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and Joshua Dickinson

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SARAH PRIOLI, ELIZABETH CLARKE AND
NICOLE HORAN,

Plaintiffs,

v.

COUNTY OF OCEAN, SANDRA MUELLER,
JOSEPH VALENTI, JOHN HABERBUSH AND
JOSHUA DICKINSON,

Defendants.

Civ. Action No. 3:18-cv-00256-BRM-DEA

**ANSWER TO PLAINTIFFS'
COMPLAINT WITH SEPARATE
DEFENSES AND JURY DEMAND**

Defendants, County of Ocean, Sandra Mueller, Joseph Valenti, John Haberbush and
Joshua Dickinson, by way of Answer to the Complaint filed by Plaintiffs, states:

I. NATURE OF THE ACTION

1. This paragraph calls for legal conclusions to which no response is required.
To the extent that this paragraph contains any factual allegations directed to the
answering Defendants, denied.

II. JURISDICTION AND VENUE

2. This paragraph calls for legal conclusions to which no response is required.
3. This paragraph calls for legal conclusions to which no response is required.

To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

4. This paragraph calls for legal conclusions, no response is required and Defendants leave Plaintiffs to their proofs.

IV. THE PARTIES

A. The Plaintiff

5. Admit that Plaintiff has been employed by the County of Ocean since on or about May of 2011 and Defendants leave Plaintiff to her proofs for any remaining allegations.

6. Admit that Plaintiff has been employed by the County of Ocean since on or about September of 1994 and Defendants leave Plaintiff to her proofs for any remaining allegations.

7. Admit that Plaintiff has been employed by the County of Ocean since on or about September of 2007 and Defendants leave Plaintiff to her proofs for any remaining allegations.

B. The Defendants

8. Admit.

9. Admit only that Defendant Sandra Mueller is currently employed as the Warden of the Ocean County Department of Corrections.

10. Admit only that Defendant Joseph Valenti is currently employed as the Deputy Warden of the Ocean County Department of Corrections.

11. Admit only that Defendant John Haberbush is currently employed as a

Captain with the Ocean County Department of Corrections.

12. Admit only that Defendant Joshua Dickinson is currently employed as a Lieutenant with the Ocean County Department of Corrections.

V. GENERAL ALLEGATIONS

A. Introduction

13. Defendants admit only to the language currently contained on the Ocean County Department of Corrections' website and Defendants leave Plaintiffs to their proofs for any remaining allegations.

14. Defendants admit that there are both male and female inmates and employees and Defendants leave Plaintiffs to their proofs for any additional allegations. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied.

15. Defendants admit that the inmates are primarily divided according to security threat and Defendants leave Plaintiffs to their proofs for any additional allegations. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied.

16. Defendants admit that there are administrative and operational units within the Department and that there are Officers, Sergeants, Lieutenants and Captains and Defendants leave Plaintiffs to their proofs for any additional allegations.

17. Defendants neither admit or deny the statements as set forth and Defendants leave Plaintiffs to their proofs.

18. Defendants neither admit or deny the statements as set forth and Defendants leave Plaintiffs to their proofs.

19. Defendants neither admit or deny the statements as set forth and Defendants leave Plaintiffs to their proofs.

20. Defendants neither admit or deny the statements as set forth and Defendants leave Plaintiffs to their proofs.

B. Discrimination, Disparate Treatment and the Hostile Work

Environment

21. Defendants admit that Plaintiffs are current employees with the Ocean County Department of Corrections and Defendants leave Plaintiffs to their proofs for any remaining allegations.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

32. Denied.

C. Claims Filed with the EEOC

33. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

34. Denied.

VI. PLAINTIFF'S INDIVIDUAL ALLEGATIONS

A. Sarah Prioli

35. Defendants admit that Plaintiff began working for the County of Ocean in our about May of 2011.

36. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

37. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

38. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

39. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

40. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

41. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

42. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

43. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

44. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

45. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

46. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

47. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

48. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

49. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

50. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

B. Elizabeth Clarke

51. Defendants admit that Plaintiff began her employment with the Ocean County Department of Corrections in or about September of 1994.

52. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

53. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

54. The allegations in this paragraph are not coherent; however, to the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

55. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

56. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

57. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

58. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

59. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

60. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

61. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

62. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

63. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

64. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

65. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

66. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

67. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

68. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

69. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

70. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

71. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

72. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

C. Nicole Horan

73. Defendants admit that Plaintiff began her employment with the Ocean County Department of Corrections in or about September of 2007.

74. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

75. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

76. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

77. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

78. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

79. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

80. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

81. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

82. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

83. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

84. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

85. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

86. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

87. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

88. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

89. To the extent that this paragraph contains any factual allegations directed to the answering Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

CAUSES OF ACTION

COUNT I

Intentional Discrimination in Violation of Title VII (by Plaintiffs against Defendant Ocean County)

90. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

91. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

92. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

93. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT II

Hostile Work Environment in Violation of Section 1981 (by Plaintiff against Defendant Ocean)

94. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

95. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

96. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

97. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

98. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

99. No allegation and no answer required.

COUNT III

**Retaliation in Violation of the New Jersey Law Against Discrimination
(N.J. Stat. § 10:5-1 *et seq.*)
(by Plaintiff against Defendant Ocean)**

100. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

101. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

102. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

103. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

104. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT IV

**Hostile Work Environment in Violation of Section 1981
(By Plaintiff against Defendants Ocean)**

105. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

106. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

107. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

108. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

109. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

110. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

111. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

112. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

113. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining

allegations.

114. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT V

**Hostile Work Environment in Violation of Title VII
(By Plaintiffs against Defendant Ocean)**

115. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

116. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

117. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

118. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

119. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

120. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining

allegations.

121. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

122. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

123. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

124. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT VI

Hostile Work Environment in Violation of New Jersey Law Against Discrimination (By Plaintiffs against Defendants Ocean)

125. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

126. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

127. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining

allegations.

128. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

129. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

130. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

131. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

132. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

133. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

134. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT VII

**Retaliation in Violation of Section 1981
(By Plaintiffs against Defendant Ocean)**

135. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

136. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

137. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

138. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

139. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

140. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

141. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

142. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

143. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

144. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT VIII

Retaliation in Violation of Title VII (By Plaintiff against Defendant Ocean)

145. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

146. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

147. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

148. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining

allegations.

149. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

150. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

151. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

152. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

153. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

154. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT IX

Retaliation in Violation of New Jersey Law Against Discrimination (By Plaintiffs against Defendant Ocean)

155. Defendants repeat and incorporate its answers to the preceding paragraphs

as if more fully set forth herein.

156. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

157. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

158. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

159. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

160. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

161. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

162. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

163. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

164. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT X

**Violation of the New Jersey Conscientious Employees Protection Act
(By Plaintiffs against Defendant Ocean)**

165. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

166. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

167. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

168. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

169. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining

allegations.

170. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

171. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

172. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

173. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendant leave Plaintiffs to their proofs for any remaining allegations.

174. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XI

Intentional Discrimination in Violation of Section 1981 (By Plaintiffs against Defendants Mueller)

175. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

176. Denied.

177. Denied.

178. Denied.

179. Denied.

180. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XII

**Intentional Discrimination in Violation of Title VII
(By Plaintiffs against Defendants Mueller)**

181. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

182. Denied.

183. Denied.

184. Denied.

185. Denied.

186. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XIII

**Defendants Mueller, Aiding and Abetting Employment Discrimination in Violation
at Ocean in Violation of N.J.S.A. §10:5-12e
(By Plaintiffs against Defendants Mueller)**

187. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

188. Denied.

189. Denied.

190. Denied.

191. Denied.

192. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XIV

Retaliation in Violation of Section 1981
(By Plaintiffs against Mueller)

193. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

194. Denied.

195. Denied.

196. Denied.

197. Denied.

198. Denied.

199. Denied.

200. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XV

Retaliation in Violation of Title VII
(By Plaintiffs against Mueller)

201. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

202. Denied.

203. Denied.

204. Denied.

205. Denied.

206. Denied.

207. Denied.

208. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XVI

Intentional Discrimination in Violation of Section 1981
(By Plaintiffs against Defendant Valenti)

209. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

210. Denied.

211. Denied.

213. Denied.

214. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

COUNT XVII

Intentional Discrimination in Violation of Title VII
(By Plaintiffs against Defendant Valenti)

215. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

216. Denied.

217. Denied.

218. Denied.

218. Denied.

219. Denied.

220. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XVIII

Defendants Valenti Aiding and Abetting Employment Discrimination at Ocean
in Violation of N.J.S.A. §10:5-12e
(By Plaintiffs)

221. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

222. Denied.

223. Denied.

224. Denied.

225. To the extent that this paragraph contains any factual allegations directed to

the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

226. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XIX

Retaliation in Violation of Section 1981
(By Plaintiffs against defendant Valenti)

227. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

228. Denied.

229. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

230. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

231. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

232. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

233. To the extent that this paragraph contains any factual allegations directed to the answering Defendant “Ocean County”, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XX

Retaliation in Violation of Title VII
(By Plaintiffs against Valenti)

234. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

235. Denied.

236. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

237. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

238. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

239. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

240. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any

remaining allegations.

241. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XXI

Retaliation in Violation of Title VII
(By Plaintiffs against Valenti)

242. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

243. Denied.

244. Denied.

245. Denied.

246. Denied.

247. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XXII

Intentional Discrimination in Violation of Title VII
(By Plaintiffs against Defendant Haberbusch)

248. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

249. Denied.

250. Denied.

251. Denied.

252. Denied.

253. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XXIII

**Defendant Haberbush Aiding and Abetting Employment Discrimination at Ocean in
Violation of N.J.S.A. §10:5-12e
(By Plaintiffs)**

254. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

255. Denied.

256. Denied.

257. Denied.

258. Denied.

259. To the extent that this paragraph contains any factual allegations directed to the answering Defendant, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XXIV

**Retaliation in Violation of Section 1981
(By Plaintiffs against defendant Haberbush)**

260. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

261. Denied.

262. To the extent that this paragraph contains any factual allegations directed to

the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

263. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

264. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

265. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

266. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

COUNT XXV

**Retaliation in Violation of Title VII
(By Plaintiffs against defendant Haberbusch)**

267. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

268. Denied.

269. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

270. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

271. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

272. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

273. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

COUNT XXVI

**Intentional Discrimination in Violation of Section 1981
(By Plaintiffs against defendant Dickinson)**

274. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

275. Denied.

276. Denied.

277. Denied.

278. Denied.

279. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining

allegations.

COUNT XXVII

**Intentional Discrimination in Violation of Title VII
(By Plaintiffs against defendant Dickinson)**

280. Defendant(s) repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

281. Denied.

282. Denied.

283. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

284. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

285. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

COUNT XXVIII

**Defendant Dickinson Aiding and Abetting Employment Discrimination at Ocean in
Violation of N.J.S.A. §10:5-12e
(By Plaintiffs against defendant Dickinson)**

286. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

287. Denied.

288. Denied.

289. Denied.

290. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

291. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining allegations.

COUNT XXIX

Retaliation in Violation of Section 1981 (By Plaintiffs against defendant Dickinson)

292. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

293. Denied.

294. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

295. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

296. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

297. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leave Plaintiffs to their proofs for any remaining allegations.

298. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

COUNT XXX

**Retaliation in Violation of Title VII
(By Plaintiffs against Dickinson)**

299. Defendants repeat and incorporate its answers to the preceding paragraphs as if more fully set forth herein.

300. Denied.

301. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

302. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

303. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

304. To the extent that this paragraph contains any factual allegations directed to the Defendant, denied, and Defendant leaves Plaintiffs to their proofs for any remaining

allegations.

305. To the extent that this paragraph contains any factual allegations directed to the Defendants, denied, and Defendants leave Plaintiffs to their proofs for any remaining allegations.

PRAYER FOR RELIEF

WHEREFORE, Defendants respectfully demand the following relief from the Court:

- a. dismissal of Plaintiffs' Complaint with prejudice;
- b. the entry of judgment in favor of Defendants against Plaintiffs;
- c. attorney's fees, interest, and cost of suit; and,
- d. any other relief this Court deems just.

SEPARATE DEFENSES TO PLAINTIFF'S COMPLAINT

FIRST SEPARATE DEFENSE

The Complaint fails to set forth a cause of action upon which relief can be granted.

SECOND SEPARATE DEFENSE

The Complaint is frivolous, a sham, and states no substantial issue.

THIRD SEPARATE DEFENSE

Defendant is a public entity of the State of New Jersey and at all times was acting pursuant to the lawful authority invested in it by the State. All acts so performed were the result of the appropriate exercise of the Defendant's discretion.

FOURTH SEPARATE DEFENSE

All personnel actions taken with regard to the Plaintiffs were done for legitimate business reasons.

FIFTH SEPARATE DEFENSE

Defendant(s) took prompt and remedial action to address Plaintiff's complaints.

SIXTH SEPARATE DEFENSE

Defendant has a policy against discrimination, harassment, and retaliation.

SEVENTH SEPARATE DEFENSE

Defendant thoroughly investigated the Plaintiff's complaints.

EIGHTH SEPARATE DEFENSE

Plaintiffs' damages, if any, are barred because the Plaintiffs have failed to mitigate Damages, if any.

NINTH SEPARATE DEFENSE

Plaintiffs suffered no harassment, discriminatory, or retaliatory treatment.

TENTH SEPARATE DEFENSE

Defendants are entitled to its attorneys' fees, costs of suits, and such other relief as the Court deems proper.

ELEVENTH SEPARATE DEFENSE

Plaintiffs unreasonably failed to take advantage of available preventative or corrective opportunities provided by the Defendants or to avoid harm otherwise.

TWELTH SEPARATE DEFENSE

Defendant had no custom or policy which caused discrimination or deprivation of rights, liberties of happiness of the plaintiff.

THIRTEENTH SEPARATE DEFENSE

This claim is barred by reason of the Plaintiffs failure to avail there selves of administrative remedies and/or arbitration.

FOURTEENTH SEPARATE DEFENSE

Plaintiffs' actions were not a motivating factor in employment decisions by the Defendants.

FIFTEENTH SEPARATE DEFENSE

Plaintiff fails to establish a *prima facie* case of a violation of N.J.S.A 34:19-1.

SIXTEENTH SEPARATE DEFENSE

Defendants specifically deny being liable for punitive damages.

SEVENTH SEPARATE DEFENSE

Defendants acted at all times in good faith and reasonably believed that their actions involving the Plaintiffs did not violate any laws.

EIGHTEENTH SEPARATE DEFENSE

Plaintiffs is not entitled to economic damages, compensatory damages, punitive damages, attorneys' fees, litigation costs, reinstatement, or any other relief.

NINETEENTH SEPARATE DEFENSE

Plaintiffs' claims are barred, in whole or in part, to the extent that doctrines of unclean hands and/or waiver are applicable to the facts of this case.

TWENTIETH SEPARATE DEFENSE

Defendants state that each and every action with respect to Plaintiffs were taken in good faith and for legitimate and non-retaliatory reasons.

TWENTY-FIRST SEPARATE DEFENSE

To the extent that Plaintiffs engaged in misconduct during their employment which would have resulted in their termination had the Defendants been aware of said misconduct, Plaintiffs' claims should be barred for their having engaged in said misconduct.

TWENTY-SECOND SEPARATE DEFENSE

Plaintiffs' Complaint should be dismissed because all actions taken by Defendants were undertaken in good faith and for legitimate business reasons.

TWENTY-THIRD SEPARATE DEFENSE

During Plaintiff's employment, Defendants maintained an effective anti-retaliation policy, and internal complaint procedure.

TWENTY-FOURTH SEPARATE DEFENSE

Defendants are not subject to individual liability to Plaintiffs based on any of the claims asserted by Plaintiffs.

TWENTY-FIFTH SEPARATE DEFENSE

Plaintiffs' causes of action fail to sustain a claim for equitable damages.

TWENTY-SIXTH SEPARATE DEFENSE

Plaintiffs' causes of action fail to sustain a claim for equitable damages.

TWENTY-SEVENTH SEPARATE DEFENSE

This suit is barred by the Statute of Limitations.

TWENTY-EIGHT SEPARATE DEFENSE

Defendants hereby affirmatively plead all provisions of the New Jersey Tort Claims Act: N.J.S.A. 59:1-1, et seq., which are applicable.

TWENTY-NINETH SEPARATE DEFENSE

This action is barred due to plaintiff's failure to timely serve defendant and defendant reserve the right to move to dismiss on that ground.

THIRTIETH SEPARATE DEFENCE

This claim is barred or limited by reason of the Doctrine of Laches.

THIRTY-FIRST AFFIRMATIVE DEFENSE

This claim is barred or limited by reason of the Doctrine of Estoppel.

THIRTY-SECOND AFFIRMATIVE DEFENSE

This claim is barred or limited by reason of the Doctrine of Waiver.

THIRTY-THIRD AFFIRMATIVE DEFENSE

This claim is barred or limited in whole or part by reason of the Doctrine of Entire Controversy and/or res judicata.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

The Defendants assert the applicability of the meaningful choice doctrine of plaintiffs' contributory or comparative negligence.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

The Defendants, at no time pertinent to the allegations contained within the Plaintiffs' Complaint, acted intentionally, knowingly, or maliciously in such a manner so as to cause damages alleged by the Plaintiffs.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

At all times pertinent to the allegations contained within the Plaintiffs' Complaint, the Defendants acted reasonably and properly in the execution of their duties.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

This action is barred by reason of Statutory Immunity of the Defendants and Defendants reserve the right to move to dismiss the Complaint on that ground.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' complaint is barred in whole or in part, and the proceedings and/or any recovery resulting there from is barred, limited and/or controlled by any/all provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq. and that Plaintiffs' failure to comply with said provisions, including as if listed herein separately and particularly each and every section identified and encompassed therein.

THIRTY-NINETH AFFIRMATIVE DEFENSE

The Defendants breached no common law, contractual, and/or statutory duty owed to Plaintiffs.

FORTIETH AFFIRMATIVE DEFENSE

The injuries and damages alleged to have been sustained by Plaintiffs were not proximately caused by the answering Defendants.

FORTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs' cause of action fails to sustain a claim for equitable damages, compensatory damages and/or punitive damages.

FORTY-SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claim for punitive damages must be dismissed because Plaintiffs cannot prove by clear and convincing evidence that Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

FORTY-THIRD AFFIRMATIVE DEFENSE

The Complaint herein fails to state a claim upon which relief can be granted, the Defendants reserve the right to move, at or before trial, to dismiss the Complaint.

FORTY-FOURTH AFFIRMATIVE DEFENSE

The Defendants assert immunity for acts arising from and/or in the course of the exercise of purely governmental functions.

FORTY-FIFTH AFFIRMATIVE DEFENSE

Defendants plead all the limitations and conditions as stated in the Punitive Damage Act, 2A:15-5.9 et seq.

FORTY-SIXTH AFFIRMATIVE DEFENSE

In the event that any action of the Defendants deprived or caused the deprivation of Plaintiffs' protected rights, or any other rights, which the Defendants deny, then and in that event, all such actions of the Defendants was taken in good faith and with a reasonable belief that such actions were lawful and accordingly are immune from any liability to the plaintiff.

FORTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiff fails to establish a *prima facie* case of a violation of New Jersey Law Against Discrimination, N.J.S.A. 10.5-1 to -42.

FORTY-EIGHTH AFFIRMATIVE DEFENSE

Defendants state that each and every action with respect to Plaintiff was taken in good faith and for legitimate and non-retaliatory reasons.

FORTY-NINETH SEPARATE DEFENSE

Defendants hereby reserve the right to interpose such other defenses and objections as continuing discovery may disclose.

JURY DEMAND

Defendants demand a trial by jury on all issues in the cause.

LOCAL RULE 11.2 CERTIFICATION

In accordance with Local Rule 11.2, I, Mathew B. Thompson, Esq., attorney for the Defendants in the above-referenced action, hereby certify that to the best of my knowledge and belief, the matter in controversy is not the subject of any other action pending in any court or in any arbitration or administrative proceeding.

**BERRY, SAHRADNIK,
KOTZAS & BENSON**

By: s/Mathew B. Thompson, Esq.
Mathew B. Thompson

DATED: March 1, 2018