

THE TOWNSHIP OF BRIDGEWATER

700 GARRETSON ROAD / BRIDGEWATER, N.J. 08807

908/725-6300 / FAX # 908/707-1235

TDD 908/725-6300 / 908/722-4111

J 2009

MAILING ADDRESS
P.O. BOX 6300
BRIDGEWATER, NJ 08807

January 16, 2009

TO: William B. Savo, Township Attorney

FROM: Linda J. Doyle, Municipal Clerk

Reference: **Civil Action Summons – Docket No.SOM-L-1964-08**
Patricia DeVecchio (Plaintiff) vs. Township of Bridgewater, township
of Bridgewater Police Dept., Chief Richard Borden, Edwin J.
Skidmore and Cathy Hamilton (Defendants)

Attached is the above referenced Civil Action that was received in the Township Clerk's office on January 16, 2009.

LJD:gc
Attachment

Cc: J. Naples, Township Administrator
Chief Richard Borden
File



Frank J. Provenzano
SHERIFF
908-231-7140

Somerset County Sheriff's Office

P.O. Box 3000 • Somerville, New Jersey 08876-1262

www.somcosheriff.org

- LAW ENFORCEMENT DIVISION -

Phone: 908-231-7140

Fax: 908-526-2558

W. J. Provenzano
JAN 16 2009

BRIDGEWATER

JAN 16 2009

TOWNSHIP
CLERK

Roy Gandolfe
UNDERSHERIFF
908-231-7185

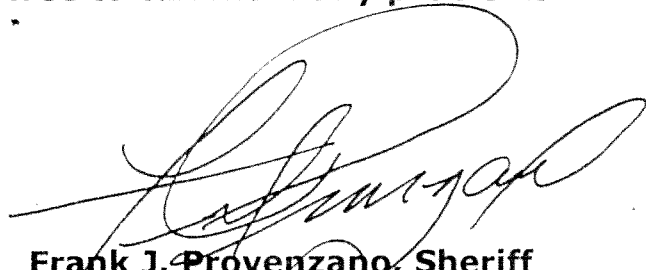
Among the many duties of the Sheriff of Somerset County is the responsibility for proper service of legal process.

The Sheriff rarely institutes or becomes involved in the litigation of civil suits. His office is the impartial serving arm of the court. Through his sworn officers, he attests that you, or a member of your family, were served as the court rules require.

These process papers generally advise you of the nature of the dispute and that the plaintiff is starting an action in court that will have to be answered. We suggest that you read these papers carefully, and contact your attorney to advise him that you have been served by the Sheriff's Office.

We do not know the facts of your dispute, and therefore cannot answer any questions of a legal or technical nature. However, if we can answer any other questions that may arise, feel free to call us at (908) 231-7140.

Our Sheriff's Officers are trained to be impartial, polite, and as tactful as possible. Please feel free to call me if any problems arise.



**Frank J. Provenzano, Sheriff
Somerset County**

SHERIFF'S OFFICE
SOMERSET COUNTY, N.J.
RECEIVED

2009 JAN -9 AM 9:12

LAW OFFICES OF BRIAN M. CIGE
7 East High Street
Somerville, New Jersey 08876
(908) 685-3775
Attorney for Plaintiff

PATRICIA DELVECCHIO

Plaintiff,

vs.

TOWNSHIP OF BRIDGEWATER,
TOWNSHIP OF BRIDGEWATER POLICE
DEPARTMENT, CHIEF RICHARD
BORDEN, EDWIN J. SKIDMORE and
CATHY HAMILTON,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-SOMERSET COUNTY
DOCKET NO. SOM-L-1964-08

Civil Action

SUMMONS

**From The State of New Jersey
To The Defendant Named Above:**

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 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 of \$135.00 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. 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.

THEODORE J. FETTER
Acting Clerk of the Superior Court

DATED: 7 January 2009

Name of Defendant to be Served: Township of Bridgewater
Address of Defendant to be Served: 700 Garretson Road, Bridgewater, NJ 08807

SOMERSET COUNTY SUPERIOR COURT
40 NORTH BRIDGE STREET
1ST FLR PO BOX 3000
SOMERVILLE NJ 08876-1262

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 231-7000
COURT HOURS

DATE: DECEMBER 29, 2008
RE: DELVECCHIO VS TOWNSHIP OF BRIDGEWATER
DOCKET: SOM L -001964 08

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 VICTOR ASHRAFI

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (908) 203-6033.

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: BRIAN M. CIGE
BRIAN M. CIGE
7 EAST HIGH STREET
SOMERVILLE NJ 08876

JUOKER

LAW OFFICES OF BRIAN M. CIGE
7 East High Street
Somerville, New Jersey 08876
(908) 685-3775
Attorney for Plaintiff

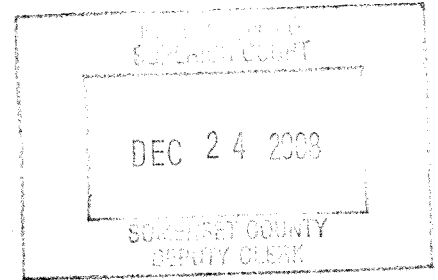
PATRICIA DELVECCHIO

Plaintiff,

vs.

TOWNSHIP OF BRIDGEWATER,
TOWNSHIP OF BRIDGEWATER POLICE
DEPARTMENT, CHIEF RICHARD
BORDEN, EDWIN J. SKIDMORE and
CATHY HAMILTON,

Defendants.



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-SOMERSET COUNTY
DOCKET NO. SOM-L-1964-08

Civil Action

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

Plaintiff, PATRICIA DELVECCHIO (hereinafter known as "Plaintiff"), by way of Complaint against Defendants, TOWNSHIP OF BRIDGEWATER (hereinafter known as "Defendant Township"), TOWNSHIP OF BRIDGEWATER POLICE DEPARTMENT (hereinafter known as "Defendant Department"), CHIEF RICHARD BORDEN (hereinafter known as "Defendant Chief"), EDWIN J. SKIDMORE (hereinafter known as Defendant Skidmore) and CATHY HAMILTON (hereinafter known as Defendant Hamilton), says:

FACTS

1. Plaintiff resides at 800 Robin Road in the Township of Hillsborough, County of Somerset and State of New Jersey.

2. Defendant Township has its principal office at 700 Garretson Road in the Township of Bridgewater, County of Somerset and State of New Jersey.

3. Defendant Department has its principal office at 505 Route 202-206 in the Township of Bridgewater, County of Somerset and State of New Jersey.

4. Defendant Chief's principal place of employment is located at 505 Route 202-206 in the Township of Bridgewater, County of Somerset and State of New Jersey.

5. Defendant Skidmore resides at 173 Buffalo Hollow Road in the Township of Glen Gardner, County of and State of New Jersey.

6. Defendant Hamilton's principal place of employment is located at 505 Route 202-206 in the Township of Bridgewater, County of Somerset and State of New Jersey.

FIRST COUNT

7. Plaintiff was hired by Defendants as a 911 Operator/Dispatcher on 18 February 1999.

8. For all relevant times, Defendant Hamilton was Plaintiff's immediate supervisor.

9. For all relevant times, Defendant Skidmore was Defendant Hamilton's immediate supervisor.

10. For all relevant times, Defendant Chief was Defendant Skidmore's immediate supervisor.

11. Plaintiff's job duties and responsibilities in the full-time Dispatcher position included, but were not limited to, receiving 911 emergency and non-emergency calls, dispatching police response, monitoring the status of units and maintaining related records.

12. Plaintiff was diagnosed with Irritable Bowel Syndrome in 2004 by Dr. Gary Cambotti, her gastroenterologist.

13. He recommended, at that time, that Plaintiff be re-assigned to day shifts only because of this disability.

14. Rather than accommodating Plaintiff as sought, or engaging in the otherwise required interactive process to determine whether she could perform the essential functions of her job if accommodated, Plaintiff was subjected to a hostile work environment and retaliated against.

15. Defendants' hostile work environment and retaliation caused Plaintiff additional suffering which required treatment by Dr. Joseph Rochford, a psychiatrist.

16. On 21 December 2006, Dr. Joseph Rochford provided a note for Plaintiff to submit to Defendants, which she did, again formally requesting accommodation, assigning her to the day shift.

17. This request was also illegally ignored.

18. As a consequence of her continuing pain and suffering, Plaintiff was caused to see her cardiologist, Dr. Rachana Kulkarni, who concurred with the need for accommodation previously formally determined medically necessary by Dr. Gary Cambotti and Dr. Joseph Rochford.

19. Defendants continued to refuse to transfer Plaintiff to the day shift as requested or otherwise engage in the required interactive process to determine that Plaintiff could perform the essential functions of her job with other accommodations.

20. The doctors' notes were each contemporaneously provided to Plaintiff's immediate supervisors at the time, first Senior Dispatcher Kathy O'Connor, then her replacement, Defendant

Hamilton, her immediate supervisor, Defendant Skidmore, his immediate supervisor, Defendant Chief, as well as to William Conniff, responsible for Human Resources for Defendant Township and Defendant Department.

21. As part of Defendants' continuing harassment and retaliation, they required Plaintiff to involuntarily submit to a psychological fitness evaluation by Dr. Jack Aylward, which took place on 27 December 2006.

22. While Plaintiff has yet to be provided with a written copy of his report, she was told directly by Dr. Aylward, at that time, that she was "fine."

23. Plaintiff continued to complain to Defendants about their failure to accommodate and assign her to day shift, and then brought these complaints to the New Jersey Division on Civil Rights in May 2007 (Docket No. ET066HM-53106).

24. By 28 February 2008, in violation of the New Jersey Law Against Discrimination N.J.S.A. 10:5-12, Plaintiff was unexpectedly, and without legitimate cause, handed a termination notice.

25. At that time, Plaintiff inquired whether a transfer was available to a comparable position since Defendants continued to refuse to assign her to the day shift.

26. Rather, Defendants arbitrarily forced Plaintiff to choose between resigning or accepting a demotion/transfer, to work in the Records Department, acting in bad faith, without sufficient legitimate reason and without just cause, in violation of Defendants' duty of good faith and fair dealing and in violation of public policy because of her disability and/or perception of disability.

27. Prior to this demotion/transfer, Plaintiff was earning an annual base salary of \$50,000.00 plus overtime and benefits.

28. After the demotion/transfer, Plaintiff was only allowed to earn an annual base salary of \$35,000.00, no overtime and less benefits.

29. While Plaintiff was not subjected by Defendants to a hostile working environment as of this date, she continued to suffer financially and emotionally.

30. As a result of the above-described discrimination and wrongful demotion/transfer, Plaintiff has been deprived of income in the form of wages and costs that should have been covered by benefits, has suffered consequential economic damage to her pension and continues to be otherwise damaged.

31. As a result of the above described discrimination and wrongful demotion/transfer, Plaintiff has suffered and continues to suffer non-economic damages, pain and suffering, requiring medical attention and other stress related residuals including those identified in Tarr v. Bob Ciasulli's Mack Auto Mall, Inc., 181 N.J. 70 (2003), seeing Dr. Joseph Rochford as needed and continuing treatment with Angela Calva, a social worker.

WHEREFORE Plaintiff demands judgment against Defendants, jointly and/or severally, for compensatory damages, including but not limited to lost income and pension contributions, punitive and statutory damages, statutory penalties (N.J.S.A. 10:5-14.a), reinstatement to her previous position, assigned to the day shift, with commensurate compensation and benefits, attorneys fees and other costs of suit pursuant to N.J.S.A. 10:5-27.1, and any such other relief determined just and equitable by the court.

SECOND COUNT

32. Plaintiff hereby repeats and reiterates the allegations contained in the First Count of this Complaint as if fully set forth herein.

33. Plaintiff requested reasonable accommodations because of her disability.

34. By failing and refusing to engage in the required, good faith interactive process, by failing and refusing to reasonably accommodate Plaintiff, not transferring her to an open, or by reassigning a less senior dispatcher potentially available, day shift as a Dispatcher, or to her current position while maintaining her prior level of compensation and benefits, which accommodations would not have imposed an undue hardship to Defendants, acting separately or in concert, each violated the NJLAD.

35. As a result of the above-described discrimination and wrongful demotion/transfer, Plaintiff has been deprived of income in the form of wages and costs that should have been covered by benefits, has suffered consequential economic damage to her pension and continues to be otherwise damaged.

36. As a result of the above described discrimination and wrongful demotion/transfer, Plaintiff has suffered and continues to suffer non-economic damages, pain and suffering, requiring medical attention and other stress related residuals including those identified in Tarr v. Bob Ciasulli's Mack Auto Mall, Inc., 181 N.J. 70 (2003), seeing Dr. Joseph Rochford as needed and continuing treatment with Angela Calva, a social worker.

WHEREFORE Plaintiff demands judgment against Defendants, jointly and/or severally, for compensatory damages, including but not limited to lost income and pension contributions, punitive and statutory damages, statutory penalties (N.J.S.A. 10:5-14.a), reinstatement to her previous position, assigned to the day shift, with commensurate compensation and benefits, attorneys fees and other costs of suit pursuant to N.J.S.A. 10:5-27.1, and any such other relief determined just and equitable by the court.

THIRD COUNT

37. Plaintiff hereby repeats and reiterates the allegations contained in the First and Second Counts of this Complaint as if fully set forth herein.

38. As a result of Plaintiff's complaints regarding the hostile work environment caused by Defendants' discrimination, and subsequent to her complaints to Defendants and/or to the New Jersey Division on Civil Rights, she was retaliated against and/or wrongfully demoted/transferred.

39. Defendants' acts of retaliation included, but were not limited to: negative approaches, being required to submit to a punitive psychological evaluation, being subject of an internal investigation and demotion/transfer, because of Plaintiff's disability and/or Defendants' perception of it.

40. This retaliation against Plaintiff had little to do with her performance and had everything to do with her disability and/or Defendants' perception of her disability, and in retaliation for her complaining about said illegal and discriminatory treatment by Defendants, in violation of the NJLAD.

41. As a result of the above-described discrimination and wrongful demotion/transfer, Plaintiff has been deprived of income in the form of wages and costs that should have been covered by benefits, has suffered consequential economic damage to her pension and continues to be otherwise damaged.

42. As a result of the above described discrimination, illegal retaliation and wrongful demotion/transfer, Plaintiff has suffered and continues to suffer non-economic damages, pain and suffering, requiring medical attention and other stress related residuals including those identified in Tarr v. Bob Ciasulli's Mack Auto Mall, Inc., 181 N.J. 70 (2003), seeing Dr. Joseph Rochford as needed and continuing treatment with Angela Calva, a social worker.

JURY DEMAND

Plaintiff demands a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PURSUANT to the provision of Rule 4:5-1(a)(2)(c), the court is advised that Brian M. Cige, Esq., is hereby designated as trial counsel.

CERTIFICATION

Pursuant to Rule 4:5-1(b)(2), I certify that to the best of my knowledge, information and belief, this action is not now subject of any other litigation or arbitration nor is any contemplated at this time. I know of no other party who should be joined in this action. I certify that the above statements are true and acknowledge that if they are willfully false, that I may be subject to punishment.

LAW OFFICES OF BRIAN M. CIGE
Attorney for Plaintiff

.....
BRIAN M. CIGE, ESQ.

DATED: 24 December 2008

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 if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CGCA

CHG / CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY / PRO SE NAME

Brian M. Cige, Esq.

TELEPHONE NUMBER

(908) 685-3775

COUNTY OF VENUE

Somerset

FIRM NAME (if applicable)

LAW OFFICES OF BRIAN M. CIGE

DOCKET NUMBER (When available)

SOM-L-

OFFICE ADDRESS

7 East High Street
Somerville, NJ 08876

DOCUMENT TYPE

Complaint and Jury Demand

JURY DEMAND

X YES NO

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

Patricia Delvecchio, Plaintiff

CAPTION

DELVECCHIO V. TOWNSHIP OF BRIDGEWATER, TOWNSHIP OF
BRIDGEWATER POLICE DEPARTMENT, CHIEF RICHARD BORDEN, EDWIN J
SKIDMORE and CATHY HAMILTON

CASE TYPE NUMBER
(See reverse side
for listing)

618

IS THIS A PROFESSIONAL MALPRACTICE CASE?

YES X 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 X NO

IF YES, LIST DOCKET
NUMBERS

DO YOU ANTICIPATE ADDING ANY
PARTIES (arising out of same
transaction or occurrence)?

YES X NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

NONE X UNKNOWN

THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE.

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

A. DO PARTIES HAVE A
CURRENT,
PAST OR RECURRENT
RELATIONSHIP?

X YES NO

IF YES, IS THAT
RELATIONSHIP

X EMPLOYER-EMPLOYEE

FRIEND/NEIGHBOR

OTHER (explain)

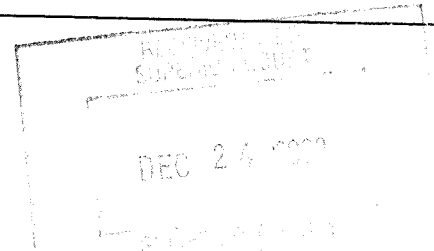
FAMILIAL

BUSINESS

B. DOES THE STATUTE GOVERNING THIS
CASE PROVIDE FOR PAYMENT OF FEES BY
THE LOSING PARTY?

X 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 X NO

IF YES, PLEASE IDENTIFY THE
REQUESTED ACCOMMODATION:

WILL AN INTERPRETER BE NEEDED?

YES X NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE