

2001 WL 34354947

Only the Westlaw citation is currently available.

United States District Court,
D. New Jersey.

Margaret BELEKIS, Helen M. Belekis,
and Cheap Maggie, Inc., Plaintiffs,

v.

BURBERRY LTD., Polo Ralph
Lauren Corp., et al., Defendants.

No. Civ.A. 99-2964. | Nov. 15, 2001.

Attorneys and Law Firms

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OPINION AND ORDER

CAVANAUGH, J.

*1 This matter comes before the Court upon a motion by Defendants, Polo Ralph Lauren Corporation and Jose Panchi for summary judgment dismissing Plaintiffs' claims under 42 U.S.C. § 1983 and further allegations of conspiracy to violate the Fourth Amendment, violations of the New Jersey Constitutional provisions on search and seizure and common law claims in tort.

The Court having reviewed the submissions of the parties in support of and opposition to these motions, concludes that remaining questions of material fact exists that preclude summary judgment or dismissal in favor of any party. The remaining questions of fact include, but are not limited to:

1. Whether Defendants relied on the search warrant, which was defective on its face, or whether the issuing judge and Defendants relied on Officer Corrigan's affidavit to the warrant application.
2. Whether the language on the face of the warrant was sufficient to indicate officer's interest in stolen shirts and whether the conceded typographical error on the warrant was reasonable and the subsequent search conducted in good faith.
3. Whether the initial contact between Jose Panchi and Adrian Corrigan, in assisting the police in identifying stolen shirts, was "state action" or was Mr. Panchi acting as a private party thus defeating Plaintiff's allegations that the parties conspired to violate Plaintiffs' Fourth Amendment rights.

As a result of these and other disputed questions of material fact;

IT IS hereby ordered on this the 13th day of November 2001, that Defendants Motion for summary judgment is denied.

All Citations

Not Reported in F.Supp.2d, 2001 WL 34354947