

CASTRONOVO & McKINNEY, LLC

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Morristown, NJ 07960

(973) 920-7888

Attorneys for Plaintiff

Susan Ricci

SUSAN RICCI,

Plaintiff,

v.

TOWNSHIP OF CLARK, MARK
ADAMONIS, and MICHAEL
POLLOCK,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUNTERDON COUNTY

DOCKET NO: HNT-L-119-10

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff, Susan Ricci ("Plaintiff"), through her attorneys, Castronovo & McKinney, LLC, files this Complaint and Jury Demand seeking compensatory damages, punitive damages, attorneys' fees, and costs of suit from Defendants, Township of Clark, Mark Adamonis, and Michael Pollock ("Defendants"), and alleges as follows:

FACTS

A. Jurisdiction and Venue

1. Plaintiff resides in Flemington, New Jersey.
2. Defendant Township of Clark is a governmental entity with a principal place of operations located at 430 Westfield Avenue, Clark, New Jersey.
3. Defendant Township of Clark has employed Plaintiff since 1989.
4. Plaintiff currently is employed as a sergeant in Defendant Township of Clark's Police Department.

B. The Hostile Work Environment

5. At all relevant times, Defendants Adamonis and Pollock supervised Plaintiff and, as such, possessed the authority to control the terms and conditions of Plaintiff's employment, including her work environment.

6. Defendants, and other employees of Defendant Township of Clark, have subjected Plaintiff to abuse based on her homosexual orientation and/or sex.

7. In 2006 Defendant Township of Clark's Police Department threatened Plaintiff with disciplinary action because she took overtime in the same manner as every other male police officer.

8. But the pattern and practice of seeking overtime apparently does not comport with the letter of the collective bargaining agreement.

9. Captain Connell learned of Plaintiff's request for overtime and berated her for it – to the point of accusing her of dishonesty.

10. While every officer seeks overtime under this open practice, no other officer was forced to endure Captain Connell's abuse for doing so.

11. After Plaintiff complained of this unfair treatment and the harassment by Defendant Adamonis (a Lieutenant), Captain Connell angrily told her, "Stop being a martyr. No one is harassing you."

12. Later, in January 2007, Defendant Adamonis reported Plaintiff for not activating her emergency apparatus in travelling to a motor vehicle accident.

13. Lieutenant Cerasa then threatened Plaintiff with Neglect of Duty if it ever happened again.

14. This incident with Defendant Adamonis is only one of the many instances of hostility and abuse he has heaped on Plaintiff that continues to the present.

15. On June 16, 2009, Defendant Pollock approached Plaintiff to tell her that her coworkers resent that they must report to her as a sergeant.

16. Defendant Pollock told Plaintiff that "everyone" disrespects her and totally disregards her authority as a sergeant.

17. Such disrespect is suspicious because Plaintiff has excelled as a police officer and was ranked first in the sergeant's examination when she was promoted.

18. The workplace hostility increased on June 24, 2009 when Defendant Pollock acted irresponsibly with an intoxicated arrestee in the jail, James Mason.

19. Mr. Mason was unruly after a municipal court appearance, but Plaintiff succeeded in calming him.

20. After Plaintiff left the jail for a moment to tend to service calls, Mr. Mason's demeanor had changed.

21. When Plaintiff returned, he began peppering her with questions such as, "I didn't know you were and lesbian; you like that kind of stuff."

22. Defendant Pollock watched all this and laughed as Mr. Mason said it.

23. Mr. Mason then indicated that Defendant Pollock told him that Plaintiff was a lesbian.

24. Defendant Pollock clearly attempted to diminish Plaintiff's authority in the eyes of the public and undermined her authority with a violent detainee.

25. Moreover, over the course of several years and to the present, Defendant Pollock regularly used the derogatory term “dyke” in front of Plaintiff.

26. Defendant Pollock did so while serving as Plaintiff’s supervisor and with full knowledge that Plaintiff finds the term highly offensive.

27. Other employees of Defendant Township of Clark, such as Dispatcher John Deluca, also regularly and to the present disparage people in Plaintiff’s presence whom they perceive as gay or lesbian.

28. In 2009, Defendant Adamonis stated to Plaintiff, “I don’t see why if I’m angry at you I can’t just call you a fucking dyke.”

29. Plaintiff has repeatedly reported this harassment to both the Chief and Internal Affairs, but Defendant Township of Clark has refused to stop it.

30. After Plaintiff reported the incident with Mr. Mason and Defendant Pollock, Acting Chief Kevin White told her on July 8, 2009 that Plaintiff is “just going to have to learn to get along with these guys.”

31. Defendant Township of Clark’s ratification of this unlawful behavior is not surprising since it has failed to implement for its employees any discrimination or harassment policy in flagrant violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

COUNT I

Hostile Work Environment Due to Sexual Orientation

32. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.

33. Defendants and other employees of Defendant Township of Clark are aware of Plaintiff's homosexual orientation.

34. The above comments and conduct would not have occurred but for Plaintiff's homosexual orientation.

35. These comments and conduct are sufficiently severe or pervasive to make Plaintiff reasonably believe that she was, and is, subjected to a hostile, intimidating, and abusive work environment that altered the terms and conditions of her employment.

36. Defendant Township of Clark is liable for this unlawful harassment by its employees because: (1) upper management knew of the harassment and failed to remedy it, (2) it failed to effectively investigate and remedy the harassment after Plaintiff reported it, and/or (3) Defendant Township of Clark has failed to disseminate and implement an effective reporting policy and procedure for employees to report unlawful workplace harassment.

37. Defendants' conduct created a hostile work environment on the basis of Plaintiff's homosexual orientation that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

38. Due to Defendants' unlawful conduct, Plaintiff has sought medical treatment to deal with the emotional distress caused by Defendants' harassment.

39. Defendants' conduct was willful, malicious, reckless, and/or especially egregious and done with the knowledge and/or participation of upper level management.

40. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: medical expenses, lost reputation, emotional distress, physical ailments, and other damages.

COUNT II

Hostile Work Environment Due to Sex

41. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.
42. The above comments and conduct would not have occurred but for Plaintiff's female sex.
43. These comments and conduct were sufficiently severe or pervasive to make Plaintiff reasonably believe that she was, and is, subjected to a hostile, intimidating, and abusive work environment that altered the terms and conditions of her employment.
44. Defendant Township of Clark is liable for this unlawful harassment by its employees because: (1) upper management knew of the harassment and failed to remedy it, (2) it failed to effectively investigate and remedy the harassment after Plaintiff reported it, and/or (3) Defendant Township of Clark has failed to disseminate and implement an effective reporting policy and procedure for employees to report unlawful workplace harassment.
45. Defendants' conduct created a hostile work environment on the basis of Plaintiff's sex that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.
46. Due to Defendants' unlawful conduct, Plaintiff has sought medical treatment to deal with the emotional distress caused by Defendants' harassment.
47. Defendants' conduct was willful, malicious, reckless, and/or especially egregious and done with the knowledge and/or participation of upper level management.

48. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: medical expenses, lost reputation, emotional distress, physical ailments, and other damages.

COUNT III

Aiding and Abetting Harassment by Defendants Adamonis and Pollock

49. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.

50. Defendants Adamonis and Pollock were employees of Defendant Township of Clarks during the above harassment of Plaintiff due to her homosexual orientation and/or sex.

51. Defendants Adamonis and Pollock knowingly gave substantial assistance or encouragement to Defendant Township of Clark in its unlawful workplace harassment of Plaintiff.

52. Defendants Adamonis and Pollock's conduct created a hostile work environment on the basis of Plaintiff's homosexual orientation and/or sex that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

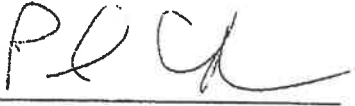
53. Defendants Adamonis and Pollock are liable for aiding and abetting the unlawful homosexual orientation and/or sexual harassment of Plaintiff in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(e).

54. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: medical expenses, lost reputation, emotional distress, physical ailments, and other damages.

WHEREFORE, Plaintiff seeks judgment against Defendants on each count awarding her compensatory damages, punitive damages, attorneys' fees, costs of suit, pre- and post-judgment interest, and all other relief that the Court deems equitable and just.

CASTRONOVO & McKINNEY, LLC

Dated: February 18, 2010

By: 

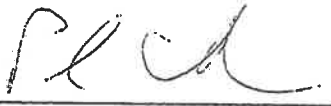
Paul Castronovo
Attorneys for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues so triable.

CASTRONOVO & McKINNEY, LLC

Dated: February 18, 2010

By: 

Paul Castronovo
Attorneys for Plaintiff

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates Paul Castronovo as trial counsel in this action.

CASTRONOVO & McKINNEY, LLC

Dated: February 18, 2010

By: 

Paul Castronovo
Attorneys for Plaintiff

RULE 4:5-1 CERTIFICATION

I hereby certify that this matter is not the subject of any other pending civil action or arbitration proceeding. I further certify that I know of no other parties who should be joined in this litigation at the present time.

CASTRONOVO & MCKINNEY, LLC

Dated: February 18, 2010

By: 

Paul Castronovo
Attorneys for Plaintiff