

PIRO, ZINNA, CIFELLI, PARIS & GENITEMPO, L.L.C.

Alan Genitempo, Esq. (#023181987)

360 Passaic Avenue

Nutley, New Jersey 07110

P: 973-661-0710

F: 973-661-5157

Attorneys for Plaintiff,

Robert Keith Barnes

ROBERT KEITH BARNES,

Plaintiff,

v.

**BOROUGH OF POMPTON LAKES,
POMPTON LAKES DEPARTMENT OF
PUBLIC WORKS, MICHAEL E.
CARELLI, DANIEL O'ROURKE, TIM
DUFFY, ABC CORPS 1-10, JOHN DOES
1-10 (FICTITIOUS NAMES
REPRESENTING UNKNOWN
DEFENDANTS),**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY**

DOCKET NO.: PAS-L-1079-26

Civil Action

SUMMONS

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

BOROUGH OF POMPTON LAKES

The plaintiff, 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.njcourts.gov/forms/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 Service 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.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Dated: March 27, 2026 /s/ Michelle M. Smith, Esq.
Clerk of the Superior Court

Name of Defendant to be Served: **Borough of Pompton Lakes**

Address of Defendant to be Served: **215 Lenox Avenue
Pompton Lakes, NJ 07442**

PIRO, ZINNA, CIFELLI, PARIS & GENITEMPO, L.L.C.

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BOROUGH OF POMPTON LAKES,
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PUBLIC WORKS, MICHAEL E.
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1-10 (FICTITIOUS NAMES
REPRESENTING UNKNOWN
DEFENDANTS),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

DOCKET NO.:

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Robert Keith Barnes, residing at 230 Lafayette Place, Apartment 4B,
Township of Englewood, County of Bergen and State of New Jersey, by way of Complaint
herein says:

THE PARTIES

1. Defendant, Borough of Pompton Lakes (hereinafter "the Borough" is and
was at all times relevant hereto a duly formed municipal entity which operates and does
business at 215 Lenox Avenue, in the Township of Pompton Lakes, Passaic County, New
Jersey.

2. Defendant, Pompton Lakes Department of Public Works (DPW) (hereinafter "Pompton Lakes DPW") is and was at all times relevant hereto a public entity operating under the Borough of Pompton Lakes which operates and does business at 215 Lenox Avenue, in the Township of Pompton Lakes, County of Passaic, State of New Jersey.

3. Defendant Michael E. Carelli (hereinafter Mr. "Carelli") is and was at all times relevant hereto serving as the Borough Administrator of the Pompton Lakes DPW located at 25 Lenox Avenue, Pompton Lakes, Passaic County, New Jersey.

4. Defendant Daniel O'Rourke (hereinafter "Mr. O'Rourke") is and was at all times relevant hereto serving as the Superintendent of the Pompton Lakes DPW located at 25 Lenox Avenue, Pompton Lakes, Passaic County, New Jersey.

5. Defendant Tim Duffy (hereinafter "Mr. Duffy") is and was at all times relevant hereto serving as the Supervisor at the Pompton Lakes DPW located at 25 Lenox Avenue, Pompton Lakes, Passaic County, New Jersey.

6. At all times relevant herein, Defendant John Does 1-10 are fictitious names representing unknown parties who, as employees of Defendant, were present and aware of the alleged acts against the Plaintiff and/or conspired with named Defendants in their actions against the Plaintiff and therefore are liable for the injuries suffered.

ALLEGATIONS RELEVANT TO ALL COUNTS

7. Plaintiff Robert Keith Barnes (hereinafter "Plaintiff") is employed full-time as a truck operator by Defendant Pompton Lakes DPW, operating under the Borough of Pompton Lakes in Passaic County, New Jersey.

8. Plaintiff commenced full-time employment with the Pompton Lakes DPW in 2016.

9. Plaintiff was initially hired by the Pompton Lakes DPW as a laborer with a starting yearly salary of \$28,000 and was subsequently promoted to the position of driver with a current salary yearly of **\$62,000.00**.

10. On November 3, 2023, while operating a garbage collection truck owned by the Pompton Lakes DPW, Plaintiff was involved in a minor accident within a DPW lot in which he inadvertently struck a parked, unoccupied, and disabled pickup truck, also owned by the Pompton Lakes DPW.

11. That same day, November 3, 2023, Plaintiff did not report the incident to his Superintendent, Mr. O'Rourke, and filed a Police Report with the Pompton Lakes Police Department describing the circumstances of the accident.

12. Despite Plaintiff's non-reporting, three days later, on November 9, 2023, the Pompton Lakes Police Department unexpectedly issued Plaintiff two summonses arising from the November 3, 2023, accident: one under N.J.S.A. 39:4-130 for Failure to Report an Accident, and one under N.J.S.A. 39:4-129 for Leaving the Scene of an Accident.

13. It was later revealed through the testimony of Mr. O'Rourke at the Municipal Court hearing on Plaintiff's November 9, 2023 summonses that these charges arose, in part, from a call Mr. O'Rourke himself made to the Pompton Lakes Police Department, during which he reported the November 3, 2023 incident as a hit and run and provided police with security camera footage of the event. This was done despite the fact that Plaintiff had already openly acknowledged to Mr. O'Rourke that he may have unknowingly struck the vehicle and had filed a police report documenting the occurrence. The Borough was trying to get Plaintiff to go to court.

14. In the meantime, Plaintiff had pleaded not guilty to both November 9, 2023 summonses and awaited a hearing before the Bloomingdale Township Municipal Court in Passaic County, New Jersey. Plaintiff's driver's license remained in good standing pending the hearing.

15. On November 13, 2023, Plaintiff received a Preliminary Notice of Disciplinary Action ("PNDA") from his employer, the Borough of Pompton Lakes, suspending him without pay for ninety (90) days, effective January 1, 2024, through March 30, 2024. The PNDA, signed by Mr. Carelli in his capacity as the Borough Administrator, citing the November 3, 2023, incident as the basis for the suspension.

16. We must note that, prior to the November 3, 2023, incident, Plaintiff's disciplinary history with the Borough was minimal. On August 11, 2023, Plaintiff received PNDA after Mr. Duffy alleged that he had backed a DPW truck into a roadway despite an available turn-around. The same notice also mentioned that Mr. Duffy observed the truck's tires were in poor condition, with metal showing through. As a result of that notice, Plaintiff served a brief three-day suspension from August 29, 2023, through August 31, 2023.

17. The only other discipline Plaintiff ever received was not a PNDA, but rather a written verbal warning from March 27, 2023, after he allegedly placed a tire on the hood of a PLEMS vehicle. Because the incident apparently caused little, if any, damage, the matter was treated as minor and resulted only in a warning.

18. Most importantly, Mr. O'Rourke later testified at the Plaintiff's Municipal Court hearing for the November 9, 2023 summonses, that these two prior incidents were

not the basis for the ninety-day suspension, which were imposed solely because of the November 3, 2023, incident.

19. On February 22, 2024, the fifty-eighth day of Plaintiff's suspension, Plaintiff received a letter signed by Mr. Carelli in his capacity as the Borough of Pompton Lakes notifying Plaintiff of a meeting to discuss his employment, scheduled for February 28, 2024, before the Borough Council Chambers. The letter indicated the meeting would be held in closed session, unless otherwise requested, and that Plaintiff's attendance was not required.

20. Then, on March 5th, 2024, the Plaintiff received yet another PNDA, this time advising that he would be terminated from his position effective March 11, 2024, unless he sought a hearing to appeal this decision.

21. The PNDA cited as the basis for termination an alleged failure to possess a valid New Jersey driver's license in violation of N.J.A.C. 4A:2-2.3(a)(12), purportedly arising from the November 3, 2023, accident and the resulting summonses issued to Plaintiff.

22. The PNDA further stated that in January 2024 Plaintiff had been found guilty of both summonses and that his commercial and personal driver's licenses had been suspended for a period of six (6) months.

23. The PNDA asserted that possession of a valid driver's license was a prerequisite for Plaintiff's position as a truck driver, and that the alleged suspension rendered him ineligible to hold that position.

24. At the time the PNDA was issued, Plaintiff had not yet had a hearing on the November 9, 2023 summonses. Accordingly, the statements in the PNDA regarding a guilty finding and a license suspension were factually false and without basis.

25. On March 14, 2024, while still serving his suspension, Plaintiff received a court notice from the Bloomingdale Township Municipal Court notifying him that his hearing was scheduled for March 20, 2024, at 5:00 p.m. The letter confirmed that Plaintiff's driver's license remained in good standing pending the hearing. \

26. On March 20, 2024, the scheduled hearing in the Bloomingdale Township Municipal Court did not proceed because the matter was ordered transferred to another venue on the grounds that Plaintiff's employment with the Borough of Pompton Lakes created a conflict of interest.

27. Then, on September 11, 2024, the hearing on both November 9, 2023 summonses arising from the November 3, 2023 accident, was finally held at the North Haledon Municipal Court.

28. At the conclusion of the hearing, the presiding Judge dismissed both summonses, expressly finding that the State had failed to prove that Plaintiff knew he had struck the disabled vehicle prior to reporting the incident and that they failed to show any damages.

29. The court's ruling was supported by testimony from Mr. O'Rourke, who confirmed that the vehicle involved was an already-disabled, visibly damaged pickup truck which the DPW had not even bothered to assess for additional damage after the alleged impact, as the Borough had already decided to dispose of it by selling it as scrap.

30. As a result of the dismissal, Plaintiff's driver's license, remained in full force and effect and in good standing, exactly as it had been continuously since the date of the accident on November 3, 2023. At no point was Plaintiff's license ever suspended.

31. Following receipt of the termination notice of March 5, 2024, Plaintiff's counsel contacted the Borough of Pompton Lakes and requested that the Preliminary Notice of Disciplinary Action be withdrawn and that Plaintiff not be terminated.

32. As a result of counsel's intervention, the Borough ultimately reinstated Plaintiff to his position with the Pompton Lakes Department of Public Works and Plaintiff returned to work on April 2, 2024.

33. Upon Plaintiff's return to work, he was not permitted to resume his normal driving duties. Although Plaintiff had regularly been assigned as a driver prior to his suspension, Mr. Duffy instead assigned him to ride on the back of the garbage truck. When Plaintiff inquired why he had not been placed in his usual driver position, Mr. Duffy stated that he "did not know" and offered only an apology, despite the fact when Mr. O'Rourke created the truck assignment list, he had customarily designated Plaintiff as a driver.

34. Despite being reinstated, Plaintiff lost approximately three (3) months of wages because of the unpaid suspension imposed by his employer.

35. As a further result of the Defendants' actions, Plaintiff has suffered severe emotional distress, anxiety, and mental anguish. The stress of fighting to maintain his employment caused him to lose approximately twenty (20) pounds, suffer from sleeplessness for extended periods, and endure significant worry and fear over the security of his livelihood.

36. In addition, Plaintiff has incurred attorneys' fees and expenses as a direct result of his employer's extreme and baseless measures in suspending him and threatening termination following the November 3, 2023, accident—measures taken even though the Municipal Court later ruled in Plaintiff's favor and dismissed all charges.

COUNT 1

**RACE DISCRIMINATION IN VIOLATION OF THE NEW JERSEY LAW
AGAINST DISCRIMINATION N.J.S.A § 10:5-1 et seq.**

37. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if the same were set forth at length herein.

38. Plaintiff was subject to unlawful discrimination based upon his race.

39. Defendants intentionally engaged in the practice of discriminating against people based on race.

40. Plaintiff is African American and one of only two African American employees working for the Pompton Lakes DPW, which employs approximately twenty-five individuals, of whom twenty-one are Caucasian, two are Hispanic, and two are African American, including Plaintiff.

41. Plaintiff was treated differently and less favorably than similarly situated Caucasian employees on the basis of his race.

42. Specifically, Caucasian employees who previously lost their driver's licenses while employed at the DPW were not subjected to suspension proceedings or threats of termination. In contrast, Plaintiff, an African American employee, was suspended without pay for ninety (90) days and served with a Preliminary Notice of Disciplinary Action threatening termination, despite the fact that his license had never been suspended.

43. At Plaintiff's Municipal Court hearing regarding the summonses issued in connection with the November 3, 2023, accident, Mr. O'Rourke, testified that there had been a history of other DPW employees being involved in accidents and failing to report them. Despite that admitted history, no Caucasian employee had ever been made an example of for such incidents through unpaid suspension, threatened termination, or referral to law enforcement.

44. By treating Plaintiff more harshly than his Caucasian counterparts and singling him out for suspension, threat of termination, and referral to police for alleged misconduct, Defendants discriminated against Plaintiff because of his race in violation of the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.).

45. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered loss of wages, emotional distress, mental anguish, humiliation, and attorneys' fees and costs.

WHEREFORE, the Plaintiff demands judgment against the Defendant(s) for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit; and
- 6) any other relief that the court deems to be just and equitable.

COUNT TWO

**RETALIATION IN VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION ("N.J.LAD") §10:5-1 et. seq.**

46. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if the same were set forth at length herein.

47. Plaintiff asserted his rights through counsel, opposing disparate treatment and discriminatory actions taken against him following the November 3, 2023, incident, in his May 9, 2024, letter by Plaintiff's counsel addressed to Michael Carelli in his capacity as the Borough Administrator.

48. After engaging in this protected activity, Plaintiff was subjected to adverse employment actions and retaliatory conduct by his employer.

49. First, upon Plaintiff's reinstatement to his position after suspension, he was not permitted to resume his regular driving duties. Although Plaintiff had consistently been assigned as a driver prior to his suspension, Mr. Duffy reassigned him to ride on the back of the garbage truck. When Plaintiff questioned this change, Mr. Duffy merely stated that he "did not know" and apologized. Plaintiff further observed that Mr. Duffy was cold and indifferent toward him following his return after the incident of November 3, 2023.

50. Further, Plaintiff never received back pay for the three (3) months he was suspended without pay, even though his driver's license was never suspended and the Municipal Court ultimately dismissed the summonses that Defendants had cited as the basis for his suspension and threatened termination.

51. These actions were taken to punish and retaliate against Plaintiff, to make an example out of him, and to deter Plaintiff and others from exercising their rights to

report discriminatory practices through unfair discipline and threat of employment termination resulting from the November 3, 2023 incident.

52. This conduct constitutes retaliation in violation of NJLAD, N.J.S.A. §10:5-1 et seq.

53. As a direct and proximate result of Defendants' retaliation, Plaintiff suffered loss of wages, emotional distress, mental anguish, humiliation, damage to his reputation, and attorneys' fees and costs.

WHEREFORE, the Plaintiff demands judgment against the Defendant(s) for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit; and
- 6) any other relief that the court deems to be just and equitable.

COUNT THREE

CREATION OF A HOSTILE WORK ENVIRONMENT IN VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. § 10:5-1 et seq.

54. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if same were set forth at length herein.

55. The New Jersey Law Against Discrimination prohibits employers from subjecting employees to a hostile or abusive work environment through unequal discipline, intimidation, or arbitrary treatment that interferes with the terms and conditions of employment. N.J.S.A. 10:5-1.

56. Mr. O'Rourke escalated the November 3, 2023 incident by reporting it to the police as a hit and run and providing security footage, even though Plaintiff had already confessed to Mr. O'Rourke that he may have unknowingly struck the vehicle that morning and had filed a police report himself.

57. This unequal and excessive treatment was compounded by Mr. O'Rourke's admission that the vehicle struck was an already-disabled DPW vehicle, unused for four to five months and scheduled to be discarded, and that the Borough had not even assessed it for damage in relation to the November 3, 2023, accident.

58. Plaintiff was suspended without pay for ninety (90) days, a significant period of time, despite the fact that his driver's license remained valid at all times and despite the fact that he engaged in no misconduct during the suspension period.

59. Plaintiff was further threatened with termination on false grounds, including the employer's assertion that he had been found guilty and that his license had been suspended, even though Plaintiff had pled not guilty to charges, no hearing had yet taken place, and no such findings existed.

60. At Plaintiff's Municipal Court hearing, Mr. O'Rourke admitted that other employees at the DPW had also been involved in accidents and had failed to report them. Nevertheless, Mr. O'Rourke stated that Plaintiff was being suspended and threatened with termination to make an example out of him.

61. Following Plaintiff's reinstatement, Mr. Duffy continued to treat him in a cold and dismissive manner and reassigned him from his usual driving duties to riding on the back of the garbage truck, despite Plaintiff's long-standing designation as a driver.

62. The cumulative effect of Defendants' actions—including the prolonged unpaid suspension, the baseless termination threat, Mr. O'Rourke's stated intent to make an example out of Plaintiff, the referral to police for an accident that caused no loss to the Borough, and the continued cold and indifferent treatment by Mr. Duffy, created a hostile and abusive work environment that unreasonably interfered with Plaintiff's conditions of employment.

63. As a direct and proximate result of Defendants' conduct, Plaintiff suffered economic loss, emotional distress, mental anguish, humiliation, and attorneys' fees and costs.

WHEREFORE, the Plaintiff demands judgment against the Defendant(s) for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit; and
- 6) any other relief that the court deems to be just and equitable.

COUNT FOUR

**AIDING AND ABETTING IN VIOLATION OF THE NEW JERSEY LAW
AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 et. seq.**

64. Plaintiff repeats and realleges each allegation set forth in the preceding paragraphs as if same were set forth at length herein.

65. Mr. Duffy had knowledge of the unequal treatment, heightened scrutiny, and retaliatory conduct directed at Plaintiff and failed to stop or prevent the hostile or discriminatory conduct.

66. Rather than seek to prevent such treatment, Mr. Duffy aided and abetted the illegal discriminatory and retaliatory behavior directed at Plaintiff by enforcing adverse work assignments, including reassigning Plaintiff from his regular driver duties to the back of the garbage truck upon his reinstatement, and by treating Plaintiff in a dismissive and hostile manner in the workplace.

67. Mr. O'Rourke also aided and abetted the discriminatory and retaliatory treatment of Plaintiff. Specifically, he signed off on the Preliminary Notice of Disciplinary Action ("PNDA") suspending Plaintiff without pay for ninety (90) days and later issued a second PNDA threatening termination based on false and unsubstantiated grounds, including the claim that Plaintiff's driver's license had been suspended, when in fact Plaintiff's license remained valid at all times.

68. Mr. Carelli also aided and abetted the discriminatory and retaliatory treatment of Plaintiff. Specifically, he signed off on the Preliminary Notice of Disciplinary Action ("PNDA") suspending Plaintiff without pay for ninety (90) days and later issued a second PNDA threatening termination based on false and unsubstantiated grounds, including the claim that Plaintiff's driver's license had been suspended, when in fact Plaintiff's license remained valid at all times.

69. Mr. O'Rourke further escalated the November 3, 2023 incident by reporting it to the Pompton Lakes Police Department as an alleged hit and run and supplying police with security footage, even though Plaintiff had already reported the incident himself,

filed a police report, and even though the vehicle involved was an already-disabled DPW vehicle that had been unused for municipal purposes for four to five months and scheduled to be discarded.

70. During Plaintiff's Municipal Court hearing, Mr. O'Rourke admitted under oath that there was a history of other DPW employees being involved in accidents and failing to report them, but that no such employees had ever been referred to the police, suspended without pay, or threatened with termination. Instead, he admitted that Plaintiff was singled out and disciplined more harshly to make an example out of him.

71. Mr. Duffy, Mr. O'Rourke, and Mr. Carelli thereby aided and abetted the discrimination, retaliation, and hostile work environment directed at Plaintiff, in violation of the New Jersey Law Against Discrimination, N.J.S.A. § 10:5-1 et seq.

72. As a direct and proximate result of the aforementioned conduct, Plaintiff has suffered and will continue to suffer economic loss, loss of wages, emotional distress, humiliation, mental anguish, attorneys' fees, and other damages.

WHEREFORE, the Plaintiff demands judgment against the Defendant(s) for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit; and
- 6) any other relief that the court deems to be just and equitable.

COUNT FIVE

FICTITIOUS DEFENDANTS

73. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if same were set forth at length herein.

74. John Does 1-10 represent entities unknown to Plaintiff at this time who have aided and abetted the Defendants' violations of the law as set forth above.

75. ABC Corps 1-10 represent entities unknown to the Plaintiff at this time who have aided and abetted the Defendants' violations of the law as set forth above.

76. As a direct and proximate result of the aforementioned wrongful conduct, the Plaintiff suffered and will continue to suffer emotional pain and suffering and mental anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendant(s) for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit; and
- 6) any other relief that the court deems to be just and equitable.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands trial by jury as to all matters herein.

TRIAL DESIGNATION

Pursuant to R. 4:5-1, Alan Genitempo, Esq., is hereby designated as trial counsel for the within matter.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10(b), demand is hereby made that Defendants disclose to Plaintiff's attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe and umbrella policies.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify, pursuant to R. 4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action at this time.

**PIRO, ZINNA, CIFELLI,
PARIS & GENITEMPO, LLC**
Attorneys for Plaintiff,
Robert Keith Barnes

/s/ ALAN GENITEMPO, ESQ.
ALAN GENITEMPO, ESQ.

Dated: March 26, 2026

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-001079-26

Case Caption: BARNES ROBERT VS BOROUGH OF POMPTON LAKES

Case Initiation Date: 03/26/2026

Attorney Name: ALAN JOSEPH GENITEMPO

Firm Name: PIRO ZINNA CIFELLI, ET AL

Address: 360 PASSAIC AVE

NUTLEY NJ 071102787

Phone: 9736610710

Name of Party: PLAINTIFF : ROBERT K BARNES

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: ROBERT K BARNES? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

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)*

03/26/2026
Dated

/s/ ALAN JOSEPH GENITEMPO
Signed

LAW OFFICES OF STEVEN A. VARANO, P.C.

Albert J. Seibert, Esq.

Attorney ID No. 208172017

96 Newark Pompton Turnpike

P.O. Box 360

Little Falls, New Jersey 07424

(973) 256-1414 - Phone

(973) 256-6111 - Facsimile

Attorney for Plaintiff

Our File No.: CV43124

MEGHAN MULRANEY,

Plaintiff,

vs.

**BOROUGH OF POMPTON LAKES,
MICHAEL CARELLI, PAULA
COZZARELLI, ELIZABETH
BRANDSNESS, PATRICIA DAVIS,
JOHN DOES 1-10; ABC CORP. 1-10,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW PART: PASSAIC COUNTY**

DOCKET NO.: PAS-L-1523-26

Civil Action

SUMMONS

From the State of New Jersey to the Defendant(s) Named Above:

Michael Carelli

The Plaintiff, 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 Clerk of the Superior Court in the County listed above within 35 days from the date you received this Summons, not counting the day you received it. (The address of each deputy clerk of the Superior Court is provided). A \$175.00 filing fee payable to the Clerk of the Superior Court 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 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 and completed Case Information Statement) if you want the Court to hear your defenses.

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 court costs. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay off 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. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: April 29, 2026

s/ Michelle M. Smith, Esq.
Clerk of the Superior Court

Name and address of Defendant to be served:

MICHAEL CARELLI
25 Lenox Avenue
Pompton Lakes, New Jersey 07442

LAW OFFICES OF STEVEN A. VARANO, P.C.

Albert J. Scibert, Esq.
Attorney ID No. 208172017
96 Newark Pompton Turnpike
P.O. Box 360
Little Falls, New Jersey 07424
(973) 256-1414
(973) 256-6111 (Facsimile)
Attorney for Plaintiff
Our File No.: CV40434

MEGHAN MULRANEY,

Plaintiff,

vs.

**BOROUGH OF POMPTON LAKES,
MICHAEL CARELLI, PAULA
COZZARELLI, ELIZABETH
BRANDSNESS, PATRICIA DAVIS,
JOHN DOES 1-10; ABC CORP. 1-10,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY**

DOCKET NO.:

• Civil Action

**COMPLAINT, DESIGNATION OF TRIAL
COUNSEL, JURY DEMAND,
CERTIFICATION**

Plaintiff, Meghan Mulrancy, ("Plaintiff"), residing in the Township of Wayne, County of Passaic, by way of Complaint against Defendants alleges and says:

PARTIES

1. At all relevant times herein, Plaintiff Meghan Mulrancy ("Plaintiff") is an individual currently residing in Wayne, New Jersey and formerly employed with Defendant, Borough of Pompton Lakes ("the Borough") as Primary Tax Clerk, Keyboarding Clerk I, Technical Assistant to the Tax Assessor, Tax Search Officer, board of Health Secretary

2. At all relevant times herein, Defendant Borough of Pompton Lakes ("Defendant Borough") located at 25 Lenox Avenue, in the Borough of Pompton Lakes, County of Passaic, State of New Jersey, employed Plaintiff from November 14, 2022 through April 30, 2025.

3. At all relevant times herein, Defendant Paula Cozzarelli ("Defendant Cozzarelli")

was the Business Administrator for the Defendant Borough and Plaintiff's supervisor until September 2023.

4. At all relevant times herein, Defendant Michael Carelli ("Defendant Carelli") is the Business Administrator for the Defendant Borough and from September 2023 to present and was Plaintiff's supervisor until her wrongful termination.

5. At all relevant times herein, Defendant Elizabeth Brandsness ("Brandsness") is an employee of Defendant Borough and participated in the unlawful acts against Plaintiff set forth herein.

6. At all relevant times herein, Defendant Patricia David ("Davis") is an employee of Defendant Borough and participated in the unlawful acts against Plaintiff set forth herein.

7. Defendants were, at all relevant times, Plaintiff's "employer" as defined by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* ("NJLAD"). Defendants are liable for the acts alleged herein either as the direct employer of Plaintiff, the direct acting party, or as a responsible party for the acts of its employees under the doctrine of *Respondeat Superior*.

8. Defendants John and Jane Does 1 through 10 and ABC Corporations 1 through 10 are or were at all relevant times herein, either persons and/or entities affiliated with Defendants, retained by and/or acted on behalf of or in concert with Defendants or who were otherwise responsible for the damages sustained by Plaintiff. Said Defendants are fictitiously named herein inasmuch as their current identities are unknown to the Plaintiff. Any and all allegations against any of the specifically named Defendants should be deemed to include and list these fictitiously named Defendants automatically by reference. As the true identities of these Defendants are made known to the Plaintiff, said Defendants shall be designated by proper name.

STATEMENT OF FACTS

1. On November 14, 2022, Plaintiff was hired as a Part-time Tax Clerk, Technical Assistant to the Tax Assessor, and Tax Search Officer.
2. Plaintiff explained to Defendant Cozzarelli during her interview that she had chronic back pain from a spinal injury that occurred in May 2021 and applied to the Part-time job to limit her pain while sitting for extended periods of time.
3. After Plaintiff was hired and trained, Defendant Cozzarelli informed Plaintiff that the position Plaintiff was going to be made full-time, and if Plaintiff did not accept, she could not continue her employment.
4. Although Plaintiff had expressed further concern because of her injuries, she accepted.
5. Upon commencement of Plaintiff's employment, several municipal employees had either just left their position or were in the process of doing so.
6. Moreover, on the same day that Plaintiff began employment, Tricia Davis, formerly in the police records department and an ally/cohort of Cozzarelli, was appointed as Board of Health Secretary. Davis was also responsible for pet licensing.
7. After being transferred, Davis falsely told Cozzarelli that Plaintiff was spreading a rumor that Cozzarelli's personality and actions caused a number of municipal employees to leave their position.
8. In or around January 2023, after the above falsehood by David, despite Plaintiff's health concerns and the fact that she was hired as Tax Clerk, Technical Assistant to the Tax Assessor, and Tax Search Officer, Cozzarelli began to delegated duties performed by Davis that she no longer wished to perform to Plaintiff. Plaintiff's position and Board of Health Secretary

were separate full-time positions. Plaintiff was now being tasked to perform the duties for both positions.

9. Plaintiff's duties as the Board of Health Secretary entitled her to a stipend of \$1,000.00.

10. Although Plaintiff performed the duties of Board of Health Secretary, she was not given the stipend until 2024. Instead the stipend was given to Davis, despite the fact that Plaintiff was performing a large portion of her job duties. Cozzarelli continued to bombard Plaintiff with new duties typically performed by other individuals prior to Plaintiff's employment.

11. Moreover, the job of issuing pet and health licenses was an extremely burdensome job that required long hours of printing licenses, getting them approved by the Business Administrator and then sending them out to each and every citizen or business in the Borough. As stated above, it was a full time job before Plaintiff arrived.

12. The licenses needed to be printed on a specialized printer, of which the Borough had two: one that was specifically bought for the purposes of licensing, which was re-located to Davis' desk at her request and for no apparent reason other than to harass and retaliate against Plaintiff; and one in the mailroom down the hall from Plaintiff's office.

13. Davis and Cozzarelli prohibited Plaintiff from using the printer on Davis's desk and forced Plaintiff to print the licenses in the mailroom.

14. Furthermore, When Plaintiff would walk to the mailroom to print the licenses, Davis and another employee Elizabeth Brandsness ("Brandsness") would follow Plaintiff to and from the mailroom. Upon her return she was reprimanded by either Davis, Brandness or Cozzarelli for leaving her post. Brandsness and Davis would also strangely follow Plaintiff to the bathroom.

15. Furthermore, when Cozzarelli would reprimand Plaintiff, she would scream at

Plaintiff and constantly used obscenities to emphasize her points. As such, Plaintiff was apprehensive everyday to go into work as she was being terrorized daily and constantly by Cozzarelli and her cohorts.

16. The situation reached a point where Cozzarelli would berate Plaintiff for things such as "smiling too much."

17. Cozzarelli and her cohorts took other actions to ensure Plaintiff's daily work life was a living hell. For instance, despite knowledge of her aforementioned back injuries, Plaintiff was forbidden from leaving her desk to stretch or loosen up her back, forcing her to often stand up or kneel at her desk while working. At one point, Davis purposely rearranged the chairs in the office so that Plaintiff had a broken chair in an effort to exacerbate her back pain. Plaintiff requested that she be permitted to purchase, on her own dime, a new desk chair. Cozzarelli denied her request, despite routinely approving similar requests from other employees.

18. On February 3, 2023, Plaintiff was working at the tax counter assisting any taxpayers that required assistance. That morning, Plaintiff lost her voice. In response, Brandsness, acting as Deputy Administrator, forced Plaintiff to field phone calls for her department as well as other departments, which further strained her voice.

19. Moreover, Brandsness and Davis purposely transferred countless calls to Plaintiff to further harass and intimidate her.

20. After eventually being permitted to leave in the early afternoon, Plaintiff took a COVID-19 test and tested positive. After discovering this, Davis and Brandsness spread word that Plaintiff tested positive for COVID-19 and were telling anyone who would listen (including friends of Plaintiff and members of Plaintiff's church, a falsehood that Plaintiff recklessness and disregard for safety protocols resulted in her contracting COVID-19).

21. As Plaintiff's employment continued, Cozzarelli and her cohorts' obsession with pet licensing in the Borough intensified, and Plaintiff was always made the target of any complaints and issues surrounding the licenses. They were clearly attempting to put Plaintiff in an impossible situation. For instance, pet licenses in the Borough are due by January 31 of each year or they are subject to late fees. First quarter property taxes are due on February 1 of each year, which Plaintiff handled as part of her normal duties as tax clerk. Handling both of these deadlines in any semblance of an efficient manner was a fool's errand. Plaintiff was tasked with handling the duties associated with both deadlines, despite Davis having more than enough free time to handle the pet licensing duties, which were supposed to be her duties anyway.

22. Because Plaintiff, in addition to her tax related duties, was also performing the duties that were always handled by two full time employees, she frequently had to work late and on weekends to ensure that every one of them was completed or she would face Cozzarelli's wrath.

23. Moreover, because Davis was in charge of Payroll, Plaintiff was not compensated for working the overtime and weekend days.

24. Despite the substantial additional hours worked by Plaintiff to attempt to complete the duties assigned to her that were usually handled by other full time employees, from November 2022 to June 2023, Defendants withheld from Plaintiff more than twice the amount typically taken out for pension and other deductions. When Plaintiff inquired as to why this was the case, the only explanation she received was that she had to compensate for the time period that she was part-time.

25. In early, 2023, the wrongful actions against Plaintiff continued. At one point, Davis rearranged all of the files in the file cabinets and put all of Plaintiff's files in the bottom drawer, sarcastically stating it would be better for Plaintiff's back. Moving her files to the drawer was a

clear effort to force Plaintiff to have to bend down, exacerbating her known back issues, each and every time she needed to obtain a file.

26. On April 26, 2023, Plaintiff's sister passed. Despite being entitled to five (5) days of bereavement leave, Plaintiff's request for same was denied. Plaintiff was only permitted to leave work early the day that her sister passed away, and that was only because Plaintiff had already requested same for an unrelated reason.

27. Defendant Cozzarelli, Brandsness, and Davis quickly began to spread false rumors around the office that Plaintiff's sister overdosed. Cozzarelli audaciously continued to utter this hurtful and false rumor in front of Plaintiff, despite Plaintiff advising her that it was untrue and requesting that she stop.

28. On August 18, 2023, Defendant Cozzarelli called Plaintiff into her office after everyone had left. Defendant Cozzarelli would frequently wait for everyone had left for the day before calling Plaintiff into her office, that way she could berate Plaintiff without any witnesses.

29. During this particular meeting, Cozzarelli denied Plaintiff Weingarten rights and proceeded to scream at her and demanded that Plaintiff sign off on the proposed discipline. Plaintiff attempted to note on the document that she disagreed with same, but was told that it "wasn't the time to go back and forth and have a conversation" and that she was required to sign the document. Cozzarelli then forced Plaintiff to sign a disciplinary report containing false allegations and descriptions. Plaintiff's request for a copy was denied.

30. Thereafter, Plaintiff's union representative exchanged several emails with Defendant Cozzarelli regarding the disciplinary action against Plaintiff. Cozzarelli, could not answer (or more likely, did not want to answer) basic questions about the nature of the discipline levied against Plaintiff and was intentionally vague and evasive when responding to Plaintiff's

Union.

31. On August 22, 2023, and August 23, 2023, Plaintiff called out of work because she was not feeling well. Although Cozzarelli was on vacation, she required Plaintiff to see the borough's physician for clearance. This was not the procedure for any other Borough employees.

32. On August 24, 2023, at 8:08 AM, Cozzarelli texted Plaintiff to let her know that if she is free of symptoms, she does not need to see the borough doctor. Following that text, Cozzarelli emailed Plaintiff at 9:49 AM that failing to respond to text messages is considered insubordination.

33. Between August 24 and August 28, 2023, Plaintiff filed three grievances: 1. Unjust disciplinary action-removal of disciplinary letter 2. Unnecessary harassment 3. Unjust disciplinary action PNDA.

34. While with the union attorney, she asked if it was true that Plaintiff's sister overdosed, confirming that the false rumors had spread throughout the Borough.

35. Because the Borough did not have a human resources department, the grievances were handled by Cozzarelli and Davis. As such, nothing was done about the grievances and Cozzarelli threatened Plaintiff for notifying the union.

36. On September 5, 2023, Cozzarelli met with the union attorney and prevented Plaintiff from attending, despite claiming this was Plaintiff's disciplinary hearing. Cozzarelli stated to the Union attorney, "If I can't suspend her, I will fire her."

37. On same date, Cozzarelli emailed Plaintiff demanding that she report to her office. This occurred, as usual, towards the end of the day when no other employees were present other than Davis. I requested that my union representative be present. Cozzarelli denied the request, stating I did not have the right to same and proceeded to finally provide me with a Preliminary

Notice of Disciplinary Action.

38. Plaintiff also discovered at this time that the disciplinary action was predated and included accusations against Plaintiff that had not even yet occurred. It was known that Cozzarelli was about to leave her position in the Borough, and it is clear that she hell-bent on either firing Plaintiff or causing irreparable damage to her career on her way out.

39. On September 6, 2023, Cozzarelli called Plaintiff to her office and proceeded to scream obscenities at Plaintiff and call her names for several minutes. As Plaintiff sat there frightened and silent, Cozzarelli's anger continued to intensify. At one point, Cozzarelli told Plaintiff that she did not know what the future held for Plaintiff and sarcastically and ominously told Plaintiff she hoped that the new Business Administrator would not look at her personnel file and hold anything against her. As will be discussed below, The superseding Business Administrator was a close friend of Cozzarelli and next door neighbor of Davis, and picked up right where Cozzarelli left off and continued the campaign and tormenting of Plaintiff.

40. This was obviously concerning to Plaintiff for several reasons, including that Cozzarelli was in charge of what was and was not included in personnel files. Moreover, personnel files were not kept secure, so much so that Plaintiff and other Borough employees witnessed Davis on more than one occasion mishandling same and at times reading employees' personnel files aloud.

41. After the September 5 and 6 incidents, Plaintiff emailed the union and the mayor about the event. As with the grievances, nothing was done and Plaintiff received no response.

42. In September, 2023, Michael Carelli ("Carelli") became the Business Administrator following Cozzarelli's departure. Plaintiff was initially hopeful that the abuse she was subjected to would cease with a new BA. This was despite his personal connections with

Cozzarelli and Davis, as well as the fact that his father, the Mayor of Riverdale (which shares a high school and is heavily affiliated with Pompton Lakes) is friends with the Mayor of Pompton Lakes.

43. Sadly, Carelli continued the pattern of abuse towards Plaintiff, and it was obvious that Cozzarelli encouraged him to do so prior to her departure.

44. In or around October, 2023, Plaintiff for the first time learned that the Borough conducts a rabies clinic each November. Despite being hired in the tax department, in addition to the various other duties that were stacked on her, Plaintiff was required to make all necessary arrangements for the event. The event was to be held on Saturday, November 11, 2023. Prior to leaving for the weekend, Brandsness asked Plaintiff whether she would be attending. Plaintiff advised that she was not and was not told that her attendance was expected or required. Moreover, Plaintiff is allergic to cats could not attend even if she received notice that she was required to do so. She received no such notice.

45. Despite same, Plaintiff, a tax clerk, was issued a disciplinary warning for not attending the rabies clinic. Carelli chastised Plaintiff for not disclosing her cat allergy when she was, for whatever reason, appointed as Health Secretary. Moreover, during Plaintiff's time at the Borough, the job duties of the Board of Health Secretary did not include the rabies clinic or animal licensing. Those duties were supposed to be handled by the Animal Control Department.

46. On November 29, 2023, Plaintiff met with Carelli to report to him all of the various tasks and responsibilities that were improperly assigned to Plaintiff since her employment began. Carelli advised Plaintiff the next day that she could resign as Board of Health Secretary.

47. On December 2, 2025, the Plaintiff and her union representative spoke with Carelli to clarify her job duties going forward. They reached a resolution where Plaintiff would resign as

the Board of Health Secretary, and that pet licensing would not be Plaintiff's responsibility.

48. On December 4, 2023, Plaintiff emailed her resignation as Board of Health Secretary. Thereafter, Carelli replied that animal licensing was not part of the Board of Health secretary position, but the role of keyboarding clerk, and rescinded Plaintiff's resignation as Board of Health secretary position.

49. In addition, Carelli advised Plaintiff that if she provide medical documentation regarding her cat allergy, the disciplinary warning would be removed from her personnel file. Plaintiff did so, and was told, but was not provided proof, that the warning was removed.

50. Despite the above, Plaintiff continued to be responsible for pet licensing.

51. In addition, the harassment by David and Brandness continued. As stated above, Plaintiff's spinal injury caused great discomfort and Plaintiff had to stand up and move every so often to stretch. Almost every time Plaintiff got up, or even went to use the bathroom, Davis and/or Brandness continued to follow her and would ask demeaning, rhetorical questions such as "what is wrong with you."

52. In Late December 2023, Plaintiff's wrist began to swell while she was stuffing thousands of pet license applications into envelopes. The wrist ultimately swelled to the point where it was twice the size of the other. Plaintiff sent a picture of same to her doctor and showed Carelli, who simply and quickly stated "it looks fine," before storming off.

53. On December 26, 2023 Plaintiff went to her orthopedist for treatment on her wrist. Plaintiff was advised it was likely from the repetitive motion associated with stuffing the envelopes. Plaintiff gave Carelli a note from Plaintiff's doctor so he was aware of the problem and that she was required to wear a brace.

54. The pet applications were required to be mailed to residents between Christmas and

New Year's Day. Despite knowledge of Plaintiff's injury and the fact that this precise task was the cause of Plaintiff's injury, Carelli left Plaintiff to continue to perform the task alone. As she did so, her wrist injury continued to worsen.

55. When two other employees volunteered to assist Plaintiff, Carelli forbade them from doing so. As such, Plaintiff's condition worsened and she was left with no choice but to take the licenses home to avoid being reprimanded.

56. Previously, mass mailings were a team effort in the Borough, as Plaintiff advised Carelli when she was desperate for help. Brandsness denied this to Carelli, in an effort to further torment Plaintiff and ensure she had to complete the mailings alone.

57. Each day as the applications from residents arrived, they were required to be quickly processed and the licenses would be mailed to the residents. Plaintiff continued to be tasked with this responsibility, despite her injury and the fact that she still had to fulfill her normal duties in the tax office (which were numerous especially in the beginning of each year), along with food licensing.

58. In or around January, 2024, two employees again went to Carelli and offered to help Plaintiff fold and send the licenses. Carelli prohibited the employees from helping.

59. On January 24, 2024, Plaintiff placed a number of unprocessed pet license applications in a box below her desk in her office, which was locked and could only be accessed with a key fob. Plaintiff had previously complained about this process and the fact that there was not a more secure place where the applications could be stored. She even previously requested that the Borough purchase a small safe that they could keep in. Her requests and suggestions were ignored.

60. On January 25, 2024, Carelli called Plaintiff to his office. Upon arrival, sensing

something amiss, requested union representation. Her request was denied, as Carelli said they were just having a conversation. Carelli proceeded to issue a disciplinary notice to Plaintiff for keeping the pet license applications in an unlocked box.

61. When Plaintiff advised Carelli of her frequent and repeated requests for adequate space to lock up the secure documents, Carelli changed the topic and began making statements about his lack of trust in the cleaning and maintenance staff. Furthermore, when Plaintiff asked where to put the applications, Carelli emptied out confidential tax documents from a drawer onto a desk, stuffed some of the pet applications in the drawer, and reprimanded her further.

62. After reporting the above to her union representative, Thereafter, Carelli purchased a countertop safe. Plaintiff asked if, how, and to what it would be attached, as it was light enough for anyone to carry and walk away with. Carelli said the Department of Public Works would bolt it to the wall. Plaintiff never saw the safe ever again.

63. On January 29, 2024, Davis severely berated Plaintiff for going to the bathroom. Plaintiff reported same to the chief tax clerk. Per the usual, no action was taken against Davis.

64. On June 28, 2024, Plaintiff's requested two sick days, June 28, 2024 and July 1, 2024.

65. On July 2, 2024, Carelli approved the days off. Per Borough policy, if an employee misses a day of work on a Friday in the summer, the employee is required to make up one hour of time. Carelli gave permission to make up the hour by not taking a lunch break on July 2 and indicated the approval of the days off and the make up of the hour in Primepoint, the Borough's platform used to track employees' time.

66. On July 5, 2024, Plaintiff noticed that one day's worth of pay was missing from her paycheck. Carelli chalked it up to a "payroll error" and advised Davis would fix it. Sure enough,

on July 9, 2024, Plaintiff was told that she would not be paid for the day missing from her paycheck and she would also be suspended without pay for two days. Plaintiff was also not paid for the hour that she made up on July 2, 2024.

67. On July 8, 2024, Plaintiff noticed she missed a day from her paycheck and asked Carelli about the missing day, he responded that Davis will fix the payroll error.

68. On July 9, 2024, Davis docked Plaintiff and suspended Plaintiff without pay on July 10, 2024 and July 11, 2024.

69. In or around November 2024, Plaintiff began preparing for the 2024 Rabies Vaccine Clinic again. Carelli tried to force Plaintiff to attend the clinic again. Despite Plaintiff clearly stating that she could not attend the previous year because of a cat allergy, Carelli reprimanded her again for not being able to go to the Vaccine Clinic.

70. In November, 2024, Plaintiff once again made the arrangements for the rabies clinic in the Borough. Despite being advised the prior year by Plaintiff that she could not go due to her allergy, Carelli still attempted to force her to attend. After Plaintiff maintained that she could not, and explained the nature of the allergy to Carelli, he simply smirked and said he would "make arrangements."

71. Carelli told Plaintiff if she could not attend the rabies clinic, it was her responsibility to find coverage. This was in direct contradiction to his advisement the prior year that this was the role of the keyboarding clerk.

72. Plaintiff postponed her elbow surgery to December 16, 2024 because of the fear of retaliation against her being absent before the rabies vaccine clinic.

73. In November, 2024, Plaintiff was scheduled for surgery on her elbow. Out of fear that she would be punished and retaliated against if she needed to take days off for recovery,

Plaintiff re-scheduled the surgery for December, 2024, so that she could recover during the holidays and the built in days off.

74. During the first week of December, Plaintiff advised Carelli of the upcoming surgery. He told Plaintiff to remind him as the date closer. When Plaintiff did so, he responded by telling Plaintiff that if she missed more than one week, he could start interviewing candidates for her position.

75. Plaintiff advised that she would be out for approximately one week and that she would be in a sling once she returned, which would impact her ability to type as quickly as usual.

76. On December 13, 2024, Plaintiff's last day of work before her surgery. Plaintiff reminded Carelli about her surgery on December 16, 2024. Carelli asked Plaintiff how many pet applications there were and where they were located. Carelli assured plaintiff the applications would be taken care of while she was out.

77. Thereafter, Plaintiff emailed Carelli about her FMLA papers, the 900 applications, the status of lien redemptions and delinquencies and reminded Carelli that someone had to do the deposits while she was out.

78. On December 17, 2024 Carelli acknowledged Plaintiff's FMLA request and moved right on to asking when the pet applications would be completed. This question confused Plaintiff as Carelli had assured Plaintiff the applications would be taken care of while she was out.

79. On December 23, 2024, Plaintiff returned to work in a cast and sling and none of the applications had been touched. She was unable to fold the applications and stick them in the envelopes with one hand. As set forth above, the applications had to be mailed out between Christmas and New Year's Day, and the office was closed on Christmas Eve and Christmas Day.

80. Plaintiff reminded Carelli that she needed assistance with mailing the applications.

Carelli responded that he would take care of and would have a solution by December 26 (he was off that day).

81. However, on December 27, 2024, Carelli informed Plaintiff that it was Plaintiff's sole responsibility to complete the applications.

82. Since Plaintiff could not complete the applications due to her injury and the refusal to provide reasonable accommodations by Carelli, Plaintiff was forced to take the applications home. With her mother's help, she was able to complete the applications in time.

83. Plaintiff asked for comp time for finishing the applications at home, Carelli denied the request because "he did not know Plaintiff did them at home." A clear indication that Plaintiff's additional responsibilities required long hours that she was rarely compensated.

84. On January 2, 2025, the Borough conducted a reorganization meeting. At the meeting, without any prior notice to Plaintiff, the deputy clerk was appointed as tax search officer, a role held by Plaintiff and for which she received a stipend. Since the role was reassigned, Plaintiff lost the stipend.

85. On January 6, 2025, Plaintiff worked on the Board of Health meeting packet and Brandness asked why it was taking so long, Plaintiff had to explain that because she only had access to one hand, she could not finish the packet quickly. Brandness then complained to Carelli. Subsequently, Carelli reprimanded her.

86. Carelli continued to harass, retaliate against and torment Plaintiff, in particular with respect to her injury and recovery. Specifically, Carelli would strategically reassign roles Plaintiff was originally hired for (especially as she got closer to obtaining her Tax Collector License) and would strip Plaintiff of duties she could perform with her injury, leaving her mostly with duties she could not perform, or could not perform effectively.

87. Carelli prohibited Plaintiff from taking an extra fifteen minutes at lunch to attend physical therapy, was prevented from using sick time, and was denied when she offered to make up time in advance or use comp time.

88. On January 31, 2025, Plaintiff had to have dental work done and was given a "flipper," which is a dental prosthetic similar to a retainer, worn while waiting for a dental implant to be ready. It prevents teeth from shifting, but it slightly affects speech.

89. On March 24, 2025 Carelli emailed Plaintiff a RICH notice while she was out of the office. On March 25, Plaintiff still had not seen the RICH notice as IT was performing work on the computers and network in the office.

90. On March 26, 2025 once she had access to her email again, Plaintiff saw the rice notice. Plaintiff approached Carelli to discuss same and was told it was a formality and that her employment was not in jeopardy.

91. On March 27, 2025 the union steward Carelli and the Plaintiff sat down and confirmed that Plaintiff was being laid off.

92. Shortly thereafter, Plaintiff received an email from Carelli rescinding the layoff.

93. On March 30, 2025, Carelli apparently witnessed Plaintiff pull into the parking lot of Chilton Hospital. He forwarded Plaintiff a text message later that day fishing for information as to why Plaintiff was there.

94. The following morning, Carelli immediately and improperly confronted Plaintiff regarding why she was pulling into Chilton Hospital.

95. Carelli's obsession with Plaintiff's health did not cease. On April 14, 2025, Plaintiff called out sick. She was required by Carelli to submit proofs from two different doctors to prove she was sick.

96. On April 30, 2025, Carelli called Plaintiff into his office. He said he wanted to change the due date for licenses back to the original date. During the conversation, Carelli kept confusing the expiration dates for the licenses with the due dates.

97. When Plaintiff corrected him, Carelli became increasingly hostile and accused Plaintiff of not understanding and slurring her speech.

98. Plaintiff reminded Carelli that she was wearing a flipper from her dental procedure, which he already knew. Carelli appeared amused when Plaintiff became upset about the accusations and he was strangely delighted when she offered to remove it.

99. Carelli proceeded to mock Plaintiff for what he described as a speech impediment.

100. After Plaintiff returned to her desk, Brandsness entered Carelli's office to have a conversation. Moments later, Plaintiff was called back into Carelli's office.

101. At that time Carelli called Police Chief Clark and stated, "Yeah were going to need you to do something. She's not understanding she's slurring."

102. Chief Clark arrived, and Carelli went on an all-out offensive against Plaintiff in front of Brandsness and the union steward, stating that Plaintiff was slurring her speech and preposterously accused Plaintiff of being drunk. Plaintiff does not consume alcohol.

103. Plaintiff was surrounded by Carelli, Chief, Clark, and Brandsness and ambushed with this accusation, putting her into an extremely emotional and nervous state. Despite same, she attempted to again explain that she had the flipper in her mouth.

104. Carelli then accused Plaintiff of having a medical episode and suggested she was under the influence of drugs.

105. Carelli referenced a previous incident he witnessed where a co-worker was having a medical episode and had to call an ambulance. Plaintiff asked whether he was going to call an

ambulance for Plaintiff, despite the fact that she did not want to require one.

106. Carelli looked at Chief Clark who indicated that an officer was going to come and involuntarily take her to the hospital.

107. Plaintiff did not have union representation during this encounter. Although the union steward was present, she also served as Chief Clark's confidential secretary, thereby creating a clear conflict of interest, as he was clearly in cahoots with Carelli in bamboozling Plaintiff.

108. A short while later, more officers arrived at Carelli's office to surround Plaintiff. Upon their arrival, Plaintiff was told she was going to be subject to alcohol breath testing and field sobriety tests.

109. One of the officers directed Plaintiff to his police car to involuntarily transport her to the hospital. Plaintiff contacted her dentist so that he could explain how and why the flipper was causing Plaintiff issues with her speech. The dentist was in complete disbelief about what was happening to Plaintiff, and wrote a letter explaining the above.

110. Upon arriving at the hospital, a breathalyzer test was administered on Plaintiff. Obviously, no alcohol was detected. Plaintiff informed the drug screeners that she takes prescribed Adderall to treat ADD/ADHD.

111. Plaintiff proceeded to undergo field sobriety tests, in high heels, and passed easily.

112. When that approached failed, Plaintiff was forced to undergo a drug screening.

113. The above situation was unprecedented in the Borough. No other employee in the tax office had ever been forced to be transported in a police car to undergo an immediate alcohol screening at a hospital. It goes without saying that this was a traumatizing and humiliating situation for Plaintiff, which was Carelli's goal.

114. Plaintiff went to her primary care physician on the way home from the testing

facility, where her physician cleared her for work the next morning.

115. On April 30, 2025, Carelli forwarded a text to Plaintiff advising that she would be on paid administrative leave going forward pending the results of the drug screening.

116. On May 2, 2025 Carelli emailed Plaintiff stating that she was cleared to return to work while the drug test was still pending, but demanded a note from a "psychiatric standpoint."

117. On May 8, 2025, Plaintiff asked Carelli if Plaintiff's urine sample was sent the test out for additional testing, which he denied. Despite requests, Plaintiff was never provided with the test results.

118. On May 13, 2025 calls were received on Plaintiff's home phone from Industrial Medical Testing ("IMT"), the facility retained to read Plaintiff's test results.

119. Plaintiff initially missed the call from the facility, leading to Carelli accusing her of evading, but when she returned the call to the facility, an identification number was requested. Plaintiff learned that Carelli and the Borough were supposed to provide this identification number.

120. On May 14, 2025, Plaintiff was informed by IMT that she tested positive for an illicit street drug, specifically stating that it was "Crystal Meth." (Adderall, which Plaintiff is prescribed and advised Defendants as such, commonly comes back on a drug test as Methamphetamine, as they are chemically very similar drugs.) Plaintiff has never used methamphetamine, or any other drug without a prescription.

121. Plaintiff immediately knew she had to upload her prescription to avoid any confusion. However, there was no option to upload a prescription and several calls to IMT resulted in a pre-recorded voice message.

122. On May 15, 2025, Plaintiff received a letter containing a preliminary notice of disciplinary action, and papers from IMT, but was not provided a copy of the lab results.

123. On May 19, 2025 a piece of Certified mail was placed into Plaintiff's mailbox with no postmark or stamp. Moreover, the signature card that was supposed to be signed by Plaintiff was torn off. This was despite Carelli indicating on the PND "personal delivery."

124. On May 23, 2025, Plaintiff requested her records from the Atlantic health facility that collected the sample and sent Plaintiff's medical records to Chilton Hospital. Plaintiff was seeking the records in connection with the involuntary and unwarranted drug and alcohol screening.

125. Upon receipt of her records, she discovered numerous errors regarding her personal information and medications. For example, one of the report stated that Plaintiff "stopped taking pain killers for elbow surgery. However, Plaintiff never took pain killers for an elbow surgery.

126. The medical records department at Chilton was also confused about why Plaintiff's sample was sent to an out of state laboratory when it could have been easily tested at Chilton's laboratory or another nearby facility.

127. On June 2, 2025, Plaintiff was advised to call MMT again, where Plaintiff was finally given instructions on how to upload her prescription. She was advised to send a next day delivery to MRO stating the prescription, supporting documents, and a letter from the prescribing physician. Plaintiff did so immediately.

128. On June 16, 2025, Plaintiff's disciplinary hearing was conducted, although, per the usual with disciplinary hearings before hearing officers paid by the municipality, the result was essentially predetermined in the Borough's favor.

129. Sure enough, following the hearing, Plaintiff was terminated from her employment.

130. At the hearing, Carelli made several inconsistent statements. For instance, he claimed that Davis emailed him saying Plaintiff was acting differently. However, the emails between the two of them indicate she emailed him almost three hours after Plaintiff was done with

her drug and alcohol testing.

131. When Plaintiff asked if they could provide the results, the hearing officer said they only had the typed paper from IMT and had no record of a drug panel.

132. As a result of the above actions, Plaintiff has been damaged.

COUNT ONE

(Disability Discrimination in Violation of the NJLAD, N.J.S.A. 10:5-5(q))

133. Plaintiff incorporates by reference each and every allegation made previously herein.

134. Plaintiff had injuries to her back/spine, her wrist, and her teeth/mouth, and suffered from allergies as set forth above, which caused her to be disabled within the meaning of section 10:5-5(q) of the NJLAD.

135. While on duty with Defendant Borough of Pompton Lakes, Plaintiff was discriminated against and harassed for her perceived disability.

136. The conduct was severe and pervasive enough to make a reasonable person believe that the conditions of her employment were altered and that the working environment was intimidating, hostile, and abusive.

137. Plaintiff complained to her supervisors, the chief tax collector, Paula Cozzarelli, Michael Carelli (who were among the perpetrators), her Union, as well as the mayor of Pompton Lakes about the discrimination and harassment to which she was subjected.

138. However, no action was taken by anyone employed by Defendant Borough, which directly condoned and participated in the misconduct by allowing the aforesaid conduct to continue, by failing to conduct proper investigations of Plaintiff's complaints, and by failing to take any prompt remedial action.

139. Ultimately, Plaintiff was terminated due to her disabilities and medical conditions.

140. As a direct result of Defendants' actions and inactions in violation of the NJLAD, Plaintiff has been deprived of her employment rights and other rights. Plaintiff has also suffered emotional distress as a result of the above. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE Plaintiff demands judgment against Defendants for an award of compensatory damages for pain, suffering, and emotional distress, together with interest thereon, plus additional consequential and incidental damages to Plaintiff in an amount to be determined at trial, an award of punitive damages, an award of attorney's fees and costs of suit incurred by Plaintiff, and any other further relief deemed by the Court to be equitable and just.

COUNT TWO:

**(Failure to Provide Reasonable Accommodations in Violation of NJLAD and
N.J.A.C. 13:13-2.5(b))**

141. Plaintiff incorporates by reference each and every allegation made previously herein.

142. Plaintiff's injuries caused her to be disabled within the meaning of section 10:5-5(q) of the NJLAD.

143. Plaintiff was able to perform all of the essential functions of her employment either with or without reasonable accommodations.

144. Defendants were acutely aware of Plaintiff's need for reasonable accommodations.

145. There were accommodations that would have allowed Plaintiff to perform the essential functions of her job.

146. Defendants denied Plaintiff said reasonable accommodation.

147. As a direct result of the actions of Defendants in violation of the NJLAD and N.J.A.C. 13:13-2.5(b), *et seq.*, Plaintiff has sustained lost wages and damages. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

COUNT THREE
**(Hostile Work Environment on the Basis of Protected Status
in Violation of the NJLAD)**

148. Plaintiff incorporates by reference each and every allegation made previously herein.

149. From when Plaintiff was hired until she was terminated, Plaintiff was continuously tormented and subjected to harassment and discrimination because of her disabilities and perceived disabilities by various employees, servants and/or representatives of the Borough.

150. The conduct was severe and pervasive enough to make a reasonable person believe that the conditions of her employment were altered and that the working environment was intimidating, hostile and abusive.

151. Plaintiff complained to her supervisors, the chief tax collector, Paula Cozzarelli, Michael Carelli (who were among the perpetrators), her Union, as well as the mayor of Pompton Lakes about the harassment, retaliation, and disparate treatment to which she was being subjected. However, no remedial action was taken by anyone, and the above individuals directly condoned and participated in the misconduct by allowing the aforesaid conduct to continue, by failing to conduct a proper investigation of Plaintiff's complaints and by failing to take any prompt remedial action. Plaintiff was thus continually subjected to a hostile work environment and ongoing acts of retaliation.

152. The Borough is liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.

153. As a direct result of the actions of Defendant in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering due to a hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE Plaintiff demands judgment against Defendants for an award of compensatory damages for pain, suffering, and emotional distress, together with interest thereon, plus additional consequential and incidental damages to Plaintiff in an amount to be determined at trial, an award of punitive damages, an award of attorneys fees and costs of suit incurred by Plaintiff, and any other further relief deemed by the Court to be equitable and just.

COUNT FOUR
(Retaliation in Violation of NJLAD, N.J.S.A. 10:5-12(d))

154. Plaintiff incorporates by reference each and every allegation made previously herein.

155. Plaintiff repeatedly reported to her supervisor, the chief tax collector, Paula Cozzarelli, Michael Carelli (who were among the perpetrators), her Union, as well as the mayor of Pompton Lakes that she was being discriminated against and harassed.

156. Plaintiff also reported her injuries, medical conditions, and limitations to Defendants.

157. Thereafter, Defendants colluded and conspired to retaliate against Plaintiff for reporting her complaints and injuries, which culminated in her termination from her employment with the Borough.

158. Plaintiff's reporting was a protected activity as that term is defined in NJLAD.

159. There was a causal connection between Plaintiff's protected activity and these adverse employment actions.

160. As a direct result of the actions of Defendants in violation of NJLAD, N.J.S.A. 10:5-12(d), et seq., Plaintiff has sustained lost wages and damages. Plaintiff has sustained injury to his reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate his rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, pre and post judgment interest, attorneys' fees and costs of suit, consequential damages, punitive damages, and such other relief as this Court may award in the interests of justice.

COUNT FIVE

(Aiding and Abetting in Violation of the NJLAD as to Cozzarelli, Carelli, Brandsness, and Davis)

161. Cozzarelli, Carelli, Brandsness, and Davis worked with other Borough employees and with each other to violate Plaintiff's rights guaranteed by the NJLAD, N.J.S.A. 10:5-1, et seq. The Defendants committed unlawful employment practices by knowingly engaging in, and giving substantial assistance and encouragement to others in engaging in the unlawful conduct by aiding and abetting the harassment and discriminatory employment practices against Plaintiff.

162. By and through the acts complained of herein, the Defendants have acted together and in concert to discriminate, harass, discipline, and retaliate against Plaintiff unlawfully.

163. Defendants intentionally and wrongfully engaged in a conspiracy with the purpose and intent of causing damage to Plaintiff. Specifically, the individually named Defendants were aware of Plaintiff's injuries and medical issues and worked together to intentionally discriminate and retaliate against, and harass Plaintiff.

164. The Defendants acted deliberately and with malicious animus and exhibited a reckless and callous indifference to Plaintiff's rights through their purposeful actions, willful misconduct and evil motive, and many of Plaintiff's harassers were upper-level management and supervisors within the Borough.

165. The Defendants were generally and specifically aware of their roles as part of an overall illegal activity at the time they provided the assistance and knowingly and substantially assisted in the principal violations of Plaintiff's rights and acted to embolden the various acts of discrimination and retaliation.

166. Accordingly, the individually named Defendants are liable just as the Borough and the Department are responsible for the conduct of their agents and employees and under supervisor liability.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, pre and post judgment interest, attorneys' fees and costs of suit, consequential damages, punitive damages, and such other relief as this Court may award in the interests of justice.

COUNT SIX

(Aiding and Abetting in Violation of the NJLAD as to Cozzarelli and Carelli)

167. Cozzarelli, Carelli, Brandsness, and Davis worked with other Borough employees and with each other to violate Plaintiff's rights guaranteed by the NJLAD, N.J.S.A. 10:5-1, *et seq.* The Defendants committed unlawful employment practices by knowingly engaging in, and giving substantial assistance and encouragement to others in engaging in the unlawful conduct by aiding and abetting the harassment and discriminatory employment practices against Plaintiff.

168. By and through the acts complained of herein, all Defendants have acted together and in concert to discriminate, harass, discipline, and retaliate against Plaintiff unlawfully.

169. Defendants intentionally and wrongfully engaged in a conspiracy with the purpose and intent of causing damage to Plaintiff. Specifically, the individually named Defendants were aware of Plaintiff's injuries and medical issues and worked together to intentionally discriminate and retaliate against, and harass Plaintiff.

170. The Defendants acted deliberately and with malicious animus and exhibited a reckless and callous indifference to Plaintiff's rights through their purposeful actions, willful misconduct and evil motive, and many of Plaintiff's harassers were upper-level management and supervisors within the Borough.

171. The Defendants were generally and specifically aware of their roles as part of an overall illegal activity at the time they provided the assistance and knowingly and substantially assisted in the principal violations of Plaintiff's rights and acted to embolden the various acts of discrimination and retaliation.

172. Accordingly, the individually named Defendants are liable just as the Borough and the Department are responsible for the conduct of their agents and employees and under supervisor liability.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for compensatory damages, pre and post judgment interest, attorneys' fees and costs of suit, consequential damages, punitive damages, and such other relief as this Court may award in the interests of justice.

COUNT SEVEN

**(New Jersey Civil Rights Act, N.J.S.A. 10:6-1, et seq.,
Constitutional and Statutory Rights Violations as to all Defendants)**

173. Plaintiff incorporates by reference each and every allegation made previously herein.

174. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of her valid right to speak out regarding official misconduct and violations of law, her right to file complaints and seek redress and her right to engage in protected speech.

175. On various occasions as set forth above, Plaintiff exposed and reported illegal harassing and discriminatory behavior being committed against her to her direct supervisor, Cozzarelli, Carelli, her Union, and the Mayor.

176. Plaintiff also was deprived of and objected to the unlawful violations of her Weingarten and Garrity rights and rights under the AG Guidelines.

177. Plaintiff thus exposed that her constitutional right to freedom of speech and right to pursue and voice grievances, as guaranteed by Article I, paragraph 6 of the New Jersey Constitution, was also violated by Defendants.

178. Plaintiff specifically and repeatedly objected to her direct supervisor, Cozzarelli, Carelli, her Union, the Mayor, and the Borough and its employees and supervisors engaging in

illegal, immoral and/or improper actions pertaining to a hostile work environment, harassment, discrimination, and retaliation occurring on a continuous basis.

179. Defendants' wrongful actions were committed in direct retaliation for Plaintiff's exposure of the illegal misconduct and the discriminatory practices of the Borough's upper management and employees. Adverse employment action was taken against Plaintiff because of her refusal to condone and her objections to and disclosure of the Defendants' wrongful activity.

180. Defendants have violated the New Jersey Constitution, New Jersey statutes and other applicable law.

181. Defendants are liable to Plaintiff under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 10:6-2, which creates a cause of action for violations of New Jersey Constitutional and statutory rights. N.J.S.A. 10:6-2(c) provides a remedy against public Defendants for a person who "has been deprived of any substantive rights, privileges or immunities secured by the Constitution or laws of this State." Such person "may bring a civil action for damages and for injunctive or other appropriate relief." N.J.S.A. 10:6-2(c).

182. Moreover, Plaintiff engaged in constitutionally-protected speech involving matters of public concern when raising the issues set forth above.

183. Defendants' retaliated against Plaintiff after she exercised her right to Freedom of Speech in Violation of the New Jersey Constitution. New Jersey Constitution, Article 1, paragraph 6.

184. All actions and misconduct by Defendants were carried out under the color of state law.

185. The customs, policies and practices of the Defendants caused Plaintiff to be subjected to the conduct set forth above.

186. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*.

187. As a direct result of Defendants' wrongful actions and misconduct in violation of the NJCRA, Plaintiff has been deprived of her employment, statutory, and Constitutional rights, was unlawfully terminated, and has lost wages and other benefits of the promotion. Plaintiff has also suffered emotional distress, pain and suffering, and damage to her reputation and her employability.

COUNT EIGHT
(Intentional Infliction of Emotional Distress)

188. Plaintiffs incorporate by reference each and every allegation made previously herein.

189. As set forth in preceding paragraphs, Plaintiff's various objections went unheeded, and she was continually subjected to extreme harassment, demeaning and distressing behavior and retaliation by the Borough, its employees, agents, and/or upper management as aforesaid.

190. The Borough, its employees, agents, and/or upper management as aforesaid forced Plaintiff to endure a hostile, abusive, and embarrassing work environment, and caused them to suffer severe mental and emotional distress.

191. Plaintiff had physical manifestations of the emotional distress caused by Defendants' conduct. Specifically, when Defendants would torment Plaintiff, she would begin to get nervous and shake, causing pain in her back and spine.

192. As a direct, foreseeable, and proximate result of the outrageous actions of the Borough, its employees, agents, and/or upper management as aforesaid, Plaintiff has suffered and will continue to suffer damages including but not limited to severe emotional distress, manifesting itself in physical and psychological symptoms.

193. All of the Borough's agents and employees, intentionally, maliciously, and/or in gross and wonton disregard of the safety and well-being of Plaintiff caused Plaintiff to sustain severe emotional upset and injury.

194. The Borough is responsible for the actions of its employees pursuant to the doctrine of *Respondeat Superior*.

195. As a direct result of Defendants' wrongful conduct, Plaintiff has been deprived of their employment rights and other rights, have lost wages and benefits, and other emoluments of the position from which she has been wrongfully terminated. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate their rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for an award of compensatory damages for pain, suffering, and emotional distress, together with interest thereon, plus additional consequential and incidental damages to Plaintiff in an amount to be determined at trial, an award of punitive damages, an award of attorneys fees and costs of suit incurred by Plaintiff, and any other further relief deemed by the Court to be equitable and just.

LAW OFFICES OF STEVEN A. VARANO, P.C.
Attorneys for Plaintiff

By: /s/ Albert J. Seibert, Esq.

DATED: April 28, 2026

ALBERT J. SEIBERT, ESQ.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all counts.

LAW OFFICES OF STEVEN A. VARANO, P.C.

Attorneys for Plaintiff

By: /s/ Albert J. Seibert, Esq.

ALBERT J. SEIBERT, ESQ.

DATED: April 28, 2026

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, attorney Steven A. Varano, Esq. is hereby designated as trial counsel.

LAW OFFICES OF STEVEN A. VARANO, P.C.

Attorneys for Plaintiff

By: /s/ Albert J. Seibert, Esq.

ALBERT J. SEIBERT, ESQ.

DATED: April 28, 2026

CERTIFICATION

I hereby certify, pursuant to Rule 4:5-1 that to my knowledge this matter is not subject to any other action. No other action is being contemplated and no other party should be joined in this action at this time.

LAW OFFICES OF STEVEN A. VARANO, P.C.

Attorneys for Plaintiff

By: /s/ Albert J. Seibert, Esq.

ALBERT J. SEIBERT, ESQ.

DATED: April 28, 2026

CERTIFICATION PURSUANT TO RULE 1:38-7

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).

LAW OFFICES OF STEVEN A. VARANO, P.C.
Attorneys for Plaintiff

By: /s/ Albert J. Seibert, Esq.

ALBERT J. SEIBERT, ESQ.

DATED: April 28, 2026

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-001523-26

Case Caption: MULRANEY MEGHAN VS BOROUGH OF
POMPTON LAKES

Case Initiation Date: 04/28/2026

Attorney Name: ALBERT SEIBERT

Firm Name: STEVEN A. VARANO, PC

Address: 96 NEWARK POMPTON TPKE PO BOX 360

LITTLE FALLS NJ 07424

Phone: 9732561414

Name of Party: PLAINTIFF : Meghan Mulraney

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Meghan Mulraney? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO
Medical Debt Claim? NO

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)

04/28/2026

Dated

/s/ ALBERT SEIBERT

Signed

