

Masontown couple sues police, mayor and residents over alleged rights violation

By Mark Hofmann mhofmann@heraldstandard.com

Apr 6, 2018

A Masontown couple has filed a lawsuit alleging their complaints against the police department were either ignored or disregarded.

The lawsuit was filed in federal court Friday by attorney Charity Grimm-Krupa, representing Gloria and Clarence Newcomer. The suit names as defendants the borough of Masontown, police Chief Joseph Ryan, Mayor Toni Petrus, officers Thomas O'Barto and Alexis Metros, the borough police department and residents Michele Berry and Gregory McCoy.

The lawsuit states that Berry and McCoy bought the house across the street from the Newcomers in July 2016 and there were disagreements on where vehicles were parked.

On Oct. 14, 2017, Gloria Newcomer was mowing grass and accidentally grazed Berry's car as it was parked on Newcomer's side of the street, according to the suit.

Following that, Berry and Metros arrived at the Newcomer's home, where Gloria Newcomer complained that Berry continued to park on Newcomer's side of the street.

Metros informed Gloria Newcomer that it was a public street, and anyone could park there.

Berry, whom the suit states is Ryan's niece, was told to get a damage estimate, and that estimate of \$886.97 for black marks on the car was presented to Gloria Newcomer by Metros.

Gloria Newcomer refused to pay because she believed the cost was too high for black markings to be buffed out, Grimm-Krupa wrote.

Metros responded that she would be filing criminal charges against Gloria Newcomer. The suit alleged Berry told Clarence Newcomer that if he moved his truck from his parking area, then "it would all go away", implying the charges against Gloria Newcomer would go away.

The suit alleged Berry also told Clarence Newcomer that the real damage to the vehicle was estimated around \$150.

At Gloria Newcomer's preliminary hearing, Metros offered to drop all charges if Gloria Newcomer paid restitution of \$886.97 to Berry, which the Newcomers did, along with spending money on an attorney, the suit claimed.

In another instance, Grimm-Krupa alleged, the Newcomers were told by police to move a family member's legally parked vehicle from the street during the Thanksgiving holiday.

The lawsuit also claimed that Ryan and Petrus have refused and/or neglected to take prompt and effective action to remedy and to prevent retaliation by borough police officers.

Petrus said she could not comment on the lawsuit.

www.givemeliberty.co

“This lawsuit, at it’s heart, is about First Amendment retaliation and violations of the Equal Protection Clause,” said Grimm-Krupa, adding that a good citizen with a clean record like Gloria Newcomer was unlawfully accused of criminal mischief for criticizing Ryan and Berry. “The Masontown Police Department has a history of retaliating against citizens who criticize the police and the Mayor and the Chief have done nothing to appropriately address the issue.”

The Newcomers are seeking compensatory general damages in an amount proven at trial as well as punitive damages and legal fees for the alleged violation of their First Amendment rights, damaged reputations, severe emotional and psychological trauma, economic damages along with sleeplessness, depression and irritability.