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CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

SEP 09 2014

Sue Regan
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CLERK OF SUPERIOR COURT

MARK B. LEE,

Plaintiff,

v.

TOWNSHIP OF ROBBINSVILLE, a corporate
body politic of the State of New Jersey;
MARTIN P. MASSERONI; MICHAEL
POLASKI; and JOHN DOE NOS. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY
LAW DIVISION

DOCKET NO. *L 2023-k*

CIVIL ACTION

COMPLAINT
AND JURY DEMAND

Plaintiff, MARK B. LEE ("Lee" or "plaintiff"), residing at 212 South Bay Avenue,
Borough of Beach Haven, State of New Jersey 08008, by way of complaint, says:

THE PARTIES

1. Lee was a police officer employed by the Township of Robbinsville Police Department. He began his employment as a Patrolman on June 24, 1996, and was promoted to Sergeant on December 15, 2002. As detailed below, Lee resigned from his employment with defendant Township of Robbinsville ("Robbinsville" or "defendant") on June 13, 2013.
2. Defendant Robbinsville is organized, pursuant to law, as the governing body of Robbinsville, with offices for the administration of its governmental functions located at 1 Washington Boulevard, Robbinsville, Mercer County, State of New Jersey.

3. Defendant Martin P. Masseroni ("Chief Masseroni" or "Masseroni"), is, and was at all times relevant to this lawsuit, the Chief of Police of the Robbinsville Police Department. Upon information and belief, as Chief of Police, Masseroni aided and abetted the unlawful conduct set forth herein.

4. Defendant Michael Polaski ("Polaski") is, and was at all times relevant to this lawsuit, a Lieutenant in, and one of the senior officers in charge of Administration of, the Robbinsville Police Department. Upon information and belief, Lieutenant Polaski aided and abetted the unlawful conduct set forth herein.

5. Defendants John Doe Nos. 1 through 10 are fictitious names of additional individuals who are yet unknown to Lee, who participated, directly or indirectly, in the acts, events or conduct set forth herein.

NATURE OF THIS ACTION

6. Lee brings this action against defendants pursuant to New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq. for disability discrimination, due to their failure to reasonably accommodate Lee's disability, and for their retaliatory actions taken against him.

JURISDICTION AND VENUE

7. Jurisdiction is properly laid in this Court in that all named defendants are subject to the personal jurisdiction of the Court and the as yet unidentified fictitious defendants, upon information and belief, also are subject to the jurisdiction of this Court. Venue is proper herein because all the events giving rise to the instant claims occurred within the County of Mercer, State of New Jersey.

STATEMENT OF FACTS APPLICABLE TO ALL COUNTS

8. Throughout his employment, Lee's performance met his employer's reasonable expectations since he performed all the duties required of him in a diligent, proper and satisfactory manner. However, Lee's life changed forever on the evening of September 17, 2012.

9. As a consequence of a mental health crisis, Lee was arrested and charged by members of the Robbinsville public and by several, fellow Robbinsville police officers with several criminal violations, including aggravated assault and official misconduct.

10. On the evening of September 17, 2012, Lee, then a 16 year plus veteran of the Robbinsville Police Department, had a psychotic episode at the apartment of Norman and Shirley Smith, 223 Hutchison Road, Robbinsville, New Jersey.

11. When Robbinsville Patrolman Scott Kivet ("Kivet") arrived at the scene pursuant to a 911 call for an assault in progress, he observed Lee seated on the couch, wearing his uniform class A pants and a white tee shirt.

12. Kivet recovered Lee's firearm which was in his gunbelt on the floor of the apartment, secured Lee's weapon and said to Polaski, who was supervising the matter, "Mike, something is wrong with him [Lee]. He isn't acting right." (Kivet's observation that Lee was not "right" was supported the following morning by Mrs. Smith's sworn statement to Detective Anthony Petracca from the Mercer County Prosecutor's Office, that "I just thought he was drunk until he didn't act right. He was acting crazy")

13. Thereafter, Kivet searched Lee and two other officers placed Lee in the rear of a patrol vehicle, pursuant to orders from Polaski, and proceeded to transport Lee to Police Headquarters.

14. While en route during transport, Lee's medical condition worsened as his mental faculties continued to diminish. Lee was unable to speak coherently; he began to scream, cry and pray, and was unable to have a normal conversation.

15. As it became obvious to the officers in the patrol car that Lee was in serious distress, the officers evidenced indecision whether Lee should be immediately transferred to the hospital.

16. Lee was about to be transported to the hospital when Chief Masseroni heard Lee screaming over the police radio and ordered Lee back to Police Headquarters.

17. Immediately thereafter, Polaski attempted to interrogate Lee (who remained in the back of the patrol vehicle) in the presence of several officers in the parking lot of the police station. Lee continued to experience increased medical difficulties which resulted in several Robbinsville officers charging him with Aggravated Assault and Criminal Mischief. After the police were able to subdue him, Lee was transported directly to the Crisis Unit at Capital Health Regional Medical Center in Trenton, New Jersey.

18. Lee remained at Capital Health for several days of work-up including Cat Scans and MRI. He was then transferred and detained at Ann Klein Forensic Center for thirty days. Subsequently, over the next several weeks and months, Lee was evaluated by several doctors of psychiatry and neurology, both as an in-patient and as an outpatient.

19. Lee was suspended without pay immediately following the incident.

20. Lee and Robbinsville, however, did attempt unsuccessfully to work out an agreement which would have secured some earned, accrued sick days and vacation pay, but the parties were unable to agree on the terms of a written agreement.

21. In October 2012, while Lee was spending time in the hospital receiving constant medical attention, Lee's spouse, Elise, and his attorney, representing him in the criminal matter pending in the Mercer County Superior Court, asked Police Chief Masseroni to make available Lee's accrued sick days. They emphasized that, while Lee required constant medical care concerning his ongoing health issues, the financial strain on Lee and his family was enormous.

22. In November 2012, Robbinsville proposed paying accrued sick time, limited by the Robbinsville SOA-CBA contractual cap in the amount of \$20,000.00, together with all earned and accrued compensatory time and vacation time, subject to a written agreement which would contain certain conditions, including Lee's resignation from the police department. Following the back and forth efforts by Lee and Robbinsville over several weeks, the parties were unable to agree, and, without an agreement, Robbinsville did not provide any financial assistance to Lee and his family.

23. On June 13, 2013, Lee resigned his job in connection with a Court hearing on his pending criminal charges in Mercer County Superior Court, which included aggravated assault and official misconduct. Lee, thereafter, pled not guilty to the criminal charges, in exchange for a thirty-six (36) month Pre-trial Intervention supervision, and upon Lee's forfeiture of his Robbinsville, and any future public, employment.

24. Beginning on September 17, 2012 through Lee's resignation on June 13, 2013, defendants have consistently viewed the incident as a criminal matter, and failed to even concede the possibility, let alone recognize, despite substantial medical evidence, that the unfortunate events of September 17 were due to a serious medical event.

25. To be sure, Lee's diagnosis took time to determine. Post September 17, 2012, Lee received treatment and was evaluated by many psychiatrists and neurologists at several facilities,

including the Ann Klein Forensic Center in West Trenton, New Jersey, the Carrier Clinic in Belle Mead, New Jersey, and several months of outpatient treatment at the Princeton House Behavioral Health, in North Brunswick, New Jersey, and the Community Psychiatric Center, East Orange, New Jersey. Nevertheless, Lee's extensive and constant medical supervision certainly should have prompted the reasonable conclusion that the September 17, 2012 incident was due to a severe medical crisis. But, based on their conduct, it never changed defendants' perspective.

26. That Lee suffered several, severe medical events on the evening of September 17, 2012, however, was not lost on the Mercer County Prosecutor's Office. In its October 2013 letter to the Police and Firemen's Retirement System, the Prosecutor's Office explained that Lee was not convicted of a crime; rather, Lee entered a not guilty plea to pending criminal charges in exchange for a Pretrial Intervention Order¹ because Lee's many medical and psychiatric examinations revealed that Lee "was likely suffering from serious physical and mental illnesses at the time of the events."

27. In contrast, Defendants' response to the September 17 incident throughout was discriminatory and increasingly hostile and punitive.

28. By way of example, defendants insisted on a written agreement as a condition to providing Lee with limited benefits which he had earned and accrued under his SOA-CBA when defendants were only offering Lee monies he was already entitled to under the CBA. Moreover, the insistence on a written agreement was plainly self-serving since defendants were insisting on a full release in exchange for only limited benefits to which Lee was already entitled.

¹ Lee has every expectation that, given his strict compliance with the requirements of his Pre-Trial Intervention Program, the criminal charges will be dismissed in due course.

29. Defendants' reaction to Lee's June 13, 2013 separation letter to Chief Masseroni (which Lee provided contemporaneously with his plea deal in the pending criminal matter) was similarly hostile and punitive.

30. After the plea deal, defendants refused to pay any monies to Lee. Defendants said that Lee's plea deal, which involved a forfeiture of Lee's current and future public employment as a condition for Pre-Trial Intervention, effectively nullified Lee's voluntary resignation. As such, defendants asserted that Lee waived benefits upon termination he otherwise would be entitled to pursuant to a "voluntary" separation.

31. Lee said at the time that he voluntarily agreed to enter into his plea deal to dispose of the criminal matter and to forfeit his public employment as a consequence of his on-going disability. Moreover, he presented his separation letter to the Prosecutor's Office before the Court entered the Order granting PTI which effected the forfeiture of public employment.

32. The reality is it did not matter whether Lee's forfeiture of his Robbinsville employment was voluntary or involuntary, since defendants' obligation to accommodate Lee's disability preceded the June 13, 2013 resolution of the criminal matter.

33. In essence, defendants chose to interpret Lee's plea deal as they did to excuse themselves from paying the relatively small amount which they should have already paid to Lee pursuant to the SOA-CBA. Moreover, any doubt about defendants' intention was eliminated when they further advised that defendants would have administratively discharged him for his conduct if his forfeiture had not already "mooted" his employment status with Robbinsville.

34. Finally, defendants' discriminatory, hostile and punitive response to the September 17 incident is further evidenced by their opposition to Lee's efforts to seek New Jersey State Temporary Disability in the absence of any cooperation and funds from Robbinsville.

35. Robbinsville (after failing to pay any funds whatsoever, including, for example, accrued, earned funds, under Lee's SOA-CBA, or failing to offer any temporary disability under Worker's Compensation, during the months Lee was suspended without pay) also opposed, and continued to oppose, Lee's effort (while he was suspended and after he separated from Robbinsville) to secure temporary disability benefits from New Jersey on the basis that his suspension resulted from, and his employment terminated, on account of criminal conduct.

36. However, recently, in a reversal of a prior denial of State Temporary Disability benefits, the Appeal Tribunal on remand from the Board of Review stated the following: (i) while the initial charges against Lee constituted a crime under the New Jersey Code of Criminal Justice; (ii) Lee was ultimately diagnosed as suffering from a mental illness at the time of his actions; (iii) therefore, Lee's behavior on September 17, 2012 was not willful and/or intentional; and (iv) accordingly, the Tribunal determined that Lee was not disqualified for State plan disability benefits as of 9/18/12.

37. Based on the foregoing, Lee, who was institutionalized several times for evaluation and treatment of his severe mental disorder, and under the constant care of doctors throughout, has had to rely during and after his suspension, on his parents, charity assistance, welfare and Medicaid until he qualified for Social Security and Disability Benefits. However, Lee's Social Security Disability benefits only cover some of Lee's expenses.

38. Thus, the effect of defendants' refusal to acknowledge that Lee was sick on September 17, 2012, and remains sick, has been devastating.

39. If Lee was recognized by defendants as sick on the evening of September 17, 2012, and had defendants provided medical care and called an ambulance, when it was obvious, or should

have been obvious, that Lee was suffering a serious medical event, many of the serious charges against him made by fellow Robbinsville police officers would not have occurred.

40. Even more devastating, as a result of defendants' refusal to view the September 17, 2012 incident as anything other than criminal misconduct, they turned a blind eye while Lee has lost his health, his career, his home and his savings.

FIRST COUNT

~~(Failure to Accommodate Plaintiff's Disability Under~~

New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq.)

41. Lee repeats and realleges paragraphs 1 through 40 of this complaint as if set forth at length herein.

42. Lee has a disability as that term is defined by the New Jersey Law Against Discrimination (the "NJLAD").

43. The NJLAD requires employers to provide reasonable accommodations for the disabled.

44. Defendants know, or should have known, that Lee was disabled and that he was entitled to a reasonable accommodation.

45. Defendants failed to engage with Lee in the "interactive process" required by law; failed to "reasonably accommodate" Lee as is required by the NJLAD; and otherwise discriminated against Lee on account of his disability.

46. Lee was entitled to reasonable assistance from his employer while on leave of absence following the September 17, 2012 Incident since defendants had the means to do so. Instead, defendants failed to offer anything which would have helped relieve Lee's financial obligations while he was dealing with his illness.

(ii) its failure to offer Temporary Disability under Workers' Compensation; and

(iii) its failure to allow Lee his earned and accrued sick time.

48. Defendants' conduct was egregious, willful and wanton and in reckless disregard of Lee's rights.

49. Defendants' conduct involved the participation of Upper Management thereby warranting

an award of punitive damages.

50. As a result of Defendants' unlawful conduct, Lee suffered economic damages, including loss of income and benefits which loss continues to date, and also suffered, and continues to suffer, emotional distress damages.

WHEREFORE, plaintiff demands judgment against defendants, Township of Robbinsville, Martin P. Masseroni and Michael Polaski, for compensatory damages and punitive damages, interest, attorneys' fees, costs of suit and civil fines and for such further relief as the Court deems just, proper and equitable.

SECOND COUNT

(Retaliation Under New Jersey's Law Against
Discrimination, N.J.S.A. 10:5-1 et seq.)

51. Lee repeats and realleges paragraphs 1 through 50 of this complaint as if set forth at length herein.

52. N.J.S.A. 10:5-12d prohibits an employer from retaliating against a person because he opposes a practice or action that is unlawful under the LAD.

53. Defendants knew, or should have known, that Lee was entitled to contractual benefits while on leave, as well as his workers' compensation benefits and entitled to his employer's cooperation in his pursuit thereof.

55. Lee acted in good faith in seeking to negotiate a reasonable written agreement. However, when negotiations failed, defendants, upon information and belief, were motivated by animosity and hostility towards Lee when they failed to offer Lee anything to assist him and his family.

55. As described herein, defendants thereafter retaliated against Lee in violation of the NJLAD.

56. Defendants' conduct was egregious, willful and wanton and in reckless disregard of Lee's rights.

57. Defendants' conduct involved the participation of Upper Management thereby warranting an award of punitive damages.

58. As a result of defendants' unlawful conduct, Lee suffered economic damages, including loss of income and benefits which loss continues to date, and also suffered, and continues to suffer, emotional distress damages.

WHEREFORE, plaintiff demands judgment against defendants, Township of Robbinsville, Martin P. Masseroni and Michael Polaski, for compensatory damages and punitive damages, interest, attorneys' fees, costs of suit and civil fines and for such further relief as the Court deems just, proper and equitable.

THIRD COUNT

(Aiding and Abetting Under New Jersey's Law Against
Discrimination, N.J.S.A. 10:5-1 et seq.)

59. Lee repeats and realleges paragraphs 1 through 58 of this complaint as if set forth at length herein.

60. As described herein, defendants engaged in unlawful conduct that caused injury to Lee.
61. Masseroni, Polaski, and one or more John Doe Nos. 1-10, were all aware of their central roles as part of the overall unlawful activity at the time they provided assistance to Robbinsville.
62. Masseroni, Polaski, and one or more John Doe Nos. 1-10, knowingly and substantially assisted Robbinsville's unlawful conduct and, as such, are individually liable under the LAD.
63. The conduct of Masseroni, Polaski, and one or more John Doe Nos. 1-10, involved the participation of Upper Management thereby warranting an award of punitive damages.
64. As a result of defendants' unlawful conduct, Lee suffered economic damages, including loss of income and benefits which loss continues to date, and also suffered, and continues to suffer, emotional distress damages.

WHEREFORE, plaintiff demands judgment against defendants, Township of Robbinsville, Martin P. Masseroni and Michael Polaski, for compensatory damages and punitive damages, interest, attorneys' fees, costs of suit and civil fines and for such further relief as the Court deems just, proper and equitable.

FOURTH COUNT

(Breach of Collective Bargaining Agreement)

65. Lee repeats and realleges paragraphs 1 through 64 of this complaint as if set forth at length herein.
66. The Agreement between Township of Robbinsville, Mercer County, and Superior Officer's Association of Robbinsville Township, PBA Local #344, Inc., January 1, 2011 through December 31, 2012, provides, in pertinent part, the following:

Article VI – SICK LEAVE AND WORKER'S COMPENSATION**B. INJURY OR ILLNESS IN THE LINE OF DUTY**

1. Any Employee acquiring an injury or illness in the line of duty shall receive full pay, privileges and benefits to a maximum of three hundred sixty-five (365) days. Such sick leave shall not be chargeable against the Employee's sick time. At the expiration of ninety (90) days of continuous sick leave, from the date of initial injury, the Employee shall provide the Employer with certification from a licensed physician that the Employee still suffers a disability and cannot resume his/her full duty. The Employer reserves the option to have the Employee examined by a licensed physician of its choice in order to return to work. Such procedure shall or may be implemented at ninety (90) day intervals until the expiration of three hundred sixty-five (365) days.

(Emphasis added.)

67. Defendants, upon, upon information and belief, gave no consideration whatsoever to applying this provision in Lee's case – notwithstanding his illness and injuries occurred when he was in the line of duty.

68. As a consequence of defendants' breach and unlawful conduct, Lee has been damaged.

WHEREFORE, plaintiff demands judgment against defendants Township of Robbinsville, Martin P. Masseroni and Michael Polaski, for compensatory damages, interest, attorneys' fees, costs of suit and civil fines and for such further relief as the Court deems just, proper and equitable.

JURY DEMAND

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

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Edward J. Nolan, Esq. as trial counsel.

Dated: September 8, 2014



Edward J. Nolan**CERTIFICATION PURSUANT TO R. 4:5-1**

I certify that the matter in controversy is not the subject of any other action pending in any court or of pending arbitration proceeding and that no such action or arbitration proceeding is contemplated by the undersigned. 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.

Dated: September 8, 2014



Edward J. Nolan

Appendix XII-B1



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c),
if information above the black bar is not completed
or attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: **SUPERIOR COURT FEES**
CHG/CK NO.: **RECEIVED AND FILED**
AMOUNT: **SEP 09 2014**
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY/PRO SE NAME
Edward J. Nolan, Esq.

TELEPHONE NUMBER
201 996-1400

COUNTY OF VENUE
Mercer County

FIRM NAME (if applicable)
LAW OFFICES OF EDWARD J. NOLAN

DOCKET NUMBER (where available)
2013-14

OFFICE ADDRESS

**One University Plaza
Suite 404
Hackensack, NJ 07601**

DOCUMENT TYPE
Complaint

JURY DEMAND ☒ YES ☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff)

Mark B. Lee

CAPTION

Township of Robbinsville, a Corporate Body Politic of the State of New Jersey; Martin P. Masseroni; Michael Polaski; and John Doe Nos. 1-10

CASE TYPE NUMBER
(See reverse side for listing)
618

HURRICANE SANDY
RELATED?
☐ YES ☒ NO

IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO
IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW
REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.

RELATED CASES PENDING?
☐ YES ☒ NO

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING ANY PARTIES
(arising out of same transaction or occurrence)?
☐ YES ☒ NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known)
☐ NONE ☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

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

DO PARTIES HAVE A CURRENT, PAST
OR RECURRENT RELATIONSHIP?
☒ YES ☐ NO

IF YES, IS THAT RELATIONSHIP

☒ EMPLOYER-EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) _____
☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR
ACCELERATED DISPOSITION:



DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS
☐ YES ☒ NO

IF YES, PLEASE IDENTIFY THE
REQUESTED ACCOMMODATION:

WILL AN INTERPRETER BE NEEDED?
☐ YES ☒ NO

IF YES, FOR WHAT LANGUAGE:

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

ATTORNEY SIGNATURE

Edward J. Nolan

SIDE 2

CIVIL CASE INFORMATION STATEMENT
(CIS)

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

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)**Track I — 150 days' discovery**

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

Track II — 300 days' discovery

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

Track III — 450 days' discovery

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

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

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

Multicounty Litigation (MCL) (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREXIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

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

Please check off each applicable category:

☐ Putative Class Action☐ Title 59

MERCER COUNTY COURTHOUSE
CIVIL CASE MANAGEMENT OFFICE
175 SOUTH BROAD ST P O BOX 8068
TRENTON NJ 08650-0068

COURT TELEPHONE NO. (609) 571-4490
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: SEPTEMBER 12, 2014
RE: LEE V TOWNSHIP OF ROBBINSVILLE ET AL
DOCKET: MER L -092023 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ANTHONY M. MASSI

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 012
AT: (609) 571-4475.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: EDWARD J. NOLAN
NOLAN & BOYAN LLC
LAW OFFICES OF EDWARD J NOLAN
1 UNIVERSITY PLAZA STE 404
HACKENSACK NJ 07601

JUNWOK1