

PLAINFIELD CITY CLERK'S OFFICE
2017 DEC 5 PM 11:11

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William R. Lane ♦
Gregory B. Noble ♦

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ATTORNEYS AT LAW

435 East Broad Street, Westfield, New Jersey 07090

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Robert A. Ballard, III

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♦ Certified By The Supreme Court of
New Jersey as a Civil Trial Attorney

December 1, 2017

Via Hand Delivery

Carl Riley
200 East 4th Street
Plainfield, New Jersey 07060

Re: Kenneth Reid v. City of Plainfield, et al.
Docket No. UNN-L-003967-17

Dear Mr. Riley:

In connection with the above-captioned matter, and in accordance with the Rules and practices of our Court, we enclose herewith a copy of Summons, together with a copy of the Amended Complaint filed in this case on November 10, 2017 with the Deputy Clerk of the Superior Court, Union County, Law Division, for you to answer within thirty-five (35) days in accordance with the Summons. A copy of the Track Assignment Notice is attached to the Complaint.

Very truly yours,



ROBERT A. BALLARD, III

RAB:cp
Enclosure

O'CONNOR, PARSONS, LANE & NOBLE, LLC

Gregory B. Noble, Esq. (#017601998)

R. Daniel Bause, Esq. (#019122011)

Robert A. Ballard, III, Esq. (#087192014)

435 East Broad Street

Westfield, New Jersey 07090

Phone: 908-928-9200

Attorneys for Plaintiff

KENNETH REID,

Plaintiff,

v.

CITY OF PLAINFIELD; PLAINFIELD
POLICE DEPARTMENT; ADRIAN
MAPP; CARL RILEY; JANE DOE I-V
(these names being fictitious as their
present identities are unknown); JOHN
DOE I-V (these names being fictitious as
their present identities are unknown);
XYZ CORPORATION I-V (these names
being fictitious as their present identities
are unknown),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO: UNN-L-003967-17

Civil Action

SUMMONS

FROM THE STATE OF NEW JERSEY, TO THE ABOVE-NAMED DEFENDANT:

CARL RILEY
200 East 4th Street
Plainfield, New Jersey 07060

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to the summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, Box 971, Trenton, NJ 08625-0971. A Filing fee payable to the Treasurer, State of New Jersey and a completed Case

Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

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

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

/s/ Michelle M. Smith

MICHELLE M. SMITH
Acting Clerk of the Superior Court

DATED: December 1, 2017

Name and address of Defendant to be served:

CARL RILEY
200 East 4th Street
Plainfield, New Jersey 07060

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 1 of 11 Trans ID: LCV2017454961

O'CONNOR, PARSONS, LANE & NOBLE, LLC

Gregory B. Noble, Esq. (#017601998)

R. Daniel Bause, Esq. (#019122011)

Robert A. Ballard, III, Esq. (#087192014)

435 East Broad Street

Westfield, New Jersey 07090

Phone: 908-928-9200

Attorneys for Plaintiff

KENNETH REID,

Plaintiff,

v.

CITY OF PLAINFIELD; PLAINFIELD
POLICE DEPARTMENT; ADRIAN
MAPP; CARL RILEY; JANE DOE I-V
(these names being fictitious as their
present identities are unknown); JOHN
DOE I-V (these names being fictitious as
their present identities are unknown);
XYZ CORPORATION I-V (these names
being fictitious as their present identities
are unknown),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO:

Civil Action

**AMENDED COMPLAINT
AND JURY DEMAND****FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

1. Plaintiff Kenneth Reid, ("plaintiff") resides at 518 Wheeler Place, Somerset, NJ 08873, and at all times relevant hereto was employed by defendants.

2. Defendants City of Plainfield (or the "Plainfield Police Department," "Plainfield PD" or "PPD"), is a business with the principal business address of 200 E. 4th Street, Plainfield, NJ 07060, which had the plaintiff in its employ during the relevant time periods herein.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 2 of 11 Trans ID: LCV2017454961

3. Defendant, Adrian Mapp ("Mapp") is employed at 515 Watchung Avenue, Plainfield, NJ 07060, and at all times relevant hereto was employed by defendant City of Plainfield, and played a role in forcing Plaintiff into retirement.

4. Defendant, Carl Riley ("Riley") is employed at 200 E. 4th Street, Plainfield, New Jersey 07060, and at all times relevant hereto was employed by defendant PPD and had supervisory authority over plaintiff.

5. At all times relevant hereto, the defendants Jane Doe I-V and John Doe I-V are fictitious names used to identify those individuals which names are presently unknown that engaged in wrongful acts outlined herein and their identities are presently unknown.

6. At all times relevant hereto, the defendants XYZ Corporation I-V are fictitious names used to identify those corporations which names are presently unknown but include corporations incorporated under the laws of the State of New Jersey and/or other states and had plaintiff under their employ.

7. Plaintiff is a 59 year old African-American male.

8. Plaintiff commenced employment with the City of Plainfield Police Department in or about July of 1984.

9. From 1984 to 2013, Plaintiff worked his way through the ranks, eventually being promoted to the position of Lieutenant in or about 2013.

10. Upon information and belief, his employment during that time was without incident and his reviews were positive.

11. In or around early 2014, Riley was appointed Police Director and Director of Public Safety, making him Plaintiff's supervisor. Riley is younger than Plaintiff.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 3 of 11 Trans ID: LCV2017454961

12. In or around fall 2015, Plaintiff was on duty when an intoxicated driver struck a telephone pole in Plainfield.

13. Plaintiff responded to the scene, at which point other officers in the department and the fire division were already on scene. As the Watch Commander, he was advised of what had taken place and was told that other officers were going to check the driver's listed address and confirm his identity.

14. Plaintiff's subordinates dealt with a Union County Assistant Prosecutor in making an application to take a blood sample.

15. Plaintiff and/or his subordinates had difficulty obtaining the identification of the driver, and Plaintiff was subsequently reprimanded for not conveying that information to the Assistant Prosecutor. Plaintiff was threatened with a six month suspension and a demotion.

16. In or around January or February of 2016, Plaintiff was hospitalized with blood pressure issues for about five to six days.

17. During Plaintiff's stay in the hospital, Riley and Sgt. Gene Golston ("Golston") visited him and pushed for his retirement, telling him "you should retire." Riley also told Plaintiff that "this could all go away," asked him how much he makes in side jobs and told him he could make up that extra money with another job.

18. After Plaintiff was released from the hospital, the community began showing support for him, and a rally was organized.

19. Plaintiff's son, a Franklin Township Police Officer, participated in the rally.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 4 of 11 Trans ID: LCV2017454961

20. Shortly after the rally, Plaintiff was in his driveway when an unmarked Franklin Township Police car approached him. The officer driving the vehicle told Plaintiff that Plainfield Police Department was encouraging Franklin Township to suspend Plaintiff's son for speaking at his rally.

21. Plainfield PD had contacted Franklin Township PD to open an investigation on Plaintiff's son, but Franklin Township PD subsequently found that he had done nothing wrong in speaking out about his father.

22. As the pressure began mounting against Plaintiff, he was forced to retire on May 1, 2016.

23. Upon Information and belief, Plaintiff was replaced by, or his job responsibilities subsumed by, a younger employee.

24. In or around June of 2017, Plainfield Fire Chief Frank Tidwell ("Tidwell") filed a lawsuit against the City of Plainfield and Riley, amongst others, alleging harassment and age discrimination. Specifically, Tidwell claims that Riley attempted to force him into retirement due to his age.

25. In his suit, Tidwell claims to have obtained an audio recording in which Riley makes reference to discriminating against Plaintiff.

26. Specifically, the suit claims that Riley allegedly boasted, "Chief Tidwell thinks he's Teflon. You saw what I did to Kenny Reid."

27. Such actions evidence a clear intent on behalf of Riley and the department to discriminate against Plaintiff on account of his age and/or disability/perceived disability and force him to retire.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 5 of 11 Trans ID: LCV2017454961

FIRST COUNT

**New Jersey Law Against Discrimination
Age Discrimination**

28. Plaintiff repeats and re-alleges each and every allegation of the within paragraphs of this complaint as if set forth at length herein.

29. Plaintiff Reid was a member of a protected class under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD"), because he was 58 at the time of his forced retirement.

30. Defendant City of Plainfield is an "employer" as defined under the LAD.

31. Plaintiff was forced to retire on account of his age in violation of the LAD.

32. This forced retirement constitutes a termination under the LAD.

WHEREFORE, Plaintiff, Kenneth Reid, demands judgment against defendants, City of Plainfield; Plainfield Police Department; Carl Riley; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown); XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, for harm suffered as a result of defendants' age discrimination in violation of the LAD as follows:

- (a) full compensation for back pay and benefits with full remuneration, with interest;
- (b) full compensation for front pay and benefits with full remuneration, with interest;
- (c) compensatory damages;
- (d) consequential damages;

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 6 of 11 Trans ID: LCV2017454961

- (e) punitive damages;
- (f) pre-judgment interest;
- (g) attorneys' fees with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and
- (h) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

SECOND COUNT

New Jersey Law Against Discrimination Hostile Work Environment – Disability and/or Perceived Disability Harassment and Discrimination

33. Plaintiff repeats and realleges each and every allegation of the within paragraphs of this Complaint as if set forth at length herein.

34. Pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD"), defendant is liable for the acts constituting hostile work environment disability and/or perceived disability harassment and discrimination of Plaintiff by defendants' employees, supervisors and management.

35. Defendants are an "employer" as defined under the LAD.

36. As set forth herein, defendants created and perpetuated a severe and pervasive hostile work environment based upon harassing Plaintiff at the hospital during his medical leave. Plaintiff was harassed and intimidated during his medical leave, and was forced into retirement.

37. Plaintiff was forced to retire on account of his disability in violation of the LAD.

38. Plaintiff was forced to retire on account of a perception by his employer

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 7 of 11 Trans ID: LCV2017454961

that he was disabled in violation of the LAD. This forced retirement constitutes a termination under the LAD.

39. Defendants failed to implement any effective preventative or remedial measures to protect against disability and/or perceived disability discrimination including, but not limited to:

- (a) failure to adequately train supervisory personnel;
- (b) failure to institute or implement effective policies or procedures regarding racial and other discrimination and the reporting and investigation of complaints of same;
- (c) failure to adequately monitor or supervise the illegal activities and discriminatory actions of supervisory personnel;
- (d) failure to provide adequate training to recognize, address, rectify and/or prevent illegal or discriminatory conduct; and
- (e) failure to adequately rectify, discipline or prevent known discriminatory conduct by supervisory personnel.

40. The conduct engaged in by defendants constitutes egregious behavior and/or willful indifference by upper management to the rights of Plaintiff sufficient to subject defendants to punitive damages under the LAD and Lehmann v. Toys 'R' Us.

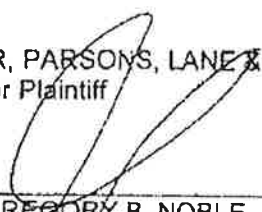
41. Plaintiff has been severely injured as a result of such disability and/or perceived disability discrimination that he has suffered, and continues to suffer, physical and bodily injuries, severe emotional distress, humiliation, embarrassment, anguish, person hardship, career and social disruption, psychological and emotional harm, economic losses, lost employment opportunities, and other such damages.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 8 of 11 Trans ID: LCV2017454961

WHEREFORE, Plaintiff, Kenneth Reid, demands judgment against defendants, City of Plainfield; Plainfield Police Department; Carl Riley; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown); XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, for harm suffered as a result of defendants' hostile work environment disability and/or perceived disability discrimination in violation of the LAD as follows:

- (a) full compensation for back pay and benefits with full remuneration, with interest;
- (b) full compensation for front pay and benefits with full remuneration, with interest;
- (c) compensatory damages;
- (d) consequential damages;
- (e) punitive damages;
- (f) pre-judgment interest;
- (g) attorneys' fees with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and
- (h) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 

GREGORY B. NOBLE

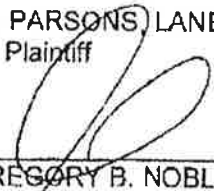
Dated: November 2, 2017

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 9 of 11 Trans ID: LCV2017454961

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 

GREGORY B. NOBLE

Dated: November 2, 2017

DESIGNATION OF TRIAL COUNSEL

Please take notice that pursuant to Rule 4:25-4, Gregory B. Noble, Esq. is hereby designated as trial counsel in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

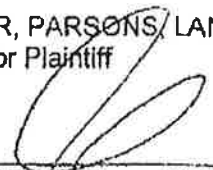
The undersigned, Gregory B. Noble, certifies on behalf of the plaintiff as follows:

1. I am an attorney admitted to practice law in the State of New Jersey, counsel for the above-named Plaintiff in the subject action.
2. The matter in controversy in this case is not, to my knowledge, the subject of any other action pending in any court or pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.
3. There are no other parties who should be joined in this action that we are aware of at the present time.

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 10 of 11 Trans ID: LCV2017454961

I hereby 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.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 

GREGORY B. NOBLE

Dated: November 2, 2017

UNN-L-003967-17 11/10/2017 9:21:59 AM Pg 11 of 11 Trans ID: LCV2017454961

UNN L 003967-17 11/08/2017 4:08:50 AM Pg 1 of 1 Trans ID: LCV2017441706

UNION COUNTY SUPERIOR COURT
2 BROAD STREET
ELIZABETH NJ 07207

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 659-4810
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 07, 2017
RE: REID KENNETH VS CITY OF PLAINFIELD
DOCKET: UNN L -003967 17

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 ROBERT J. MEGA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (908) 659-4820.

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: GREGORY B. NOBLE
O'CONNOR PARSONS LANE & NOBLE
435 EAST BROAD ST
WESTFIELD NJ 07090-2123

ECOURTS

NJ SUPERIOR COURT LAWYER REFERRAL AND LEGAL SERVICE LIST

ATLANTIC COUNTY:
Deputy Clerk, Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk, Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

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

CAMDEN COUNTY:
Deputy Clerk, Superior Court
Civil Processing Office
Hall of Justice
1st Fl, Suite 150
101 South 5th Street
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk, Superior Court
9 N. Main Street
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk, Superior Court
Civil Case Management Office
60 West Broad Street
P. O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY:
Deputy Clerk, Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk, Superior Court
Civil Case Management Office,
Attn: Intake, First Fl., Court
House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:
Deputy Clerk, 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, Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk, Superior Court
Local Filing Office, Courthouse
175 S. Broad Street
P. O. Box 8968
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:
Deputy Clerk, Superior Court
Middlesex Vicinage
Second Floor, Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:
Deputy Clerk, Superior Court
Court House
P. O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:
Morris County Courthouse
Civil Division
Washington & Court Streets
P. O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:
Deputy Clerk, Superior Court
Court House, Room 121
118 Washington Street
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:
Deputy Clerk, Superior Court
Civil Division - Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:
Deputy Clerk, Superior Court
Attn: Civil Case Management
Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY:
Deputy Clerk, Superior Court
Civil Division Office
40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

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

WARREN COUNTY:
Deputy Clerk, Superior
Court
Civil Division, Court
House
413 Second Street
Belvidere, NJ 07823-
1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010