. It is denied that any individual defendants are personally liable for any alleged damages.

49. Denied.

50. Denied.

51. Denied.

52. Defendants repeat their answer to each and every allegation made in paragraphs 1 through 50 of the Complaint as though fully set forth herein.

53. Denied.

54. Denied.

55. Defendants repeat their answer to each and every allegation made in paragraphs 1 through 50 of the Complaint as though fully set forth herein.

56. Denied.

57. Denied.

58. Denied.

59. Defendants deny that any injunction should issue.

60. Denied.

61. Denied.

PRAYER FOR RELIEF

Defendants respectfully request that the Complaint be dismissed with prejudice and with an award of costs and counsel fees to be received by defendants.

BROWN & CONNERY, LLP
360 Haddon Avenue
Westmont, NJ 08108
(856) 854-8900
Attorneys for Defendants

Dated: May 12, 2006

By: /s/Michael J. Vassalotti
Michael J. Vassalotti (7907)