

Attorney ID #: 016861986 ~ Our File No.: C21774 /RPF:es

**DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**

15 Mountain Boulevard
Warren, NJ 07059-5686
(908) 757-7800
Attorneys for Plaintiff

CHARLES PETERSON,

Plaintiff,

v.

TOWN OF DOVER and DOVER
POLICE DEPARTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO.: MRS-L-

Civil Action

COMPLAINT AND JURY DEMAND

Charles Peterson, residing at 22 Saddle Ridge Road, Andover, New Jersey 07821, by way of Complaint against the defendants, says:

PRELIMINARY STATEMENT

Plaintiff, Charles Peterson, brings this action against the Dover Police Department, as a consequence of Police Department's unlawful conduct against Plaintiff in violation of his rights pursuant to the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.* "CEPA."

PARTIES

1. Plaintiff, Charles Peterson, is a resident of the State of New Jersey residing in Andover, New Jersey, in the County of Sussex.

2. Defendant, Dover Police Department, is an entity operating in the County of Morris, State of New Jersey.

3. Defendant, Town of Dover, is a municipality organized by and existing pursuant to the laws of the State of New Jersey and is located in Morris County.

STATEMENT OF FACTS

4. Plaintiff is currently employed as a Patrol Sergeant with the Dover Police Department. Plaintiff has been employed by the Dover Police Department since 2001.

5. The Dover Police Department has a Civilian Public Safety Director, named Dan DeGroot, who is a retired Captain out of the Morris County Prosecutor's Office, a Chief named Anthony Smith as the top sworn officer/OIC and is a career Dover officer. Dover also has a recently promoted captain named Justin Gabrys, who recently came from the Morris County Prosecutor's Office and two lieutenants, William Newton and Jonathan Delaney, both career Dover Officers.

6. In or around January 2018, Defendant Dover and Defendant Dover Police Department hired a new patrol officer.

7. Defendants Dover and the Dover Police Department are operated pursuant to Title 11, otherwise known as the Civil Service Act. Defendants Dover and the Dover Police Department are subject to the rules and regulations of Title 11.

8. Upon information and belief, Defendants Dover and the Dover Police Department violated civil service rules when the new officer was hired.

9. Upon information and belief, the new officer was not one of the top candidates for the position and skipped approximately 20 people when he was hired by Defendants Dover and the Dover Police Department. The new officer reported directly to Plaintiff.

10. In or around March 2018, Plaintiff became aware of certain activity that was illegal and violated New Jersey statutes. The activity involved the new police officer Defendant Town of Dover and Defendant Dover Police Department recently hired.

11. Plaintiff had an objective reasonable belief that the activity was a violation of law and/or the public policy of the State of New Jersey.

12. Plaintiff reported the activity to his superiors.

13. As a direct consequence of his report, Plaintiff has been subjected to a continuous pattern of retaliatory and adverse employment actions.

14. In June of 2018, Plaintiff made a formal complaint to Defendant Dover that he was being retaliated against. Plaintiff made the complaint in accordance with Defendant Dover's policies. Following that complaint, the retaliation continued unabated.

15. Defendants conducted a sham investigation that resulted in a finding that no improper conduct had occurred and plaintiff received additional negative treatment by his superiors.

16. The actions included inappropriate discipline, being ostracized in the workplace, and being placed on administrative leave without any factual basis.

17. In or around November 2018, Plaintiff met with Defendant Town Administrator Travisano to raise additional issues that he had a reasonable objective belief that were either illegal, improper and/or a violation of New Jersey Public Policy.

18. Almost immediately following the meeting and as additional retaliation, Plaintiff was placed on improper administrative leave by Town Administrator Travisano, who has no authority to take action against Plaintiff.

19. Plaintiff grieved the discipline and was further ostracized by members of the Superior Officers Association who refused to support plaintiff in his grievances as required by the contract.

20. In or around November 2018, Defendants modified the organizational structure of the Police Department in part to further retaliate against Plaintiff.

21. Defendant Dover and Defendant Dover Police Department have engaged multiple prior actions that were retaliatory and violations of New Jersey Civil Rights laws, including but not limited to the New Jersey Law Against Discrimination and the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.*

22. Those prior actions resulted in multiple lawsuits against the Defendant Town and upon information and belief, resulted in payments by the Defendant Town to several plaintiffs of hundreds of thousands of dollars in settlements.

COUNT ONE

CEPA

1. Plaintiff repeats and incorporates the preceding paragraphs as set forth in their entirety.

2. Defendants' actions were in violation of the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.*

3. Plaintiff engaged in protected whistleblowing activities when he reported illegal activity to his superior officers and filed complaints pursuant to the Defendant Town's policies as set forth in the statement of facts. Plaintiff reasonably believed that such activity was in violation of the law and public policy.

4. In retaliation for Plaintiff's whistleblowing activities, Plaintiff has suffered adverse employment actions, including retaliatory harassment in violation of the New Jersey Law Against Discrimination N.J.S.A. 10:5-1, *et seq.*, on a continued and repeated basis.

5. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages, including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, loss of income and benefits and other severe financial losses.

WHEREFORE, Plaintiff, Charles Peterson, demands judgment against Defendants for compensatory damages, punitive damages, back pay, front pay, emotional distress, attorneys' fees, interest, costs and such other and further relief as this court deems equitable and just.

JURY DEMAND

Plaintiff, Charles Peterson, demands a trial by Jury.

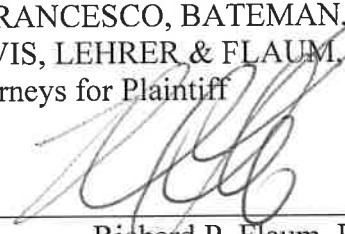
NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates RICHARD P. FLAUM, ESQ. as trial counsel in this matter.

CERTIFICATION IN ACCORDANCE WITH R. 4:5-1

Pursuant to Rule 4:5-1, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated, and the undersigned is unaware of any other party who is potentially responsible to any party on the basis of the facts set forth herein and who should be joined in this action pursuant to Rules 4:28 and 4:29-1, et seq.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Plaintiff

By: 

Richard P. Flaum, Esq.

Dated: February 6, 2019