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Attorneys for Plaintiff
Carol Stelmach
Our File No.: 30.04.820

CAROL STELMACH, Plaintiff, v. TOWNSHIP OF WEST MILFORD, WEST MILFORD POLICE DEPARTMENT, AND JOHN AND JANE DOES 1-10, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: PASSAIC COUNTY DOCKET NO.: PAS-L-200-19 Civil Action SUMMONS
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The State of New Jersey, to the Above-Named Defendant(s):

Township of West Milford
c/o Antoinette Battaglia
Township Administrator
1480 Union Valley Road
West Milford, New Jersey 07480

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A \$135.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect

your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

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

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: January 23, 2019

/s/ Michelle M. Smith, Esq.

MICHELLE M. SMITH, ESQ.

Clerk of the Superior Court

ATLANTIC COUNTY

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

BERGEN COUNTY

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

BURLINGTON COUNTY

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

CAMDEN COUNTY

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

CAPE MAY COUNTY

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

CUMBERLAND COUNTY

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

ESSEX COUNTY

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

GLOUCESTER COUNTY

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

HUDSON COUNTY

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

HUNTERDON COUNTY

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

MERCER COUNTY

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

MIDDLESEX COUNTY

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

MONMOUTH COUNTY

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

MORRIS COUNTY

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

OCEAN COUNTY

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

PASSAIC COUNTY

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

SALEM COUNTY

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

SOMERSET COUNTY

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

SUSSEX COUNTY

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

UNION COUNTY

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

WARREN COUNTY

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

PASSAIC SUPERIOR COURT
PASSAIC COUNTY COURTHOUSE
77 HAMILTON STREET
PATERSON NJ 07505

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 247-8176
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 18, 2019
RE: STELMACH CAROL VS TOWNSHIP OF WEST MIL FORD
DOCKET: PAS L -000200 19

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 ERNEST M. CAPOSELA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 247-8205.

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: GINA M. LONGARZO
GINA MENDOLA LONGARZO, LLC
400 MAIN ST LOWER LEVEL
CHATHAM NJ 07928-2122

JURPEAO

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-000200-19

Case Caption: STELMACH CAROL VS TOWNSHIP OF
WEST MIL FORD

Case Initiation Date: 01/18/2019

Attorney Name: GINA MENDOLA LONGARZO

Firm Name: GINA MENDOLA LONGARZO, LLC

Address: 400 MAIN ST LOWER LEVEL

CHATHAM NJ 079282122

Phone:

Name of Party: PLAINTIFF : Stelmach, Carol

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

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

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

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)*

01/18/2019
Dated

/s/ GINA MENDOLA LONGARZO
Signed

LAW OFFICES OF
GINA MENDOLA LONGARZO, LLC

400 MAIN STREET
CHATHAM NEW JERSEY 07928
973.635.2901

Gina Mendola Longarzo, Esq.
Attorney ID No. 016231995

Attorneys for Plaintiff
CAROL STELMACH
Our File No. 30,04,820

CAROL STELMACH, Plaintiff, vs. TOWNSHIP OF WEST MILFORD, WEST MILFORD POLICE DEPARTMENT, and JOHN and JANE DOES 1-10, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: PASSAIC COUNTY DOCKET NO. Civil Action COMPLAINT AND JURY DEMAND
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Plaintiff Carol Stelmach by way of Complaint against the Defendants, Township of West Milford, West Milford Police Department, and John and Jane Does, 1-10, says:

THE PARTIES

1. Plaintiff Carol Stelmach, residing in the Borough of Sussex, in the State of New Jersey, is a police officer in the West Milford Township Police Department ("Department") with the current rank of police officer.
2. Township of West Milford ("Township") is a municipal subdivision organized pursuant to the laws of the State of New Jersey and operates by funding, staffing, supervising and otherwise controlling the operations of the Department. At all relevant times, the Township was the employer of the Plaintiff.
3. The Department is the public entity in the Township empowered to act as the police force delegated with the task of enforcing the laws of the State of New Jersey. At all

times relevant, the Township had the duty to exercise its powers and authority over the Department pursuant to N.J.S.A. 40A:14-118, *et seq.*, and to provide training, supervision and/or management of the Department.

4. Defendants the Township and the Department are public employers, as defined pursuant to the New Jersey Law Against Discrimination ("NJLAD") and the New Jersey Civil Rights Act ("NJCRA") and as provided pursuant to the Laws of the State of New Jersey. Defendants the Township and the Department are liable for the acts of the Defendants alleged herein either as the direct employer of Plaintiff, the direct-acting party, and/or as a responsible party for the acts of its employees under the doctrine of *Respondent Superior*. All actions alleged against Defendants the Township and the Department were carried out under the color of state law.
5. All of the Defendants have been listed herein based upon their specific, individual acts of civil rights violations and discrimination directed toward Plaintiff and/or their failure to prevent co-workers, superiors and subordinates of Plaintiff from engaging in conduct that was obviously discriminatory, harassing, and retaliatory in nature toward Plaintiff. Defendants are also listed herein based upon their direct acts and the failure to act when action was required, which created a hostile work environment and caused harm to Plaintiff.
6. Defendants John and Jane Does 1 through 10 are or were at all relevant times police officers and/or supervisory officers at the Department or are or were employed or appointed by the Department and/or the Township and/or were elected officials in the Township. These John and Jane Does also include persons who are or were agents of

the Department and/or the Township or whose conduct was intended to further the unlawful and/or discriminatory efforts of these Defendants. Said Defendants are fictitiously named herein inasmuch as their current identities are unknown to Plaintiff.

7. These fictitiously named Defendants are listed herein based upon their acts of performing overt violations of civil rights, of punishing Plaintiff for the lawful exercise of her civil rights, of failing to report acts of clear deprivation of Plaintiff's civil rights and/or creating a hostile work environment. Any and all allegations against any of the specifically named Defendants should be deemed to include and list these fictitiously named Defendants automatically by reference. As the true identities of these Defendants are made known to Plaintiff, said John and Jane Doe Defendants shall be designated by proper name.
8. All of the individual Defendants engaged in a conspiracy and acted jointly to subject Plaintiff to an intolerable, abusive, hostile and retaliatory work environment. The Defendants also violated the Plaintiff's rights, liberties, and protections guaranteed by the constitution of the State of New Jersey. The purposeful misconduct of all of the Defendants has caused great harm and injury to the Plaintiff.

STATEMENT OF FACTS

9. The Township is a civil service jurisdiction.
10. The Plaintiff has worked for the Township since May 1999 as a police officer.
11. Despite her distinguished, nearly 20-year career, Plaintiff has experienced discrimination and harassment on the basis of her gender and perceived sexual orientation. She has also been the victim of retaliation for complaining about the abuses she suffered.

12. These acts of discrimination and retaliation include, but are not limited to, disparate treatment, a hostile work environment, the denial of training opportunities, the denial of specialized assignments and overtime, bogus disciplinary investigations, petty acts of harassment, sexual harassment, harassment based upon her perceived sexual orientation, and other adverse employment actions.

a. Prior Lawsuit and Evidence of Ongoing Hostility for Plaintiff

13. In August 2008, Ms. Stelmach entered into a settlement agreement with the Township as a result of prior litigation. In that case, Plaintiff had alleged that members of the Township and Department had engaged in a conspiracy, for more than a two-year period, to harass Plaintiff and subject her to a sexually hostile work environment. The daily harassment included the retaliatory filing of departmental charges, the failure to properly investigate her complaints of sexual orientation discrimination, sexual harassment and criminal violations, the failure to punish her harassers, the subjection of Plaintiff to offensive, sexist and gender-based comments, the disparate treatment and different standards of conduct, the subjection of Plaintiff to a non-meritorious fitness for duty evaluation, and the failure to maintain her personnel file and disciplinary records in a confidential matter. The defendants in the prior litigation were alleged to have discriminated against Plaintiff on the basis of her sexual orientation as well as her gender.

14. Since the filing of the lawsuit and settlement in the aforementioned case, Plaintiff has suffered ongoing retaliation for the filing of same and continues to suffer the same disparate and illegal treatment that was the subject of her previous lawsuit. Further,

Plaintiff is consistently treated differently than her male counterparts and held to arbitrary rules and standards that male officers are not held to.

b. Misogynistic and Chauvinistic Work Environment

15. The Department has made one thing clear: the department is a man's department or a "Boys' Club," and there is little to no room for women to be treated equally or to excel. Even when the Department attempts to support a cause that mainly impacts women, it makes it about men. By way of one explicit example, in support of Breast Cancer Awareness Month, the Department authorized all officers to wear bracelets that contained such sexist expressions as "REAL MEN WEAR PINK" and "MAN ENOUGH TO WEAR PINK." Rather than use the standard pink bracelets that are used throughout the nation, the Department allowed such extra-large, nine-inch bracelets containing offensive language and that were designed for the larger wrists of men at the Department to be worn.

16. On or about June 17, 1992, the Township adopted or revised its Sexual Harassment Policy which prohibits all Township employees from directing the following behavior toward another Township Employee: making unwanted sexual advances, requests for sexual favors, and other verbal or physical actions where submission to such conduct is made implicitly or explicitly a term or condition of employment; submission to or rejection of such conduct is used as the basis for employment decisions; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

17. Despite the Township adopting said sexual harassment policy on or about June 17, 1992, the policy has not been amended or properly followed since then. Since Plaintiff's settlement, the Township held one sexual harassment seminar, which was scheduled for when Plaintiff was out on leave, on September 26, 2007. Defendants failed to schedule a make-up seminar despite Plaintiff's multiple requests for same. This was the only sexual harassment training seminar conducted by the Township in nearly eleven years until an online course was recently held this past Fall 2018 which totaled under sixty minutes in its entirety.

18. Consistent with this male-dominated environment, male supervisors in the Department publicly engaged in affairs and openly discussed their sexual trysts with women.

c. Plaintiff's Harassers and their Acts of Discrimination

19. The primary harasser in Plaintiff's prior lawsuit, Captain Michael Coscia, was good friends with Captain Robert Congleton. After Coscia retired, Congleton took his place and picked up the severe harassment of Plaintiff where Coscia left off.

20. Indeed, the Department allows, facilitates and encourages the sexual harassment of Plaintiff. In fact, Congleton, has openly referred to Claimant as "bitch" and other derogatory labels, attempted to manipulate her, and continuously sexually harassed her. For example, Congleton made several sexual gestures and innuendos in person and via text message despite knowing that Plaintiff was his subordinate employee who he knew had an alternate lifestyle and was thus extremely unlikely to be interested in his advances. Plaintiff rejected his sexual advances and his suggestion of a mutually beneficial

arrangement which led to his resentment and disparate treatment of Plaintiff when he was her Captain.

21. For example, on one occasion, after Congleton injured his hand, he suggested to Plaintiff that she masturbate his penis for him because he was unable to do so himself. Congleton, like a sexual predator, attempted to use his position to aggressively pursue Plaintiff. When she clearly rejected his sexual overtures, he began to blatantly disrespect her and engaged in quid pro quo, sexual harassment retaliation.

22. Due to Congleton's common practice of belittling and degrading women, another supervisor began openly referring to female subordinates as split-tails (a vulgar and derogatory term for vaginas) in a joking manner, which Chief Storbeck was fully aware of and which has given subordinate officers a rite of passage to repeat that and other vulgar terms in police headquarters.

23. On many other occasions, Congleton was aware of sexist remarks being made about Plaintiff, including vulgar and graphic comments regarding her sexual orientation in front of her male peers, including junior and new officers. Shockingly, Chief Storbeck knew what was going on but would put his fingers in his ears and walk out of the room singing "la la la la la" to simulate that he could not hear the outrageously offensive comments although he clearly witnessed the numerous acts of sexual harassment that occurred in his presence and failed to address same or take any proper, corrective action.

d. Disparate Treatment of Plaintiff

24. In addition to being regularly sexually harassed, Plaintiff is generally held to a different set of rules and stricter standards than her male peers and is not treated with the same

degree of respect that her male peers are. For instance, Plaintiff has been consistently denied training courses by Congleton and Storbeck that are afforded to male officers.

25. In addition, in 2016, when assigned to Sergeant McDaniel's squad, Plaintiff attended turnout at 6:55 a.m., which was exactly punctual. Congleton characterized this as late and ordered McDaniel to reprimand Plaintiff and tell her that if she is "late" again, she will be written up. However, Congleton would regularly disregard the tardiness of male officers, and he frequently started work late himself on numerous occasions after first fraudulently clocking himself in on time. Indeed, he regularly engaged in the theft of time of one hour during the beginning of his shift on an almost daily basis.

26. In addition, her legitimate grievances are not taken seriously and/or are thwarted. For example, in January 2017, when Plaintiff filed a grievance regarding Congleton's improper rules regarding shift swaps, Congleton came to work enraged and implemented an unreasonable rule, as direct punishment for Plaintiff's grievance, which mandated that swaps would only be approved one day in advance. Congleton's purpose, which was successful, was to make Plaintiff's fellow officers feel punished for her legitimate grievance and encourage her to withdraw from the grievance process, which she did, so as to avoid the environment of turmoil, harassment, and backlash that Congleton purposely created. However, after this rule change, Congleton only enforced such a policy against Plaintiff while allowing other male officers free rein to schedule their time off.

27. Additionally, when Plaintiff writes summonses to people who turn out to be friends with certain supervisors, she is chastised in front of her peers and pressured to drop the

summonses in court which makes it more difficult for Plaintiff to meet the (albeit potentially illegal) departmental ticket quota which she is evaluated on and which is a major part of her performance evaluation. Not only have Defendants implemented this potentially illegal quota, but Defendants also purposely prevent Plaintiff from meeting same so as to target, harass, and retaliate against her.

28. Clearly, Plaintiff has been under a microscope and has been greatly resented and disliked since the filing and settlement of her prior lawsuit and because she dared to break the unwritten rule of silence and instead exposed Defendants' sexist misconduct. Plaintiff is thus vindictively held to different rules and standards than her peers. Plaintiff was subjected to being a subordinate of male chauvinists for a majority of her career who not only aggressively attempted to change her sexuality and have a sexual affair with her but remain proud of their position that female officers should not be promoted.

29. For instance, in April 2017, Congleton openly spoke about his disgust over the idea of a female police officer, Patrolwoman Novakowski, being promoted to sergeant. Novakowski, who was next to be promoted to sergeant, was subjected to Congleton's indignities as he publicized his opinions and promised to vouch that she would never be promoted. Thereafter, for unknown reasons, Novakowski withdrew from consideration for sergeant.

c. Retaliatory Discipline

30. On January 25, 2016, Plaintiff was injured in a work-related motor vehicle accident ("MVA") that forced her into workers' compensation leave. The accident occurred as Plaintiff was driving around a sharp curve when she noticed that a motor vehicle was

stopped in her lane of travel. This incident was out of Plaintiff's control, as she did everything in her power to avoid striking the vehicle. However, Congleton used this incident as a platform for attacking Plaintiff by initiating a retaliatory, bogus internal affairs investigation, which is a highly unusual practice for a minor MVA as no other employee who has been in a MVA has been formally disciplined for such. Indeed, the Department has gone to great lengths to protect other officers who have been in on-duty MVAs, including one who was up for promotion so as to protect said promotion. In addition, when other officers have suffered worker's compensation on the duty injuries, they have been treated far more favorably by way of comparison.

31. Congleton first falsely accused Plaintiff of violating motor vehicle laws by driving too fast and by driving over the double yellow lines to try and avoid the collision. However, when Congleton realized that his false accusations were implausible, he claimed that Claimant's Mobile Video/Audio Recording ("MVR") Equipment was not activated in accordance with departmental policy. However, the MVR, which was supposed to activate upon impact, malfunctioned and failed to turn on. Congleton purposely rejected this legitimate reason and claimed that Plaintiff failed to manually activate the MVR in a timely manner. Moreover, Plaintiff was injured and startled from the crash and was unable to activate the MVR any faster than she did.

32. As further proof of the bogus nature of the subject disciplinary charges, Plaintiff made official reports of various malfunctions in various patrol cars on at least nine occasions. In addition, other officers have reported malfunctions. Despite Plaintiff's multiple written complaints, the equipment was never repaired or maintained properly and

continued to malfunction. On October 20, 2017, Sergeant Richnavsky informed Plaintiff that the MVR had been activating randomly. An Atlantic Radio Repair technician told Plaintiff that the issue was that the backup battery died because it was never properly maintained and switched out after its useful life expired. The technician confirmed that the same issue could prevent an MVR from activating upon impact if the battery was dead.

33. Despite the MVR malfunctioning, Plaintiff received a three-day suspension from the Township via Final Notice of Disciplinary Action dated June 21, 2016, and was ultimately blamed for the MVR not being activated properly even though it had malfunctioned and despite the fact that she manually turned the MVR on as fast as she could. Additionally, the Department took the unprecedented position against Plaintiff that she was not entitled to an appeal of her minor discipline. Despite contractual language to the contrary, Plaintiff was thus wrongfully denied a right of review of the bogus and retaliatory discipline imposed on her for the MVA. By way of contrast, male officers have received far better treatment (such as not even being charged on many occasions) and far more beneficial deals on their minor disciplinary matters.

34. Plaintiff attempted to appeal this procedural violation to Superior Court but was unsuccessful as the Court relied upon a technicality to deem that no further right of appeal existed.¹ Despite the Court's ruling on his matter, Plaintiff's claim of disparate treatment remains valid due to the far more favorable manner in which such disciplinary matters were handled by Defendant's for her male peers.

¹ Said final decision of the Superior Court was entered by way of Order and Opinion dated October 16, 2017, but was inexplicably not provided to Plaintiff's counsel by chambers until January 3, 2018.

f. Retaliatory Denial of Training

35. Defendants have purposely prevented Plaintiff from attending departmental schools and education. In April 2016, Plaintiff, interested in becoming a hostage negotiator, asked Congleton several times if she could attend a course in hostage negotiations. Congleton denied her request, stating that she "talks too much" to become a hostage negotiator. Congleton then selected a male officer, Patrolman Kulawiak, who did not want to attend the course and had no interest in becoming a hostage negotiator, to attend the course.

36. In April 2016, Congleton told Plaintiff that she was being sent to attend a course that she had already taken the year before. In April 2017, Plaintiff asked Chief Storbeck several times if she could attend a course on human trafficking because she heard that several other officers had been selected to attend and because the last course she was permitted to attend was over one year prior and was a class she had already taken. Storbeck denied Plaintiff's requests and would not even allow her to attend the course on her own time.

37. In addition, Defendants denied Plaintiff from attending all schools and courses she had an interest in, including Radar recertification school, an Excel educational seminar, and educational courses that would permit her to become a D.A.R.E./community policing officer and a field training officer. However, when male officers would request to attend educational seminars, Storbeck and/or Congleton would grant and accommodate their requests with lightning speed.

38. In addition, in December 2017, Congleton made it difficult for Plaintiff to get her off-duty weapon approved and purposely delayed her weapon familiarization, two things that

are vital to an officer's safety and should not be unnecessarily delayed for vengeful reasons.

g. Disparate and Retaliatory Treatment When Plaintiff was a Crime Victim

39. Further, when Plaintiff was the victim of nearly 10 bias crimes in the Township in July and August of 2017, the incidents were never investigated appropriately nor taken seriously. The written threats included threats against Plaintiff's life and demeaning remarks about her sexuality and gender.

40. Indeed, even when the potentially violent criminal contacted Plaintiff on at least two occasions after his arrest in October 2017, the matter was still not taken seriously. In fact, despite Plaintiff being a victim of these hate and bias crimes and fearing greatly for her safety in light of the palpable hatred and animosity being directed at her, Defendants would not help her or protect her, made sexist comments about the matter, refused her any safety precautions and treated the matter like it was a joke from the time the incidents began until the present day.

41. In addition, Plaintiff was denied her rights as a victim under the New Jersey Crime Victims' Bill of Rights. In fact, Plaintiff has written numerous memoranda and communications seeking protection as a victim and proper notifications, all of which have been ignored through the present time. Indeed, during a time when police officers were being subjected to random and frightening acts of violence and Plaintiff was receiving ongoing, pointed, violent threats by an unknown suspect, the Department took no actions to treat her or protect her as a victim, to properly handle the matter as a hate

bias crime or to extend Plaintiff even the slightest courtesy or response to her frantic and repeated requests for assistance.

42. On July 17, 2017, it was reported that someone wrote in black marker on the interior wall of a portable restroom within the Department's jurisdiction, "FUCK WEST MILFORD COPS! THEY ARE RACIST PIG FUCKS! CAROL STELMACH LESBO PIG WHORE. KILL THEM. BLACK LIVES MATTER."

43. On August 14, 2017, it was again reported that someone wrote, "CAROL STELMACH/JILL BRICKMAN PIG SLUTS OF WMPD. BLACK LIVES MATTER! WEST MILFORD COPS SUCK! THEY ARE RACIST PIGS! KILL THEM!"

44. On August 17, 2017, there were three additional reports that someone wrote, "CAROL STELMACH JILL BRICKMAN ARE PIG CUNTS. BLACK LIVES MATTER. WEST MILFORD COPS ARE RACIST PIGS."

45. On August 18, 2017, there was another report that someone wrote, "B.L.M. RACIST PIG COPS. THEY SUCK. CAROL STELMACH PIG SLUT."

46. On August 19, 2017, it was again reported that someone wrote, "FUCK WEST MILFORD COPS! KILL THE RACIST FUCKS! B.L.M. CAROL STELMACH / JILL BRICKMAN. LESBO SLUT WHORES OF WMPD."

47. On August 20, 2017, it was reported that someone wrote, "KILL WEST MILFORD COPS. THEY ARE RACIST PIGS. B.L.M. CAROL STELMACH IS A PIG/WHORE."

48. On August 27, 2017, the ninth portable restroom incident was reported which again targeted Plaintiff: "CAROL STELMACH, JILL BRICKMAN LESBO SLUTS AT W.M.P.D. RACIST PIG FUCKS! B.L.M. FUCK WEST MILFORD COPS!"

49. Despite these bias and death threats against Plaintiff, Defendants did not report same to the prosecutor's office for ten days.

50. On September 7, 2017, Plaintiff emailed Storbeck and Congleton regarding her concern about her safety after the aforementioned threats against her and how she was not being treated as a victim of a crime. There was no response. Plaintiff followed up again on September 8, 2017 and September 19, 2017 to no avail.

51. On August 22, 2017, in an unrelated matter, a mentally unstable female citizen posted a YouTube video alleging abuse and harassment by the Department and select male officers. In stark contrast, the Department reacted to this situation with lightning speed and conducted a full and thorough investigation including information about the videographer in the internal, daily bulletin. Defendants aggressively pursued this citizen for hurting their egos while joking about legitimate bias intimidation and death threats against Plaintiff and failing to properly investigate same and treat Plaintiff as any other victim would be treated.² Although an arrest was eventually made in Plaintiff's bias intimidation case, the suspect was only charged with a few of the many offenses he committed due to the Department's sloppy and haphazard investigation. Moreover, Defendants failed to investigate the remaining, additional crimes directed against Plaintiff.

h. Plaintiff's Repeated Complaints

² Similarly, close in time to the incident involving the videographer, someone anonymously posted throughout Department headquarters a handmade flyer criticizing Congleton's "poor leadership." As a result, Congleton had a full-scale, intensive internal affairs investigation conducted solely because he received unflattering, yet not dangerous or criminal, comments.

52. Beginning in approximately 2014 through the present time, Plaintiff has made repeated oral and written complaints to object to the harassment and retaliation she was being mercilessly subjected to and to seek protection and assistance regarding same. However, despite her many, repeated complaints, no proper corrective action has been taken to address her intolerable work conditions or to punish her harassers.
53. Plaintiff then filed a Notice of Tort Claim on April 29, 2018 and put the Township on notice of the Department's discrimination and retaliation against her. Again, Defendants took no steps whatsoever to address Plaintiff's complaints or protect her.
54. Due to the intolerable and ongoing acts of harassment and retaliation, Plaintiff wrote another memorandum to Chief Storbeck on January 1, 2019, outlining her concerns and requesting assistance. In response, the Department has finally decided to "investigate" the misconduct through its internal affairs division, which renders same subject to the New Jersey Attorney General Guidelines on Internal Affairs Policy and Procedures, and thus was to be handled entirely and mandatorily confidential. However, Plaintiff's confidential, internal complaints have since been made known to other members of the Department so that she can endure further hostility and acts of retaliation.
55. Claimant is a public employee and is suffering from ongoing discrimination, harassment and retaliation in the form of a hostile work environment and disparate mistreatment. The Department has failed to take proper corrective action, despite being put on notice of the improper misconduct by way of Plaintiff's numerous complaints and filing of a Notice of Tort Claim, and has instead responded with efforts to harass, retaliate against

and punish Plaintiff because of her sex, sexuality, and for voicing valid concerns and engaging in protected speech activities.

COUNT ONE

(NJLAD Gender Discrimination)

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

57. Throughout her employment at the Township, Plaintiff has been subjected to harassing comments and disparate treatment because of her sex, much of it by upper-level management and/or Plaintiff's supervisors, which male employees are not subject to.

58. The conduct, including such demeaning comments as referring to women as "split-tails," were severe and pervasive enough to make a reasonable woman believe that the conditions of her employment were altered and that the work environment was intimidating, hostile and abusive.

59. Plaintiff complained to upper level management about the harassment, retaliation, and disparate treatment to which she was being subjected. However, no action was taken against the culpable parties who were protected by Defendants, who directly condoned and participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper and swift investigation of Plaintiff's repeated complaints and failing to correct the disparate treatment and the adverse employment consequences she was being subjected to. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.

60. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.

61. As a direct result of the actions of defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, and has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation, emotional distress, pain, and suffering as well as anxiety, depression, and severe headaches due to a hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

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

COUNT TWO

(NJLAD Sexual Orientation Discrimination)

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

63. Throughout her employment at the Township, Plaintiff has been subjected to harassing comments and disparate treatment because of her perceived sexual orientation, much of it by upper-level management and/or Plaintiff's supervisors.
64. The conduct and comments, including such demeaning comments related to wanting to "change" Plaintiff so that she would have sexual intercourse with a male were severe and pervasive enough to make a reasonable woman believe that the conditions of her employment were altered and that the work environment was intimidating, hostile and abusive.
65. Plaintiff complained to upper level management about the harassment, retaliation, and disparate treatment to which she was being subjected. However, no action was taken against the culpable parties who were protected by Defendants, who directly condoned and participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper and swift investigation of Plaintiff's repeated complaints and failing to correct the disparate treatment and the adverse employment consequences she was being subjected to. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.
66. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.
67. As a direct result of the actions of defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, and has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury

to her reputation, emotional distress, pain, and suffering as well as anxiety, depression, and severe headaches due to a hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

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

COUNT THREE

(Harassment on the Basis of Sexual Orientation in Violation of NJLAD)

68. Plaintiff incorporates by reference each and every allegation made previously herein.
69. During her employment at the Department, Plaintiff was continuously subjected to harassing comments and conduct because of her perceived sexual orientation, much of it by upper-level management and/or Plaintiff's supervisors.
70. The conduct and comments were severe and pervasive enough to make a reasonable person believe that the conditions of her employment were altered and that her working environment was intimidating, hostile and abusive.

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

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

73. As a direct result of the Defendants' actions in violation of the NJLAD, N.J.S.A. 10:501 et seq., Plaintiff has been deprived of her employment rights and other rights. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering and physical effects due to the hostile work environment, discrimination and retaliation. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

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

COUNT FOUR

(NJLAD Retaliation)

74. Plaintiff incorporates by reference each and every allegation made previously herein.
75. In August 2008, Plaintiff entered into a settlement agreement with the Township after she was sexually harassed by a police supervisor.
76. Congleton was openly supportive of Plaintiff's harasser, whom he was good friends with, while simultaneously treating her with disdain.
77. Plaintiff has been retaliated against for her prior suit and current complaints about harassment, discrimination, and disparate treatment and has since been subjected to punishment, humiliation, and disparate treatment in the workplace, including but not limited to being subjected to bogus disciplinary matters, disparate treatment in the workplace and as a crime victim, training and overtime denials, and ongoing harassment and hostile work conditions.
78. As a direct result of the actions of defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, and has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation, emotional distress, pain, and suffering as well as anxiety, depression, and severe headaches due to a hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE the Plaintiff demands judgment jointly and severally against Defendants for seniority level back pay and front pay, restoration of all seniority and all

employee benefits that Plaintiff may have lost, compensatory damages for pain and suffering as well as loss of earnings and other employee benefits, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages, attorneys fees and costs of suit, injunctive relief requiring remediation of Defendants' harassment and retaliation, and any other relief deemed by the Court to be equitable and just.

COUNT FIVE

(Intentional Infliction of Emotional Distress)

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

80. As set forth in preceding paragraphs, Plaintiff was subjected to a hostile and retaliatory work environment.

81. Plaintiff's various complaints went unheeded, and she was continually subjected to demeaning, discriminatory, retaliatory, and distressing behavior by Defendants.

82. Defendants intentionally imposed verbal and mental abuse on Plaintiff, forced her to endure a hostile, abusive, and embarrassing work environment, and caused her to suffer severe mental and emotional distress. Plaintiff was also severely mistreated as the victim of a hate bias crime.

83. As a direct, foreseeable, and proximate result of the actions of Defendants, Plaintiff has suffered and will continue to suffer damages including but not limited to severe emotional distress, humiliation, embarrassment, physical harm, and severe anxiety manifesting itself in physical and psychological symptoms.

84. All of the Defendants did intentionally, maliciously, and/or in gross and wanton disregard of the safety and well-being of the Plaintiff, cause Plaintiff to sustain severe emotional upset and injury.

85. The Township is responsible for the actions of their employees pursuant to the doctrine of *Respondeat Superior*.

86. As a direct and consequential result of the intentional misconduct aforesaid, Plaintiff has been deprived of her employment rights and other rights and has lost wages and benefits. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE the Plaintiff demands judgment jointly and severally against Defendants for seniority level back pay and front pay, restoration of all seniority and all employee benefits that Plaintiff may have lost, compensatory damages for pain and suffering as well as loss of earnings and other employee benefits, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages, attorneys fees and costs of suit, injunctive relief requiring remediation of Defendants' harassment and retaliation, and any other relief deemed by the Court to be equitable and just.

COUNT SIX

(New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.*, Violation of Article I, Paragraphs 6, 18 and 19 of the New Jersey Constitution)

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

88. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of her valid right to speak out and expose official misconduct and violations of law, her right to file complaints and seek redress, her right to collectively bargain, and her right to engage in protected speech.
89. The retaliation for the exercise of these rights by Plaintiff includes, but is not limited to, disparate treatment; the maintenance of a hostile work environment; the refusal to investigate or remediate her claims of a hostile work environment; increased surveillance; petty acts of harassment designed to alienate her and frustrate her career progress; overtime and training; disparate treatment in the workplace; mistreatment as a hate bias crime victim; and other adverse employment actions.
90. Defendants violated Plaintiff's constitutional rights to freedom of speech, assembly and unionization, as guaranteed by Article I, paragraphs 6 (freedom of speech), 18 (freedom of assembly) and 19 (freedom to unionize) of the New Jersey Constitution. Defendants' conduct was in direct retaliation for Plaintiff's conduct in speaking out and filing grievances, collectively bargaining and engaging in union activities, and voicing of complaints exposing the various acts of illegal misconduct – all activities which are protected by the New Jersey Constitution. Defendants therefore violated Plaintiff's rights to freedom of speech, assembly and unionization.
91. Defendants are liable to Plaintiff under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 10:6-2, which creates a state law cause of action for violations of an individual's state constitutional and statutory rights. N.J.S.A. 10:6-2(c) provides a remedy against public Defendants for a person who demonstrates that he or she "has been deprived of any

substantive rights, privileges or immunities secured by the Constitution or laws of this State.” Such person “may bring a civil action for damages and for injunctive or other appropriate relief.” N.J.S.A. 10:6-2(c).

92. All actions alleged against Defendants were carried out under color of state law.
93. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.
94. Defendants' acts were discriminatory, wrongful, without basis in law or in fact, arbitrary, capricious, unconscionable, contrary to constitutional, statutory and decisional law and otherwise erroneous.
95. As a direct result of the Defendants' actions in violation of the NJCRA, Plaintiff has been deprived of her employment rights and other rights. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering and physical effects due to the hostile work environment, discrimination and retaliation. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment

committed against Plaintiff, attorney's fees and costs of suit, and any other relief deemed by the Court to be equitable and just.

DESIGNATION OF TRIAL COUNSEL

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

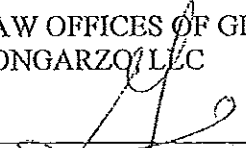
DEMAND FOR TRIAL BY JURY

Please take notice that the Plaintiff, CAROL STELMACH, demands a trial by jury.

CERTIFICATION PURSUANT TO RULE 4:5-1

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

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By: 

GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
CAROL STELMACH

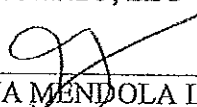
Dated: January 17, 2019

PROOF OF MAILING/CERTIFICATION

I hereby certify the within Complaint, Designation of Trial Counsel and Jury Demand was E-filed with the Clerk of Passaic County as Deputy Clerk of the Superior Court of Passaic County, New Jersey.

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.

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By: 

GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
CAROL STELMACH

Dated: January 17, 2019