

FILED
CLERK OF COURT
BERGEN COUNTY, NJ

2019 MAY 30 P 2:40

MICHAEL L. PRIGOFF - #009761977

LEBSON & PRIGOFF, LLC

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ENGLEWOOD, NJ 07631-0068

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ATTORNEYS FOR PLAINTIFFS

MICHAEL CANGRO, CARLOS
CANIZALES, KENNETH P.
CORRIGAN, MICHAEL KRAUS,
STEVEN LONGA, THOMAS
MARTIN, MICHAEL RAWSON,
JONATHAN REITZ, and SEBASTIAN
ROLLO,

Plaintiffs,

v.

CITY OF ENGLEWOOD, EDWARD
HYNES and JEWEL
THOMPSON-CHIN,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY

Docket No. BER-L-003933-19

Civil Action

**VERIFIED COMPLAINT
IN LIEU OF
PREROGATIVE WRITS**

Plaintiffs MICHAEL CANGRO, CARLOS CANIZALES, KENNETH P.
CORRIGAN, MICHAEL KRAUS, STEVEN LONGA, THOMAS MARTIN, MICHAEL

RAWSON, JONATHAN REITZ, and SEBASTIAN ROLLO, by way of Verified Complaint against the defendants, say:

PARTIES

1. Plaintiff MICHAEL CANGRO resides in Tenaflly, New Jersey and has been employed as a dispatcher for the Englewood Police Department. He has Firefighter 1 certification and has served as a volunteer Firefighter in Tenaflly, New Jersey for the past seven years.

2. Plaintiff CARLOS CANIZALES resided in Englewood, New Jersey until earlier this month when he was forced by financial circumstances to move out of the City.

3. Plaintiff KENNETH P. CORRIGAN resides in Hackensack, New Jersey. He has Firefighter 1, 2, 3 and EMT certifications and has served as a volunteer Firefighter in Ridgefield Park and Maywood, New Jersey for a total of 19 years.

4. Plaintiff MICHAEL KRAUS resides in River Vale, New Jersey, but previously resided in Englewood during the pendency of the firefighter list. He has Firefighter 1, 2 and EMT certifications and has served as a volunteer Firefighter in River Vale, Cresskill and Tenaflly, New Jersey for a total of 14 years.

5. Plaintiff STEVEN LONGA resides in Oakland, New Jersey. He has Firefighter 1, 2 and EMT certifications and has served as a volunteer Firefighter in Oakland, New Jersey and as a paid Firefighter in Westfield, New Jersey for a total of 12 years.

6. Plaintiff THOMAS MARTIN resides in Wyckoff, New Jersey. He has Firefighter 1 and 2 certifications and has served as a volunteer Firefighter in Wyckoff, New Jersey for 11 years.

7. Plaintiff MICHAEL RAWSON reside in Florham Park, New Jersey. He has Firefighter 1 and 2 certifications and has served as a volunteer Firefighter in Green Village, New Jersey for 10 years.

8. Plaintiff JONATHAN REITZ resides in Jersey City, New Jersey. He has Firefighter 1, 2 and EMR certifications and has served as a volunteer Firefighter in Franklin Lakes, New Jersey for 8 years.

9. Plaintiff SEBASTIAN ROLLO resides in Teaneck, New Jersey. He has Firefighter 1, 2, 3 and EMR certifications and has served as a volunteer Firefighter in Franklin Lakes, New Jersey for 6 years.

10. Defendant CITY OF ENGLEWOOD ("Englewood") is a municipal political subdivision of the State of New Jersey, with its principal offices located at 2-10 North Van Brunt Street, Englewood, NJ 07631.

11. Defendant EDWARD HYNES ("Hynes") was the City Manager of Englewood until May 21, 2019, and during his tenure was the person designated by law to hire employees of Englewood, including members of the Englewood Fire Department. On May 21, 2019, Hynes' employment as City Manager was terminated by Englewood.

12. On Information and belief, Defendant JEWEL THOMPSON-CHIN

("THOMPSON-CHIN") is currently serving as the Interim City Manager of Englewood and is currently the person designated by law to hire employees of Englewood, including members of the Englewood Fire Department.

FACTS COMMON TO ALL COUNTS

The Englewood Fire Department

13. At all times relevant to this Verified Complaint, Englewood has established and maintained a paid fire department, the Englewood Fire Department ("EFD").

14. Pursuant to ordinance, the EFD is to consist of one Fire Chief, one Deputy Chief, not more than fourteen (14) other supervisory officers, and not more than forty (40) firefighters.

15. The EFD is one of, if not the most, racially diverse fire departments in the State of New Jersey.

16. The current racial composition of firefighters in the EFD is:

Caucasian	11 firefighters
African-American	11 firefighters
Hispanic	5 firefighters
Asian-American	3 firefighters

17. For many years, the EFD has had firefighter vacancies that have not been filled, resulting in overtime expense in order to meet required minimum staffing.

18. On information and belief, at present, the EFD's minimum required staffing is 6 firefighters per shift.

19. On information and belief, at present, each EFD platoon is staffed with either 7 or 8 firefighters per shift.

20. On information and belief, with vacations, personal days and sick days, this level of firefighter staffing often results in fewer than 6 firefighters actually available on a shift, requiring that firefighters be called in and paid overtime at 1.5 times the firefighter's salary.

21. On information and belief, when EFD firefighters are called in for overtime, they are the most senior firefighters, whose salary is more than twice the salary paid to starting firefighters.

22. Accordingly, appointing starting firefighters who would be available to increase the regular staffing of shifts would be less expensive for Englewood than incurring the overtime which will be experienced in their absence.

23. On information and belief, overtime expense for the EFD in 2018 was approximately \$750,000.00, more than \$250,000.00 over the budgeted amount of \$500,000.00.

24. On information and belief, overtime expense for the EFD in 2019 is projected to be \$960,000.00, nearly twice the budgeted amount for 2018.

The 2016 Firefighter Selection Protocol

25. In 2016, facing the need for new firefighter appointments, Englewood established a protocol for the development of a merit-based list for selecting entry-level firefighters.

26. The specified requirements for the position, as advertised by notices posted by Englewood, were the following:

- a. Be a US citizen by the date of the written examination;
- b. Be between the ages of 18 and 34 on the date of the examination;
- c. Pass the written test, physical agility assessments, oral interviews, psychological and physical evaluations;
- d. Possess a valid New Jersey driver's license; and
- e. Successfully complete a one-year probationary period.

True copies of two such notices are annexed as **Exhibit A**.

27. Applicants were also advised that if appointed they had to become an Englewood resident within three months of appointment and maintain said residency for one year.

28. Applicants received the following additional points added to their examination score:

Residents of Englewood	6 additional points
College B.A. degree	3 additional points
College Associates degree	1 additional point
Veteran	3 additional points

29. The written examination was administered on September 24, 2016, and the physical assessment was administered later in the Fall of 2016.

30. On information and belief, despite the statements in the notices of the protocol, there were no oral interviews conducted.

31. Englewood has not disclosed how the examination scores were calculated but has been forced to disclose the results of the written examination by OPRA request. A true copy of those results is annexed hereto as **Exhibit B**.

32. On information and belief, 331 candidates applied for the position, with each paying an application fee of \$70.00.

33. On information and belief, of those candidates, thirty-eight (38) candidates, including ten (10) Englewood residents and ten (10) African-Americans, did not take the written examination.

34. On information and belief, the passing score for the examination was 70 points.

35. On information and belief, of the 293 candidates who took the written examination, 136 candidates failed to achieve a passing score, even with the additional bonus points added. Of these 136, 35 candidates were Englewood residents and 42 were African-Americans.

36. On information and belief, the candidates were ranked on the basis of the written examination scores with the bonus points added.

37. In January of 2017, the 30 candidates with the highest scores were notified of their inclusion in that group (although candidates were not advised of their individual scores or their position on the list) and that appointments for the next three years would be made from among that group. A true copy of one such letter from Englewood is annexed as **Exhibit C**.

38. On information and belief, all of the Plaintiffs were ranked in the top 30 and each had an examination score ranging between 79 and 92.

39. On information and belief, other Englewood residents who passed the examination had scores in the low 70's and except for 1 such candidate, only achieved that result through the 6 bonus points awarded for Englewood residency. On information and belief, without the bonus points, that candidate would only have received a score of 71, barely passing the examination.

40. In 2017, three (3) candidates from the list were appointed as firefighters by Englewood. On information and belief, these candidates were the three highest-ranking candidates on the list.

41. On information and belief, one of those candidates was removed on medical grounds.

The Current Appointments

42. Beginning in late January 2019, each of the Plaintiffs received a written conditional offer of appointment as a firefighter in the EFD from Englewood signed by Defendant Hynes. A true copy of the offer which was received by each of the Plaintiffs is annexed hereto as **Exhibit D.**

43. On information and belief, the Plaintiffs were selected for these appointments in rank order based upon their scores in the selection protocol.

44. Each of the Plaintiffs accepted the conditional offer of appointment in writing and executed the certification on the second page of **Exhibit D**.

45. By the beginning of April 2019, each of the Plaintiffs had successfully completed the specified conditions, including the psychological exam, the physical exam and drug screening, a background check and provision of a certified transcript of college degree.

46. Each of the Plaintiffs received a letter dated April 5, 2019, a true copy of which is annexed hereto as **Exhibit E**, advising that he was scheduled to begin service as a probationary firefighter on April 15, 2019, and requiring him to attend an orientation at the Firehouse on April 8, 2019 and begin attending the Fire Academy beginning on April 15, 2019.

47. Each of the Plaintiffs attended the orientation on April 8, 2019, at which time they were fitted for boots, uniforms, and a mask for the Academy, received a tour of the firehouse, received a City email address, completed employment forms, including forms for employer-provided health insurance, received access to the employee handbook, contracts, guidelines and standard operating procedures, received badge numbers, and received the access code to enter the firehouse and punch in to the time clock. In addition, the newly-appointed firefighters met with the Chief and a representative of Human Resources.

48. In order to prepare for attendance at the Fire Academy, each of the Plaintiffs was instructed by the City to quit their current jobs.

49. Based upon the foregoing, each of the Plaintiffs changed their life situation in reliance upon their new employment and the fact that they were required to start attending the Fire Academy on a daily basis beginning on April 15, 2019. This included their quitting their jobs.

50. Unbeknownst to Plaintiffs, in late March 2019, a group representing African-American firefighters in Englewood called upon Englewood's governing body to discard the appointment list, as they claimed that the candidates scheduled for appointment, including all of the Plaintiffs, were neither residents of Englewood nor were African-American.

51. In response to this pressure, on information and belief the Council of Englewood directed the City Manager to rescind the offers of employment to the Plaintiffs and the other 3 candidates.

52. On April 11, 2019, barely one business day before the Plaintiffs were scheduled to begin attending the Fire Academy, each of the Plaintiffs received a letter from Defendant Hynes on behalf of Englewood in the form annexed hereto as **Exhibit F**, cancelling their attendance at the Fire Academy and blaming it upon Englewood's failure to adopt a budget.

53. On April 16, 2019, Englewood's Council introduced an ordinance, #19-02 (the "Ordinance"), which would establish a mandatory preference for employment in the police and fire departments of candidates who at the time of application for the position had been bona fide residents of Englewood for one year. The Ordinance, a true copy of which is annexed hereto as **Exhibit G**, was adopted by the Council after a second reading and a public hearing held on May 21, 2019.

54. The Ordinance is unlawful in that it would prohibit existing non-resident fire and police employees from being considered for promotion if resident employees were seeking promotion to the same position, in violation of State law.

55. Prior to its adoption, Plaintiffs requested, through counsel, that Englewood amend the Ordinance to comply with State law and so that it only applies to future appointments to entry level positions, but no such amendment was adopted.

FIRST COUNT
(Breach of Contract)

1. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 55 of The Parties and Facts Common to All Counts as if set forth at length herein.

2. By virtue of the foregoing, Englewood and each of the Plaintiffs have a binding contract of employment, subject only to each Plaintiff's satisfactory completion of the Fire Academy course and the one-year probationary working test period.

3. Englewood has breached the aforesaid contracts by failing to appoint the Plaintiffs to the position of firefighter and permitting them to attend the Fire Academy as scheduled.

4. As a result of the foregoing, each of the Plaintiffs have suffered damages.

WHEREFORE, Plaintiff demand judgment as follows:

A. Requiring Englewood to forthwith appoint each of the Plaintiffs as firefighters in the EFD in accordance with the contracts which they were offered and accepted;

B. Preliminarily and permanently enjoining Englewood from using the Ordinance in its present form to make any other appointments to firefighter until the Plaintiffs have been appointed to the position;

- C. Awarding Plaintiffs damages for Englewood's breach of contract; and
- D. For such other and further relief as the Court deems equitable and just.

SECOND COUNT
(Promissory Estoppel)

1. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 55 of The Parties and Facts Common to All Counts and Paragraphs 1 through 4 of the First Count as if set forth at length herein.

2. Defendants Englewood and Hynes, via the conditional offers of employment, made a clear and definite promise to each of the Plaintiffs that Englewood would hire him as a firefighter if he completed the conditions set forth in the offer.

3. By virtue of the foregoing, Plaintiffs, and each of them, were induced to change their position upon the promises of employment contained in the conditional offers of employment.

4. In reliance upon the aforesaid promises of Defendants, each of the Plaintiffs satisfied all of the conditions within their control at great personal effort and substantially changed their life activities, including quitting their jobs.

5. Plaintiffs' reliance upon these promises was reasonable.

6. Plaintiffs detrimentally relied upon these promises and have incurred, and will continue to incur, substantial expense and damages.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

- A. Directing Defendants Thompson-Chin and Englewood to forthwith hire and appoint Plaintiffs, and each of them, as firefighters in the EFD;
- B. For compensatory damages against Englewood; and
- C. For such other and further relief as the Court deems equitable and just.

THIRD COUNT
(Discrimination under the LAD)

1. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 55 of The Parties and Facts Common to All Counts, Paragraphs 1 through 4 of the First Count and Paragraphs 1 through 7 of the Second Count as if set forth at length herein.

2. The actions of Defendants Englewood and Hynes in terminating the contracts of Plaintiffs and adopting the Ordinance were done with the intention of preventing the appointment of Plaintiffs because of their race (Caucasian and Hispanic), and with the intent to appoint African-American candidates in their place.

3. The aforesaid actions were taken in direct response to comments from the public criticizing the racial composition of the Plaintiffs.

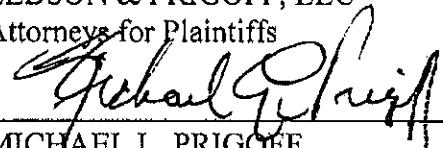
4. The aforesaid actions by Defendants Englewood and Hynes were discriminatory against the Plaintiffs on the basis of race and are prohibited by the Law Against Discrimination, *N.J.S.A. 10:5-1, et seq.*

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

- A. Directing Defendants Thompson-Chin and Englewood to forthwith hire and appoint Plaintiffs, and each of them, as firefighters in the EFD;

- B. For compensatory damages against Englewood; and
- C. For attorneys' fees and costs; and
- D. For such other and further relief as the Court deems equitable and just.

LEBSON & PRIGOFF, LLC
Attorneys for Plaintiffs

By: 

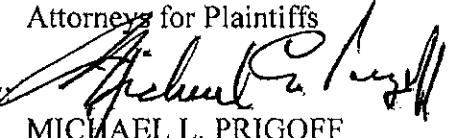
MICHAEL L. PRIGOFF

Dated: May 22, 2019

JURY DEMAND

Plaintiff demands trial by jury of all issues so triable.

LEBSON & PRIGOFF, LLC
Attorneys for Plaintiffs

By: 

MICHAEL L. PRIGOFF

Dated: May 22, 2019

CERTIFICATIONS

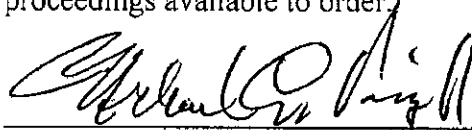
I hereby certify pursuant to *R. 4:5-1* that, to the best of my knowledge and based upon information provided to me by my clients, and subject to the following paragraph, the matter asserted in the Verified Complaint is not the subject of any other action pending in any court or arbitration proceeding, and that no other such action or arbitration proceeding is contemplated.

I further certify that, upon information and belief and based upon the same information received from my clients, no other non-party should be joined in this action pursuant to *R. 4:28* or who is subject to joinder pursuant to *R. 4:29-1(b)* because of potential liability to any party on the basis of the same transactional facts.

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

I further certify, pursuant to R. 4:69-4 that, to the best of my knowledge, there are no relevant municipal transcripts of proceedings available to order.

Dated: May 22, 2019

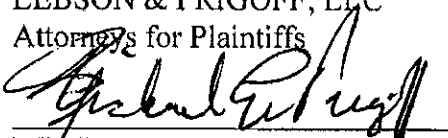

MICHAEL L. PRIGOFF

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c), Michael L. Prigoff is designated as trial counsel for the Plaintiffs in the above matter.

LEBSON & PRIGOFF, LLC
Attorneys for Plaintiffs

By:

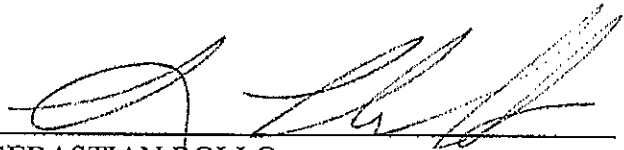

MICHAEL L. PRIGOFF

Dated: May 22, 2019

VERIFICATION

I, SEBASTIAN ROLLO, one of the Plaintiffs in the within matter, of full age, certify that I have read the foregoing Verified Complaint and the contents thereof are true to the best of my knowledge, information and belief.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


SEBASTIAN ROLLO

Dated: May 21, 2019

EXHIBIT A



THE CITY OF ENGLEWOOD

IS CONDUCTING AN EXAMINATION FOR THE POSITION OF
FIREFIGHTER

EQUAL OPPORTUNITY EMPLOYER

WHEN: Saturday, September 24, 2016
8:00 a.m.

Must arrive no later than 8:30 a.m. to be seated for this exam

WHERE: Englewood Hospital Chiang Auditorium
~~200~~ Engle Street Englewood, NJ 07631
350

To be considered for employment each candidate must:

- Be a United States Citizen at the time the examination is given
- Be between the ages of 18-34 at the time the examination is given
- Pass the Assessment Process including the written test, oral interviews, psychological and physical evaluations
- Be a High School Graduate/GED
- Possess a valid New Jersey driver's license. License must be presented at time application is submitted and again at test registration on 9/24/2016
- Must successfully complete one-year probationary period

IMPORTANT:

ENGLEWOOD RESIDENCY REQUIRED for one (1) year within three (3) months of appointment date.

FEE: \$70.00 for examination. No cash will be accepted. Money Orders or Certified Checks made payable to the City of Englewood only. Fee must be paid at the time of application. Applications will be available for download on our website, www.cityofenglewood.org beginning June 27, 2016, however, application must be submitted in person at Englewood City Hall, Human Resources Office, 2nd floor, 2-10 N. Van Brunt St., Englewood, N.J. 07631 between 10:00 a.m. and 4:00 p.m. beginning July 11th and ending July 22nd.

Late night application dates:
July 13th & July 20th 5:00pm – 8:00pm

THIS EXAM MAY BE VIDEOTAPED.

THIS IS NOT AN OFFER OF EMPLOYMENT. THE CITY RESERVES THE RIGHT NOT TO HIRE APPLICANTS.

Your Career Begins Here

Applications will be available online at www.cityofenglewood.org beginning June 27th. Applications must be submitted **in person** at the Human Resources Office in City Hall from July 11th through July 22nd between the hours of 10:00 a.m. and 4:00 p.m.. The application fee is \$70.00.



Money Orders or Certified Checks made payable to the City of Englewood only. **No cash will be accepted.**

Fee must be paid at time of submission at City Hall, 240 N. Van Brunt St. in Englewood.

Late Night Hours:

July 13th & July 20th
5:00p - 8:00p

To Be Considered For Employment

Each candidate must:

- ♦ Be a United States Citizen at the time the examination is given.
- ♦ Be between the ages of 18-34 at the time the examination is given.
- ♦ Pass the Assessment Process including the written and oral interviews, psychological and physical evaluations.
- ♦ Be a High School graduate/GED
- ♦ Possess a valid New Jersey drivers' license. license must be presented at time application is submitted and again at test registration on 9/24/2016.
- ♦ Must successfully complete one-year probationary period

Prepare For Testing

When you submit your application at City Hall you will receive an Entry-Level Firefighter Candidate Study Guide with information regarding the written exam, complete with a practice test. You may wish to study alone or in a group setting.

What We Offer

- ✓ An exciting and satisfying career serving the public
- ✓ Excellent pay
- ✓ Generous benefits
- ✓ Secure retirement
- ✓ Tremendous advancement opportunities

The Process For the Successful Candidate

- ♦ **Written Exam**
Must score 70% or higher
- ♦ **Physical Agility Assessment**
Must score 70% or higher
- ♦ **Ladder Climb**
80 ft.
- ♦ **Oral Interview**
- ♦ **Psychological Evaluation**
- ♦ **The Fire Academy**
Must satisfactorily complete all required training courses
- ♦ **Serve a one-year probationary period**
- ♦ **Extra Points**
6 pts. for Englewood Residents
3 pts. for Bachelor's Degree
1 pt. for Associates Degree
3 pts. for Veterans



Testing Day

You must arrive no later than
8:30 a.m.
to be seated for this exam

*Late arrivals will not be admitted
for this test*

You must present your picture ID

No cell phones or other electronic
devices will be allowed in the
auditorium. Anyone in possession
of these devices during the test will
be immediately disqualified.

Paper and pencils will be provided.



NO MOBILE PHONES, IPODS,
MP3/4 PLAYERS,
NO PRODUCTS WITH AN
ELECTRONIC
COMMUNICATION/STORAGE
DEVICE OR DIGITAL FACILITY.

DISQUALIFICATION

ENGLEWOOD'S BRAVEST

(A Brief History)

The earliest form of fire protection in the City of Englewood was a group of citizens who organized the Englewood Fire Association (E.F.A.) in 1887. Their first formal firehouse was erected on North Van Brunt St., not far from where City Hall now stands. This all volunteer organization continued to grow until 1912 when the first career firefighters were appointed by the Board of Fire Examiners. Their 84 hour--two platoon system eventually gave way to a three, then four platoon--42 hour system. In 1926, a new and much larger Fire Headquarters was built at 11 William St. The department operated out of the William St. Headquarters for ninety years. In 2005 the groundbreaking took place for the City's new Fire Headquarters at 81 South Van Brunt St. It is at the new Jack Drakoford Englewood Firehouse, dedicated on May 14, 2016, that Englewood's Bravest (consisting of a uniformed force of 57 members that includes a Chief, Deputy Chief, 4 Captains, 9 Lieutenants and 42 firefighters) continue the unbroken chain of proudly providing protection to life and property in the City for over a century.



**BECOME AN
ENGLEWOOD
FIREFIGHTER**

Englewood Fire Department Entrance Examination



Saturday, September 24, 2016

8:00 a.m.

Englewood Hospital
Chiang Auditorium
350 Engle Street
Englewood, NJ 07631

EXHIBIT B

ID #	Score	City	Ethnicity
007	N/S	Englewood	Afr. Am.
014	N/S	Fair Lawn	White
016	N/S	Carlstadt	White
019	N/S	Teaneck	White
031	N/S	Fair Lawn	White
046	N/S	Englewood	Afr. Am.
047	N/S	Jersey City	White
059	N/S	Mahwah	White
070	N/S	Englewood	Hisp.
071	N/S	Englewood	Afr. Am.
076	N/S	Toms River	White
090	N/S	So. Plainfield	White
115	N/S	Bergenfield	Afr. Am.
116	N/S	Perth Amboy	White
133	N/S	Teaneck	Afr. Am.
138	N/S	Teaneck	White
140	N/S	Hackensack	White
141	N/S	West Orange	White
147	N/S	Wyckoff	White
152	N/S	Morris Plains	White
153	N/S	Paterson	Asian
156	N/S	Teaneck	Afr. Am.
185	N/S	Paterson	Hisp.
207	N/S	Summit	White
214	N/S	Englewood	Afr. Am.
215	N/S	Waldwick	White
225	N/S	Paterson	White
229	N/S	Kearny	White
231	N/S	Teaneck	Hisp.
235	N/S	Fairview	White
239	N/S	Englewood	White
245	N/S	Belvidere	White
271	N/S	Englewood	Hisp.
305	N/S	Englewood	2+
307	N/S	Cranford	White
311	N/S	Englewood	Afr. Am.

322	N/S	Englewood	Afr. Am.
329	N/S	West Milford	Hisp.
276	97	Teaneck	White
310	97	Paramus	White
096	94	Toms River	White
002	93	Jersey City	White
172	93	Parlin	White
037	92	Teaneck	White
196	92	Florham Park	White
314	92	Garfield	White
010	91	Dumont	White
262	91	Franklin Lakes	White
098	90	Long Branch	White
284	90	Jersey City	White
053	89	Ridgefield Park	White
062	89	West Caldwell	White
145	89	Newfoundland	White
176	89	Dover	Hisp.
265	89	Paterson	White
306	89	Demarest	White
318	89	Paterson	White
100	88	Oakland	White
134	88	Ridgefield Park	White
216	88	Wyckoff	White
001	87	Englewood	White
107	87	Wyckoff	White
171	87	Caldwell	White
200	87	Hackensack	White
227	87	Parlin	White
277	87	Fair Lawn	White
038	86	Glen Gardner	White
052	86	Toms River	White
088	86	North Haledon	White
091	86	River Vale	White
164	86	Ridgewood	White
004	85	Tenafly	White
009	85	Maywood	White

057	85	Oradell	White
064	85	Avon-By-The-Sea	White
136	85	Pompton Lakes	White
197	85	Wyckoff	White
205	85	Cliffside Park	White
244	85	Elizabeth	White
327	85	Mahwah	White
017	84	Clifton	White
056	84	Oakland	White
192	84	Green Brook	White
201	84	Elmwood Park	Asian
224	84	Jersey City	White
259	84	Kearny	White
282	84	Hawthorne	White
312	84	Teaneck	White
025	83	Lakewood	White
045	83	Dumont	White
079	83	Paramus	White
139	83	Hackensack	White
234	83	Ho-Ho-Kus	White
253	83	Farmingdale	White
146	82	Wyckoff	White
210	82	Wayne	White
217	82	Dumont	White
261	82	Paterson	White
290	82	Hoboken	White
111	81	Roseland	White
112	81	Leonia	White
041	80	Hackensack	White
044	80	Paterson	White
067	80	Fair Lawn	White
286	80	Rutherford	White
291	80	Wyckoff	White
331	80	Kinnelon	White
012	79	Englewood	Hisp.
103	79	Paramus	2+
135	79	Ridgefield Park	White

161	79	Hackensack	White
165	79	Passaic	White
167	79	Cresskill	White
169	79	Paterson	White
191	79	Stanhope	White
293	79	Englewood	Hisp.
320	79	Ridgefield	White
024	78	Lakewood	White
026	78	Bergenfield	White
089	78	Paterson	White
168	78	Scotch Plains	White
195	78	Ship Bottom	White
252	78	Jersey City	White
264	78	Englewood	2+
287	78	Englewood	White
296	78	Freehold	White
065	77	Edgewater	White
114	77	Englewood	Afr. Am.
130	77	Allendale	White
212	77	Woodland Park	White
251	77	Jersey City	White
299	77	Fort Lee	White
300	77	Bogota	White
054	76	Garfield	White
055	76	Wantage	White
110	76	Harrington Park	Hisp.
119	76	Verona	White
132	76	Somerville	White
178	76	Bayonne	White
188	76	Hackensack	White
236	76	New Milford	White
288	76	Bergenfield	Hisp.
005	75	Northvale	White
011	75	Bergenfield	White
042	75	Paterson	Hisp.
058	75	Bloomfield	White
085	75	Hackensack	Afr. Am.

193	75	Wanaque	White
250	75	Hackensack	Hisp.
254	75	Mahwah	White
256	75	Elmwood Park	Asian
260	75	River Vale	White
292	75	Palisades Park	Hisp.
308	75	Hackensack	2+
326	75	Ridgefield Park	White
330	75	Englewood	2+
027	74	Englewood	Hisp.
084	74	Hackensack	Hisp.
127	74	Oradell	Afr. Am.
208	74	Demarest	White
313	74	Little Ferry	White
040	73	Lodi	White
069	73	Barneget	White
086	73	Morristown	White
113	73	Englewood	Hisp.
124	73	Bloomingtondale	White
160	73	Teaneck	White
162	73	Hillsdale	White
186	73	Englewood	White
218	73	Hackensack	White
219	73	Fair Lawn	White
232	73	New Milford	White
285	73	Jersey City	White
317	73	Englewood	Hisp.
013	72	Kearny	White
022	72	Wantage	2+
049	72	South River	White
108	72	Jersey City	Hisp.
173	72	Bogota	White
203	72	Teaneck	Afr. Am.
223	72	Hackensack	White
325	72	North Bergen	Hisp.
032	71	Paramus	White
050	71	Kearny	White

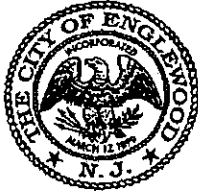
123	71	Englewood	Afr. Am.
149	71	Bergenfield	Hisp.
151	71	Tenafly	White
190	71	Whitehouse Station	White
226	71	Morris Plains	White
246	71	Teaneck	Afr. Am.
249	71	Hillsdale	White
003	70	Teaneck	White
092	70	East Rutherford	Hisp.
279	70	Cresskill	White
304	70	Ridgefield Park	Afr. Am.
006	69	Maywood	White
015	69	Franklin Lakes	White
023	69	Teaneck	Afr. Am.
177	69	Demarest	White
180	69	Bergenfield	White
181	69	Pequannock	White
238	69	Norwood	White
021	68	Oradell	2+
117	68	Paterson	White
128	68	Bergenfield	White
129	68	Fair Lawn	White
144	68	Cedar Grove	White
157	68	Wood-Ridge	White
182	68	Hopatcong	White
184	68	Paterson	Afr. Am.
211	68	Paterson	White
248	68	Englewood	Afr. Am.
269	68	Englewood Cliffs	White
303	68	Englewood	Hisp.
321	68	Teaneck	Afr. Am.
030	67	Emerson	White
039	67	Englewood	Hisp.
080	67	Mahwah	White
106	67	Bergenfield	White
175	67	Paterson	White
202	67	Bergenfield	White

242	67	Englewood	Afr. Am.
255	67	New Milford	White
257	67	North Bergen	Hisp.
267	67	Carteret	Afr. Am.
281	67	Bergenfield	White
297	67	Elmwood Park	Afr. Am.
301	67	Palisades Park	Hisp.
309	67	Westwood	Hisp.
028	66	Englewood	Hisp.
036	66	Englewood	Afr. Am.
121	66	Englewood	Afr. Am.
179	66	Dumont	White
189	66	Jersey City	White
213	66	Cliffside Park	White
237	66	Dumont	White
148	65	Englewood	Afr. Am.
159	65	Englewood	White
263	65	Elizabeth	White
294	65	Dumont	White
074	64	New Milford	White
099	64	Little Ferry	Hisp.
109	64	Towaco	White
137	64	Fort Lee	White
174	64	Englewood	Hisp.
187	64	Hackensack	Asian
233	64	Woodcliff Lake	Asian
289	64	Englewood	Afr. Am.
122	63	Dumont	White
142	63	Englewood	Hisp.
268	63	Teaneck	White
068	62	Fort Lee	Afr. Am.
077	62	Dumont	White
087	62	Englewood	Afr. Am.
230	62	Paterson	Afr. Am.
243	62	Teaneck	Afr. Am.
008	61	Englewood	Afr. Am.
093	61	Englewood	Afr. Am.

273	61	Englewood	Afr. Am.
029	60	Little Ferry	White
043	60	Dumont	White
061	60	West Caldwell	Asian
275	60	Teaneck	White
020	59	Bogota	White
158	59	Woodland Park	White
204	59	Lodi	Afr. Am.
222	59	Rochelle Park	White
240	59	Washington Twnshp.	White
241	59	Mahwah	White
283	59	Roselle	Afr. Am.
082	58	River Vale	White
105	58	Burlington	Afr. Am.
183	58	Morristown	White
228	58	Mahwah	Afr. Am.
051	57	Dumont	White
072	56	Kearny	White
083	56	Demarest	White
194	56	Montclair	White
209	56	Elizabeth	White
066	55	So. Plainfield	White
095	55	North Haledon	2+
097	55	Stanhope	White
206	55	Summit	Hisp.
034	54	Englewood	2+
075	54	Englewood	Afr. Am.
154	54	Edison	White
018	53	Clifton	White
094	53	Closter	White
155	53	Fairview	Hisp.
166	53	Englewood	Hisp.
316	53	Nutley	Hisp.
073	52	So. Plainfield	White
104	52	Englewood	Afr. Am.
125	52	Hackensack	Hisp.
170	52	Closter	White

315	52	Englewood	Afr. Am.
220	51	Englewood	Afr. Am.
247	51	Hackensack	White
270	51	Kearny	Hisp.
298	51	Englewood	Afr. Am.
319	51	Ridgefield	Hisp.
063	50	Hackensack	White
198	49	Teaneck	Afr. Am.
199	49	Clifton	Hisp.
295	49	Englewood	Afr. Am.
078	48	Englewood	Afr. Am.
150	48	Englewood	Afr. Am.
163	48	Dumont	White
081	47	Allendale	White
102	46	Northvale	White
272	46	North Arlington	Hisp.
323	46	Englewood	Afr. Am.
328	46	Englewood	Afr. Am.
118	45	Fairview	White
120	45	Englewood	Afr. Am.
126	44	Wyckoff	White
143	44	Englewood	Afr. Am.
060	43	West Caldwell	White
266	43	Elmwood Park	P.I.
035	42	Englewood	Afr. Am.
302	42	Englewood	Afr. Am.
131	41	Jersey City	White
033	40	Englewood	Afr. Am.
280	39	Englewood	Afr. Am.
048	34	Cliffside Park	White
221	34	Englewood	Afr. Am.
258	34	Teaneck	Afr. Am.
278	33	Palisades Park	Asian
101	28	Point Pleasant	White
274	28	Englewood	Afr. Am.
324	26	Nutley	Hisp.

EXHIBIT C



Englewood

P.O. Box 228 • Englewood, N.J. 07631 • (201) 871-6660 • Fax (201) 541-5424

Wendy L. Wiebalk, Esq.
Director of Human Resources

January 13, 2017

Steven Longa
11 Algonquin Trail
Oakland, NJ 07436

Dear Mr. Longa:

Congratulations on passing the City of Englewood Firefighter Examination.

You placed in the top 30 candidates and, as a result, you may well be reached during the three years that the list remains active.

Please do not contact us to determine where you are on the list, as we do not give out that information. Should your number be reached during the next three years, we will contact you to determine whether you are still interested in pursuing a career as a City of Englewood firefighter.

We have already contacted the top three candidates for placement in the upcoming Bergen County Fire Academy session. However, we do anticipate several vacancies during the next three years.

Very Truly Yours,

Wendy L. Wiebalk

Wendy L. Wiebalk
Director of Human Resources

EXHIBIT D



Englewood

Human
Resources

P.O. Box 228 • Englewood, N.J. 07631 • (201) 871-6660 • Fax (201) 541-5424

January 30, 2019

Sebastian Rollo
1083 High Mountain Road
Franklin Lakes, NJ 07417

Dear Mr. Rollo:

Contingent on successful completion of all employment pre-requisites and budgetary appropriation, we are pleased to make you a conditional offer of appointment to serve as a probationary City of Englewood firefighter upon commencement of training at the Fire Academy.

However, in order for you to continue on to the Academy, you must successfully complete the following:

- A psychological evaluation;
- A physical examination, including drug screening;
- A background check;
- Provision of a certified transcript for your college degree to the Human Resources Department

You must also adhere to the following requirements:

- Successful completion of fire academy training at the Fire Academy;
- Completion of Emergency Medical Training within 18 months of employment;
- Successful completion of an end-of-probation test prior to concluding 12 months of probation;
- Ongoing random drug and alcohol screening tests.

If You Remain Interested In Pursuing A Career As A Firefighter With The City Of Englewood, Please Execute And Return The Following Certification To Human Resources No Later Than Close of Business at 5pm, Monday, February 4, 2019.

I, _____, hereby certify and say:

1. I have received a conditional offer of employment to serve as a firefighter for the City of Englewood.

2. I certify that all information provided by me, to date, during the application and testing process, was accurate to my best knowledge and that, if any of the information that has been provided by me is found to be willfully false, I may be subject to punishment, including but not limited to the revocation of this conditional offer or my status as a probationary firefighter.

3. I understand that, for the first 12 months, I will serve as an "At Will Employee" which means that I can be terminated for any cause, or for no cause, and released from employment before I am cleared off of probation. Such probationary period is 12 months, unless otherwise extended.

4. I will follow all Rules and Regulations of the City of Englewood Fire Department. I will display the proper discipline and decorum of the uniformed force of the City of Englewood Fire Department and carry out my responsibilities with due diligence.

I hereby certify that all of the foregoing statements made by me are true. I am aware that if any of the statements made by me are found to be willfully false, I may be subject to punishment.

Signature of Conditional Employee

Date: _____

Witness Printed Name

Date: _____

Witness Signature

Congratulations and good luck going forward with the process.

Sincerely,



Daria M. Trumpet.

Human Resources Director

cc: Ed Hynes, City Manager
Erik Enersen, Fire Chief

EXHIBIT E



Englewood

Human
Resources

P.O. Box 228 • Englewood, N.J. 07631 • (201) 871-6660 • Fax (201) 541-5424

April 5, 2019

Congratulations!

We are excited to notify you that you are scheduled to serve as a probationary firefighter, upon commencement of fire academy training on **Monday, April 15, 2019.**

To enable the City of Englewood to exercise sound discretion in the filling of positions with the Fire Department, no appointment to the position of firefighter shall be deemed final and permanent until successful completion of the pre-requisites, terms and conditions outlined in the previously signed & agreed conditional offer.

Please mark your calendars as follows:

Monday, April 8, 2019
9am-5pm
Firefighter Orientation
81 South Van Brunt Street
Englewood, NJ 07631

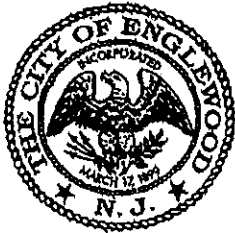
Note: Be punctual!

There is ample parking in the lot across the street from the main entrance.
Attire is business casual but be mindful that you will be fitted for boots and uniforms.
Please bring 2 forms of identification from the list of acceptable documents (attached).
Lunch will not be provided but you will be given a break and provided with local options.

Monday, April 15, 2019
Fire Academy Begins
Report to Englewood Fire Department Headquarters
81 South Van Brunt Street
Englewood, NJ 07631
8:00am SHARE®

Note: Transportation will be provided to the academy site
Additional information for the academy will be provided at the orientation.

EXHIBIT F



Englewood

City Manager's Office

P.O. Box 228 • Englewood, N.J. 07631 • (201) 871-6637 • Fax (201) 567-3678

April 11, 2019

Sebastian Rollo
517 Oritani Place
Teaneck, NJ 7666

Dear Mr. Rollo:

As you have been informed, your employment with the City of Englewood is contingent upon the budget. At this time, the City cannot offer you employment as it is currently preparing its budget for the fiscal year. Towards that end, we understand that you were to start at the Academy on Monday, April 15th. However, the City cannot send you to the Academy at this time. We apologize for the inconvenience.

Sincerely,

Edward H. Hynes
Edward Hynes
City Manager

cc: Chief E. Enersen

EXHIBIT G

CITY OF ENGLEWOOD

ORDINANCE NO. 19-02

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY CODE OF THE CITY OF ENGLEWOOD TO ESTABLISH CHAPTER 68 SETTING FORTH PERSONAL RESIDENCY PREFERENCES FOR HIRING IN THE POLICE AND FIRE DEPARTMENTS

WHEREAS, New Jersey Statutes authorize a municipality to enact residency preference requirements for its Police and Fire Department Officers and employees; and

WHEREAS, the City Council of the City of Englewood deems it necessary to amend the City Code by Establishing Chapter 68 Entitled "Residency Preference" to address residency requirements;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Englewood, County of Bergen, State of New Jersey that residency preference for hiring in the Police and Fire Department as set forth in the City Code of the City of Englewood is hereby amended and supplemented as follows:

Chapter 68. Residency Preference

Article I. Residency Preference for the City Police and Fire Departments

§68-1 Residency Preferred

Except as otherwise provided by law, all Candidates appointed to positions of employment by the City Police and Fire Departments subsequent to the date of this Ordinance shall be classified according to residency. Bona fide residents of the City of Englewood shall receive preference in hiring over all other residency classes provided they successfully complete the established testing and/or protocol in place for such a position.

§68-2 Bona fide residents defined

A bona fide resident for the purpose of this article is defined as a person having permanent domicile within the City or residency class for a period of 12 months prior to application for employment, and one which has not been adopted with the intention of taking up or claiming a previous residence required outside of the boundaries of the City.

§68-3 Bona fide residency verification

Where residence requirements have been established, residence means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;

3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent's residence because of separation from his or her spouse, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver's license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.
7. Unless otherwise specified, residency must be met prior to the application for date for the examination in order for a candidate to be given preference based on residency.

§68-4 Insufficient qualified residents

Whenever the City Manager shall determine there is not a sufficient number of qualified Englewood residents for available specific positions or employments, the City Manager shall through the director of personnel classify all qualified applicants, preferentially according to bona fide residency in the following order:

- | | |
|---------|---|
| Class 1 | Residents of the City of Englewood |
| Class 2 | Other residents of Bergen County |
| Class 3 | Other residents of the state of New Jersey. |
| Class 4 | All other applicants |

All appointments and hiring shall be made in the order listed above. The City Manager shall first appoint all those in Class 1, and then those in each succeeding class in the order listed above, and shall appoint a person in any such class only to a position or employment remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of employment. The preference established by this section shall not diminish reduce or affect the preferences granted pursuant to any other provision of law including but not limited to veteran preference requirements.

§68-5 Positions and employments requiring special talents or skills

In the event the City Manager advises the Governing Body that particular positions or employments require special talents with skills such as specialized knowledge, abilities, licenses, or unique training, which are necessary for the operations of the City, then the City Manager may fill the same without preference to residents of the City of Englewood.

This Ordinance shall take effect immediately upon passage and publication as required by law.

ORDINANCE #19-02

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY CODE OF THE
CITY OF ENGLEWOOD TO ESTABLISH CHAPTER 68 SETTING FORTH
PERSONAL RESIDENCY PREFERENCES FOR HIRING IN THE POLICE AND FIRE
DEPARTMENTS**

RECORD OF VOTE

FIRST READING DATE:

COUNCIL	MOTION	VOTE
Cobb		Y
Cohen		Y
Glynn		Y
Hamer		Y
Rosenberg	X	Y

DATE PUBLISHED IN THE RECORD:

DATES PUBLIC HEARINGS HELD: May 21, 2019

DATE SECOND READING HELD: May 21, 2019

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Cohen						
Glynn						
Hamer						
Rosenberg						

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ **(VETO)**

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk

MICHAEL L. PRIGOFF - #009761977
LEBSON & PRIGOFF, LLC
39 PARK PLACE, P.O. Box 68
ENGLEWOOD, NJ 07631-0068
(201) 568-4000 MLP@NJLAW.COM
ATTORNEYS FOR PLAINTIFFS

MICHAEL CANGRO, CARLOS
CANIZALES, KENNETH P.
CORRIGAN, MICHAEL KRAUS,
STEVEN LONGA, THOMAS
MARTIN, MICHAEL RAWSON,
JONATHAN REITZ, and SEBASTIAN
ROLLO,

Plaintiffs,

v.

CITY OF ENGLEWOOD, EDWARD
HYNES and JEWEL
THOMPSON-CHIN,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY**

Docket No. BER-L-003933-19

Civil Action

SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiffs, named above, have filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days

from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Dated: May 28, 2019

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

Name of Defendant to be Served:
Address of Defendant to be Served:

CITY OF ENGLEWOOD
2-10 North Van Brunt Street, Englewood, NJ 07631

MICHAEL L. PRIGOFF - #009761977
LEBSON & PRIGOFF, LLC
39 PARK PLACE, P.O. Box 68
ENGLEWOOD, NJ 07631-0068
(201) 568-4000 MLP@NJLAW.COM
ATTORNEYS FOR PLAINTIFFS

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ROLLO,

Plaintiffs,

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**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY**

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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.

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Dated: May 28, 2019

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

Name of Defendant to be Served:

EDWARD HYNES

Address of Defendant to be Served:

2-10 North Van Brunt Street, Englewood, NJ 07631

MICHAEL L. PRIGOFF - #009761977
LEBSON & PRIGOFF, LLC
39 PARK PLACE, P.O. Box 68
ENGLEWOOD, NJ 07631-0068
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from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Dated: May 28, 2019

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

Name of Defendant to be Served: JEWEL THOMPSON-CHIN
Address of Defendant to be Served: 2-10 North Van Brunt Street, Englewood, NJ 07631

MICHAEL L. PRIGOFF - #009761977
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STEVEN LONGA, THOMAS
MARTIN, MICHAEL RAWSON,
JONATHAN REITZ, and SEBASTIAN
ROLLO,

Plaintiffs,

v.

CITY OF ENGLEWOOD, EDWARD
HYNES and JEWEL
THOMPSON-CHIN,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY**

Docket No. BER-L-003933-19

Civil Action

**INTERROGATORIES TO
DEFENDANT CITY OF ENGLEWOOD
(FIRST SET)**

To: Defendant City of Englewood

PLEASE TAKE NOTICE, that pursuant to the Rules of Court, the Plaintiffs, by their attorneys, Lebson & Prigoff, LLC, hereby request that the Defendant, CITY OF ENGLEWOOD, answer each of the following interrogatories in writing under oath.

A. Definitions:

1. "Document" shall mean any written, printed, typed, records or other graphic matter of any kind or nature, and all mechanical and electrical sound recording and any transcripts thereof, and computer data files in the possession, custody, and/or control of plaintiff, or plaintiff's heirs, assigns, etc., and counsel by whatever means made; "document" shall also mean any written, printed, typed, drawn, punched, taped, filmed, reported or graphic matter, including drafts, which is or was in your possession, custody or control, or known by you to exist, including but not limited to any emails, text messages, accounts, records, book pamphlets, brochures, catalogues, periodicals, publications, advertisements, schedules, lists, punch lists, diagrams, schematics, drawings, mechanical drawings, shop drawings, manuals, letters, correspondence, telegrams, telephones records, memoranda, Contracts, leases, invoices, manifests, purchase orders, tickets, logs, computer records, bulletins, studies, surveys, call reports, sales letters, charts, graphs, index, data sheets, inter and/or intra-company communications, reports, plans, work sheets, notes, bills, checks, bank statements, ledgers, journals, travel records, desk calendars, minutes, transcripts, accounting records, financial records, bookkeeping records, photographs, tape recordings, videotapes or other form of data compilation.

This definition includes all documents for which privileges are claimed. If copies, reproductions or facsimiles of a document are not identical by reason of hand written notations, initials, identification marks or any other modification, each identical copy if a separate document is within the meaning of this definition.

2. "Communication" means any transfer or exchange between two or more

persons and any information whether by written or oral means, including but not limited to, personal conversations, correspondence, emails, text messages, telephone calls and telegrams. This definition includes all communications for which you claim privilege.

3. "Identify" and "state the identity of" mean:

(a) When used with reference to an actual person, to state:

- 1) The person's full name;
- 2) His or her present or last known business address and telephone number; and
- 3) His or her present or last known home address and telephone number.

(b) When used with reference to an institution or, organization, or business entity, to state:

- 1) The entity's legal name; and
- 2) The location of its principal place of operation and main telephone number.

(c) When used with reference to a document, whether or not that document is presently in existence, to either produce that document or state:

- 1) The identity of the person who signed it or over whose name it was used;
- 2) The date of the document or if undated, the day it was created;

- 3) The nature and substance of the document or writing with sufficient particularity to enable the document to be identified;
- 4) The identity of each person who created or received an original or copy of it;
- 5) The present or last known location and custodian of the document of any copy; and
- 6) If lost or destroyed, the date when lost or destroyed.

(d) When used with reference to a communication, state:

- 1) The date when and place where it took place;
- 2) The means of communication (e.g., telephone, correspondence, personal conversation, etc.);
- 3) The identity of the participants; and
- 4) The substantive information communicated.

4. In the context of an interrogatory or response thereto, whenever necessary to bring within the scope of the interrogatory information that would otherwise be excluded therefrom, the singular shall mean plural, and masculine gender shall mean the feminine and vice versa.

5. "And" and "or" shall be construed either disjunctively or conjunctively so as to require the inclusion of materials or information that would otherwise be excluded.

6. "Complaint" refers to the Verified Complaint filed by Plaintiffs which commenced this action.

7. "Budget Appropriation" means the appropriation for the particular budget year for the EFD in the municipal budget of Defendant City of Englewood.

8. "Date" means the exact day, month and year if ascertainable, or, if not, your best approximation thereof.

9. "EFD" means the Englewood Fire Department.

10. "List" means the list of potential appointees to the EFD created as a result of results of the Selection Process.

11. "Selection Process" means the protocol for the creation of the List for Firefighter candidates for appointment to the EFD, begun in 2016.

12. "You" shall refer to the CITY OF ENGLEWOOD, including its officers, agents and employees.

B. Instructions:

1. These interrogatories are of an ongoing nature, and should plaintiff acquire additional information responsive to these interrogatories, the answer shall be updated to provide the additional information pursuant to the Rules of Court.

2. If a privilege not to answer is claimed, identify such matters as to which privilege is claimed, the nature of the privilege and the legal and factual basis for such claim.

3. If a refusal to answer an interrogatory is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents and the number of person hours and costs required to conduct the search.

4. If any interrogatory cannot be answered in full, answer to the extent possible and specify reasons for inability to answer.

5. If you object to any portion of an interrogatory, provide all information called for by those portions of the interrogatory to which you do not object. For those portions of any interrogatories to which you object, state in detail the reason for such objection. With respect to each document, or portion thereof, withheld from production, please state the nature of the document (e.g., letter, memorandum, computer print out, etc.) on the date of the document identifying the persons who sent and received the original or a copy of the document, and state the subject matter of the document.

6. For each interrogatory, identify all documents you reviewed or rely upon in support of your response.

7. For each interrogatory, identify each individual whom you believe has knowledge and facts material to your response.

8. For each interrogatory, identify each individual who assisted in your response to said interrogatory and state their job title and address where applicable.

INTERROGATORIES:

1. Set forth all of your policies relating to staffing of the EFD from 2015 to the present, and produce copies of all documents which reflect communications relating to such policies.

2. With respect to the EFD, set forth the following information with respect to **each year** from 2015 to the present (with projected information for 2019):

- a. Total Budget Appropriation;
- b. Total actual EFD expenses;
- c. Number of firefighters (not including superior officers) employed by the EFD;
- d. Budget Appropriation for firefighter salaries and benefits;
- e. Actual expenses for firefighter salaries and benefits;
- f. Budget Appropriation for firefighter overtime; and
- g. Actual expense for firefighter overtime.

3. Identify, in accordance with the preceding definitions, each and every communication between and/or amongst members of the Mayor and Council of Englewood, the City Manager, the Fire Chief and any other officer or employee of Englewood regarding the 2019 Budget Appropriation, and attach copies of same to these answers.

4. Set forth and describe the development of the Selection Process, and identify any and all documents and communications which refer or relate to the said Selection Process, including without limitation, the elements of the process, the method of scoring, the results achieved by each candidate, and the resultant List.

5. Identify and provide a copy of the List, and identify any candidates who declined appointment or removed their name from consideration for appointment.

6. Identify any candidates who were appointed from the List as firefighters and indicate their dates of appointment.

7. Identify any communications between Defendant Edward Hynes and any other Englewood official regarding the conditional offers of employment delivered to each of the Plaintiffs.

8. Identify and attach copies of any communications and documents by third parties provided to Englewood officials criticizing the anticipated appointments of the Plaintiffs a firefighters for the EFD.

9. Identify and attach copies of any communications and documents that refer or relate to the conditional offers of employment made by the City to each of the Plaintiffs, and their acceptance thereof.

10. Identify and attach copies of any communications and documents that refer or relate to the additional testing or evaluations and the cost thereof, including without limitation, psychological tests, background investigations and medical tests, for the Plaintiffs.

11. Identify any other candidates to whom conditional offers of employment as firefighters were issued in 2019, and identify and attach copies of any communications or documents which refer or relate to such offers and their acceptance.

12. With respect to any allegations of the Verified Complaint which you deny or fail to admit, set forth in detail the factual basis for each such denial or failure to admit and identify any communications or documents which support said factual basis.

13. With respect to any affirmative defense set forth in your Answer to the Verified Complaint, set forth in detail the factual basis for each such affirmative defense and identify any communications or documents which support said factual basis.

LEBSON & PRIGOFF, LLC
Attorneys for Plaintiffs

By: Michael L. Prigoff
MICHAEL L. PRIGOFF

Dated: May 28, 2019

CERTIFICATION

I certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing answers to interrogatories are willfully false, I am subject to punishment. I further certify that any and all documents annexed to these answers to interrogatories are true copies of the originals.

CITY OF ENGLEWOOD

By: _____

Dated: _____