

In the  
Supreme Court of the United States

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AMERICARE EMERGENCY MEDICAL SERVICE, INC,

*Petitioner,*

v.

STATE OF NEW JERSEY, DEPARTMENT OF HEALTH,  
OFFICE OF EMERGENCY MEDICAL SERVICES,  
JAMES SWEENEY, SCOTT PHELPS, ERIC HICKEN,  
BELL MEDICAL TRANSPORTATION,

*Respondents.*

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On Petition for a Writ of Certiorari to the  
Supreme Court of New Jersey

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PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

On June 16, 2019 Superior Court Judge Lynott reversed AmeriCare's license suspension after findings of provable due process and civil rights violations and reinstated AmeriCare's license/ property rights and standing. The Appellate Division cited the sole basis of their ruling on two (2) key status terms regarding licensure, being "Expired" or "Revoked". They claimed that once a license was "expired" or "revoked this negated standing. AmeriCare's license was Never "revoked" or "expired" at any time during these proceedings.

1. Does the Appellate Division's ruling regarding standing remain valid if both of the status terms the Court relied upon were held factually inaccurate, which would have given AmeriCare legal standing to challenge a constitution due process violation by a State Agency of a taking of property (a license)?

2. Do the determinations of State agencies that deprive African Americans and communities of color the specialized emergency and critical healthcare services afforded other communities in the state violate the Equal Protection clause of the 14th Amendment as well as the State Constitution's due process and equal protection requirements?

3. Does the State Appellate Division opinion violate the United States Constitution's Equal Protection Clause requirements when it declines to consider or examine evidence found by the Trial Court that disclose acts of State Agencies constituting a "taking" of property (a license) without complying with constitutionally due process procedures?

4. Does a state agency's violation of the 14th Amendment's due process requirement impact the rights of African Americans and other minorities when it ignores the state's constitutional due process protections?

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## **PARTIES AND CORPORATE DISCLOSURE**

### **Petitioner**

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- AmeriCare Emergency Medical Services, Inc. AmeriCare has no parent corporation and no public company owns greater than 10% of its stock.

### **Respondents**

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- State of New Jersey
- Department of Health
- Office of Emergency Medical Services
- James Sweeney
- Scott Phelps
- Eric Hicken
- Bell Medical Transportation

## LIST OF PROCEEDINGS

Supreme Court of New Jersey

Case No: 084600

AmeriCare Emergency Medical Service, Inc., *Plaintiff-Petitioner*, v. The City of Orange Township, Bell Medical Transportation, Township of Irvington, and Township of South Orange, *Defendants*, and State of New Jersey Department of Health Office of Emergency Medical Services, James Sweeney, Scott Phelps, and Eric Hicken, *Defendants-Respondents*.

Date of Final Order: December 8, 2020

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Superior Court of New Jersey Appellate Division

Docket No: A-0117-19T4

AmeriCare Emergency Medical Service, Inc., *Plaintiff-Respondent*, v. The City of Orange Township, Bell Medical Transportation, Township of Irvington, and Township of South Orange, *Defendants*, and State of New Jersey Department of Health Office of Emergency Medical Services, James Sweeney, Scott Phelps, and Eric Hicken, *Defendants-Appellant*.

Date of Final Opinion: May 27, 2020

Superior Court of New Jersey  
Law Division—Essex County

Docket No. ESX-L-2397-19

Americare Emergency Medical Service, Inc., *Plaintiff*, v. The City of Orange Township, State of New Jersey Department of Health Office of Emergency Medical Services, James Sweeney, Scott Phelps and Eric Hicken, *Defendants*.

Date of Bench Ruling: June 2, 2019

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner, AmeriCare Emergency Medical Services, Inc., respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of New Jersey in this case.



## **OPINIONS BELOW**

The December 8, 2020 Order of the Supreme Court of New Jersey denying a petition for certification is included below at App.1a. The May 27, 2020 Opinion of the Superior Court of New Jersey, Appellate Division opinions I included below at App.3a. The bench ruling of the New Jersey Superior Court, Essex County, dated June 2, 2019 is included below at App.25a.



## **JURISDICTION**

The opinion of the Supreme Court of New Jersey was entered on December 8, 2020. This Court's jurisdiction is invoked under 28 U.S.C. § 1257.



## STATEMENT OF THE CASE

### A. Background

#### 1. AmeriCare's Excellent Performance History

Petitioner AmeriCare Emergency Medical Service ("AmeriCare") is in the business of, among other things, providing EMS transportation services in the Vicinage of Essex County, New Jersey. Until the actions of the Defendants that gave rise to AmeriCare's NJCRA claims, the Company had contracts with the City of Irvington, Village of South Orange and was in the process of securing contracts with Orange Township and was the sole and lowest bidder for the City of East Orange. (Pa15). They also provide Specialized Advanced Critical Care Services (SCTU) for critically ill and injured neonatal, pediatric, and adult patients primarily in the urban communities of New Jersey.

Fabrizio Bivona is AmeriCare's Founder and CEO. He is one of the most experienced nationally accredited Advance Life Support Paramedics and Critical Care Registered Nurses in the country. He is a 9/11 First Responder and dedicated highly decorated public servant with an exemplary record of service. (Pa1-2). He has been appropriately certificated and licensed as a first responder and health care professional for the past 35 years, which requires significant continuing education and validation by clinical coordinators, professional directors and Board-certified emergency room physicians who must attest to his clinical proficiency. (*Ibid.*)

Further, Mr. Bivona is also a Critical Care Emergency Board Certified Emergency Nurse with a distinguished and unblemished record. (*Ibid.*) He is also a published author and recognized expert in the field of critical care and pre-hospital ambulance services. (Pa2). His primary service areas that span his 35-year career are the urban communities of New Jersey.

AmeriCare had been operating for six (6) years with an excellent service record and without significant complaints. (Pa3). It had a proven track record of excellent patient care and has demonstrated a commitment to the challenges facing the healthcare industry, especially with respect to the provision of ambulance services. The Company has received national and international recognition and received the prestigious American Board of Nursing Specialties (ABNS) Award (2016) based on recognized achievements and for exceeding the high industry standards for advanced life support specialized critical care service. This exclusive award has been historically awarded to prestigious institutions such as John Hopkins (2014), University of North Carolina Hospitals (UNC), Chapel Hill NC, to name two. Mr. Bivona respected and independent agency conducts thorough inspections and review of thousands of healthcare organizations nationally, seeking one healthcare provider that exceeds strict industry standards. (*Ibid.*)

Despite its stellar record with no patient complaints of which AmeriCare was ever made aware, beginning in June 2018 the New Jersey State Department of Health (“DOH”) and OEMS filed a summary suspension of AmeriCare’s licensure including Mobil Assist Vehicle (MAV), Basic Life Support (BLS), and Specialty Care Transport Unit (SPTU), based on

hundreds of allegations of non-compliance with regulations and accusations that it was an imminent threat to the public safety that was ultimately proven to be untrue. (Pa5).

Over the span of AmeriCare's business history following year OEMS conducted several comprehensive audits and at least twenty (20) physical inspections of AmeriCare and its vehicles. This is a disproportionately high number when compared to other similar EMS providers. (Pa4). This investigation included several comprehensive inspections/audits of tens of thousands of patient care documents, repeated reviews and submissions of AmeriCare's Standard Operating Procedure manuals, review of compliance records, forms, logs, equipment, supplies medications and many other items including items outside of their regulatory authority. (*Ibid.*)

OEMS had unfettered access to AmeriCare's facilities, vehicles, inventory, supplies, personnel records, and certification validations, among other items. (*Ibid.*) Some of the specific violations cited were items or equipment that were previously inspected and approved by NJ DOH (OEMS) Officials but later deemed to be violations. The NJ DOH OEMS Regulations clearly state that it would have been a violation if AmeriCare changed or altered previously inspected and passed items or equipment. NJ DOH officials' actions intentionally created a situation that regardless of AmeriCare's action or inaction a violation was cited, despite full compliance with NJ regulations. The State Agency created a circular conundrum in which AmeriCare could never be compliant.

After the conclusion of fourteenth months false and unsupportable allegations, NJ DOH OEMS withdrew

ALL the charges. This ended the attempt at the 2018 summary suspension and ceased actions to permanently revoke AmeriCare Ambulance's license. (Pa4). This unprecedented full withdrawal on ALL accusations, charges and violations came without any conditions, warnings, settlement, fines, directives guidance or admonitions. There was no request or mandate by NJ DOH OEMS officials for a Correction Action Plan (CAP) and AmeriCare was immediately returned to service and permitted to treat critically injured or ill patients without any covenants or restrictions.

NJ Superior Court Judge Lynott stated, "But on the present record, there is an indication that prior regulatory matter was withdrawn in a manner that didn't reflect any type of enforcement consequence—formal enforcement consequence in the form of final penalty or a Consent Order or specific correction action plan that was put in place." Docket #ESX-L-2397-19 06-16-2019 (*Ibid.*). He is the second Judge to acknowledge the violations of AmeriCare's due process rights by the NJ DOH.

## **2. Threats and Interference with Bid Process**

AmeriCare has made significant investments in assets to primarily service underserved communities experiencing a critical shortage for these much-needed essential services. These communities appreciated the quality of care provided by AmeriCare's services evidenced by numerous Thank you letters from facilities and individual healthcare professionals. AmeriCare was consistently awarded new large-scale contracts and gained new clients. The corporate entities that held a virtual monopoly in these communities for

years were replaced by AmeriCare through a legal, fair, and competitive bidding processes.

The communities' collective decision to change providers to AmeriCare was not well received by the corporate entities that previously held these contracts and AmeriCare was approached by corporate representatives who solicited and threatened AmeriCare as a result of their acquisition of these contracts. At the time the threats appeared implausible as they threatened to put AmeriCare immediately out of business if they didn't comply with their demands. The threats appeared hollow as they expressed their ability to get "Bloody if needed."

However, the threats were immediately followed by a series of suspensions and revocation actions by NJ DOH officials starting May 30, 2019 that culminated in the immediate closure of AmeriCare's business. Judge Lynott took judicial notice that leaked and privileged communications between NJ DOH officials and AmeriCare's competitors followed these threats. Docket #ESX-L-2397-19 Judge Testa of NJ OAL also questioned NJ State Officials as to their motivation and premature timing of this revocation action and stayed AmeriCare's case Docket #2019-0091V pending resolution of civil rights and due process issues by the higher courts.

These NJ State Officials acting under the color of authority went on to threaten and intimidate strategic partners such as Virgo and Rescue Heart Ambulance whom AmeriCare was utilizing to fulfill its contractual obligations. NJ DOH OEMS Officials not only threatened to harass and shut down these licensed ambulance companies for assisting AmeriCare, but they showed up where their vehicles were located



and commenced with sham inspections and created violations immediately placing ALL their replacement vehicles out of service. After these strategic partners succumbed to their threats, the violations miraculously disappeared, and they were permitted to return to service without reinspection as required by NJ regulation N.J.A.C. 8:41-12.3(a). In fact, one strategic partner Virgo ambulance, was offered our contracts by NJ OEMS Officials as a reward for their acquiescing to their threats.

## **B. Superior Court Proceedings Prevented from Adjudicating Civil Rights and Due Process Violations**

Judge Lynott took judicial notice of the nefarious conduct by NJ DOH officials which was evidenced by allegations that were thoroughly investigated three (3) months earlier and were conclusively determined to be compliant with all NJ regulations. Their pattern and practices of using template violations in the absence of evidence contradict their own official determination and conclusions they previously presented the court. Docket #HLT-087-41-8, HLT-10883-18 NJ DOH officials' new allegations were not simply debunked by their own agency many were knowingly implausible. For example, the false allegation that AmeriCare's Standard Operating Procedure (SOP) manual was not compliant was implausible based on their official determination, testimony, and evidence that they presented Judge Morejon in case HLT087-41-8 that it was approved and complaint since April 2014.

Judge Lynott took judicial notice that some of AmeriCare's ambulances were taken out of service by

NJ DOH officials which they admit they did not inspect in direction violation of NJ regulations. NJ Regulation 8:41(a) Vehicle Inspections, NJ Regulations 8:41(a) Judge Lynott acknowledged, “at last two of the ambulance vehicles and the—the mobility assistance vehicles were placed out of service without having actually been inspect . . .” The regulations require physical inspections of vehicles equipment or crewmembers in order to place a “Out of Service Sticker on the window. The regulations also require that the inspectors memorialize their observations of alleged violations and create a report which should have been provided to AmeriCare which was not possible because NJ DOH officials admit they did NOT inspect. Judge Lynott also took judicial note that NJ DOH investigators Eric Sweeney and Eric Hicken were suspended and prohibited to participate in this case after the leaked confidential documents were presented to the court.

On June 16, 2019 Superior Court Lynott stated, “As noted, I find that there are substantial grounds present in the record for this case to proceed ON A THEORY OF CIVIL RIGHTS” He properly accepted the case adhering to the United States Civil Rights Act (CRA) 1983 law and New Jersey Civil Rights Act N.J. 10:6-2C and 10:6-2D. Judge Lynott offered his opinion that concluded the facts of this case demonstrated irregularities and due process and civil rights violations against AmeriCare Ambulance. Superior Court Judge Lynott stated, “I find, having examined the present record, that there is sufficient basis in that record to permit this case to proceed in this Court as a cognizable claim for Violation of Civil Rights, and to differentiate it from the far more typical case of

a regulatory oversight and enforcement action properly venued in the requisite administrative agency and subject to its administrative procedures.” (Docket #ESX-L-2397-19 date June 16, 2019)

Precedent case law rightfully recognizes there is no jurisdictional nor an absolute requirement for administrative exhaustion when its balanced against civil rights and due process violations. Administrative remedies have been exhausted and demonstrate their inability or unwillingness to adjudicate civil rights and due process claims. Judge Testa who has stayed the current case #2019-0091V before her deferring jurisdiction to the U.S. Supreme court. Judge Morejon in OAL case docket #HLT-087-41-8, HLT-10883-18 also deferred adjudication on the Constitutional issues to the higher courts. and instructed plaintiffs to seek remedy in those venues. Judge Lynott went on to state, “to exhaust administrative remedies would appear to be somewhat at odds with the *Owens* case (*Owens v. Feigin*, 194 N.J. 607 (2008), which indicates that these types or procedural prerequisites are not apposite in circumstances involving claims of violation of civil right.” He goes on to say, “the exhaustion requirement will be waived where the interest of justice so requires.”

Superior Court Judge Lynott and *Owens v. Feign* understood that directing the plaintiffs to go back before the very agencies that had previously admittedly deprived the plaintiff of its constitutionally protected civil and due process rights was a conflict of interest and would waive the interest of justice.

Proven evidence exists that executive agencies and agents have material and widespread conflicts of interests and cannot be considered fair and non-biased

arbiters of their own conduct. To allow Executive Authority and influence be the sole unchecked branch of government is in direct contrast to the checks and balances at the foundation of the U.S. Constitution and would neuter civil rights and due process protections.

The State of New Jersey appealed Judge Lynott's decision, but the Appellate Court upheld the decision. After the Appellate Division declined to reverse the decision, the State of New Jersey was given an unprecedented opportunity for a second appeal and exceeded the timeframe for the appeal. This second review was initially gridlocked by a (2) judge panel but was decided by the presiding justice who admittedly excluded any review or considerations regarding the core civil rights and due process issues that served as the basis of the decision rendered by Judge Lynott in Superior Court. Instead, they solely based their decision on "standing." They based their entire opinion that a party lacks standing if their license has either been "expired" or "revoked". AmeriCare was neither "expired" nor "revoked" during the court proceedings or at any time during their inception and spanning their 6-year work history. AmeriCare's license was fully valid for at least nine (9) days without any restrictions or covenants during the timeframe considered by the second appellate panel which directly contradicts the sole foundation of the erroneous decision to reverse the Superior Court's judicially sound decision.

### **C. Relevant Legal and Administrative Proceedings**

Judge Lynott of Superior Court recognized a pattern and practice by NJ DOH officials that appeared again on May 30, 2019, NJ DOH OEMS officials

serially suspends AmeriCare's licenses with knowingly false information while simultaneously depriving civil and due process rights. For example, they alleged violations on patient care reports, documents, and files that they themselves had reviewed for more than two (2) years and determined to be 100% complete and compliant. Their nefarious conduct weaponized and corrupted their executive authorities, the courts, and other executive agencies. NJ DOH officials have weaponized this emergent authority intended to be used for public safety not as a weapon to selectively close down agencies that compete with their corporate partners. It is important to note that NJ DOH officials admitted and it was proven that they were fully aware that AmeriCare was complainant during the (7) month suspension period but knowingly continued the suspension and escalated their malicious prosecution by acts to permanently revoke AmeriCare's license.

In May 30, 2019 NJ DOH again intimated suspensions on knowingly false information and have prematurely initiated license revocation that was recognized by Judge Testa. She has questioned the motives of the prosecution seeking permanent license revocation when the due process of the suspension has yet to be heard or adjudicated. NJ DOH OEMS Officials acting in bad faith have effectively weaponized the NJ State Agencies and have contaminated the judicial branch through their misconduct. NJ DOH OEMS Officials intentionally and maliciously harmed AmeriCare Ambulance in order to remove a competitive threat of their illegal private corporate partners. This behavior is prohibited by NJ State Laws and the NJ Code of Ethics. NJ Code of Ethics. (N.J.S.A

52:13-D2 II-(1), II-(3), II-(4), II-(5), II-(6), IV, (1), IV, (2), IV, (3), XIII (3), XIII (8).) [Judge Testa’s questioning is correct as the motives of NJ DOH are derelict.

Judge Cookson. referencing another NJ DOH case that occurred July 04, 2020 criticized NJ DOH for a pattern and practice of depriving defendants’ due process and civil rights. Judge Cookson stated, “The EMS office, in the state Department of Health, acted with a “serious lack of due process” Judge Cookson went on to caution the NJ Department of Health for their disregard for public interest by their conduct, ““Nevertheless, there is also a public interest in government providing due process to its citizens before depriving them of property rights”

NJ Department of Health Judith Persichilli criticized her own department and one of the defendants in this case for leaking confidential and privileged information. Commissioner Persichilli also says that “Christopher Neuwirth, a high-ranking health official fired last month, was let go because the Murphy administration was convinced he was leaking confidential information . . . ” (NJ advanced media/June 15, 2020 Susan Livio/Ted Sherman). This demonstrable pattern and practice by NJ DOH officials improperly leaking proprietary and protected information, data, and communications directly to AmeriCare’s competitors has caused great harm and deprived AmeriCare of fundamental civil and due process rights.

Emails and communications between May 31, 2019 and June 3, 2019 were produced to Judge Lynott showing NJ DOH officials had provided false and damaging information to AmeriCare’s clients and competitors intentionally misrepresenting that AmeriCare Ambulance had been shut down when this was

false. These communications are telling because they predetermined suspensions and revocations prior their investigations, inspections, and audits.

The NJ DOH Officials acting under the color of authority accessed and distributed AmeriCare's proprietary and privileged information to its competitors who enjoyed material benefit. NJ OEMS Officials were caught issuing illegitimate violations on vehicles that they never inspected in violation of NJ State OEMS Regulations (NJ 8:41-2.6(a)(2)(i), NJ 8:41-12.3(a) that requires a physical vehicle inspection and the physical placement of a Department Issued Out of Service (DIOSS) sticker be affixed to one of the windows and requires a written report be issued to the provider detailing observations and violations. NJ DOH officials later admitted that their regulatory requirements for physical inspections were violated.

### **1. AmeriCare Is Subjected to Additional Inspections and Terminated**

On June 5, 2019, Mr. Bivona received a text message from an employee of RWJ that stated: "Hi Fab. Heard through the grapevine that you are having some issues. Anything I need to know?" (Pa12, 41). Mr. Bivona responded, in relevant part, "I'm not sure what you're referring to regarding the issues. Let me know what you heard we're not aware of anything unusual going on." (*Ibid.*)

On June 10th and 12th of 2019, additional inspections were performed in which three of AmeriCare's vehicles passed and were placed back in service. (Pa12-13, 57-61). OEMS, however, refused to inspect and pass the remaining vehicles despite failing to identify any violations, and more importantly had refused to

perform any further re-inspections making it clear that it would not do so for the foreseeable future in direct violation of NJ OEMS Regulation 8:41-12.3(a)(3) unless it was made to. AmeriCare Ambulance was a license agency and the NJ DOH had a fiduciary responsibility and duty to conduct the inspections. (Pa13). Indeed, on or about June 13, 2019, Mr. Bivona spoke with Eric Hicken, another OEMS Official, about this issue, but he simply advised that this issue was “above [his] pay grade” and that he therefore could not communicate any further with Mr. Bivona and had to cancel the inspections that had been scheduled for that day. (Pa13). This unprecedented action violated NJ OEMS Regulations (which) and violated the Licensing Agreement made between the State of NJ and AmeriCare.

Notwithstanding the fact that three additional AmeriCare vehicles had passed inspection and placed back in service, an OEMS representative improperly communicated with a city attorney for Orange Township noting that over 50% of AmeriCare’s vehicles remained out of service. (Pa13). This was significant because AmeriCare was on the verge of obtaining a contract to provide EMS services to Orange. (*Ibid.*) This breach of public trust by NJ OEMS officials served no legitimate purpose and caused great damage to AmeriCare’s business.

As indicated above, there was a week delay between the date of OEMS suspension letter was finalized (June 16, 2019) and when AmeriCare actually received it (June 25, 2019). Nevertheless, officials at Orange Township and Irvington, among others, were notified by OEMS employees about the summary suspension prior to AmeriCare learning of it. (Pa14).



Ultimately, the summary suspension forced AmeriCare to stop providing EMS ambulance services which resulted in Irvington terminating its contract with AmeriCare. (Pa15)

## **2. New Jersey Officials Leak Privileged Information and Defame AmeriCare**

NJ DOH officials not only violated their own policies and NJ Code of Ethics N.J.S.A 52:13D-23 by leaking privileged, confidential, and proprietary information they disseminated to AmeriCare's clients and competitors knowingly false and harmful information that AmeriCare had been shut down and was out of business. This was followed by them acting under the color of authority actively soliciting AmeriCare's the clients and contracts as representatives for their corporate partners. NJ DOH officials' premature official determination to suspend and revoke AmeriCare's license PRIOR to the inspections proved malicious intent and the deprivation of 6th amendment due process rights.

Judge Lynott took judicial notice that there were multiple validated communications and emails of confidential and privileged information furnished by NJ State DOH officials to unauthorized people, as well as competitors of AmeriCare. On June 3, 2019 AmeriCare received an email from the business administrator for the Township of South Orange explaining that OEMS had contacted them to advise that AmeriCare had been shut down by the State and therefore none of its vehicles were in service. (Pa11-12, 37). This improper notice was provided to South Orange more than two weeks prior to the summary suspension notice being dated and served upon

AmeriCare. Thereafter, AmeriCare was advised via letter that as a result of the information improperly disclosed from OEMS, its contract with South Orange was terminated. (Pa11-12, 39).

They not only leaked privileged information, but they also spread defamatory and false information to AmeriCare Ambulance's clients, and they posted libelous misleading information on the Official NJ state department of health website. It is accessible from anywhere in the world and remained on their website despite multiple objections by the plaintiffs contesting the false information. The NJ DOH website incorrectly displayed AmeriCare's licensure status "REVOCATION" in blue and all caps. This posting was factually untrue as AmeriCare Ambulance's license has NEVER been "revoked". The display on NJ DOH website for AmeriCare Ambulance was notably different than other similar agencies that are labeled as revoked as theirs are smaller fonts, not all caps, and are often prefaced as pending. There are agencies and individuals who are either pending or suspended and Revoked that do not appear on the NJ DOH website. on their website. The libelous postings and the inequity in the application of NJ laws and regulations and exposes their malicious acts under the color of authority and the weaponization of their authority.

Many of the allegations NJ DOH OEMS officials were using for this next round of suspensions and revocations were simply implausible. For example, the June 2019 summary suspension letter states that AmeriCare did not have a Standard Operating Procedure (SOP) Manual for its staff, yet only a few months earlier OEMS had completed multiple inspections and

audits and had numerous communications regarding AmeriCare's SOP. The result of this extensive process reaffirmed that AmeriCare Ambulance complied with years of inspections audits and submissions that were all reviewed and officially approved by NJ DOH. NJ DOH affirmed and determined that AmeriCare Ambulance had an SOP that was 100% compliant with NJ regulations and NJ DOH standards from April 2014 to the present. To again use this knowingly false information as a basis for the June 2019 suspension demonstrates a pattern and practice by NJ DOH officials who have effectively weaponized their executive authority intentionally disregarding facts and exculpatory evidence that they had themselves provided. It is important to note that NJ DOH investigator Thomas Hendrickson testified under oath that he and the New Jersey Department of Health possessed AmeriCare's approved SCTU SOP but chose to ignore the document. Instead, he testified that he altered and misrepresented another document he had altered and presented it as a foundation for a false allegation that AmeriCare was not operating with an approved SCTU SOP. The court concluded and Investigator Hendrickson ultimately testified admitting his inappropriate actions and confirming that AmeriCare's SOPs were 100% complaint with all NJ state regulations. (Judge Morejon Docket #HLT-087-4108, HLT-10883-18).

On May 31, 2019 NJ DOH officials again reasserted the false allegation that AmeriCare did not have an approved SOP even though only months earlier they testified, admitted, and confirmed in fact had SOP's that were 100% complaint with all NJ State regulations. They had also affirmed that the SOPs

were reviewed and approved as far back as April 2014. (*Ibid.*) The suspension letter similarly alleges lack of patient care records (PCR) even though OEMS had unfettered access to all of AmeriCare's PCRs and spent more than a year reviewing them and finding them one hundred percent (100%) satisfactory. (*Ibid.*)

AmeriCare Ambulance's competitors and clients received confidential and privileged communication and correspondence regarding AmeriCare's status and investigations. NJ DOH official letter to AmeriCare was postmarked June 20, 2019 and was delivered and received by AmeriCare on June 25, 2019. NJ DOH OEMS timed its actions to benefit AmeriCare's competitors and caused harm to AmeriCare and created a public safety hazard. (Pa5, 77). The reckless conduct by NJ DOH officials of delaying and intentionally failing to communicate with AmeriCare Ambulance is a pattern and practice that was evidenced by a previous suspension that was initiated on May 17, 2018 but was not postmarked until May 30, 2018 and not received by AmeriCare until June 02, 2018.

Despite NJ State DOH OEMS Officials intentionally and maliciously withholding these documents, and admitting to failures in timely communications with AmeriCare, they petitioned the court to find AmeriCare guilty for violating the suspension during the timeframe between May 17, 2018 through June 02, 2018. This is a suspension that the Officials admitted AmeriCare was fully unaware. They admitted that, despite possessing AmeriCare's contact information such as phone numbers and emails that they routinely previously used to communicate with AmeriCare Ambulance they testified that they did not make any effort to contact AmeriCare regarding the actions

they had taken. NJ DOH Officials defended their actions for admittedly disregarding self-described grave and serious threats to the public that was so egregious it would likely cause deaths, they did not act or make any effort to communicate or mitigate the dangers they claim existed from January 30, 2018 through June 02, 2018. (Judge Morejon Docket #) When confronted by Judge Morejon for the reason they allowed this delay and the dangerous public safety risk for more than five (5) months, Investigator Hendrickson blamed Governor Phil Murphy for the delay.

Mr. Bivona certified to the lower court that additional allegations made by NJ DOH OEMS Officials that its investigators were hindered from accessing AmeriCare and its vehicles or records were simply false. To the contrary, OEMS' investigators were offered open and unfettered access and even testified under oath that AmeriCare management were professional and cooperative and allowed full access to its vehicles, equipment, and resources as per the regulations. Judge Lynott strongly disagreed with NJ DOH Officials' allegations of lack of cooperation and compliance and went on to state, the allegation of a lack of cooperation as well appears at—at—at odds to the extent that not only was Mr. Bivona at a very early state in—in touch with regulatory authorities, but there were reinspection of the vehicles, those reinspections were successful .So in the absence of—of further, it's difficult to credit the contention laid out in the letter as the basis for the summary suspension.:" (Pa5-6). AmeriCare staff also provided the personal cell numbers of its management to OEMS' investigators per Mr. Bivona's instructions as an extraordinary effort to comply and cooperate with the investigation,

as evidenced by handwritten notes of OEMS officials. (Pa6, 23)

Indeed, it appears that OEMS had always intended to suspend AmeriCare's operations regardless of the facts as evidenced by Mr. Bivona having received numerous communications between May 30, 2019 and on or about June 3, 2019, Sweeney, an OEMS investigator, arrived unannounced at AmeriCare's facility located in Irvington, ostensibly to inspect its vehicles. (Pa11). Despite "inspecting" one vehicle, AmeriCare was notified that OEMS took all of AmeriCare's emergency vehicles out of service based on claims that it was unable to find its other vehicles in violation of NJ 8:41-2.6(a-2i). (*Ibid.*) This extraordinary action by OEMS officials is in direct contradiction to their own regulations and past practices.



## **REASONS FOR GRANTING THE PETITION**

### **I. NEGLIGENT ACTS-ILLEGAL CONDUCT-WANTON INDIFFERENCE TO HUMAN LIFE**

AmeriCare's vehicles, EMS personnel and a critically ill patient were placed at grave risk by NJ DOH Investigators James Sweeney and Eric Hicken acting under the color of authority. They arrived on an emergency scene where AmeriCare had been dispatched with Advance life support (ALS) paramedics for a critically ill elderly African American woman suffering a life-threatening acute illness. The Investigators violating both NJ State law and NJ state regulations did interfere and obstructed emergency medical personnel in the performance of their official duties when they approached and questioned EMS personnel who were in that back of an ambulance with all emergency lights activated next to another ambulance with all their emergency lights activated.

These inappropriate actions interfered and likely caused harm to the patient but were compounded by the reckless and illegal acts by these NJ State DOH officials who initiated and participated in an illegal high-speed pursuit using unauthorized emergency lights and sirens. AmeriCare and MONOC EMS personnel were attempting to treat and transport their patient to a level one trauma center but were confused and distracted by the pursuing vehicles operated by NJ DOH officials. This illegal, reckless, and unnecessary high-speed pursuit would have violated the NJ Attorney General guidelines for a police officer under similar circumstances. The NJ DOH investigators

James Sweeney and Eric Hicken violated the following NJ State AG Guidelines: (State of New Jersey Office of the Attorney General Department of Public Safety/ New Jersey Vehicular Pursuit Policy/September 17, 2009 I. (A) (1) (a), I. (A) (1) (b), I. (A) (2), I (B) (2), I. (B) (a, b, c, e) (3), I (4), I. (C) (1)(a, c, f, g),(II) (A), (II) (C) (1,2,3,4,5,6) (III)(A) (2), (III) (D), (III) (G), ((V) (A,B,C,D,E), (VI) (A) (1,2) (B), (C), (IX) (1,2,3,4,5,6,7,) (IX) (B) (1,2,3,4,5,6,) (XI) (A),(B), (C). for pursuits in New Jersey if they were legally authorized to engage in such dangerous pursuits. This was not the case as NJ OEMS DOH Officials are not authorized or legally permitted to engage in ANY type of vehicle pursuits.

The interference and obstruction of the EMT's and paramedics by the NJ DOH OEMS Officials is expressly prohibited by NJ State Laws and NJ DOH OEMS Regulations 8:41-2.6(a)(2)(i) NJ 2C:29-1. The initiation of this high-speed pursuit by NJ DOH OEMS Officials was not only illegal, but it was also harmful, as it delayed patient care. The pursuit was also unnecessary. The Officials had access to the communication centers and could have been directed to the hospital destination if they needed to contact the EMS crews.

On June 02, 2019 NJ DOH officials acting under the color of authority recklessly and with depraved indifference removed ALL the 9/11 ambulances from service depriving the City of Irvington of this critical emergency essential service. NJ DOH officials did not notify AmeriCare management of their actions and did not provide mutual aid or back up services that were available but not activated by NJ DOH officials. NJ DOH officials would later falsely that the City was covered by 9/11 ambulance, but this was



contradicted by the 9/11 center's email alerting AmeriCare that there were NO ambulances available to answer calls inside the City of Irvington.

When the NJ DOH OEMS Officials were questioned about their actions and the lapse of EMS services that AmeriCare was concerned about, they stated that AmeriCare did not have to worry about the coverage, as this had been addressed by them using resources, they had obtained to respond to 911 calls. This statement turned out to be untrue and AmeriCare was able to obtain coverage with our strategic partners. The public health crisis was resolved as AmeriCare was able to find coverage using Virgo ambulance and Rescue Heart Ambulance. NJ DOH OEMS Officials were notified about the coverage and responded by harassing, threatening, and creating violations against the providers offering EMS services as they attempted to bring in their desired corporate partners.

## **II. INEQUITABLY APPLICATION OF THE LAW AND DISPROPORTIONATE HARM SUFFERED IN MINORITY COMMUNITIES**

The plaintiff has personally experienced and witnessed acts of racism and misogyny committed by NJ State Officials and initiated and provided a sworn notarized complaint to the NJ State Equal Employment Opportunity Commission (EEOC). EEOA/AA No. 2019-873/OES No. 2019-83. Plaintiff attempted to warn NJ State officials that minority communities in New Jersey were seriously and imminently facing grave threats to their lives and wellbeing. The betrayal of public trust and Constitutional transgressions are serious for any public official but are particularly

heinous in this case, as the New Jersey Department of Health (DOH) is entrusted with the very health, safety, and lives of people.

The Covid pandemic and the morbidity and mortality rate among Black and Hispanic patients is not only the highest in the nation but New Jersey's death rate is presently the highest in the world. The record high number of deaths and illness inside New Jersey's Nursing home and prisons has been attributed in large part to delays, failures, conflicts of interest that appear to exist inside the Department of Health. In June of 2020, the NJ State Senate empaneled a committee to specifically investigate the failures and widespread corruption inside the Department of Health and the Executive branch. Their mandate is primarily focused "the Disproportionate impact on minorities", "Deaths at the state's long-term care facilities", "Deaths at the prisons". (NJ Advanced Media/Susan K. Livio/ June 02, 2020) These shocking statistics for a state in a developed nation exposes a failure with the primary agency tasked with the health and well-being of its citizenry (NJ Department of Health).

### **III. CONFLICTS OF INTERESTS-CORRUPTION-OFFICIAL MISCONDUCT-IMPROPER ACTS UNDER THE COLOR OF AUTHORITY**

Patterns and practices of egregious official misconduct and conflicts of interest has spanned years and have been highly publicized causing several of the defendants and other NJ State DOH officials have been terminated or separated from their employment with the State of NJ State. Governor Murphy publicly terminated defendant Christopher Neuwirth (Assistant Commissioner of Health/Director of Emergency Med-

ical Services) and publicly criticized material conflicts of interests, “Folks . . . it’s par for the course if you’re not supposed to have another source of income.” Senator Declan O’ Scanlon publicly decried the corruption and misconduct and understands the public safety consequences of allowing it to continue, “Failure to disclose a conflict like that stinks of corruption. This needs to be investigated further and Neuwirth and the Department need to explain this. This chaos comes at a time when our Health Department is most needed—as we are managing a pandemic and headed into hurricane season.” Senator O’ Scanlon continued, “Not disclosing such a gross conflict of interest is bad, but there is a history here!”

However, the unemployment of terminated and separated NJ State Officials was short lived, as many of these same NJ State Officials were offered and provided highly placed and lucrative employment with AmeriCare’s competitors. Competitors who had lost government contracts to AmeriCare but immediately regained these same contracts, secondary to the nefarious actions, under the color of authority. The nefarious conduct was so pervasive that NJ DOH officials were opening soliciting for their corporate partners while acting under the color of authority.

The New Jersey Department of Health (DOH) and the executive authority for New Jersey do not dispute that they have deprived AmeriCare Ambulance of their property, due process and civil rights through nefarious misconduct but rather rely on assertions of lack of standing that have proven to be incorrect.

### **A. A Revoking of a License Without Due Process Is a Violation of the Due Process Clause of the 5th and 14th Amendment of the United States Constitution**

The revocation of a license authorizing the delivery of services constitutes a taking of a thing of value in which a person or entity has a “property” interest. Such a taking plainly constitutes a violation of the 5th and 14th Amendments to the United States Constitution. In civil cases, the Fifth Amendment requires that “due process of law” be part of any and every proceeding that denies a citizen “life, liberty or property.” *Owens v. Feigin*, 194 N.J. 607, 611, 947 A.2d 653 (2008). The 14th Amendment expanded the due process clause of the Fifth Amendment to apply to the states, as well as the federal government in the third clause with the following, “nor shall any State deprive any person of life, liberty or property, without due process of law.” The 14th Amendment is critical to this case as it granted the civil rights of any person born or naturalized in the United States, which became particularly important to Blacks and other people of color by specifically stating that “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

At the core of this case are Constitutional issues involving rights and protections that have life and death consequences that extend beyond the facts of this case. The Department of Health (DOH) of New Jersey (NJ) is an agency entrusted with the sacred duties and responsibilities related to the health and lives of our loved ones and neighbors. The DOH of NJ has received national criticism for reported failures,

corruption and institutionalized racism that is believed to have led to thousands of “preventable deaths” disproportionately harming Black residents of New Jersey. The plaintiff’s in this case identified, notified, and attempted to seek remedies through executive agencies pertaining to proven Constitutional, civil, and due process rights violations and proven nefarious conduct by NJ State officials. (Superior Court Judge Lynott Docket #ESX-L-2397-19Docket #06016-2019, EEOA/AA no. 2019-873/ODES NO. 2019-83-07-16-20).

NJ Governor Phil Murphy and Departments of Health Commissioner Judith Pershilli have publicly acknowledged that conflicts of interest and official misconduct by NJ DOH officials exist and includes defendants in AmeriCare’s case. The Courts of New Jersey have either declined to review or adjudicate Constitutional issues or have deferred this to the U.S. Supreme Court with the exception of the Superior Court which reviewed and found Serious Constitutional violations of civil and due process rights. This decision was erroneously reversed by the NJ Appellate Division on the sole issue of “standing” who mistakenly, determined that AmeriCare’s license was either “Revoked” or “Expired” AmeriCare was neither “Expired” or “Revoked” and maintained a valid license without any restrictions or covenants that should have legally established AmeriCare’s “standing.” Based on the definition provided by the Appellate Division. (Court Docket #HLT-087-41-8, HLT-10883-18, Office of Administrative Law-(OAL) Judge Morejon-08-01-2018, 2019-0091V-Judge Testa (OAL) Judge Cookson (OAL).

The official misconduct by NJ State officials and NJ State Executive Authority attempts to supersede the U.S. Constitution and circumvent critical judicial

and legislative authority. This can only succeed if the protections afforded by U.S. Supreme Court's review and application of the relevant protections of the U.S. Constitution are denied.

Judge Lynott of the New Jersey Supreme Court examined the fact pattern and the civil and due process protections and rightfully followed the relevant precedent case of *Owen v. Feign* which recognized that in the interests of justice this was the appropriate venue for to adjudicate civil rights and due process protections. The NJ Appellate Division that initially reviewed the appeal agreed with Judge Lynott's decision and found no basis for appeal. The Administrative judges also agreed that their venues were inappropriate to adjudicate issues beyond regulatory statutes and deferred the Constitutional civil rights and due process issues to the higher to the higher court. Judge Testa of OAL ordered AmeriCare Ambulance to and the NJ Superior Court which was erroneously reversed by a series of errors pertaining to the facts evidence and laws.

The Appellate Division clearly stated in their opinion that they would not review or evaluate Constitutional violations that were relied upon by the Superior Court. They further erred in their decision as they improperly cited lack of standing by the plaintiff that has proved was false. There was legal property possession which the Appellate court admitted would have provided legal standing for the Plaintiff. The Appellate Division also erred in its opinion when it stated that remedies and Constitutional Protections are extinguished at the exact moment property is improperly taken. This argument would negate due process, aggrieved parties' remedies and would

make possession of property 100% absolute regardless of the legality reading the means of taking or possession of the property.

The NJ Supreme Court offered no opinion on the constitutional, civil, and due process issues that were proven to exist. These very arguments that were relied upon by the NJ Superior Court negates the protections implied by Constitution. It is for this reason AmeriCare seeks the opinion of the United States Supreme Court. Without SCOTUS intervention, the constitutional due process rights of untold numbers of small minority businesses will continue to be violated by rogue State Agencies across the nation.

New Jersey State's Attorney General's office is constitutionally tasked with investigation and prosecution of criminal and regulatory statutes. Currently the NJ State Attorney General stands as the legal representation for the defendants that face serious allegations of criminal conduct, and judicially affirmed deprivation of U.S. civil and due process rights. Proven evidence violations of AmeriCare's 4th, 5th, 6th, and 14th amendments exist. However, due to inherent conflicts of interest, there is currently no Agency in the State of New Jersey that can investigate and prosecute as the sole legal agency is prohibited by legal and ethical obligations they have created with the defendants. Their legal mandates are directly juxtaposed and have deprived AmeriCare a pathway to justice in this case.

Conflicts of interest are pervasive and demonstrable regarding agents of the NJ Department of Health. These Conflicts of interest and allegations of official misconduct have been levied by Governor Murphy and Senator O' Scanlon among many other

high-level NJ State Officials. This case presents significant layers of conflicts of interests that has created a situation where constitutional rights have either been intentionally deprived or sidelined because of admitted inappropriate relationships and appear have violated the NJ Code of Ethics. (N.J.S.A 52:13-D-2 II-(1), II-(3), II (4), II (5), II (6), IV, (1), IV, (2). IV, (3), XIII (3), XIII (8).)

More than three years have passed whereby AmeriCare Ambulance and the communities they service have been punitively harmed by provable nefarious actions and official misconduct. During this lengthy timeframe NJ State Officials have failed to comply with discovery requests and have failed to produce witnesses for cross examination despite court orders, legal discovery demands and court directives. It has been proven and NJ State officials have testified to the withholding, altering and destruction of evidence and witnesses. (Docket #HLT-087-4108, HLT-10883-18, Judge Morejon, 08-01-2018). Some of the evidence presented in this brief is based upon open source and media publications that have been produced because of allegations of preventable deaths and widespread corruption that is associated with the NJ Department of Health.

This precedent cannot stand because it will lead to tyranny of the executive branch of the New Jersey Government and extinguish fundamental constitutional protections for the citizens of New Jersey. The United States Supreme Court can restore the trust and integrity of the State of New Jersey by either vindicating or remediating the State's institutions that hold the very lives and wellbeing of our mothers, fathers, and children in their hands.



**B. A Taking of Property by an Agency of the State in Violation of That Agency's Own Rules and Regulations and with Disregard for Plain Conflicts of Interest Violates State Laws and Is a Violation of the Due Process Provisions of 5th and 14th Amendments of the United States Constitution**

State rules and regulations have been promulgated for the specific purpose of ensuring that administrative actions are fair and do not ignore or disregard state and federal laws and constitutional mandates protecting the rights of individuals and ensuring that all action respect critical due process protections. *Barry v. Barchi*, 443 U.S. 55

The official misconduct by NJ State officials and NJ State Executive Authority attempts to supersede the U.S. Constitution and circumvent critical judicial and legislative authority. This can only succeed if the protections afforded by U.S Supreme Court's review and application of the relevant protections of the U.S. Constitution are denied.

The Department of Health (DOH) of New Jersey (NJ) is an agency entrusted with duties and responsibilities that directly impact the health and lives of our loved ones and neighbors. The DOH of NJ has received national criticism for reported failures, corruption and institutionalized racism that is believed to have led to thousands of "preventable deaths" disproportionately harming Black residents of New Jersey. The plaintiff in this case identified, notified and attempted to seek remedies through executive agencies pertaining to Constitutional, civil and due process rights violations as they relate to conspicuously unlawful conduct by NJ State officials. (Superior Court Judge Lynott Docket

#ESX-L-2397-19 Docket #06016-2019, EEOA/AA no. 2019-873/ODES NO. 2019-83-07-16-20).

NJ Governor Phil Murphy and Departments of Health Commissioner Judith Pershilli have publicly acknowledged that conflicts of interest and official misconduct by NJ DOH Officials exists, including the defendants in AmeriCare's case. The Courts of New Jersey have either declined to review or adjudicate constitutional issues or have deferred this to the U.S. Supreme Court except for the NJ Superior Court which reviewed and found Serious Constitutional violations of civil and due process rights and reversed improperly initiated actions by corrupt NJ DOH officials. (Court Docket #HLT-087-41-8, HLT-10883-18, Office of Administrative Law-(OAL) Judge Morejon-08-01-2018, 2019-0091V-Judge Testa (OAL) Judge Cookson (OAL).

More than three years have passed whereby AmeriCare and the communities they service have been punitively harmed by provable nefarious actions and official misconduct. During this lengthy timeframe NJ State officials have failed to comply with discovery requests and have failed to produce witnesses for cross examination despite court orders, legal discovery demands and court directives. It has been proven and NJ State officials have testified to the withholding, altering and destruction of evidence and witnesses. (Docket #HLT-087-4108, HLT-10883-18, Judge Morejon, 08-01-2018) Some of the evidence presented in this brief is based upon open source and media publications that has been produced because of allegations of preventable deaths and widespread corruption that is associated with the NJ Department of Health.

This precedent cannot stand because it will lead to tyranny of the executive branch of the New Jersey Government and extinguish fundamental constitutional protections for the citizens of New Jersey. The United States Supreme Court has the opportunity to restore the trust and integrity of the State of New Jersey by either vindicating or remediating the State's institutions that hold the very lives and wellbeing of our mothers, fathers, and children in their hands.

The Administrative Law Division and the Superior Courts of New Jersey have openly acknowledged and found serious civil rights and due process violations in this case and other related cases pertaining to the misconduct by NJ DOH officials. They have also acknowledged and currently stayed the case because they have asserted their limitations and, inability to address broader issues of official misconduct, civil rights and due process rights abuses. The court ordered the plaintiff to withhold and NOT submit a prepared brief detailing civil rights and due process violations, detailing official misconduct, corruption and conflict of interests related to the case. (Docket #2019-0091V 10-05020, Judge Testa 10-05-20)



## CONCLUSION

The NJ Superior Court Law Division examined the facts and made a deliberate and thoughtful decision based on relevant case law, and the United States and New Jersey Constitutions. The decision carefully considered and based the Court's decision in favor of the protection of fundamental civil and due process rights. The Trial Court wrote an extensive and comprehensive opinion detailing U.S. Constitutional protections as the filter and foundation for his judicially sound decision. The Superior Court considered the facts and evidence before them and determined there were discrepancies, inconsistencies and implausible allegations of violations made by NJ DOH OEMS. Combined with egregious abuses under the color of authority and a pattern and practice of official misconduct, Judge Lynott rightfully determined that in the interests of justice and relevant case law determined the Superior Court was the appropriate venue. (Docket #ESX-L-2397-19, Judge Lynott NJ Superior Court-06-16-2019)

Judge Lynott also found the allegation that AmeriCare Ambulance was not cooperative was inconsistent with the facts and referenced the plaintiffs' ongoing compliance and cooperation. Finally, Judge Lynott took note of the fact that the investigators conducting this investigation were abruptly suspended from this case which was highly unusual. These findings perfectly substantiate the plaintiff's position and lay the framework for a fair and just conclusion in plaintiff's favor. The ongoing damage being done by the substantive due process and civil rights viola-

tions are extensive for AmeriCare, but more importantly, have resulted in a butterfly effect that is causing serious harm to the fundamental civil rights protections in the minority communities. The most important civil liberty—that of life itself has been threatened, such as in the above-referenced case of the high-speed pursuit, while AmeriCare tried to serve an ailing African American woman. The people who are adversely affected by the inappropriate actions by NJ State Officials have been deprived of desperately needed professional, emergency essential services, particularly within urban communities that AmeriCare was actively servicing.

The U.S. Supreme Court has a distinguished and honorable history as a firewall for injustice and a safeguard for the underprivileged and defenseless. We seek that wisdom and oversight to help address the core Constitutional principles that are causing ongoing harm to the some of the most aggrieved and vulnerable members of our communities. Martin Luther King understood the U.S. Supreme Court represented a lifeline and stood as the “good people” who historically remedied injustice. Reverend King, Jr. stated, “The ultimate tragedy is not the oppression and cruelty by the bad people but the silence over that by good people.”

We respectfully seek that lifeline today. During these tumultuous times where, racial inequities are being exposed and equal access to justice and services is under reform and review, the Supreme Court stands as the sole remedy to ensure these communities do not suffer further harm by executive tyranny and nefarious conduct. The U.S. Supreme Court has the

unique opportunity to again be a counterbalance this injustice and stand as a guardian for civil rights.

“Injustice anywhere is a threat to justice everywhere.” Martin Luther King Jr. For all the foregoing reasons, plaintiff/respondent AmeriCare Emergency Medical Services, Inc. respectfully requests that the Court reject the Appellate Division precedent and reinstate the Civil Rights Claims against all of defendants/appellants: NJ Department of Health, Office of Emergency Medical Services, James Sweeney, Scott Phelps and Eric Hicken, and other NJ DOH officials and the lift the stay of proceedings before the Law Division.

For the foregoing reasons, this court should grant this petition for Writ of Certiorari.

Respectfully submitted,

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