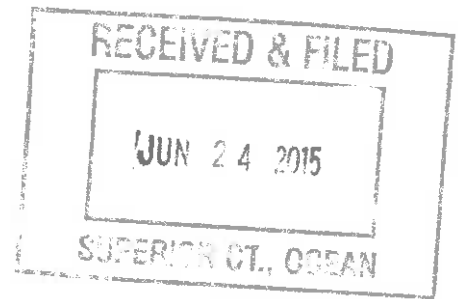


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WAYNE AZZARELLO,

Plaintiff,

v.

TOWNSHIP OF BRICK, a municipal
corporation in the State of New Jersey,
JOHN DOES 1-5,

Defendants,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

L 1766-15

DOCKET NO. OCN-L-_____-15

Civil Action

COMPLAINT & JURY DEMAND

Plaintiff, Wayne Azzarello, residing at 1247 Sally Ike Road, Brick Township, New Jersey, by way of complaint against Defendant, says:

FACTUAL BACKGROUND

1. Wayne Azzarello commenced employment with the Township of Brick (the Township) on September 16, 2006.
2. Initially employed in public works, Mr. Azzarello later was assigned as a Code Enforcement Officer.
3. Over the years, there have been numerous incidents when employees of the Public Works Department, knowing Mr. Azzarello lives in the Township, have honked the horns of Township vehicles at very early hours of the mornings, as they pass Mr. Azzarello's home.
4. There have also been incidents when Mr. Azzarello's recycling was not picked up, but rather, was strewn across his yard.

5. In his position as Code Enforcement Officer, and/or Code Enforcement Supervisor, Mr. Azzarello made the following objections to Township or supervisors' actions and/or disclosures to supervisors.

6. After the Construction Official demanded Code Enforcement to undertake a warrantless search of private property, Mr. Azzarello asked that written confirmation be given by the Construction Official, before instructing another code enforcement officer to undertake that inspection, which would normally require a warrant.

7. Mr. Azzarello asked for written verification because of potential liability as to the individual inspector, as well as the Township, if verification was not present that there was consent to the entry of the property.

8. Instead of simply supplying the written confirmation, the division head recommended that Mr. Azzarello be disciplined.

9. Mr. Azzarello objected to a situation regarding a home being occupied after fire damage without a new Certificate of Occupancy (hereinafter "CO").

10. Mr. Azzarello reported to his superiors what appeared to be a fraudulent report that had been supplied in connection with a CO application on behalf of a relative of a former council person.

11. Similarly, Mr. Azzarello objected to a CO being issued to the same person when another violation had not been remedied.

12. Effective July 7, 2014, in retaliation for these actions, Mr. Azzarello was demoted from his position as Supervisor of Code Enforcement.

13. John Does 1-5 stated herein are supervisors, officers and/or elected officials of the Township that conspired with the Township and each other in carrying out the unlawful employment actions stated herein.

COUNT ONE

CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA)

14. Plaintiff restates and reasserts all of the foregoing allegations in all the foregoing Paragraphs as if set forth at length herein.

15. Plaintiff has been subjected to retaliation as a result of his objection to and/or refusal to participate in and/or his disclosure of activities, policies and practices that he had a reasonable basis for believing were in violation of a law, rules or regulations promulgated pursuant to law, were fraudulent and/or were in violation of a clear mandate in public policy, contrary to the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq (hereinafter "CEPA").

16. The Defendant has violated the aforementioned CEPA by retaliating against Plaintiff by demoting him and in the treatment of him as set forth herein.

17. Plaintiff is entitled to the protection afforded by the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq.

18. Plaintiff reasonably believed that his employer's conduct violated either a law, or rule or regulation promulgated pursuant to law.

19. Plaintiff suffered an adverse employment action, which was taken against him, which was causally connected to the "Whistleblowing" activity that he rightfully performed.

20. As a direct result of Defendant's actions, Plaintiff has been harmed and suffered economic loss, injuries to present and future career opportunities, severe emotional distress, humiliation, pain and suffering and such other damages and injuries as will be determined at the time of Trial.

WHEREFORE, Plaintiff demands Judgment against the Defendant for compensatory damages, punitive damages, back pay, front pay, interest, the monetary

value of any and all lost benefits, costs of suit, attorney's fees and award of any and all relief under applicable laws, and any other such relief as the Court may deem just and equitable.

COUNT TWO

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

21. Plaintiff repeats the allegations set forth in Count One of this Complaint as if fully set forth herein at length.

22. The actions of the Defendant set forth in this Complaint violated Plaintiff's State and Federal Constitution rights to his freedom of speech, association, and the right to file grievance as a public employee, State and Federal Constitutional rights, due process both procedural and substantive.

23. As a direct and proximate result of the Defendant's action as aforementioned, Plaintiff was caused to suffer wrongful termination from his employment, emotional distress, mental anguish, loss of past and future wages, and such other damages and injury all to his detriment.

WHEREFORE, Plaintiff demands Judgment against the Defendant for compensatory damages, punitive damages, attorney's fees, interests, costs of suit and such other relief as the Court may deem just and equitable.

COUNT THREE

NEW JERSEY CIVIL RIGHTS ACT VIOLATIONS

24. Plaintiff repeats the allegations set forth in Counts One and Two of this Complaint as if fully set forth herein at length.

25. Defendant is under a duty to supervise its employees and to ensure its employees' rights, privileges, and immunities guaranteed to them by both the New Jersey Constitution and the United States Constitution.

26. Defendant permitted, encouraged, tolerated, and knowingly acquiesced to an official pattern, practice, and/or custom of its employees, and specifically, violating the Constitutional rights of its employees including the Plaintiff.

27. The actions of Defendant was unjustified, unreasonable, unconstitutional, and deprived the plaintiff of his Constitutional rights in violation of Article 1 section 1 of the New Jersey Constitution, Article 1 section 19 of the New Jersey Constitution, the First, Fourth, Fifth and Fourteenth Amendment of the United States Constitution and anti-discrimination statutes.

WHEREFORE, Plaintiff demands Judgment against the Defendant for compensatory damages, punitive damages, attorney's fees, interests, costs of suit and such other relief as the Court may deem just and equitable.

COUNT FOUR

CONSPIRACY TO VIOLATE CIVIL RIGHTS

28. Plaintiff repeats the allegations set forth in Counts One through Three of this Complaint as if fully set forth herein at length.

29. The Defendants conspired to violate the Civil Rights of the Plaintiff by affecting his termination from employment in an unconstitutional manner and by prohibiting and preventing the Defendant from affecting its statutory duties under the law.

WHEREFORE, Plaintiff demands Judgment against the Defendant for compensatory damages, punitive damages, attorney's fees, interests, costs of suit and such other relief as the Court may deem just and equitable.

JURY DEMAND

Plaintiff hereby demands trial by a jury on all issues herein.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to Rule 4:10-2(b) demand is hereby made that you disclose to the undersigned, whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a Judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the Judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inspection and expiration date; (d) name and address of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designates Richard J. Shaklee, Esq. as trial counsel pursuant to R. 4:25-4.

NOTICE PURSUANT TO R. 1:5-1(a) AND 4:17-4(c)

TAKE NOTICE that the undersigned attorneys for Plaintiffs do and hereby demand, pursuant to R. 1:5-1(a) and 4:17-4(c), that each party herein serving pleading and interrogatories and receiving answers thereto and documents received pursuant to Subpoenas issued in this matter, serve copies of all such pleading and documents and answers to interrogatories received from any party, including any documents, papers and other material, referred to therein upon the undersigned attorneys; and TAKE FURTHER NOTICE that this is a continuing demand.

R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding and no other action or arbitration proceeding is contemplated.

R. 1:38-7(b) CERTIFICATION

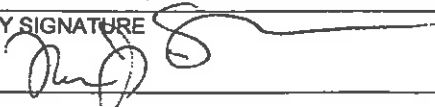
I further certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and they will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

McLAUGHLIN STAUFFER & SHAKLEE, P.C.
Attorneys for Plaintiff

BY: 

RICHARD J. SHAKLEE, ESQ.

Dated: June 23, 2015

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1. Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed.		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	
			CHG/CK NO.:	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY/PRO SE NAME Richard J. Shaklee, Esq.		TELEPHONE NUMBER 732 751-2800		COUNTY OF VENUE OCEAN
FIRM NAME (if applicable) McLaughlin Stauffer & Shaklee, P.C.		DOCKET NUMBER (when available) 91766-15		
OFFICE ADDRESS Monmouth Shores Corporate Park 4814 Outlook Drive, Suite 112 Wall Township, NJ 07753		DOCUMENT TYPE Complaint		
		JURY DEMAND ☒ YES ☐ NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Wayne Azzarello, Plaintiff		CAPTION Wayne Azzarello v. Township of Brick, a municipal corporation in the State of New Jersey, John Does 1-5		
CASE TYPE NUMBER (See reverse side for listing) 616; 005	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
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 ☐ NO		IF YES, IS THAT RELATIONSHIP ☒ EMPLOYER-EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) _____ ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:				
RECEIVED & FILED JUN 24 2015 SUPERIOR CT. OCEAN				
	DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:	
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE:		
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 <i>Rule</i> 1:38-7(b).				
ATTORNEY SIGNATURE 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (briefly describe nature of action) _____

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM Claim (includes bodily injury)
- 699 TORT - OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER/CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge/450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (MCL) (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIS | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Putative Class Action

☐ Title 59