

LAW OFFICES ROSEMARIE ARNOLD

1386 Palisade Avenue

Fort Lee, New Jersey 07024

(201) 461-1111

Attorneys for Plaintiff

Attorney of Record ID: 034241986

Filing Attorney ID: 020612011



DEBRA REUTER, Plaintiff, vs. BERKELEY TOWNSHIP, its agents, servants, employees, CARMEN F. AMATO, JR., TED MCFADDEN, DEBBI WINOGRACKI, JOHN A. CAMERA, "ABC CORP. 1-5" and/or "JOHN DOE" 1-5 and/or "JANE DOE 1-5" (the last three being fictitious designations), Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: OCEAN COUNTY DOCKET NO.: OCN-L-2806-18 CIVIL ACTION SUMMONS
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THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT (S):

BERKELEY TOWNSHIP

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 thirty-five (35) days after the service of the Summons and Complaint upon you, exclusive of the day of service. If the complaint is one in foreclosure, then you must file your written answer to 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 Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to the plaintiff's attorney whose name and address appear above, or to the 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 to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a County Lawyer Referral Service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service, toll free (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service (201) 488-0044, Legal Service Office (201) 487-2166.

/s/ Michelle M. Smith, Clerk
MICHELLE M. SMITH, CLERK

Dated: November 26, 2018

Name of Defendant(s):
Address to be Served:

BERKELEY TOWNSHIP
627 Pinewald Keswick Road
Bayville, NJ 08721

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DEBRA REUTER, Plaintiff, vs. BERKELEY TOWNSHIP, its agents, servants, employees, CARMEN F. AMATO, JR., TED MCFADDEN, DEBBI WINOGRACKI, JOHN A. CAMERA, "ABC CORP. 1-5" and/or "JOHN DOE" 1-5 and/or "JANE DOE 1-5" (the last three being fictitious designations), Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: OCEAN COUNTY DOCKET NO.: OCN-L-2806-18 CIVIL ACTION COMPLAINT AND JURY DEMAND
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Plaintiff, Debra Reuter, residing in Bayville, Ocean County, State of New Jersey, by way of Complaint against the Defendants, alleges the following:

FIRST COUNT

1. At all times relevant hereto, Plaintiff, Debra Reuter (hereinafter, the "Plaintiff"), is/was a Jewish female suffering from anxiety residing in Bayville, Ocean County, State of New Jersey, and is/was employed as the Supervisor of the Berkeley Township's Recreation Department in the County of Ocean, State of New Jersey.
2. This action is being instituted on behalf of Plaintiff pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.
3. At all times relevant hereto, Defendant Berkeley Township (hereinafter "Berkeley Township") is/was a township located in Berkeley, New Jersey.
4. At all times relevant hereto, Defendant Carmen F. Amato, Jr. (hereinafter "Amato") was the Mayor of the Defendant Berkeley Township.

5. At all times relevant hereto, Defendant Amato served in a supervisory capacity, and had supervisory and managerial authority over Plaintiff, including but not limited to the ability to hire, fire, demote and discipline her.
6. At all times relevant hereto, Defendant Amato was acting in the course and scope of his employment for the Defendant Berkeley Township.
7. At all times relevant hereto, Defendant Ted McFadden (hereinafter "McFadden") was the Supervisor of the Defendant Berkeley Township's Buildings and Grounds Department.
8. At all times relevant hereto, Defendant McFadden served in a supervisory capacity, and had supervisory and managerial authority over Plaintiff, including but not limited to the ability to hire, fire, demote and discipline her.
9. At all times relevant hereto, Defendant McFadden was acting in the course and scope of his employment for the Defendant Berkeley Township.
10. At all times relevant hereto, Defendant Debbi Winogracki (hereinafter "Winogracki") was the Director of the Defendant Berkeley Township's Recreation Department.
11. At all times relevant hereto, Defendant Winogracki served in a supervisory capacity, and had supervisory and managerial authority over Plaintiff, including but not limited to the ability to hire, fire, demote and discipline her.
12. At all times relevant hereto, Defendant Winogracki was acting in the course and scope of her employment for the Defendant Berkeley Township.
13. At all times relevant hereto, Defendant John A. Camera (hereinafter "Camera") was the Business Administrator of the Defendant Berkeley Township.
14. At all times relevant hereto, Defendant Camera served in a supervisory capacity, and had supervisory and managerial authority over Plaintiff, including but not limited to the ability to hire, fire, demote and discipline her.
15. At all times relevant hereto, Defendant Camera was acting in the course and scope of his employment for the Defendant Berkeley Township.
16. At all times relevant hereto, Defendants ABC Corp. 1-5 and/or John Doe 1-5 and/or Jane Doe 1-5 are fictitious names for yet undiscovered parties pleaded to represent persons and/or entities whose identities are presently unknown who may be discovered to be potentially liable to the Plaintiff by reason of their acts or omissions and/or complicity with any and all

of the Defendants named herein and/or by reason of any doctrine in law or in equity that may apply.

17. At all times relevant hereto, Defendant(s) John Doe 1-5 was/were an agent(s), servant(s) and/or employee(s) of the Defendant Berkeley Township and/or ABC Corp. 1-5, and an employment relationship did exist between them whereby Defendant(s) John Doe 1-5 was/were paid a monetary salary by the Defendant Berkeley Township and/or ABC Corp. 1-5.
18. At all times relevant hereto, Defendant(s) Jane Doe 1-5 was/were an agent(s), servant(s) and/or employee(s) of the Defendant Berkeley Township and/or ABC Corp. 1-5, and an employment relationship did exist between them whereby Defendant(s) Jane Doe 1-5 was/were paid a monetary salary by the Defendant Berkeley Township and/or ABC Corp. 1-5.
19. Defendants, Amato, McFadden, Winogracki, Camera, John Doe 1-5 and Jane Doe 1-5, are members of upper management and each actually participated in, aided and abetted and/or was willfully indifferent to the discrimination, harassment and/or retaliation at the Plaintiff's workplace and/or the wrongful treatment of Plaintiff.
20. During the course of Plaintiff's employment with the Defendant Berkeley Township, Defendants, Amato, McFadden, Winogracki, Camera and/or John Doe 1-5 and/or Jane Doe 1-5 engaged in a severe and pervasive pattern of mentally abusive and offensive behavior directed at Plaintiff for being of the Jewish faith and being disabled, which conduct was designed to, among other things, punish Plaintiff for being Jewish and disabled. This improper and intentional behavior constitutes religious discrimination and created an openly hostile work environment for Plaintiff.
21. Examples of the ongoing and severe religious and disability discrimination and daily harassment suffered by Plaintiff from Defendant Amato include but are not limited to:
 - a. On or about September 30, 2017, Defendant Amato tried to force Plaintiff to work an Italian flag raising event, even though Plaintiff had advised him that it was a Jewish high holy day and she was required to go to Temple and fast as part of her religious faith, and when Plaintiff told Defendant Amato that it was a Jewish holy day and she needed the day off, Defendant Amato yelled at Plaintiff and said to her "why do you need the day off to go sit and pray?"

- b. On or about October 28, 2017, Defendant Amato instructed and/or encouraged his wife, Nancy Amato, to shout out loud that Plaintiff was a “moron” at the Defendant Township’s Halloween event because Jewish people do not observe the holiday of Halloween;
- c. In or about November 2017, Defendant Amato said to Plaintiff that he wanted to change Defendant Berkeley Township’s “Holiday Tree Lighting” ceremony to a “Christmas Tree Lighting” ceremony to ensure that “the event is in no way associated with the Jewish holiday of Hanukkah”;
- d. In or about November 2017, Defendant Amato communicated to Plaintiff that he wanted to change all of the flyers regarding the aforesaid tree lighting event from blue to red to ensure that “no one relates the event to the Jewish holiday of Hanukkah”;
- e. In or about November 2017, Defendant Amato banned Plaintiff from working the “Christmas Tree Lighting” and yelled at her that he did not want Jewish people to work the event;
- f. In or about November 2017, Defendant Amato accused Plaintiff of purposely missing a meeting held by Defendant Berkeley Township, even though the meeting was scheduled for a day and time when Plaintiff was out of the office on vacation;
- g. In or about November 2017, Defendant Amato discriminated against Plaintiff for her Jewish faith by taking away the employee discount that Plaintiff was receiving for her two year old son to attend the Defendant Berkeley Township’s pre-school program, while children of all other non-Jewish employees of the Defendant Berkeley Township continued receiving the employee discount for the pre-school program.

22. Examples of the ongoing and severe religious discrimination and daily harassment suffered by Plaintiff from Defendant McFadden include but are not limited to:

- a. On at least one occasion in January 2017, Defendant McFadden made a religious discriminatory comment to Plaintiff that a company that performs maintenance work on the Defendant Berkeley Township’s building was run by “stupid Jews”;
- b. On a daily basis from in or about February 2018 to the present date, Defendant McFadden colluded with Defendant Winogracki to punish Plaintiff for being Jewish

by, *inter alia*, taking job responsibilities away from her, isolating her from other employees, humiliating her in front of other employees, and making discriminatory comments to her about the Jewish religion such as: "Jews are cheap" and mocking the Jewish religion by telling anti-Semitic "jokes," such as: "*How was copper invented? A few Jews fighting over a penny.*"

23. Examples of the ongoing and severe religious discrimination and daily harassment suffered by Plaintiff from Defendant Winogracki include but are not limited to:

- a. On or about November 30, 2017, Defendant Winogracki said to Plaintiff that she should not care that the holiday tree lighting was changed to a Christmas event because there are not that many Jews, and that "your people" can have a menorah lighting somewhere else;
- b. On or about December 19, 2017, Defendant Winogracki chastised Plaintiff in front of coworkers for bringing cupcakes frosted in blue and white to the office holiday party and said the "Hanukkah cupcakes" were not appropriate for a Christmas party;
- c. On or about July 30, 2018, Defendant Winogracki retaliated against Plaintiff for being Jewish by reprimanding her for not working a beach concert, for which she was not scheduled to work, and punishing her by ordering her to clean the office closets, including Defendant Winogracki's closet.

24. Examples of the ongoing and severe religious discrimination and daily harassment suffered by Plaintiff from Defendant Camera include but are not limited to:

- a. On or about January 5, 2018, Defendant Camera singled Plaintiff out for being Jewish, falsely accused her of stealing town funds and terminated the Municipal Alliance work portion of Plaintiff's salary, based upon the dubious reason that Plaintiff's position and salary for the Municipal Alliance work was unauthorized, despite the fact that Defendant Berkeley Township had condoned Plaintiff's work and salary related to the Municipal Alliance for the past fourteen years;
- b. On or about April 12, 2018, while Plaintiff was on her FMLA leave due to the anxiety caused by the workplace religious discrimination and/or harassment, Defendant Camera, for no good reason, took away Plaintiff's office, had all of Plaintiff's belongings packed into boxes and dropped off at Plaintiff's home, and

forced Plaintiff to bring everything back to work when she returned from her FMLA leave.

25. The allegations set forth above are not intended to be an exhaustive list of all of the allegations against Defendants, but merely a representative sample.
26. The allegations set forth above were continuous and systematic, and occurred throughout the course of Plaintiff's employment with Defendant Berkeley Township beginning in or about September 2017 through the present date.
27. At all times relevant hereto, Defendants aforesaid, as agents, servants and employees of the Defendant Berkeley Township, committed all of the aforesaid acts and/or omissions with negligent, and/or reckless, and/or willful, and/or wanton, and/or malicious, and/or intentional disregard of how such acts and/or omissions would affect a reasonable person of Plaintiff's Jewish faith and/or a reasonable person in a similar position of employment as Plaintiff.
28. As a result of any or all of the aforesaid acts and/or omissions, Plaintiff reasonably believed that the condition of her employment had been or would be altered and that the aforesaid acts and/or omissions occurred for reasons including discrimination against Plaintiff for her Jewish religion and/or her disability.
29. As a result of any and all of the aforesaid acts and/or omissions, Plaintiff reasonably believed that the working environment at the Defendant Berkeley Township was hostile and/or abusive and/or that the aforesaid abuse occurred for reasons including discrimination against Plaintiff for her Jewish religion.
30. As a proximate cause and reasonably foreseeable result of any and all of the aforesaid acts and/or omissions, Plaintiff was a victim of conduct that a reasonable person in the same position and of Jewish faith would consider sufficiently severe or pervasive so as to alter the conditions of employment and/or create an intimidating, hostile and/or offensive working environment.
31. As a proximate cause and reasonably foreseeable result of the foregoing, Plaintiff was caused to sustain and will continue to sustain severe pain, suffering and permanent injuries including, but not limited to, physical health issues, severe emotional distress, alarm, humiliation, psychological harm, embarrassment, and anxiety and Plaintiff was further caused to expend, and will continue to expend great sums of money for professional care, and/or treatment for her injuries.

WHEREFORE, Plaintiff Debra Reuter demands judgment against the Defendants, Berkeley Township, its agents, servants and/or employees, Carmen F. Amato, Jr., Ted McFadden, Debbi Winogracki, John A. Camera, ABC Corp. 1-5 and/or John Doe 1-5 and/or Jane Doe 1-5 (the last three being fictitious designations), jointly and severally, for compensatory and punitive damages, emotional distress damages, attorneys' fees, interest, cost of suit, and any other relief that the Court may deem just and proper.

SECOND COUNT

32. Plaintiff repeats each and every allegation contained in the First Count, as if set forth herein at length.
33. At all times relevant hereto, Defendants Berkeley Township, Amato, McFadden, Winogracki and Camera had knowledge of and/or should have known of the aforesaid acts of religious and disability discrimination and harassment set forth in the First Count and had a duty to take prompt and effective measures reasonably designed to remedy and/or rectify the same.
34. At all times relevant hereto, Defendants Berkeley Township, Amato, McFadden, Winogracki and Camera failed to take prompt and effective measures reasonably designed to remedy and/or rectify the aforementioned acts of religious discrimination and harassment.
35. As a proximate cause and a reasonably foreseeable result of the foregoing, Plaintiff was caused to sustain and will continue to sustain severe pain, suffering and permanent injuries including, but not limited to, severe emotional distress, alarm, humiliation, psychological harm, embarrassment, and anxiety, and Plaintiff was further caused to expend, and will continue to expend, great sums of money for professional care, and/or treatment for her injuries.

WHEREFORE, Plaintiff, Debra Reuter, demands judgment against the Defendants, Berkeley Township, its agents, servants, employees, Carmen F. Amato, Jr., Ted McFadden, Debbi Winogracki, John A. Camera, ABC Corp. 1-5 and/or John Doe 1-5 and/or Jane Doe 1-5 (the last three being fictitious designations), jointly and severally, for compensatory and punitive damages, emotional distress damages, attorneys' fees, interest, cost of suit, and any other relief that the Court may deem just and proper.

THIRD COUNT

36. Plaintiff repeats each and every allegation contained in the First and Second Counts, as if set forth herein at length.
37. At all times relevant herein, Defendants, Berkeley Township and/or ABC Corp. 1-5, through their agents, servants, and employees, had a duty to have in place a well-publicized and effective procedural and/or training and/or monitoring mechanism through which an anti-discrimination policy and/or anti-harassment policy could be implemented and/or enforced at the Defendant Berkeley Township's facilities.
38. At all times relevant herein, Defendants, Berkeley Township and/or ABC Corp. 1-5, through their agents, servants, and employees, failed to have in place a well-publicized or effective procedural mechanism through which an anti-harassment and/or anti-discrimination policy could be enforced at the subject workplace.
39. At all times relevant herein, Defendants, Defendants, Berkeley Township and/or ABC Corp. 1-5, through their agents, servants, and employees, failed to have in place a well-publicized or effective training mechanism to educate and/or train their employees regarding harassment and/or discrimination at the subject workplace.
40. At all times relevant herein, Defendants, Berkeley Township and/or ABC Corp. 1-5, through their agents, servants, and employees, failed to have in place a well-publicized or effective monitoring mechanism through which they could monitor the implementation of any anti-harassment policy and/or discrimination policy at the subject workplace.
41. As a proximate cause and reasonably foreseeable result of the foregoing, Plaintiff was caused to sustain and will continue to sustain severe pain, suffering and permanent injuries including, but not limited to, physical health issues, severe emotional distress, alarm, humiliation, psychological harm, embarrassment, and anxiety, and Plaintiff was further caused to expend, and will continue to expend, great sums of money for professional care, and/or treatment for her injuries.

WHEREFORE, Plaintiff Debra Reuter demands judgment against the Defendants, Berkeley Township, its agents, servants and/or employees, Carmen F. Amato, Jr., Ted McFadden, Debbi Winogracki, John A. Camera, ABC Corp. 1-5 and/or John Doe 1-5 and/or

Jane Doe 1-5 (the last three being fictitious designations), jointly and severally, for compensatory and punitive damages, emotional distress damages, attorneys' fees, interest, cost of suit, and any other relief that the Court may deem just and proper.

FOURTH COUNT

42. Plaintiff repeats each and every allegation contained in the First, Second and Third Counts of the Complaint as if set forth herein at length.
43. At all times relevant hereto, Defendants, Amato, McFadden, Winogracki and Camera, intentionally and/or recklessly engaged in conduct to cause Plaintiff severe emotional distress.
44. At all times relevant hereto, Defendants, Amato, McFadden, Winogracki and Camera's conduct was outrageous and extreme so as to go beyond all possible bounds of human decency and was so atrocious to be intolerable in a civilized community.
45. The doctrines of *respondeat superior*, strict liability, negligence *per se* and/or *res ipsa loquitur* apply to this Count of the Complaint as to all Defendants.
46. As a proximate cause and reasonably foreseeable result of the foregoing, Plaintiff was caused to sustain and will continue to sustain severe pain, suffering and permanent injuries including, but not limited to, physical health issues, severe emotional distress, alarm, humiliation, psychological harm, embarrassment, and anxiety, and Plaintiff was further caused to expend, and will continue to expend, great sums of money for professional care, and/or treatment for her injuries.

WHEREFORE, Plaintiff Debra Reuter demands judgment against the Defendants, Berkeley Township, its agents, servants and/or employees, Carmen F. Amato, Jr., Ted McFadden, Debbi Winogracki, John A. Camera, ABC Corp. 1-5 and/or John Doe 1-5 and/or Jane Doe 1-5 (the last three being fictitious designations), jointly and severally, for compensatory and punitive damages, emotional distress damages, attorneys' fees, interest, cost of suit, and any other relief that the Court may deem just and proper.

FIFTH COUNT

47. Plaintiff repeats each and every allegation contained in the First, Second, Third and Fourth Counts of the Complaint as if set forth herein at length.
48. The Defendants, through their agents, servants and employees, some named above, had a duty to conduct a reasonable investigation into the background of prospective employees, specifically, those being considered for supervisory or management positions as well as a duty to properly train and/or supervise and/or retain said employees once they are hired.
49. At all times relevant herein, Defendant, Berkeley Township, through its agents, servants and/or employees, breached its duty to Plaintiff and was negligent and palpably unreasonable in the hiring, training, supervision, and /or retention of Defendants, Amato, McFadden, Winogracki and Camera.
50. At all times relevant herein, Defendant, Berkeley Township, through its agents, servants and/or employees, some named above, were additionally negligent in that said Defendant(s) and/or its agents, servants and/or employees failed to conduct or did negligently conduct a proper background investigation or reference check of Defendants, Amato, McFadden, Winogracki and Camera, upon their applications, nomination and/or selection for employment.
51. As a proximate cause and reasonably foreseeable result of the foregoing, Plaintiff was caused to sustain and will continue to sustain severe pain, suffering and permanent injuries including, but not limited to, physical health issues, severe emotional distress, alarm, humiliation, psychological harm, embarrassment, and anxiety and Plaintiff was further caused to expend, and will continue to expend, great sums of money for professional care, and/or treatment for her injuries.

WHEREFORE, Plaintiff Debra Reuter demands judgment against the Defendants, Berkeley Township, its agents, servants and/or employees, Carmen F. Amato, Jr., Ted McFadden, Debbi Winogracki, John A. Camera, ABC Corp. 1-5 and/or John Doe 1-5 and/or Jane Doe 1-5 (the last three being fictitious designations), jointly and severally, for compensatory and punitive damages, emotional distress damages, attorneys' fees, interest, cost of suit, and any other relief that the Court may deem just and proper.

DEMAND FOR JURY TRIAL

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

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates Maria R. Luppino as Trial Counsel.

CERTIFICATION PURSUANT TO R.4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court and is not the subject of any pending or contemplated arbitration proceeding. I further certify that as of the date of this certification there are no other known parties or persons who should be joined in this litigation.


Maria R. Luppino

Date: November 19, 2018

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 20, 2018
RE: REUTER DEBRA VS BERKELEY TOWNSHIP
DOCKET: OCN L -002806 18

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 CRAIG L. WELLERSON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 929-4771 EXT 4771.

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: MARIA R. LUPPINO
ROSEMARIE ARNOLD
1386 PALISADE AVE
FORT LEE NJ 07024

ECOURTS