



## BOROUGH OF POMPTON LAKES

25 Lenox Avenue, Pompton Lakes, New Jersey 07442

(973) 835-0143

Fax (973) 839-8132

**VIA E-MAIL [lopra+request-89542-b68786cb@requests.opramachine.com](mailto:lopra+request-89542-b68786cb@requests.opramachine.com)**

Lane Kimble

Re: Open Public Records Act Request

Dear Lane Kimble:

The Borough of Pompton Lakes ("Borough") records custodian received your Open Public Records Act ("OPRA") request on April 8, 2026. The Borough obtained an extension of the response deadline until April 29, 2026. As such, the Borough is timely responding to your request in accordance with New Jersey law. N.J.S.A. § 47:1A-5.

Your request seeks the following records:

All lawsuits and tort claims filed against the borough in 2025 and 2026.

With respect to the requested lawsuits, the Borough conducted a good-faith search and identified 127 pages of potentially responsive documents. The enclosed documents contain three lawsuits filed against the Borough in 2025 and 2026.

With respect to the requested tort claim notices, please be advised that the Borough is exercising its right to implement a "special service charge" pursuant to N.J.S.A. § 47:1A-5(c) for the cost of reviewing and redacting same. Accommodating your request will require an "extraordinary expense of time and effort" of the Borough's resources. Although the Borough's counsel [Bradley D. Tishman, Esq.] and his staff will review and redact the responsive materials, as a courtesy the Borough will charge based upon the hourly rate of Kathy Troast, as the lowest remunerated Borough employee who could theoretically redact these records. The Borough estimates that Mr. Tishman and his staff will expend 2.5 hours to review/redact and prepare the responsive notices for production. Kathy Troast's hourly wage is \$32.55, and thus we estimate that the charge for 2.5 hours is \$81.38. Thus, if you wish to pursue obtaining the potentially responsive notices, you will be charged \$81.38 for the Borough's expense that will be incurred in redacting same.

In the event that you still wish to receive the responsive notices, you must remit the \$81.38 cost of fulfilling your request at this juncture. Kindly submit a check made payable to the Borough of Pompton Lakes. If we do not receive same by the close of business on May 8, 2026, we will treat your request as abandoned and close out your request.

Your OPRA request is now deemed answered and closed.

Very truly yours,

Elizabeth Brandsness, RMC  
Borough Municipal Clerk/ Deputy Administrator

LAW OFFICES OF  
GINA MENDOLA LONGARZO, LLC

560 MAIN STREET, SECOND FLOOR  
CHATHAM NEW JERSEY 07928  
973.635.2901

Gina Mendola Longarzo, Esq.  
Attorney ID No. 016231995

Attorneys for Plaintiff  
William Pepe  
Our File No.: 30.04.1779

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <p>WILLIAM PEPE,</p> <p>Plaintiff,</p> <p>v.</p> <p>BOROUGH OF POMPTON LAKES, POMPTON<br/>LAKES POLICE DEPARTMENT, AND JOHN<br/>AND JANE DOES 1-10,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: PASSAIC COUNTY<br/>DOCKET NO.: PAS-L-1072-25</p> <p>Civil Action</p> <p>SUMMONS</p> |
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*The State of New Jersey, to the Above-Named Defendant(s):*

**Borough of Pompton Lakes  
c/o Michael E. Carelli, Borough Administrator  
25 Lenox Avenue  
Pompton Lakes, New Jersey 07442**

*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. (The address of each deputy clerk of the Superior Court is provided.) 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, CN-971, Trenton, NJ 08625. A \$135.00 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 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 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. 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 3, 2025*

*/s/ Michelle M. Smith, Esq.*

**MICHELLE M. SMITH, ESQ.**

Clerk of the Superior Court

## Civil Case Information Statement

### Case Details: PASSAIC | Civil Part Docket# L-001072-25

Case Caption: PEPE WILLIAM VS BOROUGH OF  
POMPTON LAKES

Case Initiation Date: 03/26/2025

Attorney Name: GINA MENDOLA LONGARZO

Firm Name: GINA MENDOLA LONGARZO, LLC

Address: 560 MAIN ST 2ND FL

CHATHAM NJ 079282122

Phone: 9736352901

Name of Party: PLAINTIFF : Pepe, William

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 - 12 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: William Pepe? 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)*

03/26/2025  
Dated

/s/ GINA MENDOLA LONGARZO  
Signed

LAW OFFICES OF  
GINA MENDOLA LONGARZO, LLC

560 MAIN STREET, SECOND FLOOR  
CHATHAM NEW JERSEY 07928  
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Gina Mendola Longarzo, Esq.  
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Attorneys for Plaintiff  
WILLIAM PEPE  
Our File No. 30.04.1779

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|

Plaintiff, William Pepe, by way of Complaint against the Defendants, Borough of Pompton Lakes, Pompton Lakes Police Department, and John and Jane Does 1-10 says:

**THE PARTIES**

1. Plaintiff William Pepe, residing in the Borough of Lodi, in the County of Bergen, in the State of New Jersey, was a police officer in the Pompton Lakes Police Department ("Department") who served at the rank of patrol officer and as a detective until his retaliatory and unlawful termination.
2. The Borough of Pompton Lakes ("Borough"), in the County of Passaic, is a municipal subdivision organized pursuant to the laws of the State of New Jersey and operates by funding, staffing, supervising and otherwise controlling the operations of the Department.
3. The Borough is a civil service jurisdiction regulated by the State's civil service laws, N.J.S.A. Title 11A, N.J.A.C. Title 4A and the New Jersey Civil Service Commission.

4. The Department is the public entity in the Borough empowered to act as the police force delegated with the task of enforcing the laws of the State of New Jersey. At all relevant times, the Borough had the duty to exercise its powers and authority over the Department pursuant to N.J.S.A. 40A:14-118, et seq., and to provide training, supervision and/or management of the Department.
5. The Borough and the Department are public employers, as defined pursuant to the New Jersey Law Against Discrimination ("NJLAD") and the New Jersey Civil Rights Act ("NJCRA") as provided pursuant to the laws of the State of New Jersey.
6. The Borough and the Department are liable for the acts of the Defendants alleged herein either as the direct employer of Plaintiff, the direct-acting party, and/or as a responsible party for the acts of its employees under the doctrine of *Respondeat Superior*. All actions alleged against the Borough and the Department were carried out under the color of state law.
7. All of the Defendants have been listed herein based upon their specific, individual acts of civil rights violations and discrimination directed toward Plaintiff and/or their failure to prevent co-workers, superiors and subordinates of Plaintiff from engaging in conduct that was obviously discriminatory, harassing, and retaliatory in nature toward him. The Defendants are also listed herein based upon their direct acts and the failure to act when action was required, which created a hostile work environment and caused harm to Plaintiff.
8. Defendants, John and Jane Does 1 through 10, were at all relevant times police officers and/or supervisory officers at the Department or were employed or appointed by the

Department and/or the Borough and/or were elected officials in the Borough. These John and Jane Does also include persons who were agents of the Department and/or the Borough or whose conduct was intended to further the unlawful and/or discriminatory efforts of these Defendants. Said Defendants are fictitiously named herein inasmuch as their current identities are unknown to Plaintiff.

9. These fictitiously named Defendants are listed herein based upon their acts of performing overt violations of civil rights, of punishing Plaintiff for the lawful exercise of his civil rights, of failing to report acts of clear deprivation of Plaintiff's civil rights and/or creating a hostile work environment. 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 Plaintiff, said John and Jane Doe Defendants shall be designated by proper name.

### **STATEMENT OF FACTS**

#### **Background Facts**

10. Plaintiff, a former patrol officer in the Department, files this complaint against the Borough and the Department to set forth his claims of discrimination, hostile work environment and retaliation for engaging in protected speech, participating in union activity and objecting to and exposing the unlawful actions of his supervisors, resulting in his constructive discharge/illegal termination.
11. Hired in 2015, Plaintiff was a dedicated and stellar employee of the Department. Until the events set forth herein, Plaintiff enjoyed positive performance evaluations and had a minor disciplinary history.

12. Because of his fine investigatory skills, Plaintiff was appointed as a detective in the Department's Detective Bureau in 2019. Again because of his investigative abilities, Plaintiff was even assigned to the Narcotics Task Force at the Passaic County Prosecutor's Office ("PCPO"). Plaintiff also served as a firearms instructor for the Department and received the highly prestigious Mothers Against Drunk Driving Award. Former Chief of Police Moises Agosto often remarked that Plaintiff was one the best officers he had ever seen.

13. Plaintiff is also a veteran of the U.S. Army in which he served from April 2003 until September 2009. Like many veterans, Plaintiff was subsequently diagnosed with Post-Traumatic Stress Disorder ("PTSD"), a recognized disability under the New Jersey Law Against Discrimination ("NJLAD") about which the Department was aware.

14. Plaintiff is African-American and, at the time of his constructive discharge, he was the only African-American officer in the Department and only the second ever hired.<sup>1</sup>

15. Plaintiff's positive career trajectory in the Department, however, came to a grinding halt once he began "blowing the whistle" on and exposing the official misconduct of his supervisors, engaging in union activities and otherwise engaging in protected speech activity. Thereafter, current Chief of Police Derek Clark and his right-hand man, Capt. (then-Lieutenant) Anthony Rodriguez,<sup>2</sup> subjected Plaintiff to a hostile and retaliatory

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<sup>1</sup> Pompton Lakes has a population of roughly 11,000. About 84% of its residents are white, and less than 1% are Black or African American. See <https://www.nbcnews.com/news/amp/rcna145545>

<sup>2</sup> Once Clark became Chief, he quickly manufactured means to remove Capt. Ryan Cichon from the IA Division so that he could instead place his known henchman, Lt. Rodriguez, in his stead to do his bidding.

work environment in violation of the NJLAD and the NJCRA, culminating in his constructive termination.

16. Trouble began with the Covid-19 pandemic. Specifically, on April 21, 2020, Plaintiff requested a day off to care for his young son. His son was sick but tested negative for Covid-19. Rodriguez later ordered Plaintiff to stay out of work and take a Covid-19 test three to five days from the onset of his son's symptoms. Plaintiff did so and tested negative.
17. Nevertheless, Lt. Rodriguez ordered Plaintiff to remain out of work for the entire 14-day quarantine period even though no one in his family ever tested positive for Covid-19 and even though no Department, Borough or State policy or mandate required such action. Plaintiff was thus forced to use seven sick days to account for his forced work absence.
18. This exact scenario recurred in January 2021 when Plaintiff again requested a day off to care for his son, who once again tested negative for Covid-19, as did Plaintiff. Rodriguez once again instructed him to remain out of work until he tested negative following the incubation period, which he did. Once again, Plaintiff (and his entire family) tested negative for Covid-19; yet, again, the Department took approximately five sick days from him.
19. In or around April or May 2021, Pompton Lakes Police Benevolent Association ("PBA") Local No. 161 held a meeting during which Plaintiff's forced loss of sick days was discussed. As *de facto* head of the Superior Officers Association ("SOA"), Rodriguez was also present at the meeting. Rodriguez contacted Plaintiff over the telephone in front of

PBA members during the meeting and disallowed him from attending because he said Plaintiff was to remain in quarantine/confinement.

20. Plaintiff indicated that he wanted to file a grievance regarding the loss of his sick days.

Rodriguez then began arguing with Plaintiff and, in a verbally aggressive manner, attempted to intimidate him into not filing a grievance, warning him that "we will fight it" and that he "would not win."<sup>3</sup>

21. In the meantime, Rodriguez promptly reported to Chief Clark that Plaintiff wanted to file a grievance and had made critical remarks about Chief Clark's mandatory and forced usage of his sick days during the PBA meeting. Rodriguez' wrongful actions of conveying confidential union discussions to Chief Clark was unfortunately routine and expected due to the retaliatory and fearful environment cultivated by Clark and Rodriguez.

22. Therefore, on May 17, 2021, a visibly angry Chief Clark met with Plaintiff regarding his proposed grievance. Like Lt. Rodriguez, Chief Clark was extremely aggressive and intimidating and warned Plaintiff that he would fight the grievance. Browbeaten and fearful of retaliation, Plaintiff decided not to file the grievance. Plaintiff's prescience unfortunately proved to be accurate as Clark immediately began his vindictive campaign of harassment.

#### **Chief Clark Removes Plaintiff from the Detective Bureau in Retaliation**

23. Indeed, retaliation swiftly followed. Plaintiff had returned to the Department from the PCPO Narcotics Task Force in late May 2021. On June 21, 2021 – one month after Chief

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<sup>3</sup> At or around the same time, Plaintiff's son again became sick but again tested negative for Covid-19, as did Plaintiff twice. Nevertheless, he was – once again - required to remain out on sick leave from May 5 to May 15, 2021 even though no one in his family contracted Covid-19.

Clark threatened him not to file the grievance - Chief Clark removed Plaintiff from the Detective Bureau to which he had been assigned since 2019 as an act of retaliation.<sup>4</sup> The Detective Bureau is a highly prestigious assignment with a steady shift. Chief Clark assigned Plaintiff to the Patrol Division on the Pittman schedule, a position in which he had not worked since 2019.

**Chief Clark Violates the Officer Resiliency Directive and Plaintiff's Privacy Rights and Discourages Officers from Reporting Mental Health Issues**

24. On the same day as he was informed of his transfer, Plaintiff appeared troubled and was approached by Capt. Ryan Cichon, the Department's designated Resiliency Program Officer ("RPO").<sup>5</sup> Plaintiff and Capt. Cichon took a car ride to Starbucks to privately discuss Plaintiff's work-related mental health issues. Plaintiff told Capt. Cichon that, when Lt. Rodriguez told him that Chief Clark was removing him from the Detective

<sup>4</sup> New Jersey courts have held that laterally transferring an employee to a less desirable position can be considered a retaliatory adverse employment action, even if such a transfer does not impact the employees' salary. Scozzafava v. Somerset Cty. Prosecutor's Office, A-2228-16T1, 2018 N.J. Super. Unpub. LEXIS 1125, at \*1 (App. Div. May 14, 2018). See e.g. Shepherd v. Hunterdon Developmental Ctr., 174 N.J. 1, 19 (2002) (holding that "an unwelcome job transfer clearly constitutes a discrete [adverse employment] act").

<sup>5</sup> Pursuant to the 2019 New Jersey Office of Attorney General Directive titled "Officer Resiliency Directive" ("AG Directive") 2019-1, each state, county, and local law enforcement agency [must] designate a "Resiliency Program Officer," who will be specially trained in helping officers handle the daily stress of police work. The RPO will be responsible for providing training for all officers in his or her police department, and for also serving as a confidential resource for any officer who wishes to discuss professional or personal challenges. Incidentally, under AG Directive 2019-1, the Department shall not subject any police officer to any adverse consequences for seeking help during times of a mental crisis. Similarly, the New Jersey Attorney General Guidelines on Internal Affairs Policy and Procedures ("IAPP"), specifically IAPP §2.4.3, was revised to incorporate the new law enforcement resiliency initiatives established by AG Directive 2019-1. The revised IAPP identifies resources for law enforcement officers seeking tools to cope with the emotional and mental stresses of their work and clarifies that "under no circumstances shall an officer face any sort of discrimination or adverse internal affairs consequences for the sole reason that the officer decided to seek medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder." [Emphasis added]. Pursuant to N.J.S.A. 40A:14-181, the IAPP are binding and mandatory on all law enforcement agencies of the State. McElwee v. Borough of Fieldsboro, 400 N.J. Super. 388, 395 (App. Div. 2008).

Bureau, he knew the underlying reason was retaliatory and that he had been suffering from mental anguish as a result.

25. Upon his return from Starbucks, Chief Clark ordered Plaintiff into his office to be interrogated about the content of his private conversation with Capt. Cichon. This order was in direct violation of AG Directive 2019-1, which provides:

*Confidentiality.* All interactions between a law enforcement officer and an RPO, in the RPO's official capacity, are confidential, unless disclosure is otherwise required by applicable laws, guidelines, or an agency's internal policies.

Sec AG Directive 2019-1, Section III.A. Chief Clark and Lt. Rodriguez seemed to be fishing for information to get either Capt. Cichon or Plaintiff (or both) in trouble. Plaintiff feared that Chief Clark would charge him with insubordination if he did not comply with his order so he truthfully disclosed the content of the conversation – even though he had no obligation to do so. Incidentally, Chief Clark subsequently removed Capt. Cichon as the RPO even though he properly assisted Plaintiff and complied in full with AG Directive 2019-1 at all times.<sup>6</sup>

26. One week later, on June 28, 2021, Chief Clark then advised all officers in the Department that, if any officer spoke to the RPO, he could face discipline, be sent for a fitness for duty

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<sup>6</sup> Unsurprisingly, Capt. Cichon has also become the target of Chief Clark's retaliatory proclivities and has faced various adverse employment consequences ever since Clark became Police Chief. Tellingly, Cichon was a complainant against Clark in a separate matter, and Clark has never forgiven him. Chief Clark has also abused his official powers to satisfy his personal vendetta against Cichon; Cichon has also made several, unanswered complaints to the Borough, has also had to hire legal counsel and is also filing a tort claim notice against the Borough as a result. The same pattern and transparent tactic of abusing the IA process has been implemented against Capt. Cichon.

and/or be placed in the Early Warning System.<sup>7</sup> Chief Clark's directive effectively discouraged officers from freely talking about mental health issues with their RPO as legally mandated.

27. Chief Clark strangely suggested that officers instead speak with an RPO from a different police department. In so doing, Chief Clark negated the entire purpose of the RPO and the related AG Directive by threatening punishment for officers seeking such assistance. This would not be the first or last time Chief Clark knowingly violated enacted laws and often chose to ignore same whenever convenient or to further some nefarious goal.

#### **Chief Clark Punishes Plaintiff for Failing to Comply With his Illegal Quota System**

28. The retaliation did not cease, however. Between July and October 2021, Chief Clark ordered Plaintiff into his office several times to harangue him about the number of tickets he was writing in the Patrol Division. At one point, Chief Clark threatened to put Plaintiff on a Performance Improvement Program ("PIP") because his ticket numbers were too low and because he was not meeting the ticket number (quota) he wanted (which is utterly illegal). See N.J.S.A. 40A:14-181.2 ("The department or force shall not use the number

<sup>7</sup> AG Directive 2018-3 mandates by law that every local police department have an Early Warning System ("EWS") policy in place to identify and remediate problematic officer conduct. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process, assigned supervisory personnel shall initiate remedial action to address the officer's behavior. See AG Directive 2018-3, II.E., F. An EWS may monitor many different categories of officer conduct which indicate "potentially escalating risk of harm to the public, the agency and/or the officer." *Id.* at II.C. It is supposed to be used for repeat violations such as neglect of duty. Once an officer is placed on the EWS, personnel assigned to oversee the EWS should "(1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below; (4) continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer); (5) document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit. *Id.* at II.F. Any statement made by the subject officer in connection with the EWS review process may not be used against the subject officer in any disciplinary or other proceeding. *Id.* Here, the EWS is inappropriate for use against officers going through a mental crisis unless there are performance indicators. Instead, AG Directive 2019-1 governs such situations.

of arrests or citations issued by a law enforcement officer when evaluating the performance of a law enforcement officer”).

29. Chief Clark and Lt. Rodriguez told him, pursuant to the PIP, he would need to ride with his supervisor, Sgt. Joseph Ruffo, to demonstrate that he was able to identify motor vehicle infractions. Plaintiff had been assigned to the elite PCPO Narcotics Task Force and the Detective Bureau, had served in the military for years and had always been a competent, respected officer. However, now Chief Clark and Lt. Rodriguez deemed him too incompetent to understand how to issue motor vehicle summons.<sup>8</sup>

30. Incidentally, Chief Clark’s ticket quota system was Department-wide. Chief Clark and Lt. Rodriguez must have stated over a dozen times that the “other side,” e.g., the Mayor and Borough Council, were “not happy” with the Department’s ticket numbers and expected greater revenue. Chief Clark and Lt. Rodriguez also stated many times that, if the ticket numbers did not improve, the Borough Council may “mess with your healthcare” during contract negotiations. Chief Clark also went so far as to tell the PBA

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<sup>8</sup> Meanwhile, it is Chief Clark and Lt. Rodriguez who seem unable to comprehend and follow basic traffic laws. Over a year ago, a Borough resident created a highly publicized YouTube video entitled, “NJ Police Chief Makes up Laws.” In this video, Chief Clark is being driven around by Lt. Rodriguez, and they blew through a stop sign at an intersection near a school. This citizen had been complaining about this dangerous intersection for quite some time and had been filming drivers who did not stop. When the citizen asked them why they did not heed the stop sign, Chief Clark actually stated, “You do understand in the State of New Jersey you do not have to come to a complete stop.... You can Google it.” The citizen was outraged and noted that Pompton Lakes residents “deserve better from their Police Chief” and better from the head of its Internal Affairs Division, Lt. Rodriguez. <https://youtube.com/shorts/k3WInlI-yK4U?si=nUIP3tNnbaWIHO17> As known by most motorists, let alone law enforcement officers, his statement was utterly incorrect and thoroughly false, and it is outrageous and shocking that a Police Chief would actually utter such comments. Chief Clark clearly believes that his position of authority allows him the right to ignore enacted laws and statutes whenever he chooses. Yet, the Borough continues to indulge his lawlessness and has failed to curb his behavior even when he is indisputably wrong, as with his inane stop sign excuse.

that he would permit officers to grow beards if they wrote enough tickets and thus reward those who complied with the illegal ticket quota. (But, when officers got tired of waiting and started to obtain doctors notes that would allow them to grow beards, Clark then immediately retaliated against these officers to reinforce how he must be obeyed at all costs).

31. As the only African-American officer in the Department, Plaintiff began to feel the subtle sting of invidious discrimination at work. To Plaintiff's knowledge, no white officers had ever been required to prove themselves while driving around with a supervisor nor had any white officer been penalized for failing to meet the blatantly illegal ticket "quota" despite all the threats.
32. Plaintiff suspected Chief Clark held a bias against him and was insinuating that Plaintiff was protecting minorities like himself by not issuing summons to them - which was not only highly insulting but also entirely untrue. Plaintiff has never engaged in racial profiling nor would he ever just issue summonses to satisfy Chief Clark's unofficial but existing "quota;" Plaintiff simply issued summonses when they were based on probable cause as required under the law.
33. As with the unlawful sick time usage issue, Plaintiff questioned his unequal mistreatment and the legality of the Department having a ticket quota and enforcing it on him. Plaintiff suspects Chief Clark and Lt. Rodriguez never followed through on their threat of putting him on a PIP or abusing him by making him drive around with a supervisor to identify motor vehicle violations because he threatened to expose their illegal course of action.

However, Plaintiff's vocal objections to the Chief's machinations certainly made things far worse for him.

34. On October 25, 2021, Plaintiff attended an emergency PBA meeting regarding the new Internal Affairs ("IA") policy and Rules and Regulations instituted by Chief Clark. The PBA was concerned that these new IA policies gave Chief Clark more discretion to punish officers in disciplinary matters. Aware of Clark's "gotcha" mentality and that he had a target on his back, Plaintiff was rightfully worried.
35. During the meeting, Plaintiff bravely spoke up and stated that "everyone" distrusted Chief Clark because "his behavior is erratic." He also vocalized his misgivings about giving Chief Clark even more unfettered power to use vindictively.<sup>9</sup> In response, Lt. Rodriguez completely blew up on Plaintiff. Plaintiff pointed out that he was stating what everyone felt but was too fearful to voice.
36. Lt. Rodriguez flat out attempted to intimidate Plaintiff and everyone present at the meeting as the Chief's enforcer (and spy). Some union members tried to defend Plaintiff and point out that he should be allowed to say whatever he wanted at the union meeting without getting in trouble.
37. Thereafter, Lt. Rodriguez interrogated the officers at the meeting directly to determine who agreed with Plaintiff. Lt. Rodriguez spoke with such an aggressive and hostile tone that no other officers uttered a word in support of Plaintiff's opinion out of fear. Plaintiff boldly stated at the meeting that he was unafraid of Lt. Rodriguez or Chief Clark. Lt.

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<sup>9</sup> It was well-known throughout the Department that, while a captain, Clark had a meltdown one day and began punching the walls and saying "F-ck Chief Agosto" and was disciplined for same.

Rodriguez then challenged Plaintiff to inform Chief Clark of said distrust; Plaintiff agreed to do so. Lt. Rodriguez then stated to all the meeting attendees that he had to inform Chief Clark about what had transpired – in violation of the State PBA's bylaws. Upon information and belief, Lt. Rodriguez contacted Chief Clark shortly after the PBA meeting to inform him of what was said by the attendees.

38. When Plaintiff next encountered Chief Clark, Chief Clark was visibly furious. Plaintiff asked to address the issues with him face-to-face. Chief Clark refused to speak with him and slammed his office door in Plaintiff's face. Plaintiff knew Chief Clark would now retaliate against him with an even greater fury because of the honest sentiments he expressed at the union meeting.

39. Notably, in September 2021, prior to the October 25, 2021 PBA meeting, Plaintiff applied to transfer permanently to the PCPO and therefore leave the Department. After the October 25<sup>th</sup> PBA meeting, the PCPO informed him that he would not be hired. Plaintiff subsequently was informed by a colleague that Chief Clark had sabotaged his PCPO application, thereby tortiously interfering with his prospective economic advantage and career advancement.

**Chief Clark Suspends Plaintiff for Six Days in Retaliation and  
Engages in Other Unfair Labor Practices**

40. True to form, discipline followed. On August 2, 2022, Plaintiff enjoyed a day at the beach with his family on his scheduled day off from work. Plaintiff returned home at approximately 5:30 p.m. "National Night Out," a local community event, was taking place at 7:00 p.m. that evening.

41. A few months prior, Capt. Cichon had sent out an email stating that officers were expected to try and attend but to let him know if they were unable to do so. As there was no written directive ever stating the event was mandatory, Plaintiff did not believe he had to attend. While Plaintiff was playing outside with his children, a police officer from the Lodi Police Department then approached Plaintiff and advised him that he was "supposed to be at work." When Plaintiff stated that it was his day off, the police officer advised him to "call his Captain" and left. Plaintiff then noticed he had several missed calls from Capt. Cichon on his cellphone. Upon calling him back, Capt. Cichon informed him that he actually need not report to the "National Night Out" because he would not arrive in time.

42. Nonetheless, Lt. Rodriguez has continued to weaponize the IA Division and abuse his position of authority in IA to carry out the Chief's vengeful wishes against Plaintiff.<sup>10</sup> Chief Clark, in turn, suspended Plaintiff with pay for six days for not appearing at this discretionary event. Plaintiff was then placed on the Office of the Attorney General's "Major Discipline" list.<sup>11</sup>

<sup>10</sup> Chief Clark has spitefully since removed Capt. Cichon as the head of IA as further punishment on Cichon and to ensure that Rodriguez, his loyal and trusty enforcer, was placed in the position to carry out his contemptible wishes. Crucially, the former Hillside Police Chief was recently terminated for engaging in such contemptible practices and for abusing the IA process to carry out personal vendettas. On January 15, 2025, the Civil Service Commission affirmed the termination.

See <https://www.nj.gov/csc/about/meetings/minutes/decisions/2025%20pdf%20decisions/1-15-25%20meeting/A007%20RICCIARDI%20VINCENT.pdf>

<sup>11</sup> Pursuant to AG Directives 2019-6 and 2022-14, enacted to promote "transparency" in police officer discipline, any "major" disciplinary matter (consisting of more than a five (5) day suspension or for certain, specified infractions) must be reported and disclosed to the PCPO, reported and listed in the New Jersey Attorney General's Annual Major Discipline Report made widely available on the internet and posted on the Department's website. See IAPP 9.6.2, 9.10.3, 9.11.2. Plaintiff was thus publicly shamed for taking an approved day off to spend the day at the beach with his family and was browbeaten into accepting the punishment for failing to attend a non-mandatory event.

43. Once again, there was a different set of rules for Plaintiff than for any white officers, including Chief Clark, who himself had not attended the event in the past. To Plaintiff's knowledge, this was the first time in his tenure that his Department sent a neighboring agency to check on an officer's home when he had a day off. No white officer has ever been disciplined for failing to appear at a non-mandatory event during Plaintiff's time with the Department.
44. Because Plaintiff had begun to suffer from recurring anxiety because of this aggressive campaign of harassment being waged on him by Clark and Rodriguez, he was fearful that he would suffer additional retaliation if he challenged the disciplinary charges. Plaintiff also began to fear (rightfully so) that he would be set up to be terminated if he persisted in exposing Clark's ongoing misconduct. As he had a family for which to provide, he decided to accept the disparate discipline and tried to swallow his growing concerns over the discriminatory and abusive manner in which the Department was being run. Plaintiff hoped that Chief Clark would direct his vengeance elsewhere because Plaintiff was accepting the punishment he dished out.
45. As an aside, Plaintiff was also growing increasingly troubled by how Chief Clark and Lt. Rodriguez were engaging in drastic union-busting actions. Undoubtedly, officers should not be disciplined for unionizing and for expressing their concerns about employer improprieties at confidential union meetings. Unions were created to combat such dictatorial abuses by management, and employee members have the absolute, constitutional, First Amendment right to freely associate and join such labor groups. Our

federal and State Constitutions safeguard such time-honored rights as does the New Jersey Employer-Employee Relations Act (the "Act"), N.J.S.A. 34:13A-1, *et seq.*

46. Yet, Lt. Rodriguez bullied union members, used the IA function to keep them in line,<sup>12</sup> reported negative comments to Chief Clark and controlled the union's actions in this fashion. Their union control became so problematic that Clark and Rodriguez were even able to block Capt. Cichon from appealing his own disciplinary matter by way of grievance<sup>13</sup> - which is every law enforcement member's and civil service employee's statutory, contractual and constitutional right. Clark and Rodriguez went so far as to falsely instruct the union that Cichon could only appeal his discipline if 100% of the union voted to approve same - which was knowingly false and another violation of the local and State PBA's bylaws. The State PBA then had to get involved to override their improper control of the union at this point.

47. The Borough is thus engaging in unfair labor practices by allowing such union control by Clark and Rodriguez. Pursuant to the Act, N.J.S.A. 34:13A:5.4(a), "[p]ublic employers, their representatives or agents are prohibited from: (1) [i]nterfering with, restraining or

<sup>12</sup> Moreover, the IAPP expressly prohibits the exact situation that Chief Clark orchestrated with Lt. Rodriguez; specifically, IAPP 4.2.5 clearly states, "Law enforcement executives shall not assign to the internal affairs function any person responsible for representing members of a collective bargaining unit." [Emphasis added]. Lt. Rodriguez is the *de facto* SOA President and directly represents members of the collective bargaining unit because he serves on the Negotiations Committee. In fact, he singlehandedly negotiated all Department supervisors' contracts and benefits. Yet, because of his IA duties and control of the union, numerous union members are reluctant to seek union assistance. Chief Clark is thus directly infringing upon members' rights to union protections by selecting this particular union representative to oversee the IA function. This causes an inherent problem and is the exact type of conflict that the IAPP seeks to prevent through Section 4.2.5 and the exact behavior disallowed by the Act.

<sup>13</sup> Chief Clark also recently went so far as to berate Capt. Cichon and Lt. Michael Klepacky for discussing a potential overtime grievance with their PBA President. Chief Clark's lawlessness and union-busting antics are quite shocking.

coercing employees in the exercise of the rights guaranteed to them by this act.” Furthermore, many union members, including Plaintiff, have been denied the right to union assistance because of Lt. Rodriguez’ assignment to the IA Division and close ties to Chief Clark.

#### **Additional Discipline for a Small Act of Community Kindness**

48. The retaliation worsened. On September 3, 2022, a four-year-old boy looked at Plaintiff with admiration while he was working “Pompton Day.” The child’s mother informed Plaintiff that her son loves “cops” and wanted to be a police officer. Plaintiff therefore removed his Velcro badge from his uniform and gave it to the boy. Unlike Plaintiff’s metal badge provided to him by the Department, anyone can purchase this Velcro badge at a police uniform store. Chief Clark, however, issued a written reprimand to Plaintiff for “giving away Department property” for his kind gesture even though Plaintiff had purchased the Velcro badge himself.

#### **Chief Clark puts Plaintiff on an Administrative Leave and Sends him for a Fitness-For-Duty Examination**

49. The constant harassment and barrage of indignities took a toll on Plaintiff and began affecting his personal life. On October 12, 2022, Plaintiff was working the day shift when he had a heated phone discussion with his wife while standing outside the Department’s headquarters. Regrettably, Plaintiff threw his cellphone while overwhelmed with emotion from realizing how his deteriorating mental health was affecting his family. Sgt. Jon Williams observed Plaintiff’s behavior and notified him that he had to inform Chief Clark.

50. Chief Clark ordered Plaintiff into his office with Lt. Rodriguez to discuss what transpired.

Plaintiff was not afforded any opportunity to meet with the RPO nor was he properly offered the opportunity to seek union representation. Plaintiff's "Weingarten" rights were thus directly violated.<sup>14</sup>

51. Chief Clark and Lt. Rodriguez told Plaintiff that he needed "help" and sent Plaintiff for a fitness for duty test with their hand-picked evaluators, the Institute for Forensic Psychology ("IFP") on October 20, 2022.

52. On October 29, 2022, Dr. Krista Dettle found Plaintiff currently unfit-for-duty and recommended that Plaintiff attend an inpatient treatment facility geared toward treating PTSD in first responders and veterans. She suggested Sierra Tucson, a mental health treatment facility located in Arizona. Dr. Dettle further noted that, upon discharge from Sierra Tucson, Plaintiff would likely need partial inpatient, intensive outpatient or outpatient treatment. Despite his military service, this was the first time Plaintiff had been diagnosed with PTSD, and Dr. Dettle's diagnosis and treatment plan was shared with the Department.

53. Plaintiff received treatment at Sierra Tucson for approximately three weeks. Plaintiff's treatment specialists recommended Plaintiff remain receiving treatment there; however, the Borough's insurance provider decided that Plaintiff's treatment had to then end.

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<sup>14</sup> Pursuant to N.L.R.B. v. Weingarten, 420 U.S. 251 (1975), public employees have a right to representation before having to answer questions pertaining to a matter that could lead to discipline. Per this holding, when the questioning of an employee might reasonably subject the employee to discipline, said employee is entitled to representation and must be informed that he or she is the target of an investigation. Id. Moreover, labor unions also have a right to be informed when one of its members is to be questioned and/or disciplined. See, e.g., In re Univ. of Med. & Dentistry of N.J., 144 N.J. 511 (1995) (employer was found to have committed an unfair labor practice and to have violated the Act when it failed to provide notice and information to an employee union about a disciplinary matter and refused to allow it to attend two investigatory interviews of one of its union employees). [Emphasis added].

54. Plaintiff returned to New Jersey on November 19, 2022 and began an intensive outpatient treatment (“IOP”) program at Forge Health (“Forge”) in Paramus, New Jersey.

55. During his treatment, Plaintiff was on a job-protected leave of absence under the Family Medical Leave Act (“FMLA”). He also applied for worker’s compensation benefits because the mental health problems he was experiencing stemmed from his workplace. While he was waiting for a decision on his worker’s compensation application, Plaintiff used his remaining vacation and sick time (which had already been depleted because of Chief Clark’s unilateral Covid-19 procedures). Other officers, by and through the PBA, also donated their sick days to him so he and his family did not need to worry about their finances while Plaintiff was seeking to recover.

**The Department Refuses to Accommodate Plaintiff’s Disability and Refuses him Additional Leave or Light Duty Assignment; Plaintiff’s Wife Complains**

56. On December 20, 2022, however, Lt. Rodriguez abruptly informed him that his FMLA leave of absence would expire on January 1, 2023 and warned him that the Borough could (and would) fire him if he remained out of work. At the time Plaintiff was in the middle of his IOP, and he was not cleared (nor ready) to return to work. Plaintiff asked Lt. Rodriguez if he could extend his leave so that he could complete his IOP, but his reasonable request wasn’t granted.

57. The Department thus denied Plaintiff’s reasonable request to remain on a leave of absence so that he could complete his IOP beyond the expiration of his FMLA leave as an accommodation. The NJLAD requires employers to provide “reasonable

accommodations”<sup>15</sup> to allow its disabled employees to perform the essential functions of the job unless the employer can demonstrate that the accommodation would impose an undue hardship. Victor v. State, 203 N.J. 383, 423 (2010); Tynan v. Vicinage 13 of the Superior Court, 351 N.J. Super. 385, 396-97 (App. Div. 2002).

58. Here, the Department did not grant Plaintiff’s accommodation request to allow him to complete his IOP and did not engage in the interactive process but instead attempted to force Plaintiff back on the job upon threat of termination. Such a brief extension of Plaintiff’s leave would not have caused an undue burden on the Department because the

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<sup>15</sup> The NLAD regulations themselves cite a “leave of absence” as an example of a reasonable accommodation. See N.J.A.C. 13:13-2.5(b)(1)(ii). It is well-established that employers are obligated to consider the possibility of extending a disabled employee’s medical leave of absence as a reasonable accommodation before terminating the employee’s employment. Brown v. Dunbar Armored, Inc., Civ. No. 08-3286, 2009 U.S. Dist. LEXIS 115572, at \*4 (D.N.J. Dec. 10, 2009). The fact that the leave would occur after the exhaustion of leave under the FMLA does not make it unreasonable. Id. at \*7. Moreover, even in the absence of a specific request for an extension of leave, an employer is *not* relieved of the “burden of at least considering this possibility before terminating” a disabled employee. Id. at \*4. Moreover, an employer’s refusal to discuss an accommodation in and of itself violates the NJLAD. Our Supreme Court recently reaffirmed the elements for a failure to accommodate case and clarified that a separate, adverse employment action is not required (although Plaintiff can establish same here). Richter v. Oakland Bd. of Educ., 246 N.J. 507, 530 (2021). As further stated by the court, a failure to take any action when faced with an accommodation request can also qualify as a violation of the NJLAD:

The wrongful act for purposes of a failure-to-accommodate claim is the employer's failure to perform its duty, not a further adverse employment action that the employee must suffer.... To best implement that legislative intent, we conclude that an employer's inaction, silence, or inadequate response to a reasonable accommodation request is an omission that can give rise to a cause of action.... Indeed, while a lack of demonstrable consequences --whether in the form of an adverse action, of injuries like those sustained by Richter, or of some other type -- might affect the damages to which an affected employee might be entitled, an employer's failure to accommodate is itself an actionable harm.

Id. at 530-531. [Emphasis supplied].

Department regularly allowed (white) officers to take longer leaves of absences than Plaintiff sought.

59. On that same date (December 20, 2022), Plaintiff's wife wrote directly to the Borough Administrator to complain about the Borough's unfair treatment of her husband. She wrote, in pertinent part:

It has come to my attention that you are refusing to pay for his time out of work so he could undergo mental health treatment for PTSD . . . . Over a month into my husband's treatment, you tell [him] that you won't cover his administrative leave. This is AFTER he was approved to be on Administrative leave and told everything would be taken care of. . . . You want endless tickets from these guys but refuse to give anything else but a paycheck. . . . I strongly advise you to do the right thing here because one thing I know for sure is that people need to start learning about the immense lack of support these officer have.

[Exhibit A].

60. After she sent the letter, Chief Clark and Lt. Rodriguez contacted Plaintiff and told him that his wife was now prohibited from writing letters to the Borough or the Borough Administrator - even though the Department has no ability to control her actions as a member of the public.

61. Fearful of being fired, Plaintiff contacted his medical providers to ask them to return him to work sooner on light duty. The Department then requested Plaintiff obtain a letter from Forge detailing Plaintiff's limitations vis-à-vis the rigorous fitness standards of the Police Training Commission ("PTC") (as opposed to the Civil Service Commission's job title description for police officer).

62. Lt. Rodriguez offered Plaintiff the 7:00 p.m. to 7:00 a.m. dispatch night shift as the only work "accommodation" the Department would permit. As known by Lt. Rodriguez and

Chief Clark, this shift was patently unreasonable because Plaintiff was scheduled to attend his IOP sessions at 9:00 a.m. four times a week.

63. Plaintiff's dispatch work assignment was another clear indication of disparate treatment and further retaliation.<sup>16</sup> Specifically, between September 2022 through February 2023, four other officers (all of whom were white, and none of whom had angered Chief Clark due to their union advocacy/whistleblowing) were fully accommodated and placed on true light duty. They were assigned to do "busy work" in the Department during the day shift. None of these white officers were required to reference PTC job descriptions to receive their light duty work assignments/accommodations. None of these white officers had to work the overnight dispatch shifts which were extremely busy and mentally taxing.

64. On January 2, 2023, Plaintiff returned to work for his newly assigned night shift 7:00 p.m. to 7:00 a.m. This shift was extremely difficult for Plaintiff. He had trouble concentrating during the shift. He felt preoccupied with the uncertainty of being able to complete IOP sessions after his night shifts. Plaintiff was clearly struggling, but Chief Clark and Lt. Rodriguez were steadfast in their plan to set him up for failure and to seek a way to terminate him and had no sympathy for Plaintiff.

65. On January 3, 2023, Plaintiff attempted to use one of his vacation days because he did not want to risk missing his 9:00 a.m. IOP group session scheduled for the following morning. He felt he needed a day to recalibrate himself, especially to determine if he could handle working the night shift. Lt. Rodriguez took extreme umbrage with Plaintiff's vacation day

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<sup>16</sup> Notably, employer retaliation against an employee who has requested a disability accommodation or filed a workers' compensation claim, as Plaintiff did, is illegal. See N.J.S.A. 34:15-39.1; N.J.S.A. 10:5-12(d).

request. He telephoned Plaintiff saying that he already taken "all this time" at Sierra Tucson and Forge and now he needed one more day. Lt. Rodriguez asked Plaintiff if he understood "how this looks?" Plaintiff tried to respond, but Lt. Rodriguez immediately interjected, stating Plaintiff "did not understand." Lt. Rodriguez abruptly hung up the phone on Plaintiff.

66. Shortly thereafter, Plaintiff texted Lt. Rodriguez to explain that he was experiencing confusion and was having cognitive issues with paying attention. He added, "If you guys want to get rid of me, then do what you have to. I need to take care of myself right now."

67. Later in the evening, Plaintiff e-mailed Dr. Dettle explaining how Chief Clark and Lt. Rodriguez refused to accommodate his cognitive issues at work. Dr. Dettle spoke to Chief Clark and Lt. Rodriguez, whom she felt were not trying to work with Plaintiff and instead were trying to disprove Plaintiff's cognitive issues by questioning his credibility.

68. Dr. Dettle put Plaintiff back on a leave of absence for the remainder of January 2023. On February 3, 2023, at end of his leave, Plaintiff was sent for another fitness for duty test, which he subsequently passed. Plaintiff, however, was not returned to work until February 23, 2023 because Chief Clark demanded that Dr. Lewis Schlosser of IFP also evaluate Plaintiff's memory to make sure "his brain wasn't mush."

#### **Plaintiff's Application for Worker's Compensation Benefits is Granted**

69. As noted, Plaintiff had applied for worker's compensation benefits on the grounds that his mental health conditions were work-related. In December 2022, Plaintiff met with the (former) Borough Administrator to try and safeguard his career by apologizing for his wife's letter. During this conversation, the Borough Administrator falsely advised Plaintiff

that his worker's compensation application had been denied, and he needed to return to work. This was simply not true. After he rushed to return to work, the Borough's workers' compensation carrier contacted Plaintiff in February 2023 to ask whether he would like it to continue to investigate his claim, which was still open. Apparently, even the Business Administration had been brought into the conspiratorial plan to "mess with" Plaintiff and to force him out of his job. In August 2023, the Borough's worker's compensation carrier ultimately reimbursed Plaintiff for the period he was out of work.

#### **Plaintiff Suffers Cognitive Issues and has Brain Surgery**

70. On February 23, 2023, Plaintiff returned to work on dispatch. However, the cognitive issues he had begun to experience in January worsened. He had begun to experience new symptoms, such as difficulty keeping his balance; excruciating pain in his left jaw and ear; cracking and popping of his jaw while eating; trouble with seeing clearly; headaches; trouble hearing out of his left ear. His ability to read was also compromised as his impaired vision caused his eyes to jump from line to line. At that time, Plaintiff attributed such symptoms to his deteriorating mental health.
71. At or around the same time, Plaintiff learned that Chief Clark publicly ridiculed him while teaching a supervisor class in Totowa, New Jersey. Chief Clark conveyed to the class that he "helped" Plaintiff by sending him to a treatment facility (Sierra Tucson). Though he did not use Plaintiff's name, he provided enough identifying information so that the class attendees could easily identify Plaintiff despite the fact that the FMLA and the NJLAD mandate Chief Clark to maintain the privacy of Plaintiff's medical information.

72. Unbeknownst to Plaintiff, his cognitive decline was the result of a mass or abscess on the temporal lobe of his brain, which was not diagnosed until September 17, 2023. On September 19, 2023, Plaintiff underwent neurosurgery to remove the mass on his brain and was released from the hospital on September 22, 2023. By letter dated September 26, 2023, Plaintiff's neurosurgeon advised the Borough that Plaintiff could return to work on light duty on October 19, 2023 and full duty on January 1, 2024. [Exhibit B].

**Plaintiff is Denied a Light Duty Assignment, and Plaintiff's Wife Complains of Disability and Race Discrimination; Borough Does not Investigate**

73. Although Plaintiff's neurosurgeon requested that Plaintiff be placed on light duty, Lt. Rodriguez informed Plaintiff that the Department did not have any light duty positions available. Lt. Rodriguez made this claim without engaging in any interactive process and despite that the Department's past practice was to allow officers to work light duty; moreover, several officers were already on light duty and had been since the Fall of 2023. Unlike Plaintiff, none of these officers had to submit anything special to be accommodated; they just had to submit a regular doctor's note (again evidencing the "Pepe double standard").

74. Lt. Rodriguez advised Plaintiff that he could either work the dispatch desk on both day and night shifts or go out on disability. Again, the Department failed to reasonably accommodate Plaintiff or to engage in the required, interactive dialogue. Therefore, Plaintiff's neurosurgeon submitted a second doctor's note, dated September 29, 2023, in which he wrote:

Please be advised that he is recovering from neurosurgery. Over the next month he will need complete rest and recovery at home. Once he returns to work, part time, he will need frequent breaks and we advise that he works

during daytime shifts only. Please keep all of his work to limited paperwork only, no stressful phone calls or meetings.

[Exhibit C].

75. On September 29, 2023, Plaintiff's wife wrote Chief Clark and Lt. Rodriguez (copying the whole Department). She stated:

At this point I believe he is being discriminated against. He is clearly being unfairly treated. His mental health crisis and the way you managed that shows how heartless and inexperienced in life you are. Let's put someone on night shift while they're completing INTENSIVE outpatient treatment 4 days a week for 3-4 hours per day. And now, after having a number of guys very recently on light duty no problem for minor muscular issues; my husband who has just undergone brain surgery cannot go on light duty. Night shift, 12 hour shifts and stressful 9-11 calls is NOT light duty. . . . It's starting to look to me like because he's not a Pompton boy and because he's black that he's being treated differently. . . . Had this been either one of you or one of your family members you would've been accommodated no questions asked.

[Exhibit D].

76. That same day, an irate Lt. Rodriguez called Plaintiff – who had just had major brain surgery - demanding to know why Plaintiff's wife wrote such a letter. He also asked how his wife knew the facts contained in the letter and accused Plaintiff of being its true author/the perceived whistleblower.
77. Later that evening, Plaintiff contacted Chief Clark to discuss the letter. He did not answer so Plaintiff left a voice message. On September 30, 2023, Chief Clark returned Plaintiff's phone call, but Plaintiff missed his call. Chief Clark left Plaintiff a voice message that sounded as if he were upset and did not honestly care to speak with Plaintiff. Plaintiff attempted to contact him back, but, once again, Chief Clark did not answer.

78. On October 2, 2023, the PBA President contacted Plaintiff about donating time to accommodate Plaintiff's health recovery after his brain surgery. Because worker's compensation ultimately covered Plaintiff's leave at Sierra Tucson and Forge, the original time these officers donated to Plaintiff was returned to them, allowing them to re-donate it in the Fall of 2023.

79. Yet, the PBA President also advised Plaintiff that the Mayor informed him to relay that Plaintiff's wife could never again contact the Department. The PBA president also stated the union may not be able to help the Plaintiff in the future if Plaintiff's wife continued to contact the Department.

80. In October 2023, Lt. Rodriguez held a "sergeants only" meeting. One sergeant asked Lt. Rodriguez whether the Borough would investigate Plaintiff's discrimination complaints (because it was clear that Lt. Rodriguez would not be investigating himself as an IA matter or referring it to the PCPO as required by law).<sup>17</sup> Lt. Rodriguez claimed the Borough's Human Resources Department would handle the complaint but went on to threaten, "But, if anyone believes Pepe was discriminated against, they will also be written up, for not reporting it." The blatant intimidation tactics continued, and the Plaintiff's complaints of discrimination were still not investigated.

81. Incidentally, the Borough has never investigated these express complaints of racial and disability discrimination in derogation of the NJLAD and the Borough's own policies.

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<sup>17</sup> Per the IAPP, any and all complaints made against a sworn officer, even when anonymous, must be investigated. See IAPP 1.0.9; 4.1.1; 4.1.2; 4.1.3; 5.1.1; 5.1.2; 5.1.5; 5.1.7. Moreover, any and all complaints against the "law enforcement executive" and certain supervisory and IA personnel must be investigated by the supervising County Prosecutor's Office. See IAPP 4.1.3; 5.1.1; 5.1.3; 5.1.8.

Instead, it allowed Chief Clark and Lt. Rodriguez to persist in their targeted and fabricated attacks on Plaintiff.

**Plaintiff is Made the Target of Five Separate IA Investigations**

82. While Plaintiff was still on leave, Chief Clark and Lt. Rodriguez helped him recover by serving him with notice that he was now the target of *five separate* IA investigations. Plaintiff received the IA target notifications by mail on or around December 4, 2023 and again by certified mail on or around December 9, 2023.
83. After receiving same without prior notice or explanation, Plaintiff contacted Sgt. Joseph Ruffo to ask him what had happened and why he had been made the target of the new IA matters while out recuperating from brain surgery. Sgt. Ruffo advised Plaintiff to obtain legal representation as it appeared that Clark and Rodriguez were coming after him and specifically stated that "the writing is on the wall."
84. As a disciplinary target, Plaintiff had every right to receive information pertaining to why he was under investigation. See IAPP §8.4.3. Plaintiff also had a statutory and constitutional right to prepare and assist in his own defense and conduct an independent investigation if he so chose.
85. The IA complaints Plaintiff received pertained to the following spurious issues: (1) having tattoos on Plaintiff's neck and hands; (2) lying on a service call; (3) failing to contact the on-call judge during non-business hours for a temporary restraining order ("TRO"); (4) removing his body worn camera from his vest during an arrest; and (5) failing to tag body worn camera videos. All of these IA complaints, however, were entirely fabricated and

premised upon nonsensical infractions. That Clark and Rodriguez were clearly looking for any means to retaliate and were engaging in a direct witch hunt was readily apparent.

86. Out of desperation, on December 9, 2023, Plaintiff decided to try and obtain favorable information regarding these bogus complaints as he knew Lt. Rodriguez had not done a fair and neutral IA investigation, as per the IAPP. Rather, Rodriguez' and Clark's only goal was to ensure Plaintiff got terminated, and, as the Chief's lackey, Rodriguez would willingly carry out this nefarious scheme.

87. As to the allegation of "lying on a service call," Plaintiff determined that the service call occurred on June 10, 2023 regarding an alleged infidelity between a husband and wife. Plaintiff contacted the wife to ascertain if she had lodged a complaint against him. The wife denied that she had filed a complaint against Plaintiff or communicated any issues regarding Plaintiff's handling of his service call. She advised Plaintiff that, even though she never complained, Lt. Rodriguez and Sergeant Steve Koucfati visited her home to question her about Plaintiff's service to her. She told them that Plaintiff handled the service call appropriately. She even asked Plaintiff if he wanted her to visit the Department to confirm she was satisfied with his service.

88. However, the IA complaint was served on Plaintiff in December 2023. Clearly, Lt. Rodriguez and Chief Clark were just looking for any disciplinary charge they could lodge, regardless of how flimsy and frivolous, and were extremely obvious in this regard.

89. The IA complaint for having tattoos on his hands and his neck is similarly bogus. Plaintiff was hired in 2015 and got a visible tattoo on his hand in 2017. Plaintiff also got a visible tattoo on his neck in 2017. Yet, despite Chief Clark's prior knowledge that Plaintiff had

tattoos, Plaintiff was served with this IA complaint many years later for no other reason than to pile on additional IA complaints and force his departure from the Department.<sup>18</sup>

90. Similarly, regarding Plaintiff's supposed failure to tag videos dated September 2, 2023 through September 16, 2023, Plaintiff aimed to complete the task of tagging his videos by September 18, 2023. Yet, on September 17, 2023, Plaintiff was forced to seek medical treatment for the mass located on his brain. He underwent surgery on September 19, 2023, and, therefore, he was medically unable to complete tagging his videos. Plaintiff was informed that other, white officers were also written up for failing to complete this task; however, they were each afforded a grace period to tag the videos prior to receiving said write up. And none of the other white officers given such courtesies and leniency had missed the deadline because they had to undergo major brain surgery.

91. Regarding Plaintiff's purported failure to contact the on-call judge for a TRO during non-business hours, the alleged TRO complainant did not have any immediate need for a TRO. Plaintiff effectively expressed this to said complainant and provided complainant helpful advice (i.e., because complainant was a Newark resident, Plaintiff advised the complainant

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<sup>18</sup> Police disciplinary charges are subject to the "45-Day Rule," as provided by N.J.S.A. 40A:14-147:

... A complaint charging a violation of the internal rules and regulations established for the conduct of a law enforcement unit shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation... A failure to comply with said provisions as to the service of the complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.

How the Department believed these extremely stale and contrived internal rules violations/charges could ever satisfy the 45 Day Rule remains a mystery.

to report the case to Newark law enforcement, especially since the Department was located relatively far from Newark). This incident took place on August 15, 2023, yet Plaintiff was not notified of the charges until December 4, 2023.

92. Regarding Plaintiff's removal of his body worn camera during an arrest on August 15, 2023, Plaintiff followed the customary procedure followed by all other Department officers. During an arrest with his body worn camera activated, Plaintiff removed the camera from his vest and placed the camera facing the arrestee. The camera was activated the entire time and captured the whole occurrence. Plaintiff's behavior was typical of most Department patrolmen. Nonetheless, Plaintiff alone received a complaint in December 2023 for this customary practice. Once again, Lt. Rodriguez and Chief Clark were really reaching to try and make anything stick and were conspicuously employing the "death by a thousand cuts" strategy.

93. As a final note, other than the IA complaint for having tattoos, the other four IA complaints involved Plaintiff's alleged misconduct while he was suffering cognitive issues due to his then-undiagnosed brain tumor.

94. By contrast to this treatment of Plaintiff, the PCPO sustained an IA Complaint against Lt. Rodriguez in or around October or November 2023 which was the topic of much discussion within the Department. Lt. Rodriguez bragged at a sergeant's meeting that Chief Clark contacted the PCPO and argued against the findings; thereafter, Chief Clark took it upon himself to overturn the PCPO's finding so that Lt. Rodriguez was not subject to any discipline. Yet, in stark contrast, an officer recovering from major brain surgery was subjected to no leniency and was facing a multitude of contrived termination charges.

**Chief Clark Suspends Plaintiff, Orders him to a Fitness-For-Duty Examination, and Makes him the Target of yet Another IA Investigation; Plaintiff Resigns in Lieu of Termination**

95. Plaintiff spoke to Sgt. Ruffo on December 30, 2023 about all the IA investigations.

Understandably, Plaintiff was upset because Chief Clark and Lt. Rodriguez were clearly fishing for any possible thing he could have done wrong to force him out of the Department.

He was also aware that the investigation into his response to the domestic violence ("DV") call had not been initiated by the wife and therefore must have initiated by the Department.

96. Within hours, Sgt. Kouefati arrived at Plaintiff's home with two Pompton Lakes officers to serve him with a notice drafted by Chief Clark that he was being immediately suspended from the Department. Chief Clark wrote:

On 12/30/2023, you contacted Sgt. Ruffo in an agitated state in regard to an internal affairs matter you are being investigated for. Based on what Sgt. Ruffo reported to me and your prior evaluations and treatment for anxiety and depression, this current episode warrants reevaluation.

[Exhibit E].

97. Sgt. Kouefati also served him with yet another, new IA target notification for contacting Sgt. Ruffo and an order to draft a report on what he discussed with Sgt. Ruffo and how he came to the conclusion that the DV IA investigation was initiated by the Department. Id.

98. On January 2, 2024, Sgt. Kouefati contacted Plaintiff because Chief Clark sought to contact him via his work email, which had been disabled. Then, Sgt. Kouefati asked Plaintiff to report to the Department. In light of recent events, Plaintiff was highly uncomfortable with reporting to the Department to meet with Chief Clark and asked if there was another way for him to communicate with Chief Clark. In response, Sgt. Kouefati was ordered to order him into the Department to meet with Chief Clark and discuss the pending IA

investigations, again in direct violation of his Weingarten right to counsel and while he was on paid sick leave through January 6, 2024.

99. Incidentally, there was no mention of the fitness-for-duty examination to which Chief Clark had indicated he would be sending him. Curiously, Chief Clark felt Plaintiff was well enough to be interrogated on an IA matter while simultaneously claiming he was unfit for duty.

100. At that point, Plaintiff felt that his working conditions were so intolerable that a reasonable person would be forced to resign rather than continue to endure it. His health and recovery had to be paramount, and the Department was daily inflicting severe emotional distress on him while he was in a fragile mental and physical condition and still trying to heal. The race and disability discrimination and harassment were so severe, and the ongoing retaliation was so intense, that he had no option but to quit.

101. Plaintiff thus informed Sgt. Kouefati he would give them his resignation due to the feelings of dread and immense pressure he was experiencing while in his compromised state. Sgt. then Kouefati put Plaintiff on hold. After returning to the call, he said, "The chief wants your resignation by 3 p.m." Clark and Rodriguez thus prevailed on their nefarious plan because Plaintiff was thus coerced and bullied into resigning and was constructively terminated. While suffering immense mental turmoil, Plaintiff submitted his written resignation on the spot under great duress. The way Plaintiff was treated, while recovering from major brain surgery, was entirely disgraceful and abhorrent.

### **The Outrageous Actions of Chief Clark and Lt. Rodriguez**

#### **Continued/Post-Employment Retaliation**

102. Even after Plaintiff was forced to resign/was constructively terminated, Chief Clark's and Lt. Rodriguez' palpable hostility for him persisted. They then announced that no one was allowed to speak to Plaintiff and began an inquiry into whether any officers were still speaking to him. They went so far as to order officers to provide their personal cellphones and display their private text messages to see whether they had communicated with Plaintiff – even though Chief Clark cannot reasonably prohibit an employee from speaking to a former Department officer and even though it is illegal to force an employee to disclose personal cellphone information.<sup>19</sup>

103. One officer, who was not afforded Weingarten representation while being questioned by Clark and Rodriguez and who was ordered to submit to their interrogation and provide his personal cellphone texts, was then fired for not admitting he was keeping in touch with Plaintiff. Their lawless antics knew no bounds at this point due to their frantic desire to destroy Plaintiff.

104. The Department also attempted to seize Plaintiff's personal weapons after his constructive termination by asking the Lodi Police Department to confiscate same. Lodi, however, refused to do so because the Department failed to articulate a legitimate basis for such non-supportable, vindictive harassment.

105. In addition to the misconduct Chief Clark and Lt. Rodriguez have displayed on a consistent basis and the racially hostile, ableist, retaliatory work environment they created

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<sup>19</sup> New Jersey's Social Media Privacy Law prohibits employers from requiring employees to provide their personal passwords for their cellphones. See N.J.S.A. 34:6B-6; Davis v. Disability Rights NJ, 475 N.J. Super. 122 (App. Div. 2023) (explaining the Social Media Privacy Law). Per this statute, "No employer shall require or request a current or prospective employee to provide or disclose any user name or password, or in any way provide the employer access to, a personal account through an electronic communications device." N.J.S.A. 34:6B-6

and condoned, they have also subjected Plaintiff (and others) to other forms of workplace harassment. They both would frequently engage in derogatory, misogynistic conversations about their illicit affairs with women. Since the year 2019, both Chief Clark and Lt. Rodriguez have consistently bragged about the quantity of women they have “f-cked” both before and after joining the Department. Chief Clark also used to brag about sleeping with a Borough councilwoman.

106. Lt. Rodriguez also made snide and offensive remarks about minority arrestees officers brought back to the station. Lt. Rodriguez has said that people the Department arrest come from “bad families.” This upset Plaintiff, as a minority, and because his father was a drug dealer and his mother abandoned him. It made Plaintiff feel like he was from a “bad family” and made him feel ashamed and lesser about himself.

107. Lt. Rodriguez once announced to all attendees, during active shooter training, that if anyone ever tried to stop him from rescuing his kids, he would “shoot them in the face.” He also informed various members of the Department, when coercing them to meet the ticket quota, “Giving out tickets is like killing people overseas. You don’t want to do it, but you have to do it.” At this point, Lt. Rodriguez was fully aware of Plaintiff’s PTSD diagnosis.

108. Both Chief Clark and Lt. Rodriguez seem “drunk on their own power” and have shown they are willing to lie and break the law with impunity and have no fear of any repercussions - likely because the Borough has allowed all such misconduct to occur and has allowed them to escape any form of accountability or punishment.

109. In truth, the Borough has allowed its Police Chief and IA Division Commander to act so shamelessly and in such an unchecked manner and, upon information and belief, has never investigated their misconduct to date nor referred any complaints to the PCPO as required.

110. Tellingly, it was not until after Plaintiff was constructively terminated and after Plaintiff was rumored to have retained legal counsel to file a tort claim that the Borough then sent a tepid letter offering to investigate the complaints of discrimination and retaliation voiced by his wife back in September 2023. To date, Plaintiff has never been informed as to whether any of his complaints were sustained as required per the IAPP when a complainant voices claims of misconduct against an officer. See IAPP 5.1.3; IAPP 5.1.4; Appendix A.

111. In truth, the Borough has taken no required legal or corrective action as Plaintiff's employer to stamp out the lawlessness and abuses committed by Clark and Rodriguez or to safeguard Plaintiff from the various, workplace abuses he endured. The Borough has thus joined in Plaintiff's harassers and has acted with reckless indifference to the Plaintiff's rights and well-being.

112. The Borough's racially hostile work environment is also evident in the disparate manner in which Plaintiff was treated in reference to his complaints. Notably, several white employees complained about harassment, and their matters were instead immediately investigated. Yet, the sole Black officer was treated worse and was completely ignored while his legitimate complaints were swept under the proverbial rug and only acknowledged after it knew Plaintiff planned on taking legal action.

113. In sum, Plaintiff is a public employee who suffered harassment and retaliation in the form of an ableist and racially hostile work environment and who endured various, other, adverse employment actions. The Borough failed to take proper corrective action, despite being repeatedly put on notice of the improper misconduct, and instead responded with additional efforts to harass, retaliate against and punish Plaintiff, resulting in his constructive termination.

### **COUNT ONE**

#### **Discrimination on the Basis of Race in Violation of the NJLAD**

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

115. During his employment at the Department, Plaintiff was continuously subjected to disparate treatment and harassing comments and conduct because of his race, much of it by upper-level management and/or Plaintiff's supervisors.

116. Plaintiff was held to different standards, was treated far worse as an African-American than white officers of equal rank, was subjected to heightened scrutiny and petty indignities and was treated with racial disparity; he was treated far worse than all of his Caucasian counterparts.

117. The Borough did not take any efforts to investigate or remedy the ongoing, harassing misbehavior but instead threatened Plaintiff to denounce his complaints of discrimination and harassment and then targeted, prosecuted and disciplined Plaintiff on manufactured charges after extremely biased and fraudulent IA "investigations."

118. Plaintiff and his wife complained to upper level management, about the harassment, retaliation, and disparate treatment to which he was being subjected. No corrective or remedial action was taken, and Plaintiff was instead charged with bogus discipline and constructively terminated.

119. After being scolded when his wife voiced racial and mental health discrimination complaints, Plaintiff filed a Notice of Tort Claim to again complain about all of the ongoing, still existent harassment and unlawful mistreatment he had suffered. However, still no action was taken against the culpable parties who were protected by the Borough, which directly condoned and participated in the misconduct by allowing the aforesaid conduct to continue and by failing to conduct a proper or any investigation into Plaintiff's complaints. Plaintiff was thus continually subjected to a hostile work environment through the ongoing acts of racial discrimination committed by his supervisors.

120. The Borough thus failed to exercise reasonable care to prevent and promptly correct the discriminatory behavior although Plaintiff reasonably attempted to take advantage of preventive and corrective opportunities. Furthermore, the discriminatory actions were committed by Plaintiff's supervisors, and thus no "safe haven" defense can exist.

121. 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 and the Department.

122. Defendants are 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.

123. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of his employment rights and other rights, has received wrongful discipline, has been constructively terminated, and has lost wages and benefits and other emoluments of the position. Plaintiff has sustained injury to his reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate his rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

### COUNT TWO

#### **Harassment on the Basis of Race in Violation of the NJLAD**

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

125. During his employment at the Department, Plaintiff was continuously subjected to harassing comments and conduct which were racially hostile, much of it by upper-level management and/or Plaintiff's supervisors.

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

127. Plaintiff complained about the harassment, retaliation, and disparate treatment to which he was being subjected. However, no action was taken against the culpable parties who were protected by Defendants, who directly condoned and participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper investigation of Plaintiff's complaints. Plaintiff was thus subjected to a hostile work environment and ongoing acts of retaliation.

128. 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 and the Department.

129. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

130. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of his employment rights and other rights, has received wrongful discipline, has been constructively terminated and has lost wages and benefits and other emoluments of the position. Plaintiff has sustained injury to his reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate his rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

**COUNT THREE**

**Disability/ Handicap Discrimination in Violation of the NJLAD**

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

132. The foregoing facts and circumstances demonstrate that Defendants have also violated the NJLAD, N.J.S.A. 10:5-1 *et seq.*, by discriminating against /harassing Plaintiff due to Plaintiff's handicap, disability and/or medical condition.

133. Plaintiff was/is in a protected class and qualified as an individual with a disability and was perceived as having a disability. Plaintiff can demonstrate that he was qualified to perform the essential functions of the job and was performing those essential functions, either with or without a reasonable accommodation. Yet, Defendants treated him disparately, afforded him prejudicial treatment and discriminated against him due to his disabilities. As a result, Plaintiff was subjected to a conspiratorial plan with a goal to have him unlawfully terminated and which ultimately occurred.

134. 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 Plaintiff's harassers were upper-level management and supervisors within the Borough and the Department.

135. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

136. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered mental anguish, physical discomfort, pain and suffering, shame and embarrassment, emotional distress injuries, the exacerbation and physical manifestation of emotional distress injuries and/or physical injuries. Furthermore, Plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy Plaintiff's life.

Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

137. Further, Plaintiff has been required to retain an attorney to assist Plaintiff in asserting his claims and protecting his rights.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

#### **COUNT FOUR**

##### **Failure to Accommodate a Disability in Violation of the NJLAD**

138. Plaintiff incorporates by reference each and every allegation made previously herein.
139. Plaintiff made accommodation requests on his own and then through his doctor. Plaintiff's doctor specifically sought in September 2023: a 30 day leave of absence, light duty (which has been afforded routinely to various other officers in the Department), a part time schedule, the day shift and to be insulated from overly stressful situations if possible

– and all only for a two month period. [Exhibits B, C]. Plaintiff's doctor was proposing very reasonable accommodations for his medical condition of having just underwent major neurosurgery. The temporary accommodations recommended by Plaintiff's physician would pose no hardship on the Borough and were requested to permit Plaintiff to be able to perform essential job functions and have the same opportunities as his non-disabled counterparts.

140. Plaintiff could uphold his job duties with or without accommodation but would have performed and recovered optimally had such reasonable measures been put in place. However, Defendants failed to accommodate Plaintiff's requests. Nor did Defendants engage in any interactive discussions regarding the requested accommodations.

141. In fact, due to Defendants' purposeful and obstinate refusal to accommodate his disability, Plaintiff was unable to return to the workplace. Defendants instead mandated that he either go out on disability or not work at all. In addition, when Plaintiff sought his needed accommodations, Lt. Rodriguez responded by threatening that his job would be in jeopardy if he did not continue to work and flatly refused to discuss any potential accommodations.

142. Defendants' actions were so intense and concerted that it resulted in a work environment that was so hostile and harassing that no reasonable person could continue working in it. Thus, by failing to accommodate Plaintiff, Defendants intentionally and purposefully created a work environment that resulted in Plaintiff's constructive discharge.

143. The foregoing facts and circumstances demonstrate that Defendants have directly violated the NJLAD in denying Plaintiff any accommodations without any proper consideration.

144. 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 Plaintiff's harassers were upper-level management and supervisors within the Borough and the Department.

145. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondent Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

146. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered mental anguish, physical discomfort, pain and suffering, shame and embarrassment, emotional distress injuries, the physical manifestation of emotional distress injuries and/or physical injury. Furthermore, Plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy Plaintiff's life. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

147. Further, Plaintiff has been required to retain an attorney to assist Plaintiff in asserting his claims and protecting his rights.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and

emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

#### **COUNT FIVE**

##### **Failure to Engage in the Interactive Process in Violation of the NJLAD**

148. Plaintiff incorporates by reference each and every allegation made previously herein.
149. Defendants failed to engage in any interactive process or discussion to determine what reasonable accommodations could be made for Plaintiff's disability/medical condition.
150. Defendants further failed to provide an alternative to Plaintiff's request for accommodation and instead constructively discharged Plaintiff.
151. The foregoing facts and circumstances demonstrate that Defendants have violated the NJLAD.
152. 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 Plaintiff's harassers were upper-level management and supervisors within the Borough and the Department.

153. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

154. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered mental anguish, physical discomfort, pain and suffering, shame and embarrassment, emotional distress injuries, the physical manifestation of emotional distress injuries and/or physical injury. Furthermore, Plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy Plaintiff's life. Moreover, Plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

155. Further, Plaintiff has been required to retain an attorney to assist Plaintiff in asserting his claims and protecting his rights.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

**COUNT SIX**

**Retaliation in Violation of the NJLAD**

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

157. Plaintiff complained to his supervisors, in union meetings, through his wife and in various manners about the discrimination, harassment, disparate treatment and hostile work environment he endured. Plaintiff specifically complained that he was being treated in a discriminatory and disparate fashion but was then directly threatened after voicing said complaints. After voicing such complaints, Plaintiff was subjected to unjustified and intense on the job harassment, intimidation, threats, humiliations, intense scrutiny, bogus disciplinary charges, a suspension, disparate treatment in the workplace and then a termination as direct retaliation.

158. By refusing to properly investigate or remediate his complaints of a hostile work environment, by failing to comply with its own policies, by refusing to put in place safeguards to address such misconduct and by taking all of the aforementioned adverse job actions against Plaintiff, Defendants retaliated against him for complaining of discrimination with respect to his work environment.

159. There was a causal and temporal connection between his complaints and these adverse employment actions which fell directly on the heels of his exposure of wrongdoing as part of a discernible pattern.

160. 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 Plaintiff's harassers were upper-level management and supervisors within the Borough and the Department.

161. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

162. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of his employment rights and other rights, has received wrongful discipline, has been suspended and terminated, and has lost wages and benefits and other emoluments of the position. Plaintiff has sustained injury to his reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate his rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

**COUNT SEVEN**

**Violations of the NJCRA**

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

164. Defendants are liable to Plaintiff under the NJCRA, N.J.S.A. 10:6-1 to 6-2, which creates a state law cause of action for violations of a person's statutory and/or constitutional rights. Specifically, N.J.S.A. 10:6-2(c) provides an appropriate remedy against a discriminating public defendant for an individual who establishes that he "has been deprived of any substantive rights, privileges, or immunities secured by the Constitution or laws of this State" under color of law and through official action. Accordingly, such an individual "may bring a civil action for damages and for injunctive or other appropriate relief." N.J.S.A. 10:6-2(c).

165. New Jersey case law, the New Jersey Constitution and New Jersey statutory law all provide protections for public employees such as the Plaintiff. The inclination to abuse official authority to interfere with a civil servant's career to carry out a private agenda or vengeance or satisfy a personal grudge is checked by various enactments, such as N.J.S.A. 11A:2-24, *et seq.*, N.J.S.A. 40A:14-147, the IAPP, etc.

**Constitutional Deprivations**

166. Defendants violated Plaintiff's constitutional rights including his natural and inalienable right of "enjoying and defending life and liberty...acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness," N.J.S.A. Const. Article 1, paragraph 1, and Plaintiff's legitimate right to freedom of speech to speak out

and expose misconduct and violations of the law as guaranteed by Article I, paragraph 6 of the New Jersey Constitution.

167. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of his valid right to speak out and expose official misconduct and violations of law, his right to unionize/freely associate, file grievances, file complaints and seek redress and his right to engage in protected speech.

168. On various occasions as cited herein, Plaintiff objected to and reported illegal behavior being committed against him by Chief Clark and Lt. Rodriguez. In addition, Plaintiff exposed and reported illegal, discrimination, harassment, disparate treatment and retaliation being committed against him. Plaintiff specifically and repeatedly objected to 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.

169. Plaintiff thus exposed that his 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 violated by Defendants.

170. Defendants also violated the New Jersey Constitution by disciplining and otherwise subjecting Plaintiff to numerous, adverse employment actions, including an unlawful termination, in direct retaliation for Plaintiff's protected conduct.

#### **Statutory Deprivations**

171. 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 his refusal to condone and his objections to and disclosure of the Defendants' wrongful activity.

172. Plaintiff was subjected to unlawful violations of his Weingarten rights and his rights under the IAPP at various times.

173. Defendants also directly violated the following enactments which provide for various statutory rights and protections of the Plaintiff and/or Plaintiff exposed Defendants' violations of the below enactments and suffered a retaliatory consequence for doing so:

- N.J.S.A. 40A:14-147
- N.J.S.A. 34:15-39.1
- N.J.S.A. 40A:14-181.2
- AG Directive 2019-1
- N.J.S.A. 34:13A-1
- N.J.S.A. 11A:1-1, *et seq.*
- N.J.S.A. 11A:2-24, *et seq.*

174. Defendants' purposeful misconduct was motivated by vengeance and was in direct retaliation for Plaintiff's protected conduct and violated his liberty interest, freedom of speech, and other constitutional and statutory rights owed to him as a public employee.

175. Defendants also violated the NJCRA by punishing the Plaintiff with bogus discipline and suspensions and by treating him disparately and then constructively terminating him after he exercised his constitutional right to file grievances and seek

redress and because he voiced complaints about the Defendants' unlawful course of conduct.

176. Plaintiff engaged in protected activity known to Defendants, and, as a result, suffered non-meritorious discipline and had other adverse employment actions taken against him culminating in his retaliatory termination, and Plaintiff's protected activity was the motivating cause for these adverse employment actions.

177. Defendants are liable to Plaintiff for a violation of these constitutional and statutory rights under the NJCRA, N.J.S.A. 10:6-1 to 10:6-2 and the New Jersey Constitution.

178. All actions alleged against Defendants were carried out under the color of state law.

179. Defendants' acts were discriminatory, wrongful, without basis in law or in fact, arbitrary, capricious, unconscionable, contrary to constitutional, statutory and administrative law and otherwise erroneous.

180. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

181. As a direct result of the actions of Defendants in violation of the NJCRA, N.J.S.A. 10:6-1 to 10:6-2, Plaintiff has been deprived of his employment rights and other rights, has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to his reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering and physical effects due to the hostile work environment, discrimination and retaliation. Further, Plaintiff has been compelled to retain

an attorney to vindicate his rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

**WHEREFORE**, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination, harassment and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, reinstatement, reversal of any sustained discipline/suspensions and any other relief deemed by the Court to be equitable and just.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, GINA MENDOLA LONGARZO, Esq. is designated as trial counsel.

**DEMAND FOR TRIAL BY JURY**

Please take notice that the Plaintiff, WILLIAM PEPE, demands a trial by jury.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

I hereby certify, pursuant to R. 4:5-1, that the present matter in controversy is not the subject of any other action pending in any court, nor is any other action or arbitration proceeding contemplated.

LAW OFFICES OF GINA MENDOLA  
LONGARZO, LLC



By:

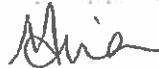
GINA MENDOLA LONGARZO, ESQ.  
Attorney for Plaintiff  
WILLIAM PEPE

Dated: March 26, 2025

**PROOF OF MAILING**

I hereby certify that an original and copy of the within Complaint, Designation of Trial Counsel and Jury Demand was filed with the Clerk of Passaic County as Deputy Clerk of the Superior Court of Passaic County, New Jersey by way of eCourts filing.

LAW OFFICES OF GINA MENDOLA  
LONGARZO, LLC



By:

GINA MENDOLA LONGARZO, ESQ.  
Attorney for Plaintiff  
WILLIAM PEPE

Dated: March 26, 2025

# EXHIBIT

## A

Fwd: Regarding my husband (Officer Pepe)

From: Kristine Pepe (kjpepe22@gmail.com)

To: wnpepe111@yahoo.com

Date: Tuesday, December 20, 2022 at 05:23 PM EST

----- Forwarded message -----

From: Kristine Pepe <kjpepe22@gmail.com>

Date: Tue, Dec 20, 2022 at 3:18 PM

Subject: Regarding my husband (Officer Pepe)

To: <administrator@pomptonlakes-nj.gov>

CC: <mserra@pomptonlakes-nj.gov>

Ms Cozzarelli,

I'm writing to you on behalf of my husband and one of your officers, William Pepe. It has come to my attention that you are refusing to pay for his time out of work so he could undergo mental health treatment for PTSD (childhood, military and law enforcement). I am deeply disappointed and frankly disgusted in the way this matter is being handled. At the very least, the officers that serve you, who deal with high amounts of stress, abnormal work schedules, time/holidays away from their families, lack of sleep, traumatic events and compromised safety, one would think that you'd have a bit more compassion. We have two small children to support. Over a month into my husband's treatment, you tell the department that you won't cover his administrative leave. This is AFTER he was approved to be on Administrative leave and told everything would be taken care of. He would not have even gotten help in the first place if we knew he wouldn't be paid. He was forced out of work to get treatment and then we foot the bill? It's a perfect example as to why people no longer want to be police officers. He was also forced out of work during COVID, ended up not even having COVID and most of his sick time was taken from him anyway. He has given so much of his time and energy to the town, facing things that have triggered past traumas and things that created new trauma. Where do our officers turn when they need help in dealing with all that comes with being a police officer? Do you have any idea what it's like for them? I'm 100% certain that your taxpayers would fully support paying for their beloved officers that need help getting through whatever it may be. You want endless tickets from these guys but refuse to give them anything else but a paycheck. Your dollar bills might silence some people and maybe you're unaware that there's much more to job satisfaction than money. A majority of that department is miserable there. And your borough and police department have a terrible reputation. I strongly advise you to do the right thing here because one thing I know for sure is that people need to start learning about the immense lack of support these officers have, particularly in Pompton Lakes. I've stood by seeing how these officers are treated and the pressure put on them to write their own resident's tickets so they can generate money for you and the frequent write-ups if they don't comply. That is not what policing is about and that is not why men and women become police officers. It's all nice and easy when these things don't personally affect you. It's sickening how these men are dehumanized, expected to be perfect robots that have no beliefs, no morals, no emotions, no weaknesses and no freedom to express themselves. They can't even ask for help without being seen as a misfit. Most of them are suffering in silence. If you're going to be in a position of collaborating with a police department, then you should be providing them with what is needed to be the best officers they can be, to protect YOU and everyone else. I'm sure if you needed to take time from work for any personal issue, you would magically be covered (and you don't even put your life on the line). This has been a very stressful time for me and my family and the fact that this gets thrown at us after being told not to worry and everything will be figured out has made this all 10x worse. I hope you or anyone you care about never have to go through something like this. My husband has made tremendous progress throughout his treatment up until now and after everything he has been through with this department I don't know how or why he'd even want to come back to such a heartless environment that only cares about money. You're undeserving of true police officers. I'm glad that you'll never know what it's like to be abandoned by your own parents, your siblings, the government and your place of employment. I'd like to speak with you in person if this doesn't get resolved properly. I'm asking for the kind of humanity you'd treat your own loved ones with. I've chosen to involve myself as a concerned and caring wife and mother. My husband does not know I'm writing to you, so if you have any issues you can go through me. I will be following up however necessary. You've already negatively affected enough people's lives, hopefully that stops here. Wishing you a wonderful care-free Christmas.

-Kristine Pepe  
(201) 406-3264

# EXHIBIT B

DEA #BB0453566

NYS LIC. #183995-1

**JOSHUA BEDERSON, M.D.**  
Mount Sinai Medical Center  
One Gustave L. Levy Place - Box 1136  
Annenberg Building. Room 28  
New York, NY 10029-6574  
212 241-2377 (P)  
212-241-7388 (F)

NAME: William Pepe

DOB: 1/11/1983

ADDRESS: 271 Paterson Ave  
Lodi, NJ 07644

DATE: 9/26/2023

**R<sub>x</sub>** Please be advised that this patient underwent neurosurgery on September 19, 2023. We expect him to return to work on 10/19/2023 for light duty. We then expect him to be ready for full duty on January 1, 2024. Please call if you have any questions. As always, this is subjective change and would be updated if needed.

**Diagnosis:**

**ICD-9:**

  
THIS PRESCRIPTION WILL BE FILLED GENERICALLY  
UNLESS PRESCRIBER WRITES 'd a w' IN THE BOX

☐ Label

Refill \_\_\_\_\_ times

☐ PRN

☐ NR

  
Dispense As Written

**Mount Sinai Radiology Associates**  
1176 Fifth Avenue @ 100th St. Basement (MC) Level  
1470 Madison Ave. SC2 Level  
Call (212) 241-8333 to schedule appointment

# EXHIBIT C



Department of Neurosurgery

Mount Sinai Health System  
One Gustave L. Levy Place, Box 1136  
Annenberg, 8th Floor  
New York, NY 10029-6574

September 29, 2023

Re: William Pepe  
DOB: 1/11/1983

To Whom It May Concern:

Please be advised that he is recovering from neurosurgery. Over the next month he will need complete rest and recovery at home. Once he returns to work, part time, he will need frequent breaks and we advise that he works during daytime shifts only. Please keep all of his work to limited paperwork only, no stressful phone calls or meetings.

Feel free to contact my office if you need further information.

Sincerely,

Joshua B. Bederson, M.D.  
Professor of Neurosurgery

Robert A. Aronson, MD  
Chairman & Director  
212 241 2125

David N. Allen  
Director of Clinical Neurophysiology  
212 241 2125

Robert H. Bell, MD  
Professor of Neurosurgery & Director of Spinal Cord Injury  
212 241 2125

Robert H. Bell, MD  
Director  
212 241 2125

Robert H. Bell, MD  
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Robert H. Bell, MD  
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212 241 2125

# EXHIBIT D

Fwd: READ

From: Kristine Pepe (kjpepe22@gmail.com)

To: wnpepe111@yahoo.com

Date: Friday, September 29, 2023 at 12:37 PM EDT

----- Forwarded message -----

From: Kristine Pepe <kjpepe22@gmail.com>

Date: Fri, Sep 29, 2023 at 12:18 PM

Subject: READ

To: <acollins@pomptonlakespolice.org>, <administrator@pomptonlakes-nj.gov>, <arodriguez@pomptonlakespolice.org>, <bacruz@pomptonlakes-nj.gov>, <bvanderstad@pomptonlakespolice.org>, <bzimmermann@pomptonlakespolice.org>, <cflynn@pomptonlakespolice.org>, <colto@pomptonlakespolice.org>, <dclark@pomptonlakespolice.org>, <dclark@pomptonlakespolice.org>, <dcottrell@pomptonlakespolice.org>, <dwich@pomptonlakespolice.org>, <ebartlett@pomptonlakespolice.org>, <evenin@pomptonlakes-nj.gov>, <ezaku@pomptonlakespolice.org>, <jcapobianco@pomptonlakespolice.org>, <jekkers@pomptonlakespolice.org>, <jlogreco@pomptonlakespolice.org>, <jruffo@pomptonlakespolice.org>, <jwilliams@pomptonlakespolice.org>, <kstefanic@pomptonlakespolice.org>, <mkent@pomptonlakes-nj.gov>, <mklepacky@pomptonlakespolice.org>, <mserra@pomptonlakes-nj.gov>, <msonne@pomptonlakespolice.org>, <pforte@pomptonlakespolice.org>, <rcichon@pomptonlakespolice.org>, <ryurga@pomptonlakespolice.org>, <sbarahona@pomptonlakespolice.org>, <skoucfati@pomptonlakespolice.org>, <ssonne@pomptonlakespolice.org>, <tkristis@pomptonlakespolice.org>, <wgossion@pomptonlakespolice.org>, <wpepe@pomptonlakespolice.org>

Derek Clarke & AJ Rodriguez,

I'm writing to express my complete and utter disdain of this police department, specifically the two of you. The distress you have put my husband through is absolutely unacceptable. He has put his heart and soul into his work there and in trying to make the department better (because it's a joke). At this point I believe he is being discriminated against. He is clearly being unfairly treated. His mental health crisis and the way you managed that shows how heartless and inexperienced in life you are. Let's put someone on night shift while they're completing INTENSIVE outpatient treatment 4 days a week for 3-4 hours per day. And now, after having a number of guys very recently on light duty no problem for minor muscular issues; my husband who has just undergone brain surgery cannot go on light duty. Night shift, 12 hour shifts and stressful 9-11 calls is NOT light duty. You have successfully aggravated his mental health team and now his medical team for being so difficult and unreasonable. It's starting to look to me like because he's not a Pompton boy and because he's black that he's being treated differently. Or maybe you feel a certain way because he makes you feel inferior since you haven't done anything in your life worth mentioning other than the exaggerated stories you tell about your "military service." Had this been either one of you or one of your family members you would've been accommodated no questions asked. I'm asking you to be compassionate, respectful, reasonable men that you should be, considering the positions you've had the privilege of undeservedly being in. You have treated many members of the department in a hostile and passive aggressive way. Maybe some others will speak up but that's not my place. Now I need to once again worry about my husband's mental health and worry about losing health insurance and struggle financially. I would think that a police department would have his back since he has given so much of his time, energy and sacrifice; and that goes for everyone who works under you. Don't try to say "well there's nothing we can do." Sure you can, he's the best guy you've got and you know it. Put him at a desk to help with something. I truly feel bad for all of the guys that work for you (all of them can't stand either of you by the way). I have no problem hiring a lawyer to investigate the discriminatory behaviors against my

husband. You should be ashamed of yourselves and your misery shows through the decisions you make and oh the temper tantrums Derek throws on a weekly basis. You have no business running a police department since you're both conniving individuals that will step over other people to get what you want (which you have done and continue to do). You both lack dignity and grace, and it's time someone put you in your place. Start treating your men with respect and consideration and just maybe they'll write more traffic tickets since that's all you're about. I did not want to write this letter but I feel I've been given no choice. Injustice can go on for only so long. Do the right god damn thing for once in your lives.

Thank you.  
Kristine Pepe

---

The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to [lfoster@radnet.com](mailto:lfoster@radnet.com) and destroy this message. Please be aware that e-mail communication can be intercepted in transmission or misdirected. Your use of e-mail to communicate protected health information to us indicates that you acknowledge and accept the possible risks associated with such communication. Please consider communicating any sensitive information by telephone, facsimile or regular U.S. mail. If you do not wish to have your information sent by e-mail, please contact the sender immediately.

# EXHIBIT

## E

POMPTON LAKES POLICE DEPARTMENT

**COPY**

Immediate Suspension Notice

To: Ptl. William Pepe

Date & Time: 12/30/2023 3:00 p.m.

TAKE NOTICE that you are suspended from duty effective immediately for the following reason:

☐

You are unfit for duty

☐

You are a hazard to other persons if permitted to remain on the job

☒

An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or

☐

You have been formally charged with a first, second or third degree crime.

☐

You have been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty, or the act is directly related to your employment.

The facts in support of the above reason are:

On 12/30/2023 you contacted Sgt. Ruffo in an agitated state in regards  
to a Internal Affairs matter you are being investigated for. Based on what Sgt.  
Ruffo reported to me and your prior evaluations and treatment for anxiety  
and depression, this current episode warrants reevaluation.

Chief Derek Clark

Supervisor making suspension

I hereby acknowledge receipt of this notice.

Signature: William Pepe

Date: 12/30/23

Print Name: William Pepe

**ATLANTIC COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Division, Direct Filing  
1201 Bacharach Boulevard, 1st  
Floor  
Atlantic City, NJ 08401  
**LAWYER REFERRAL**  
(609) 345-3444  
**LEGAL SERVICES**  
(609) 348-4200

**BERGEN COUNTY**  
Deputy Clerk of the Superior  
Court  
Case Processing Section, Room  
119  
Justice Center, 10 Main Street  
Hackensack, NJ 07601-0769  
**LAWYER REFERRAL**  
(201) 488-0044  
**LEGAL SERVICES**  
(201) 487-2166

**BURLINGTON COUNTY**  
Deputy Clerk of the Superior  
Court  
Central Processing Office  
ATTN: Judicial Intake  
First Floor, Courts Facility  
49 Rancocas Road  
Mt. Holly, NJ 08060  
**LAWYER REFERRAL**  
(609) 261-4862  
**LEGAL SERVICES**  
(609) 261-1088

**CAMDEN COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Processing Office  
First Floor, Hall of Records  
101 S. Fifth Street  
Camden, NJ 08103  
**LAWYER REFERRAL**  
(609) 964-4520  
**LEGAL SERVICES**  
(609) 964-2010

**CAPE MAY COUNTY**  
Deputy Clerk of the Superior  
Court  
Central Processing Office  
9 North Main Street  
Box DN-209  
Cape May Court House, NJ  
08210  
**LAWYER REFERRAL**  
(609) 463-0313  
**LEGAL SERVICES**  
(609) 465-3001

**CUMBERLAND COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Case Management Office  
Broad & Fayette Sts., PO Box  
615  
Bridgeton, NJ 08302  
**LAWYER REFERRAL**  
(609) 692-6207  
**LEGAL SERVICES**  
(609) 451-0003

**ESSEX COUNTY**  
Deputy Clerk of the Superior  
Court  
237 Hall of Records  
465 Dr. Martin Luther King, Jr.  
Blvd.  
Newark, NJ 07102  
**LAWYER REFERRAL**  
(973) 622-6207  
**LEGAL SERVICES**  
(973) 624-4500

**GLOUCESTER COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Case Management Office  
ATTN: Intake  
First Floor, Court House  
1 North Broad Street, PO Box  
129  
Woodbury, NJ 08096  
**LAWYER REFERRAL**  
(609) 848-4589  
**LEGAL SERVICES**  
(609) 848-5360

**HUDSON COUNTY**  
Deputy Clerk of the Superior  
Court  
Superior Court, Civil Records  
Dept.  
Brennan Court House, 1st  
Floor  
583 Newark Avenue  
Jersey City, NJ 07306  
**LAWYER REFERRAL**  
(201) 798-2727  
**LEGAL SERVICES**  
(201) 792-6363

**HUNTERDON COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08862  
**LAWYER REFERRAL**  
(609) 735-2611  
**LEGAL SERVICES**  
(609) 782-7979

**MERCER COUNTY**  
Deputy Clerk of the Superior  
Court  
Local Filing Office,  
Courthouse  
175 South Broad Street  
P. O. Box 8068  
Trenton, NJ 08650  
**LAWYER REFERRAL**  
(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

**MIDDLESEX COUNTY**  
Deputy Clerk of the Superior  
Court  
Administration Building, Third  
Floor  
1 Kennedy Square, P.O. Box  
2633  
New Brunswick, NJ 08903-  
2633  
**LAWYER REFERRAL**  
(732) 928-0053  
**LEGAL SERVICES**  
(732) 249-7600

**MONMOUTH COUNTY**  
Deputy Clerk of the Superior  
Court  
71 Monument Park  
Court House, East Wing  
P. O. Box 1262  
Freehold, NJ 07728-1262  
**LAWYER REFERRAL**  
(732) 431-5544  
**LEGAL SERVICES**  
(732) 866-0020

**MORRIS COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Division  
30 Schuyler Place  
P. O. Box 910  
Morristown, NJ 07960-0910  
**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(973) 285-6911

**OCEAN COUNTY**  
Deputy Clerk of the Superior  
Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754  
**LAWYER REFERRAL**  
(732) 240-3666  
**LEGAL SERVICES**  
(732) 341-2727

**PASSAIC COUNTY**  
Deputy Clerk of the Superior  
Court  
Court House, Civil Division  
77 Hamilton Street  
Paterson, NJ 07505  
**LAWYER REFERRAL**  
(973) 278-9223  
**LEGAL SERVICES**  
(973) 345-7171

**SALEM COUNTY**  
Deputy Clerk of the Superior  
Court  
92 Market Street  
P. O. Box 18  
Salem, NJ 08079  
**LAWYER REFERRAL**  
(609) 678-8363  
**LEGAL SERVICES**  
(609) 451-0003

**SOMERSET COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Division Office  
New Court House, 3rd Floor  
P. O. Box 3000  
Somerville, NJ 08876  
**LAWYER REFERRAL**  
(908) 685-2323  
**LEGAL SERVICES**  
(908) 231-0840

**SUSSEX COUNTY**  
Deputy Clerk of the Superior  
Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860  
**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(973) 383-7400

**UNION COUNTY**  
Deputy Clerk of the Superior  
Court  
Court House, 1st Floor  
2 Broad Street  
Elizabeth, NJ 07207-6073  
**LAWYER REFERRAL**  
(908) 353-4715  
**LEGAL SERVICES**  
(908) 354-4340

**WARREN COUNTY**  
Deputy Clerk of the Superior  
Court  
Civil Division Office  
Belvidere, NJ 07823-1500  
**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(908) 475-2010

## Woolson Anderson Peach

*A Professional Corporation*

Randall J. Peach, 039541992

randy.peach@gmail.com

11 East Cliff Street

Somerville, New Jersey 08876

(908) 526-4050

Attorneys for: Plaintiff.

Carl Larson

### UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

|                               |   |                                    |
|-------------------------------|---|------------------------------------|
| CARL LARSON,                  | : | Civil Action                       |
|                               | : |                                    |
| Plaintiff,                    | : | Case No.                           |
|                               | : |                                    |
| v.                            | : | <b>VERIFIED COMPLAINT AND JURY</b> |
|                               | : | <b>DEMAND</b>                      |
| BOROUGH OF POMPTON LAKES, NEW | : |                                    |
| JERSEY; MICHAEL SERRA;        | : |                                    |
| MICHAEL CARELLI; JENNIFER     | : |                                    |
| POLIDORI; ROBERT CRUZ; RANUEL | : |                                    |
| HINTON; PATRICK QUINN; EKAMON | : |                                    |
| VERIN; MARIA KENT and JOHN    | : |                                    |
| DOES I-V, Individually,       | : |                                    |
|                               | : |                                    |
| Defendants.                   | : |                                    |

Plaintiff Carl Larson, residing at 1100 Avalon Way, Bloomingdale, New Jersey 07403, by way of Verified Complaint against Defendants Borough of Pompton Lakes, Michael Serra, Michael Carelli, Jennifer Polidori, Robert Cruz, Ranuel Hinton, Patrick Quinn, Ekamon Verin, and Maria Kent, individually, all located at 25 Lenox Avenue, Pompton Lakes, New Jersey 07442, and John Does I-V, says:

#### NATURE OF ACTION

1. This action seeks to vindicate the First Amendment rights of a Pompton Lakes volunteer firefighter,

who - shockingly - was suspended for *six months*, merely for privately expressing to the mayor his opposition to the Borough's hosting of a LGBT 'Pride' Event.

### **JURISDICTION**

2. This Court has federal-question jurisdiction over the First Count of the Complaint, which is brought under the federal Civil Rights Act, 42 U.S.C. 1983, alleging First Amendment retaliation.

3. This Court has pendent jurisdiction over the Second Count of the Complaint, which is brought under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq., alleging retaliation in violation of the free-speech clause of the New Jersey Constitution.

### **VENUE**

4. Venue properly lies in the District of New Jersey pursuant to 28 U.S.C. 1391, because the Plaintiff as well as all Defendants are residents within the District. Additionally, the events giving rise to the claims herein all occurred in this District.

### **FACTS COMMON TO ALL COUNTS**

#### **I. Parties**

5. Plaintiff Carl Larson is a retired career firefighter who was, until his recent suspension, a volunteer member of the Pompton Lakes Fire Department.

6. Defendant Borough of Pompton Lakes is a municipal corporation of the State of New Jersey, with offices located at 25 Lenox Avenue, Pompton Lakes, New Jersey 07442.

7. Defendant Michael Serra is a resident of New Jersey, who is the Mayor of Pompton Lakes.

8. Defendant Michael Carelli is a resident of New Jersey, who is the Borough Administrator of Pompton Lakes.

9. Defendants Jennifer Polidori, Robert Cruz, Ranuel Hinton, Patrick Quinn, Ekamon Verin, Maria Kent are all residents of the State of New Jersey, who are members of the Pompton Lakes Borough Council.

10. Defendants John Does I-V are the as-yet unidentified Borough officials or other persons who also directed or participated in the violation of the Plaintiff's civil rights and other wrongful acts as described below.

## **II. Facts**

### **A. Background**

11. The Plaintiff is a career firefighter who has devoted most of his life to preventing and extinguishing fires. The Fire Department has always been a part of the Plaintiff's life, as he grew up in a household where his father was a longtime member of Paterson Fire Department, eventually becoming Captain.

12. The Plaintiff followed in his father's footsteps, joining the Paterson Fire Department himself, and similarly reaching the rank of Captain before his retirement in 2013.

13. After the Plaintiff's retirement, he joined the Pompton Lakes Fire Department as a volunteer. Even though this was an unpaid position, the Plaintiff wished to remain active in retirement, and to continue to pursue firefighting in service to his community.

14. The Plaintiff also wanted to give the other volunteers, particularly the younger firefighters, the benefits of his decades of experience fighting and preventing fires.

15. In addition, the Plaintiff wished to spend his free time in retirement associating with other firefighters, and participating in the social and fraternal aspects of the Fire Department.

16. Plaintiff's record with the Pompton Lakes Fire Department has been exemplary, and he is a well-respected mentor within the Department. The Plaintiff has enjoyed excellent working relationships with his co-volunteers as well as the officials who lead the Department, and he had never been disciplined prior to the events described in this Complaint.

**B. The Plaintiff's Emails to the Mayor**

17. Plaintiff happens to have politically conservative beliefs.

18. In recent years, Plaintiff - like many people - has come to oppose what he believes are the more extreme aspects of the transgender movement and the LGBT "Pride" agenda.

19. On the evening of June 20, 2025, the Plaintiff, concerned that the Borough was sponsoring a Pride event at the public library, expressed his disagreement with this event in two emails to Mayor Serra. (Police report with annexed emails attached as **Exhibit A**)

20. Plaintiff sent his emails as a private citizen, from his home, while he was "off duty" from his volunteer position. Plaintiff sent the emails from his personal email address, and not from any official Borough email account.

21. In sending the emails, Plaintiff did not identify himself as a volunteer firefighter with the Borough. His emails had nothing to do with his volunteer work fighting and preventing fires; rather, the mails merely expressed his personal political views as a citizen of the Borough. The Plaintiff wanted his democratically-elected representative - the Mayor - to know his opinions on this public issue.

22. As later summarized by the police report (Ex. A), the two emails "expressed strong opposition to the Pride Event." Plaintiff's expression of disapproval with the event was undoubtedly blunt, and certainly not written in the style of a polished op-ed article or letter to the editor. Indeed, the Plaintiff never intended to publish his communications to the Mayor, but was only privately expressing his disapproval to the Mayor.

23. The Plaintiff urged the Mayor in his first email to "Get rid of the [] bullshit pride crap at the library" and that "Only an asshole would [promote] all that satanic bullshit." The second email suggested that persons promoting the trans agenda "be arrested immediately for crimes against humanity," adding "Or maybe the military will come and escort assholes to GTMO [i.e., 'GITMO', the U.S. detention camp in Guantanamo Bay, Cuba] for your tribunal."

24. The Plaintiff had every right to express these views as a private citizen and constituent of an elected official, on a matter of public concern, notwithstanding that he devoted free time volunteering for the Borough. Speech on such public issues is at the core of constitutional protection, regardless of whether the speech

is offensive, derogatory, or comprised of invective designed to get the speaker's point across.

25. Indeed, the language used by Plaintiff in his emails was mild in comparison to the type of speech found to be protected by the First Amendment in Snyder v. Phelps, 562 U.S. 443, 454-456 (2011), such as "God Hates Fags" and "Fags Doom Nations."

26. Moreover, as will be seen, Borough officials never claimed to be punishing Plaintiff because of the invective used to make his point (which would nonetheless be unconstitutional), but solely based on the content of his views: i.e., that he had voiced opposition to the Pride event and thus was guilty of harboring beliefs that were disfavored by the government.

27. The two emails were sent by Plaintiff directly to Mayor Serra, via the Mayor's email address. The Plaintiff did not publish or publicize his communications to the Mayor, and had no intention of doing so. The emails were intended only to communicate Plaintiff's own strongly-held beliefs, as a private citizen expressing his views to an elected official, on an issue of public concern.

28. In fact, as will be seen, the speech communicated in the emails is only public now because the Mayor himself

chose to publicize the incident, in order to punish the Plaintiff for expressing his views.

**C. The Plaintiff's Suspension**

29. After receiving the two emails from Plaintiff on the evening of June 20, 2025, Mayor Serra forwarded the emails to the police department, which - disturbingly - proceeded to investigate the appropriateness of Plaintiff's emails criticizing the Pride event.

30. The police report confirmed that Plaintiff was the one who sent the emails, and found - presumably after investigating the Plaintiff's background - that he was an "active Pompton Lakes volunteer firefighter."

31. However, while the police report opined that "the content of the emails was offensive and inappropriate," it nonetheless concluded that the emails "did not contain any direct or specific threats of violence or criminal intent."

32. While the police never should have been investigating the supposed offensive nature of Plaintiff's emails to begin with, their conclusion that the emails contained no threatening language should have been the end of the matter. But Borough officials' apparent inability to tolerate a dissenting viewpoint led to them taking retaliatory action against the Plaintiff for his emails.

33. By letter dated July 8, 2025 (**Exhibit B**), Borough Administrator Carelli wrote to Plaintiff, advising that Plaintiff's emails "appeared to be violative of the Borough's zero-tolerance policy for discrimination based on sexual orientation" and that therefore the Borough Council would "discuss potential disciplinary action" at its July 16, 2025 meeting.

34. Incredibly, Plaintiff's receipt of this letter was the first time he had been notified that there was even an issue with the emails he had sent. Neither the Mayor nor any other Borough official - or even the police officer who performed the investigation - had contacted Plaintiff about the matter previously.

35. Thereafter, by letter dated July 18, 2025 (**Exhibit C**), Borough Administrator Carelli advised Plaintiff that the Council had discussed the emails at their July 16 meeting, and concluded that the emails were "violative of the Borough's zero-tolerance policy as expressed in the Borough's current Personnel Policies and Procedures Manual." The letter continued:

The emails were found to express a personal bias against members of our community that could not only draw into question your ability to serve that part of our community against whom they were directed but to also potentially undermine the integrity of the entire Department in the eyes of the broader community you serve. (Ex. C)

36. The letter went on to advise Plaintiff of the disciplinary measures being taken against him. Under its policy of progressive discipline, the Borough's options for discipline included a verbal reprimand, written reprimand, retraining program or in-service training, suspension for a period not to exceed six months, or termination. (**Exhibit D**)

37. Despite the fact that the Plaintiff had never been disciplined before, and in fact had an exemplary record with the Fire Department, Defendants chose the most severe discipline short of termination, suspending Plaintiff for *six months*. (Ex. C)

38. Defendants knew that imposing this suspension would be a particularly punitive measure, notwithstanding that Plaintiff's position was an unpaid one. Plaintiff's membership in the Fire Department is his main activity in retirement. The firehouse is the Plaintiff's 'life'; he goes there not only to work but to associate and socialize with the other members, whom he considers family. The Plaintiff joined the Fire Department to pursue firefighting as a community service, as part of a fraternal organization.

39. The July 18, 2025 letter also advised Plaintiff that, before he could be reinstated, he would have to complete two hours of "Diversity, Inclusion and/or Elimination of Bias training," to be paid for at his own expense. (Ex. C) To Plaintiff's knowledge, this requirement has never previously been imposed on any other volunteer firefighters.

40. In addition, Plaintiff was advised that, following the required 'DEI' training, Plaintiff would have to sign a statement promising never to "exhibit or express bias" against anyone based on enumerated protected traits:

The requirement that you additionally submit a signed writing to the Fire Chief and Borough Administrator confirming (i) that you have reviewed the Policy Against Harassment and related sections of the Borough's Personnel Policies and Procedures Manual addressing bias and the expected conduct of Borough employees, including volunteers; (ii) that you understand that neither you nor any Borough employee or volunteer is to express or exhibit bias against members of the public on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status, civil union status, and/or disability; and (iii) that you agree to abide by these policies in the future. (Ex. C)

41. Again, to Plaintiff's knowledge, no other firefighter has had to comply with such a requirement to date. Further, besides amounting to a form of compelled speech, the statement that Defendants would force Plaintiff

to sign was also stunningly overbroad (and at the same time vague) in the conduct it would purport to proscribe. Not only would Plaintiff be prohibited from engaging in harassing or discriminatory *conduct* in the workplace (which conduct is already prohibited by the Ordinance (Ex. D), and which the Plaintiff has never been accused of engaging in), but he would be prohibited from even "expressing" any political viewpoints which government officials decided amounted to a biased or disfavored opinion.

42. By way of example, even privately expressing the opinion that there are only two genders, or that transgender women should not be able to compete in women's sports - views which, incidentally, are mainstream - could be considered a violation of the statement Plaintiff would have to sign, since officials could take the position that such sentiments are biased against transgender persons or the LGBT community.

43. As a proximate result of the Defendants' retaliatory acts, the Plaintiff has suffered damages, including the loss of his civil rights (including his rights to free speech and association), humiliation, emotional distress, and pain and suffering, as well as the incurring of counsel fees.

44. Following his suspension, the Plaintiff immediately took action to protect and vindicate his rights, searching for an attorney to represent him. The first law firm he consulted reviewed the matter with him but ultimately was not able to take the case.

45. After the undersigned attorney's firm was retained in August 2025 and reviewed the matter, a demand letter was sent to the Borough on August 21, 2025. Despite subsequent communications between the undersigned counsel and counsel for the Borough (which continued into the week this action was filed), the matter was not resolved, leading to the filing of this Complaint.

**FIRST COUNT**  
**(FIRST AMENDMENT RETALIATION -**  
**42 U.S.C. 1983)**

46. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

47. This Count is brought pursuant to the federal Civil Rights Act, 42 U.S.C. 1983.

48. Defendants Michael Serra, Michael Carelli, Jennifer Polidori, Robert Cruz, Ranuel Hinton, Patrick Quinn, Ekamon Verin, Maria Kent, all acting under color of law, unlawfully retaliated against the Plaintiff for exercising his right to free speech under the First Amendment of the U.S. Constitution.

49. The above-described emails to Mayor Serra were sent by Plaintiff as a private citizen to an elected official, on a matter of public concern, and thus were protected by the First Amendment.

50. Defendants retaliated against the Plaintiff in response, by suspending him from his position as a volunteer for the Borough Fire Department for six months, and further, by placing restrictions on his return that also violate his First Amendment rights (including not only his right to free speech but his right to free association).

51. The said retaliatory acts were sufficient to deter an ordinary person from engaging in such constitutionally protected conduct.

52. Further, there was an obvious causal connection between the Plaintiffs' constitutionally protected speech, and the Defendants' retaliatory acts in response.

53. Defendants had insufficient justification to impose this punishment on the Plaintiff, and did not satisfy their burden under controlling law to demonstrate that Plaintiff's First Amendment speech would disrupt the orderly operations of the Fire Department, or even that there was a reasonable likelihood of such disruption.

54. The Borough itself is liable on this Count, where its officials with policy-making authority made a deliberate decision to pursue the said course of unlawful retaliation against Plaintiff.

55. As a proximate result of the Defendants' violation of 42 U.S.C. 1983, the Plaintiff has been damaged.

56. In addition to compensatory damages, the Plaintiff seeks preliminary and final injunctive relief, ordering the Defendants to reinstate Plaintiff to his volunteer position immediately, without having to comply with the mandated DEI training and signed-statement requirement, and to remove any mention of this incident from the Plaintiff's personnel file.

57. Plaintiff also seeks an award of his reasonable counsel fees and costs.

**WHEREFORE,** Plaintiff Carl Larson demands judgment against the Defendants, jointly and severally, for:

(a) Preliminary and final injunctive relief, including ordering the Defendants to lift the suspension imposed on Plaintiff and allowing him to return to his volunteer position immediately without restriction, and to expunge any mention of the incident from his file;

(b) compensatory damages;

- (c) punitive damages;
- (d) interest;
- (e) costs of suit;
- (f) attorneys' fees; and
- (g) such other and further relief as the Court may deem fair and equitable.

**SECOND COUNT**  
**(FREE SPEECH RETALIATION -**  
**NEW JERSEY CIVIL RIGHTS ACT)**

58. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

59. This Count is brought pursuant to the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. (the "NJCRA"), to vindicate the Plaintiff's right to free speech as protected by Article I, paragraph 6 of the New Jersey Constitution.

60. As described above, the Plaintiff engaged in constitutionally-protected speech, and the Defendants, in response, took retaliatory action sufficient to deter an ordinary person from engaging in such constitutionally protected conduct.

61. There was an obvious causal connection between the Plaintiff's constitutionally protected speech, and the Defendants' retaliatory acts in response.

62. The individual Defendants are all "persons" within the meaning of the NJCRA, who were acting under color of law.

63. The Borough itself is liable on this Count, where its officials with policy-making authority made a deliberate decision to pursue the said course of unlawful retaliation against Plaintiffs.

64. As a proximate result of the Defendants' violation of the NJCRA, the Plaintiff has been damaged.

65. In addition to compensatory damages, the Plaintiff seeks preliminary and final injunctive relief, ordering the Defendants to reinstate Plaintiff to his volunteer position immediately, without having to comply with the mandated DEI training and signed-statement requirement, and to remove any mention of this incident from the Plaintiff's personnel file.

66. Plaintiff is also entitled to an award of reasonable counsel fees and costs.

**WHEREFORE,** Plaintiff Carl Larson demands judgment against the Defendants, jointly and severally, for:

(a) Preliminary and final injunctive relief, including ordering the Defendants to lift the suspension imposed on Plaintiff and allowing him to return to his

volunteer position immediately, without restriction, and to expunge any mention of the incident from his file;

- (b) compensatory damages;
- (c) punitive damages;
- (d) interest;
- (e) costs of suit;
- (f) attorneys' fees; and
- (g) such other and further relief as the Court may deem fair and equitable.

**DEMAND FOR TRIAL BY JURY**

The Plaintiff hereby demands a trial by a jury on all issues so triable.



RANDALL J. PEACH, ESQ.  
Woolson Anderson Peach, P.C.  
Attorneys for Plaintiff,  
Carl Larson

Dated: September 19, 2025

**CERTIFICATION PURSUANT TO LOCAL RULE 11.1**

I hereby certify and declare that the matter in controversy is not subject to any other action pending in any court, or any pending arbitration or administrative proceeding.



RANDALL J. PEACH, ESQ.  
Woolson Anderson Peach, P.C.  
Attorneys for Plaintiff,  
Carl Larson

Dated: September 19, 2025

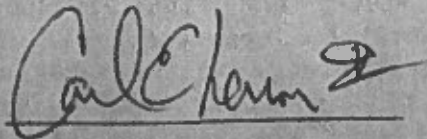
**VERIFICATION OF PLAINTIFF CARL LARSON**

Carl Larson, of full age, hereby certifies as follows:

1. I am the Plaintiff in the above-captioned matter.
2. I have full knowledge of the facts set forth in the foregoing Complaint.
3. I have reviewed the facts set forth in the foregoing Complaint, and hereby verify that they are true, to the best of my knowledge.

I hereby certify and declare that the foregoing statements made by me are true. I recognize that if the foregoing statements are willfully false, I am subject to punishment.

Dated: September 19, 2025

A handwritten signature in cursive script, appearing to read "Carl Larson", written over a horizontal line.

Carl Larson

## **EXHIBIT A**

**POMPTON LAKES PD**

25 LENOX AVE  
POMPTON LAKES, NJ 07442  
973-836-0400

**INCIDENT REPORT**

Municipal Code: 1609

ORI: NJ0160900

|                                                                                                                                                                                                                               |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------|--------|--------------------------------------------------|--------------------|------------------------|-------------------------|------------------------------------------------------------------------------------------------|---------------------|------------|
| INCIDENT #<br>I-2025-012262                                                                                                                                                                                                   |                                                                                                          | CALL TYPE<br>INVEST - INVESTIGATION |        | DATE REPORTED<br>6/20/2025                       |                    | TIME REPORTED<br>22:00 |                         | INCIDENT LOCATION<br>POMPTON LAKES POLICE DEPARTMENT - 25<br>LENOX AVE, POMPTON LAKES NJ 07442 |                     |            |
| DATE / TIME OF INCIDENT STARTED<br>6/20/2025 22:00                                                                                                                                                                            |                                                                                                          |                                     |        | DATE / TIME OF INCIDENT ENDED<br>6/20/2025 22:00 |                    |                        |                         | INCIDENT #<br>I-2025-012262<br><br>DATE<br>6/20/2025                                           |                     |            |
| HOW RECEIVED: <input type="checkbox"/> 911 <input type="checkbox"/> DISPATCHED <input type="checkbox"/> FLAG DOWN <input type="checkbox"/> ON-VIEW <input type="checkbox"/> WALK-IN <input checked="" type="checkbox"/> OTHER |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| <b>VICTIM INFORMATION</b>                                                                                                                                                                                                     |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| LAST NAME                                                                                                                                                                                                                     |                                                                                                          | FIRST NAME                          |        | MI                                               | HOME PHONE         |                        | CELL PHONE              |                                                                                                |                     |            |
| ADDRESS                                                                                                                                                                                                                       |                                                                                                          | UNIT TYPE                           | UNIT # | CITY                                             |                    |                        | STATE                   | ZIP                                                                                            |                     |            |
| RACE                                                                                                                                                                                                                          |                                                                                                          | SEX                                 | DOB    | AGE                                              | DRIVER'S LICENSE # |                        | DL STATE                |                                                                                                |                     |            |
| EMPLOYER / SCHOOL                                                                                                                                                                                                             |                                                                                                          | OCCUPATION                          |        | CONTACT PERSON                                   |                    |                        | PHONE                   |                                                                                                |                     |            |
| EMPLOYER / SCHOOL ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)                                                                                                                                               |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| NO. OF VICTIMS                                                                                                                                                                                                                |                                                                                                          | WAS VICTIM INJURED                  |        | REQUIRE MEDICAL TREATMENT                        |                    | TYPE OF VICTIM         |                         | VICTIM IS THE OFFENDER'S                                                                       |                     |            |
| <b>COMPLAINANT INFORMATION</b> <input type="checkbox"/> SAME AS VICTIM                                                                                                                                                        |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| LAST NAME<br>SERRA                                                                                                                                                                                                            |                                                                                                          | FIRST NAME<br>MICHAEL               |        | MI<br>A                                          | HOME PHONE         |                        | CELL PHONE              |                                                                                                |                     |            |
| ADDRESS<br>25 LENOX AVE                                                                                                                                                                                                       |                                                                                                          | UNIT TYPE                           | UNIT # | CITY<br>POMPTON LAKES                            |                    |                        | STATE<br>NJ             | ZIP<br>07442                                                                                   |                     |            |
| RACE<br>WHITE                                                                                                                                                                                                                 |                                                                                                          | SEX<br>M                            | DOB    | AGE<br>63                                        | DRIVER'S LICENSE # |                        | DL STATE<br>NJ          |                                                                                                |                     |            |
| EMPLOYER / SCHOOL                                                                                                                                                                                                             |                                                                                                          | OCCUPATION                          |        | CONTACT PERSON                                   |                    |                        | PHONE                   |                                                                                                |                     |            |
| EMPLOYER / SCHOOL ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)                                                                                                                                               |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| <b>ADDITIONAL PERSONS</b> CODES: R=Reporting Person; W=Witness; A=Arrestee; I=Involved Person; P=Police; F=Family member; V=additional Victim; O=Other                                                                        |                                                                                                          |                                     |        |                                                  |                    |                        |                         |                                                                                                |                     |            |
| 1                                                                                                                                                                                                                             | CODE<br>I                                                                                                | LAST NAME<br>LARSON                 |        | FIRST NAME<br>CARL                               |                    | MI                     | RACE<br>WHITE           |                                                                                                | SEX<br>M            | DOB        |
|                                                                                                                                                                                                                               | ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)<br>241 POPLAR AVE, POMPTON LAKES, NJ 07442 |                                     |        |                                                  |                    |                        | SOCIAL SECURITY #       |                                                                                                | HOME PHONE          | CELL PHONE |
| 2                                                                                                                                                                                                                             | CODE<br>O                                                                                                | LAST NAME<br>DAKAKE                 |        | FIRST NAME<br>DENIS                              |                    | MI                     | RACE<br>WHITE           |                                                                                                | SEX<br>M            | DOB        |
|                                                                                                                                                                                                                               | ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)<br>1 PASSAIC AVE, POMPTON LAKES, NJ 07442  |                                     |        |                                                  |                    |                        | SOCIAL SECURITY #       |                                                                                                | HOME PHONE          | CELL PHONE |
| 3                                                                                                                                                                                                                             | CODE                                                                                                     | LAST NAME                           |        | FIRST NAME                                       |                    | MI                     | RACE                    |                                                                                                | SEX                 | DOB        |
|                                                                                                                                                                                                                               | ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)                                            |                                     |        |                                                  |                    |                        | SOCIAL SECURITY #       |                                                                                                | HOME PHONE          | CELL PHONE |
| <b>UNIDENTIFIED SUSPECT / OFFENDER</b>                                                                                                                                                                                        |                                                                                                          |                                     |        | <b>SUSPECT/OFFENDER DESCRIPTION N/A</b>          |                    |                        |                         | <b>NUMBER OF SUSPECTS</b>                                                                      |                     |            |
| 1                                                                                                                                                                                                                             | APPROX AGE                                                                                               | RACE                                |        | SEX                                              | APPROX HEIGHT      | EYE COLOR              | HAIR COLOR              | HAIR LENGTH                                                                                    | FACIAL HAIR         |            |
|                                                                                                                                                                                                                               | CLOTHING WORN                                                                                            |                                     |        |                                                  |                    |                        |                         |                                                                                                | DIRECTION OF FLIGHT |            |
|                                                                                                                                                                                                                               | NAME / NICKNAME                                                                                          |                                     |        |                                                  |                    |                        | SCARS / MARKS / TATTOOS |                                                                                                |                     |            |
| 2                                                                                                                                                                                                                             | APPROX AGE                                                                                               | RACE                                |        | SEX                                              | APPROX HEIGHT      | EYE COLOR              | HAIR COLOR              | HAIR LENGTH                                                                                    | FACIAL HAIR         |            |
|                                                                                                                                                                                                                               | CLOTHING WORN                                                                                            |                                     |        |                                                  |                    |                        |                         |                                                                                                | DIRECTION OF FLIGHT |            |
|                                                                                                                                                                                                                               | NAME / NICKNAME                                                                                          |                                     |        |                                                  |                    |                        | SCARS / MARKS / TATTOOS |                                                                                                |                     |            |

**POMPTON LAKES PD**

25 LENOX AVE  
POMPTON LAKES, NJ 07442  
973-835-0400

**INCIDENT REPORT**

Municipal Code: 1809  
ORI: NJ0180900

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------|--------|
| INCIDENT #<br>I-2025-012262                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      | CALL TYPE<br>INVEST - INVESTIGATION                                                                                                                                           |                                                                              | DATE REPORTED<br>6/20/2025                                                   |                                                                       | TIME REPORTED<br>22:00                                                                                                                                                                              |                        | INCIDENT LOCATION<br>POMPTON LAKES POLICE DEPARTMENT - 25<br>LENOX AVE, POMPTON LAKES NJ 07442 |        |
| VEHICULAR INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                                                                               | VEHICLE INFORMATION N/A <input type="checkbox"/>                             |                                                                              |                                                                       | <input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED STOLEN <input type="checkbox"/> EVIDENCE <input type="checkbox"/> VIOLATIONS <input type="checkbox"/> INVOLVED IN CRIME |                        |                                                                                                |        |
| OWNER'S LAST NAME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                                                                                                                                                                               | OWNER'S FIRST NAME                                                           |                                                                              | OWNER'S ADDRESS (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP) |                                                                                                                                                                                                     |                        |                                                                                                |        |
| YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | MAKE                 | MODEL                                                                                                                                                                         | COLOR                                                                        | STYLE                                                                        | LICENSE PLATE #                                                       | STATE                                                                                                                                                                                               | DATE EXPIRE            |                                                                                                |        |
| KEYS IN VEHICLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | VEHICLE LOCKED       | FRONT PLATE                                                                                                                                                                   | REAR PLATE                                                                   | VEHICLE VALUE                                                                |                                                                       | VIN                                                                                                                                                                                                 |                        |                                                                                                |        |
| VEHICLE TOWED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | IMPOUND REPORT       | INSURANCE CO                                                                                                                                                                  |                                                                              |                                                                              | INSURANCE CODE                                                        |                                                                                                                                                                                                     | POLICY #               |                                                                                                |        |
| <b>OFFENSE INFORMATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | CDR # / MV SUMMONS # |                                                                                                                                                                               | CHARGE                                                                       |                                                                              |                                                                       |                                                                                                                                                                                                     | N.J. STATUTE LOCAL ORD |                                                                                                | STATUS |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>NARRATIVE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <p>On Friday, June 20, 2025, Mayor Michael Serra provided this department with two emails he received from an individual identified as Carl Larson, using the email address jungkikwan5@hotmail.com. The emails expressed strong opposition to the Pride event scheduled to take place at the Pompton Lakes Library on Saturday, June 21, 2025.</p> <p>The first email, received at 8:46 PM, criticized the event and referred to it as "satanic bullshit." A second email sent at 9:22 PM included additional derogatory language and referenced "trans bullshit," suggesting that participants should be "arrested immediately for crimes against humanity" and made vague comments about military tribunals and GTMO....</p> |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| REPORTING OFFICER'S SIGNATURE (IF REQUIRED)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |                                                                                                                                                                               |                                                                              | DATE                                                                         |                                                                       | SUPERVISOR'S SIGNATURE                                                                                                                                                                              |                        | DATE                                                                                           |        |
| PRINT REPORTING OFFICER'S NAME (RANK, LAST, FIRST, ID#)<br>CAPTAIN RODRIGUEZ, ANTHONY J      167                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       | APPROVED BY (RANK, LAST, FIRST, ID#)<br>CAPTAIN RODRIGUEZ, ANTHONY J      167                                                                                                                       |                        |                                                                                                |        |
| <b>ADMINISTRATIVE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>ARREST</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      | # OF SUBJECTS<br>ARRESTED                                                                                                                                                     | TYPE OF ARREST <input type="checkbox"/> FOA <input type="checkbox"/> WARRANT |                                                                              | DETECTIVE NOTIFIED                                                    |                                                                                                                                                                                                     | NAME OF DET.           |                                                                                                |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      |                                                                                                                                                                               | <input type="checkbox"/> ON VIEW AT SCENE <input type="checkbox"/> SUMMONS   |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>DATABASE INQUIRES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      | <input type="checkbox"/> MOTOR VEHICLE COMMISSION                                                                                                                             |                                                                              | <input type="checkbox"/> NCIC FOR WARRANTS/WARRANTS                          |                                                                       | <input type="checkbox"/> ATS <input type="checkbox"/> ACS                                                                                                                                           |                        | TELETYPE MESSAGE #                                                                             |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | <input type="checkbox"/> IN HOUSE RMS                                                                                                                                         |                                                                              | <input type="checkbox"/> COBRA                                               |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>TECHNICAL SERVICES USED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      | <input type="checkbox"/> COUNTY B.C.I. <input type="checkbox"/> K-9 UNIT <input type="checkbox"/> N.J.S.P.                                                                    |                                                                              | TECH CASE #                                                                  |                                                                       | TECH OFFICER                                                                                                                                                                                        |                        | BADGE #                                                                                        |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | OTHER                                                                                                                                                                         |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>SUPPLEMENTAL REPORTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      | <input type="checkbox"/> TRAK <input type="checkbox"/>                                                                                                                        |                                                                              | <input type="checkbox"/> VICTIM NOTIFICATION REPORT <input type="checkbox"/> |                                                                       | <input type="checkbox"/> JUVENILE INVESTIGATION/RELEASE <input type="checkbox"/>                                                                                                                    |                        | <input type="checkbox"/> STATEMENT <input type="checkbox"/>                                    |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | <input type="checkbox"/> ARREST REPORT <input type="checkbox"/>                                                                                                               |                                                                              | <input type="checkbox"/> PROPERTY TAG <input type="checkbox"/>               |                                                                       | <input type="checkbox"/> DOMESTIC VIOLENCE REPORT <input type="checkbox"/>                                                                                                                          |                        | <input type="checkbox"/> IMPOUND SHEET <input type="checkbox"/>                                |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | <input type="checkbox"/> FINGERPRINT CARDS <input type="checkbox"/>                                                                                                           |                                                                              | <input type="checkbox"/> PROPERTY LOSS SHEET <input type="checkbox"/>        |                                                                       | <input type="checkbox"/> BIAS CRIME INCIDENT REPORT <input type="checkbox"/>                                                                                                                        |                        | <input type="checkbox"/> EVIDENCE SUBMITTED <input type="checkbox"/>                           |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                      | OTHER DESCRIBE                                                                                                                                                                |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>U.C.R. REPORTING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| PROPERTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      | CURRENCY                                                                                                                                                                      | JEWELRY                                                                      | FURS                                                                         | CLOTHING                                                              | AUTO                                                                                                                                                                                                | MISC                   | TOTAL VALUE                                                                                    |        |
| VALUE OF STOLEN PROP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| VALUE OF RECOVERED PROP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <b>INCIDENT STATUS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                      | <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED EXCEPTIONALLY <input type="checkbox"/> ADMINISTRATIVELY CLOSED |                                                                              | CLEARANCE DATE                                                               |                                                                       | REASON FOR EXCEPTIONAL CLEARANCE                                                                                                                                                                    |                        |                                                                                                |        |
| <b>DETECTIVE BUREAU REVIEW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |
| INCIDENT REQUIRES REVIEW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |                                                                                                                                                                               | REVIEWED BY (RANK, LAST, FIRST, ID#)                                         |                                                                              |                                                                       |                                                                                                                                                                                                     |                        | DATE                                                                                           |        |
| CASE STATUS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |                                                                                                                                                                               | DATE ASSIGNED                                                                |                                                                              | ASSIGNED TO                                                           |                                                                                                                                                                                                     |                        |                                                                                                |        |
| <input type="checkbox"/> REVIEWED NOT ASSIGNED <input type="checkbox"/> ASSIGNED FOR INVESTIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                      |                                                                                                                                                                               |                                                                              |                                                                              |                                                                       |                                                                                                                                                                                                     |                        |                                                                                                |        |

**POMPTON LAKES PD**

25 LENOX AVE  
POMPTON LAKES, NJ 07442  
973-835-0400

**INCIDENT REPORT**

Municipal Code: 1609  
ORI: NJ0160900

| INCIDENT #    | CALL TYPE              | DATE REPORTED | TIME REPORTED | INCIDENT LOCATION                                                         |
|---------------|------------------------|---------------|---------------|---------------------------------------------------------------------------|
| I-2025-012262 | INVEST - INVESTIGATION | 6/20/2025     | 22:00         | POMPTON LAKES POLICE DEPARTMENT - 25<br>LENOX AVE, POMPTON LAKES NJ 07442 |

While the content of the emails was offensive and inappropriate, it did not contain any direct or specific threats of violence or criminal intent. Out of an abundance of caution and in the interest of public safety, one uniformed officer was assigned to the event to ensure the safety of attendees and to deter any potential disruption.

The sender was confirmed to be Carl Larson, an active Pompton Lakes volunteer firefighter. Upon identifying the sender, I notified Fire Chief Dennis Dakake and Mayor Michael Serra for their awareness and any internal administrative action they may deem appropriate.

This report is being filed for documentation purposes. No further action is required by this department at this time unless additional information comes to light.

**POMPTON LAKES PD**

25 LENOX AVE  
POMPTON LAKES, NJ 07442  
973-835-0400

**INCIDENT REPORT**

Municipal Code: 1609  
ORI: NJ0160900

| INCIDENT #    | CALL TYPE              | DATE REPORTED | TIME REPORTED | INCIDENT LOCATION                                                         |
|---------------|------------------------|---------------|---------------|---------------------------------------------------------------------------|
| I-2025-012262 | INVEST - INVESTIGATION | 6/20/2025     | 22:00         | POMPTON LAKES POLICE DEPARTMENT - 25<br>LENOX AVE, POMPTON LAKES NJ 07442 |

Incident#: I-2025-012262

**Body Worn Camera Details**

BWC Video: N

Vehicle Camera: N

Unit/Serial#:

**Suspicious Activity Reporting (SAR)**

SAR Reportable: N

**Dependents Details**

Dependents : N

Details:

**Lights & Siren**

Responded Lights &amp; Siren: N

REPORT SUBMITTED BY (NAME - BADGE NUMBER)

CAPTAIN RODRIGUEZ, ANTHONY J 167

REPORT APPROVED BY (NAME - BADGE NUMBER)

CAPTAIN RODRIGUEZ, ANTHONY J 167

 Outlook

---

Fw: Library

---

From Michael Serra <mserra@pomptonlakes-nj.gov>  
Date Fri 6/20/2025 9:40 PM  
To Anthony Rodriguez <arodriguez@pomptonlakespolice.org>  
Cc Derek Clark <dclark@pomptonlakespolice.org>

[NOTICE: This message originated outside of Pompton Lakes Police -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hey Derek and AJ just be aware I am receiving emails about tomorrow's events.

Michael Serra  
Mayor Pompton Lakes  
Cell 973.610.8306

---

From: CARL LARSON <jungkikwan5@hotmail.com>  
Sent: Friday, June 20, 2025 9:22:52 PM  
To: Michael Serra <mserra@pomptonlakes-nj.gov>  
Subject: Library

[NOTICE: This message originated outside of Pompton Lakes Borough -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Anyone showing trans bullshit. Should be arrested immediately for crimes against humanity. Or maybe the military will come and escort assholes to GTMO for your tribunal.  
Carl Larson

 Outlook

---

**Fw: Fag day**

---

**From** Michael Serra <mserra@pomptonlakes-nj.gov>

**Date** Fri 6/20/2025 9:40 PM

**To** Derek Clark <dclark@pomptonlakespolice.org>; Anthony Rodriguez <arodriguez@pomptonlakespolice.org>

[NOTICE: This message originated outside of Pompton Lakes Police -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

---

Michael Serra  
Mayor Pompton Lakes  
Cell 973.610.8306

---

**From:** CARL LARSON <jungkikwan5@hotmail.com>

**Sent:** Friday, June 20, 2025 8:46:26 PM

**To:** Michael Serra <mserra@pomptonlakes-nj.gov>

**Subject:** Fag day

[NOTICE: This message originated outside of Pompton Lakes Borough -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Get rid of the the bullshit pride crap at the library. Only an asshole would all that satanic bullshit  
Carl Larson

## **EXHIBIT B**



**BOROUGH OF POMPTON LAKES**  
**OFFICE OF THE BOROUGH ADMINISTRATOR**

**MICHAEL E. CARELLI - RMC, CPA**  
**BOROUGH ADMINISTRATOR**

25 LENOX AVENUE  
POMPTON LAKES, N.J. 07442

ADMINISTRATOR@POMPTONLAKES.NJ.GOV  
(973) 835-0143 ext. 239

July 8, 2025

Carl Larson  
241 Poplar Avenue  
Pompton Lakes, N.J. 07442

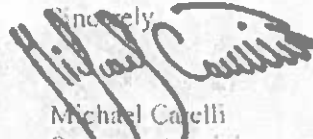
Dear Mr. Larson,

As you may be aware, emails received by Mayor Serra on June 20, 2025, from an email address believed at the time to be yours were forwarded to the Pompton Lakes Police Department for information and potential follow-up. A copy of the Department's Incident Report that includes the emails in question is attached for your reference.

I have subsequently been advised by Fire Chief Dakake that you have acknowledged to him having written and sent the emails to Mayor Serra.

Because the content of both emails appears to be violative of the Borough's zero-tolerance policy for discrimination based on sexual orientation, the Borough Council will discuss potential disciplinary action that may be taken against you in your role as a Borough volunteer in closed session at its upcoming July 16 meeting. In the event you would like to provide a written statement either explaining or in defense of your emails, then please provide that to me no later than the end of the business day on July 15 in order that I be able to share it with the Council members prior to their meeting.

Thank you for your attention to the above. In the event you have any questions regarding the process I've explained, you should feel free to contact either me or Chief Dakake, who is copied on this letter.

Sincerely,  
  
Michael Carelli  
Borough Administrator

Cc: Dennis Dakake, Fire Chief

## **EXHIBIT C**



**BOROUGH OF POMPTON LAKES**  
**OFFICE OF THE BOROUGH ADMINISTRATOR**

**MICHAEL E. CARELLI - RMC, OPA**  
**BOROUGH ADMINISTRATOR**

25 LENOX AVENUE  
POMPTON LAKES, N.J. 07442

ADMINISTRATOR@POMPTONLAKES-NJ.GOV  
(973) 835-0143 ext. 239

July 18, 2025

Carl Larson  
11 1100 Avalon Way  
Bloomington, N.J. 07403

Dear Mr. Larson,

As you know, the Borough Council discussed your recent emails sent to Mayor Serra in closed session earlier this week. The purpose of that discussion was to determine (i) whether the emails were violative of the Borough's policy of zero-tolerance for discrimination based on sexual orientation and, if found to be in violation (ii) what disciplinary action is appropriate based on the severity of the violation.

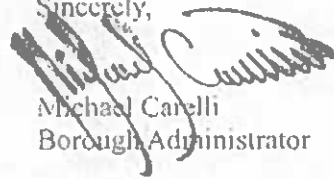
Based on the language of the emails, they were found to be violative of the Borough's zero-tolerance policy as expressed in the Borough's current Personnel Policies and Procedures Manual. The emails were found to express a personal bias against members of our community that could not only draw into question your ability to serve that part of our community against whom they were directed but to also potentially undermine the integrity of the entire Department in the eyes of the broader community you serve. For these reasons, the Borough Council is imposing the following actions:

- o A six (6) month suspension from the Pompton Lakes Volunteer Fire Department ("PLVFD"), effective upon your receipt of this letter;
- o The requirement that you submit to the Fire Chief and Borough Administrator acceptable proof of having completed at least two (2) hours of Diversity, Inclusion and/or Elimination of Bias training that is to be paid for at your expense (or the expense of a non-Borough affiliated third party) as a condition of your reinstatement to the PLVFD following the conclusion of your six (6) month suspension;
- o The requirement that you additionally submit a signed writing to the Fire Chief and Borough Administrator confirming (i) that you have reviewed the Policy Against Harassment and related sections of the Borough's Personnel Policies and Procedures Manual addressing bias and the expected conduct of Borough employees, including volunteers; (ii) that you understand that neither you nor any Borough employee or volunteer is to express or exhibit bias against members of the public on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status,

civil union status, and/or disability; and (iii) that you agree to abide by these policies in the future.

Notwithstanding that the Borough Council regrets the necessity of having to take these actions, it is—at the same time—satisfied that said disciplinary measures are an appropriately measured response to the sentiments expressed in your June 20, 2025, emails. In the event you have any questions regarding the above disciplinary measures, you may contact either me or Fire Chief Dennis Dakake, who is copied on this correspondence.

Sincerely,



Michael Carelli  
Borough Administrator

Cc: Dennis Dakake, Fire Chief

## **EXHIBIT D**



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## ORDINANCE NO. 25-06

### AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES GOVERNING WORKPLACE CONDUCT

**BE IT ORDAINED**, by the Borough Council of the Borough of Pompton Lakes, in the County of Passaic and State of New Jersey, as follows:

**Section 1.** Chapter 2, "Administration" of the Revised General Ordinances, Article VII, "Policies", shall be amended to include a new Section 77, entitled "Workplace Conduct and Compliance," to read in its entirety as follows:

#### § 2-77 **WORKPLACE CONDUCT AND COMPLIANCE.**

##### § 2-77.1 **Borough Policy.**

It is the policy of the Borough of Pompton Lakes, in its capacity as an employer of full-time, part-time, paid and volunteer personnel and employees, to maintain hiring and workplace conditions and practices that are compliant with State and Federal law and free from discrimination, harassment or hostile conditions. The Borough is an equal opportunity employer that shall not unlawfully discriminate in conditions of employment against any employee or applicant on the basis of race, color, religion, creed, gender, age, national origin, ancestry, disability, marital status, sexual orientation, or military status, or for any other unlawful discriminatory reason. Every employee has the right to work in a professional environment where their knowledge, skills, and abilities are the critical factors in their success and the Borough expects all employees to maintain standards of propriety, promote equal opportunity, treat everyone professionally, and act without bias. The Borough has a zero-tolerance policy for sexual harassment or discrimination, racial harassment or discrimination, or any other form of harassment and discrimination (religious, language, sexual orientation, et cetera). Sexual harassment includes unwanted sexual or romantic overtures, inappropriate sexual jokes, or comments regarding sexual activities. Employees should never access pornography on Borough-owned equipment, even off Borough property. Using your personal device to access pornography while working or in the company of other employees is also forbidden. The Borough prohibits acts of violence and threats of physical violence between any employees. The Borough prohibits retaliation against any person who files a complaint against harassment or discrimination and will make all reasonable efforts to keep investigations confidential, and to protect people who make complaints.

##### § 2-77.2 **Definitions.**

As used in this Section 77, the following terms shall have the meanings indicated:

**BOROUGH** – Shall mean the Borough of Pompton Lakes, a municipal corporation of the State of New Jersey.

**EMPLOYEE** – Shall mean all individuals employed by the Borough, or working under the direct supervision of the Borough, whether such individuals are full-time, part-time, paid, unpaid, volunteer or appointed, and shall include Supervisors, Department Heads, and Officers. Elected Officials of the Borough shall not be considered Employees for the purposes of this Section.

**EMPLOYER** – Shall mean the Borough of Pompton Lakes, a municipal corporation of the State of New Jersey.

##### § 2-77.3 **Applicability of Policy.**

This Section and the policy and procedures prescribed herein, shall apply to all Borough employees, except as to those employees that are subject to the supervision of the Judiciary policy or subject to a collective bargaining agreement, where such policies or agreements contain provisions and/or procedures inconsistent herewith. Notwithstanding any ordinance to the contrary, the policy and procedure of this Section shall supersede such ordinances related to conduct and complaints relative to harassment, discrimination and/or hostile work environment. To the same extent, this Section shall not abrogate or supersede established disciplinary policies and procedures not involving prohibited harassment, discrimination or hostile work environment.

##### § 2-77.4 **Violations.**



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



It shall be a violation of this Section for any employee to commit an act or acts in contravention of the policy as prescribed in § 2-77.1 above or as specifically referenced within this Section.

### § 2-77.5 Complaints; Reporting and Investigation Procedure.

- A. Any employee who feels they have been harassed, discriminated against, or otherwise treated negatively because of their race, religion, gender, or other characteristics, or who has been subject to an act of violence or threat of physical violence, should report the conduct to their Department Head, Chief or Supervisor, except if the complained of conduct involves the Department Head, Chief or Supervisor, then to the Borough Administrator, and if involving the Borough Administrator, to the Mayor (any of which shall be deemed the "Reporting Authority"). The reporting of such conduct shall be confidential.
- B. Upon receipt of a report of prohibited conduct, the Reporting Authority shall document the complaint and obtain a written statement from the complaining employee detailing the personnel involved, the nature of the conduct, the time, location and witness of the conduct, and any other relevant information.
- C. The Reporting Authority shall, within twenty-four hours of receiving a report of prohibited conduct, transmit the documented complaint, written statement and relevant information to the Borough Administrator, or Mayor if applicable, (either of which shall be deemed the "Investigating Authority") for investigation. The transmittal of this information is to be made regardless of any internal policies specific to any volunteer department or organizations that may state otherwise. The failure of the Reporting Authority to transmit a report of prohibited conduct shall be a violation of this Section.
- D. Upon receipt of a complaint whether directly or from the Reporting Authority, the Investigating Authority or its designee shall undertake an investigation of the complaint. Such an investigation may include review of all relevant materials, interviews with personnel and such other actions the Investigating Authority deems necessary for a complete investigation. The Investigating Authority shall advise an employee accused of inappropriate behavior of the existence of the complaint and investigation.
- E. Any employee accused of inappropriate behavior will be treated with respect. The accused employee shall be permitted to submit a statement in defense of an allegation. If the accusation is serious and credible, the employee may be suspended, with or without pay in the discretion of the Investigating Authority, during the duration of the investigation.
- F. Upon completing the investigation, the Investigating Authority will issue a report and a recommendation for discipline if the complaint is founded and credible. The employee who reported the incident will be informed that the investigation is finished and whether the complaint was determined to be founded or unfounded.
- G. The accused employee will be told the outcome of the investigation. If the investigation reveals that the employee was at fault, the accused employee may be subject to discipline. This can include anything from a verbal reprimand to termination, depending on the situation and the severity of the issue.
- H. If an employee makes a bad faith complaint, that will be considered harassment. A bad faith complaint is one where the complainant knowingly lies or misrepresents the situation to accuse a coworker, damage someone's reputation, or to get personal gain. A good faith report means that the employee believes that something inappropriate happened, even if the investigation determines no inappropriate behavior occurred.
- I. Proceedings of the Investigating Authority and results of the investigation shall be, to the fullest extent permitted, be considered confidential under the Open Public Records Act and the Open Public Meetings Act under the personnel exemption.

### § 2-77.6 Discipline.

It is the purpose of discipline to not specifically penalize but to educate and retrain, where appropriate, so as to promote a positive and constructive work environment. Based upon the degree or repetitive nature of prohibited conduct by an employee, discipline can be in many forms. Accordingly, the following levels of



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



discipline are available, individually and in combination, based upon relevant factors of severity of conduct, such as use of violence and/or recidivism:

- A. Termination.
- B. Suspension (paid or unpaid), for a period not to exceed six months.
- C. Retraining program or in-service training of not less than four hours (unpaid).
- D. Written Reprimand.
- E. Verbal Reprimand.

### § 2-77.7 Imposition of Discipline.

Unless otherwise appealed, the discipline imposed by the Investigating Authority shall be binding. The level of discipline imposed shall not be subject to appeal by the complaining employee. Failure of an employee to meet binding disciplinary requirements imposed, whether by the Investigating Authority or Borough Council, shall result in the employee's termination.

### § 2-77.8 Appeal.

An employee found to have violated this Section by the Investigating Authority shall have the right to appeal such determination and/or discipline imposed to the Borough Council. A complaining employee may appeal a determination that the complaint was unfounded to the Borough Council. Any such appeals must be made in writing to the Borough Clerk within ten (10) calendar days of the report issued by the Investigating Authority. The employee accused of violating this Section may retain counsel of their choosing and expense. The Borough Council shall initiate a hearing as to any appeal within sixty (60) days of an appeal and may compel testimony and consider all information provided to the Investigating Authority. The Borough Council may delegate its hearing authority to a neutral hearing officer to make specific findings of fact and disciplinary recommendations. The Borough Council shall have the power to affirm, reverse, or modify the report and/or discipline of the Investigatory Officer. Such proceedings shall comply with the Open Public Records Act and Open Public Meetings Act personnel matter requirements.

### § 2-77.9 Retaliation prohibited.

It is a violation of this section if an employee retaliates against another employee for reporting harassment or discrimination.

**Section 2.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 3.** If any article, section, subsection, term, or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

**Section 4.** This Ordinance shall take effect after approval of the Mayor, and/or in accordance with law and publication and passage according to law.

Elizabeth Brandsness, Municipal Clerk

Michael Serra, Mayor

### NOTICE OF PENDING ORDINANCE:

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, and State of New Jersey, held in the Municipal Building on the 22<sup>nd</sup> day of January, 2025, and same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 12<sup>th</sup> day of February, 2025, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after adopted by the Mayor or in accordance with the law.

Elizabeth Brandsness, R.M.C.  
Municipal Clerk

**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](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](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.**

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.:

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 5<sup>th</sup>, 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 L AKES

**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

