

SUMMONS

Attorney(s) Brian S. Schiller, Esq.
Office Address 123 South Avenue East, 2nd Floor
Town, State, Zip Code Westfield, New Jersey 07090
Telephone Number 908-233-4840
Attorney(s) for Plaintiff Jason Jones

JASON JONES

Plaintiff(s)

Vs.
TOWNSHIP OF HANOVER, TOWNSHIP OF HANOVER
POLICE DEPARTMENT and JOHN DOES 1-10

Defendant(s)

Superior Court **RECEIVED**
New Jersey

2019 APR 10 P 2:17
MORRIS COUNTY
LAW DIVISION TOWNSHIP OF HANOVER

Docket No: MRS-L-702-19

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) 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. (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, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

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

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

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

DATED: April 5, 2019

Name of Defendant to Be Served: Township of Hanover

Address of Defendant to Be Served: 1000 Route 10, Whippany, New Jersey 07981

Brian S. Schiller, Esq. – NJAID 024722009
Schiller McMahon
123 South Avenue East
Second Floor
Westfield, New Jersey 07090
P: (908) 233-4840
F: (908) 935-0822
Attorneys for Plaintiff, Jason Jones

JASON JONES,

Plaintiff,

v.

TOWNSHIP OF HANOVER, TOWNSHIP
OF HANOVER POLICE DEPARTMENT
and JOHN DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW ERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.: MRS-L-

Civil Action

COMPLAINT and JURY DEMAND

Plaintiff, Jason Jones, by and through his attorneys, Schiller McMahon, by way of
Complaint against the noted defendants, alleges as follows:

NATURE OF ACTION

1. This is an action seeking equitable and legal relief for violations of the New Jersey
Law Against Discrimination due to the Plaintiff's race.

JURISDICTION AND VANUE

2. This is an action in a case of actual controversy and is brought pursuant to the *Rules
Governing the Courts of the State of New Jersey*. Venue is proper in Morris County pursuant to
Rule 4:2-3 of the Rules Governing the Courts of the State of New Jersey inasmuch as the claims
arose in said County.

PARTIES

3. At all times relevant hereto, Jason Jones ("Jones" or "Plaintiff") was an employee of the Township of Hanover and the Township of Hanover Police Department, and he was a resident of the state of New Jersey.

4. At all times relevant hereto, Defendant, Township of Hanover ("Township"), was a municipality in Morris County, duly organized and existing under the laws of the State of New Jersey with a primary place of business located at 1000 Route 10, Whippany, New Jersey 07981.

5. At all times relevant hereto, Defendant, Township of Hanover Police Department ("Department"), was a municipal subdivision and arm of the Township located at 1000 Route 10, Whippany, New Jersey 07981.

6. At all times relevant hereto, Defendants John Does 1-10, being fictitious identities and representing unnamed agents, servants and employees of the Township and Department, violated Plaintiff's rights and/or were a proximate cause or substantial factor of Plaintiff's damages. They are sued in their individual and official capacities.

FACTS COMMON TO ALL COUNTS

7. In May of 2017, Jones, an African American male, was hired by Defendants as a police officer.

8. During his employment with the Township, Jones was the only African American officer in the Department. While the Department was comprised of over 30 police officers, there was only one other minority officer aside from Plaintiff, and the remainder of the Department was comprised of Caucasian men and no female officers.

9. Upon information and belief, Jones was the Department's first African American hire in fifteen years.

10. Prior to joining the Department, Jones had been an experienced police officer with the Camden County Police Department for over three years.

11. As a new hire in Hanover, despite being a police officer for several years, Jones was placed on a one-year probationary period.

12. In June 2017, evidence will show that Jones had a conversation with his Field Training Officer, David Littman ("Littman"), regarding the climate of policing and the treatment of African American males during traffic stops.

13. Jones explained to Littman that if Jones gets pulled over, Jones does not immediately identify himself as a police officer, because Jones does not want it to appear that Jones believes that he is above the law. He also remarked to Littman that he observed that he was treated differently on occasion.

14. As a result of the aforementioned conversation, upon information and belief, Littman wrote in Jones's field training observation report that Jones's comment showed Jones displayed bad integrity and exercised poor judgment.

15. Jones's comments to Littman about being a black police officer who has been treated poorly during car stops soon spread throughout the Department, and Jones was advised that Hanover officers could not and did not trust him.

16. After the conversation with Littman, Jones noticed an obvious change in Littman's behavior. Littman began taunting Jones, going so far as suggesting that Jones attend training at the police academy, which was both shocking and humiliating to Jones, a three-year veteran with experience in a high crime area such as Camden.

17. Prior to the conversation, Jones and Littman had discussed Jones purchasing a handgun from Littman. After the conversation, Littman refused to sell Jones the handgun they had previously discussed. Littman also deleted Jones as a friend on his social-media account.

18. Over the next several months, Plaintiff was subjected to systemic and targeted discrimination in an obvious, concerted effort to push the only African American police officer out of the Department.

19. The aforementioned efforts included requiring Jones, an experienced police officer, to return to the police academy for training, and writing false, disparaging employee evaluation reports to give the impression that Jones was performing poorly.

20. Jones was also subjected to racially insensitive comments during his time with the Department. For example, after the Charlottesville, Virginia protests in August 2016, multiple police officers spoke openly in the breakroom about slavery. The officers stated that slavery never existed and they could not understand why black people were upset when, as they stated, slavery never existed, according to them, and that was one of the reasons that they voted for Donald Trump.

21. During the processing of two African American suspects, Jones asked one of the suspects whether he drank alcohol as part of the required processing questions. After one of the suspects replied, "No, I just drink water," Officer Eric Woodruff stated to Jones, "Come on man, you know how your people are."

22. While eating a grilled chicken salad for lunch on day in the break room, Jones was asked by one of the officers, "What is that, fried chicken?"

23. On or about July 31, 2017, Littman advised Jones that he was not well liked, the Department was not for him, and he should start looking for other jobs, because Jones's law

enforcement career was over.

24. Jones continued to receive disparaging evaluations through September 2017.

25. Jones raised concerns about the false and disparaging evaluations to Lt. Ryan Williams, who ordered Jones to put his concerns in writing. Jones put his concerns in writing on Thursday, September 14, 2017.

26. Just four days later, on September 18, 2017, Jones was called to the Chief's office, where Jones was provided with a preliminary notice of proposed dismissal from the Department.

27. On Monday, September 25, 2017, concerns related to the harassment and discrimination of Jones were brought to the Defendants' attention.

28. On Wednesday, September 27, 2017, after concerns related to racial discrimination and harassment were brought to Defendants' attention, Defendants suspended Jones without pay, pending the conclusion of the internal affairs investigation into Jones's complaints.

29. On September 29, 2017, after raising concerns regarding the decision to suspend Jones after complaints of racial discrimination and harassment were filed on Jones's behalf, Jones's status was amended to suspended with pay.

30. In or around January 2018, the Department allegedly initiated an internal affairs investigation into Jones's complaints.

31. On March 26, 2018, Jones received a second preliminary notice of proposed dismissal from the Department, which stated a decision on his termination would be reached on April 12, 2018.

32. On March 27, 2018, Jones received a letter from the Department, which was dated March 20, 2018, and which stated that the internal investigation and a review of all information failed to disclose sufficient evidence to clearly prove or disprove Jones's allegations.

33. The internal affairs investigator never interviewed Jones prior to concluding the investigation, in violation of the New Jersey Attorney General Internal Affairs Policy & Procedure.

34. Upon information and belief, the internal investigation was merely a sham meant to justify Defendants' desired outcome – the termination of the only African-American police officer employed by Defendants.

35. On April 10, 2018, Jones resigned from the Department, effective April 12, 2018.

36. Defendants' actions hereinabove were especially egregious, in that they were motivated by actual malice or were done with willful and wanton disregard of the rights of Plaintiff.

37. Defendants actually participated in, and/or were deliberately indifferent to, the wrongful conduct.

38. The conduct engaged in by Defendants constitutes egregious behavior and/or willful and wanton disregard by upper management of the rights of Plaintiff sufficient to subject the Defendants to punitive damages.

39. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiffs statutory and civil rights, and Plaintiff is entitled to punitive damages under applicable law.

40. Plaintiff has suffered economic damages resulting in the loss of compensation and benefits, loss of earning power, the loss of opportunities for prospective employment, the loss of fringe benefits, loss of seniority within the Department, and is incurring legal expenses and other expenses as a result of Defendants' actions.

41. Plaintiff has suffered emotional damages from the aforementioned conduct.

COUNT ONE

HOSTILE WORK ENVIRONMENT RACIAL HARASSMENT

(As to all Defendants)

42. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs above as if set forth at length herein.

43. Plaintiff is a "person" as defined in N.J.S.A. 10:5-5(a).

44. The Township and Department are each an "employer" as defined in N.J.S.A. 10:5-5(e).

45. The foregoing facts and circumstances demonstrate that Defendants have violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. by harassing and discriminating against Plaintiff due to his race.

46. The foregoing conduct would not have occurred but for the Plaintiff's race, color, national origin and/or ancestry.

47. The foregoing conduct was severe or pervasive so as to cause a reasonable African-American in Plaintiff's position to believe that the conditions of employment were altered and the working environment was intimidating, hostile or abusive.

48. As a direct and proximate cause of Defendants' actions, Plaintiff has suffered economic damages and emotional pain and suffering, mental anguish, humiliation, harm to his reputation and career, and is incurring legal expenses and other expenses as a result of Defendants' actions.

WHEREFORE, Plaintiff demands judgment against the Defendants, joint and severally, for compensatory and punitive damages, together with interest, costs of suit and attorney's fees.

COUNT TWO

CONSTRUCTIVE DISCHARGE

(As to all Defendants)

49. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs above as if set forth at length herein.

50. The reason(s) provided for Plaintiff's discharge were false and merely served as a pretext for race discrimination.

51. Plaintiff's race was a determinative factor in the Defendant's proposal to discharge him.

52. Defendants knowingly permitted the aforestated conditions of discrimination in Jones's employment so intolerable that a reasonable person subject to them would resign.

53. As a result, Plaintiff sustained damages, including economic losses and emotional distress.

WHEREFORE, Plaintiff demands judgment against the Defendants, joint and severally, for compensatory and punitive damages, together with interest, costs of suit and attorney's fees.

SCHILLER MCMAHON LLC
Attorneys for Plaintiff, Jason Jones

Dated: March 31, 2019

By: 
Brian S. Schiller

DESIGNATION OF TRIAL COUNSEL

The Court is advised that, pursuant to Rule 4:25-4, Brian S. Schiller, Esq. is designated as trial counsel for Plaintiff in this action.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

RESERVATION OF RIGHTS

Plaintiff reserves the right to file such specific amendments and/or additional claims as are applicable hereinafter to this action and/or as the same are subsequently discovered.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment, which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, attached a copy of each, or in the alternative state, under oath and certification, the (a) policy number; (b) name and address of the insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

CERTIFICATION IN ACCORDANCE WITH RULE 4:5-1

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding and no such action or proceeding is contemplated. I know of no other party who should be joined in this action.

SCHILLER MCMAHON LLC
Attorneys for Plaintiff, Jason Jones

Dated: March 31, 2019

By: 
Brian S. Schiller