

SUMMONS

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Attorney(s) for Plaintiff Barry M. Young, Jr.
Barry M. Young, Jr. Lieutenant, Dover Police Department

Superior Court of New Jersey

 MORRIS COUNTY
Law DIVISION

Docket No: MRS-L-0646-16

Plaintiff(s)

Vs.

Town of Dover, Mayor James P. Dodd, Public Safety Director

Richard Rosell, Town Administrator Donald Travisano et al

Defendant(s)

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

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

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

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

DATED: 03/17/2016

Name of Defendant to Be Served: Town of Dover

Address of Defendant to Be Served: 37 N. Sussex Street, Dover, NJ 07801

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SUPERIOR COURT

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MORRIS COUNTY
CIVIL DIVISION

BARRY M. YOUNG, JR., LIEUTENANT
DOVER POLICE DEPARTMENT,

Plaintiff,

v.

TOWN OF DOVER, MAYOR JAMES P.
DODD, PUBLIC SAFETY DIRECTOR
RICHARD ROSELL, TOWN
ADMINISTRATOR DONALD
TRAVISANO, JOHN & JANE DOES 1-10
(unknown defendant persons), and ABC
CORPS. 1-10 (unknown defendant entities),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MORRIS COUNTY

DOCKET NO.: MRS-L- 0646-16

Civil Action

**COMPLAINT
AND JURY DEMAND**

Plaintiff BARRY M. YOUNG, JR., LIEUTENANT DOVER POLICE DEPARTMENT ("Plaintiff" and/or LT. YOUNG"), by and through his attorneys, the law firm of BUBB, GROGAN & COCCA, LLP, as and for his complaint against the TOWN OF DOVER ("Dover"), MAYOR JAMES P. DODD ("MAYOR DODD"), PUBLIC SAFETY DIRECTOR RICHARD ROSELL ("ROSELL"), TOWN ADMINISTRATOR DONALD TRAVISANO ("TRAVISANO"), and other defendants, makes the following allegations and claims:

INTRODUCTION

1. LT. YOUNG is a decorated member of New Jersey law enforcement with an unblemished career spanning more than 21 years as a highly respected Officer of the

Dover Police Department (the "Dover PD"). His career plan was to work at least another 10 years, and be promoted to the position of Chief of Police of the Dover PD.

2. LT. YOUNG's career was shattered by the unlawful and improper actions of the defendants who, in abject violation of New Jersey laws, rules and regulations, including but not limited to the New Jersey State Attorney General Guidelines governing police internal affairs, harassed LT. YOUNG, unlawfully retaliated against LT. YOUNG, and persecuted him due to his lawful exercise of his rights and duties as a citizen of New Jersey and as a decorated, respected member of law enforcement.

3. By and through this plenary action, LT. YOUNG is seeking redress for the wrongs perpetrated against him while seeking as well to expose the unlawful practices perpetrated by the defendants, for purposes of protecting other members of the Dover PD as well as the citizens of Dover.

THE PARTIES & JURISDICTION

4. Now and at all times relevant hereto, Plaintiff was and is a resident of Oak Ridge, New Jersey.

5. Now and at all times relevant hereto, defendant Dover was and is a municipal corporation located in Morris County, New Jersey, organized and existing under the laws of the State of New Jersey.

6. Now and at all times relevant hereto, defendant MAYOR DODD was and is the Mayor of Dover.

7. Now and at all times relevant hereto, defendant ROSELL was and is employed by the TOWN in the capacity of Public Safety Director.

8. Now and at all times relevant hereto, defendant TRAVISANO was and is employed by the TOWN in the capacity of Town Administrator.

9. Defendants JOHN & JANE DOES 1-10 are fictitious defendant persons who by their acts, actions, and/or omissions, caused injury to the Plaintiffs.

10. Defendants ABC CORP. 1-10 are fictitious defendant entities who by the acts, actions, and/or omissions, of their respective owners, officers, employees and/or agents, caused injury to Plaintiffs.

BACKGROUND FACTS COMMON TO ALL COUNTS

11. LT. YOUNG was born on June 2, 1960 and, at the time of this pleading, is a 55 year-old married man. LT. YOUNG and his wife have three children, ages 18, 16, and 14. LT. YOUNG and his family are dependent upon his career and the income he generates (including income from overtime, unused personal and compensatory days, and the like) to accomplish what all middle class parents endeavor to do, namely, pay their mortgage, save and pay for the children's college educations, take modest vacations, and save for their retirement.

12. LT. YOUNG's formal education is limited to graduating from Mt. Olive High School in 1975 and college credits he earned at the County College of Morris.

13. LT. YOUNG is a blue collar man. For many years he worked in construction as a mason, and worked in the restaurant business as well. It was while LT. YOUNG was working in the restaurant business that he met numerous police officers from DOVER PD and, through their experiences, became interested in pursuing a career in law enforcement.

14. In 1995, at age 34, LT. YOUNG took and passed the civil service test and then applied for admission to the Morris County Police Academy. He was accepted and graduated approximately in the top 10% of his police academy class. Even though he was 34 years old, LT. YOUNG was ranked in the top four candidates for physical fitness and agility competing against men as young as 21 years old. Academically, Lt. YOUNG was in the top five in his police academy class, and was in the top four for firearms. In fact, LT. YOUNG performed so well in his police academy class that he received its Merit Award, one of the few honors, at the time, which could be bestowed upon a graduate.

15. LT. YOUNG was hired by the DOVER PD in or about February 1995 as a Patrolman, and upon graduation from the Morris County Police Academy, immediately commenced work as a Dover PD Patrolman on the streets of Dover. Unlike some other towns in Morris County, in 1995 Dover was a rough and tumble place that had its share of serious crime, including drugs, murders, and other violent crimes.

16. From 1995 through 2015, LT. YOUNG rose steadily through the ranks of the Dover PD, scoring "number 1" on *all* of his promotional exams. He was promoted to Detective just two years after he graduated from the Morris County Police Academy, which was virtually unheard of Morris County law enforcement. His next promotion was to the rank of Detective Sergeant in 2001, after achieving "number 1" on the civil service test against sixteen other candidates. Following that, in 2007, LT. YOUNG was promoted to the rank of Lieutenant, a rank through which approximately twenty subordinate officers reported to him in the chain of command.

17. More than just the ranks he achieved or number of subordinates that report to him, LT. YOUNG was so highly skilled, respected, and revered, that Dover PD put him in charge of its Investigative Division while at the same time making him Commander of Internal Affairs.

18. Second only to its duty to protect citizens from crime, police department internal affairs is the most important operation within a police department because of its essential purpose of insuring that officers on the force, at all times, use their power and authority lawfully, appropriately, and in the best interests of the citizens.

19. Internal affairs procedures are govern by the New Jersey State Attorney General Guidelines (the "State AG IA Guidelines") and the policies and procedures adopted by municipalities in New Jersey which mirror the requirements set forth in the State AG IA Guidelines.

20. LT. YOUNG has extensive training and experience in Internal Affairs. Over the years, LT. YOUNG estimates that he has personally conducted, supervised and/or been administratively involved, in 100 or more Internal Affairs investigations. LT. YOUNG estimates that he has dozens of certificates he was awarded for the completion of hundreds of hours of professional training, including upwards of 80 hours relating to Internal Affairs. Additionally, LT. YOUNG has spent countless hours of personal and professional time studying the State AG IA Guidelines- the controlling written authority for internal affairs procedures.

21. Up until the wrongful events complained of here, LT. YOUNG enjoyed a high degree of success in his unblemished career in law enforcement with the Dover PD.

22. One of LT. YOUNG's most significant and important projects within the Dover PD was his effort to bring the Dover PD in to compliance with New Jersey State law enforcement accreditation requirements. His work on that project commenced in 2013, and involved an intensive effort due to long-existing deficiencies, problems, and issues within the Dover PD. LT. YOUNG expended an estimated two years of dedicated work rewriting Dover PD policies and procedures, Dover PD's policy management system, Dover PD's officer training, and Dover PD's entire function for handling, tracking and storing evidence. LT. YOUNG worked tirelessly to make changes to the Dover PD for purposes of enabling the department to obtain accreditation.

23. LT. YOUNG's efforts were extraordinary and successful in that on June 11, 2015, thanks to his hard work. LT. YOUNG was scheduled to appear on behalf of Dover PD before the New Jersey Law Enforcement Accreditation Commission for purposes of that Commission's review and approval of the Dover PD's Accreditation Final Assessment Report.

24. But LT. YOUNG never made it to that appearance before the Commission, due to the unlawful harassment, retaliation, and persecution directed at him by the defendants.

25. In or about March 2015, the head of Dover PD was Chief Harold Valentine, who had been in the position for many years. Chief Valentine decided to run for the elected Office of Mayor of Dover *against* Defendant DODD, in the upcoming primary election to be held on June 2, 2015. Chief Valentine's announcement put him and persons Defendant DODD might associate with Chief Valentine in immediate, serious jeopardy.

26. Unfortunately, LT. YOUNG was Chief Valentine right-hand-man within the Dover PD. They worked closely together on a daily basis, frequently lunched together, and openly associated with one another as the two most-senior officers within the Dover PD.

27. LT. YOUNG was supportive of Chief Valentine both professionally and in his efforts to be elected Mayor of Dover.

28. It was because of LT. YOUNG's association with Chief Valentine, as well as other lawful and protected acts by LT. YOUNG, that the defendants joined together to commit harassment and retaliation against LT. YOUNG in violation of controlling New Jersey law, rules and regulations.

29. Within weeks after Chief Valentine announced his political intentions, on or about April 22, 2015, defendants DODD, TRAVISANO and ROSELL caused Chief Valentine to be suspended from the Dover PD, effectively removing him from employment as the Chief of Police.

30. The suspension was unlawful and undertaken in violation of the State AG IA Guidelines, and in violation of Dover PD's policies and procedures. It was done in retaliation against Chief Valentine for his decision to run for the Mayor's office against Defendant DODD. It was unlawful as well because it was undertaken and completed without compliance with the governing procedural laws, rules, and regulations.

31. LT. YOUNG advised Defendant TRAVISANO, in sum and substance, that the suspension of Chief Valentine was unlawful, in response to which Defendant TRAVISANO threatened LT. YOUNG and, in no uncertain terms, made it clear to LT.

YOUNG that TRAVISANO and the other defendants felt unconstrained by the applicable laws, rules, and regulations in their efforts to suspend Chief Valentine.

32. LT. YOUNG's statements and positions articulated to defendant TRAVISANO were objections by LT. YOUNG to acts and omissions which defendant Dover and the other defendants (in concert) protected under the New Jersey Conscientious Employee Protection Act, N.J.S.A. §§ 34:19-1, et seq. ("CEPA"), because the statements and positions were based upon LT. YOUNG's reasonable beliefs that the acts and omission he identified were unlawful and/or against a clear mandate of public policy which the defendant knew or should have known they were violating.

33. Moreover, at all times relevant hereto, LT. YOUNG had protected rights and interests under New Jersey law, including but not limited to his protected right to make personal and political associations free of harassment or other unlawful action against him by the defendants.

34. Defendant TRAVISANO (on behalf of defendant DODD and the other defendants) made it clear to LT. YOUNG that his job and career were equally on the line and that it was only a matter of time before LT. YOUNG would as well be the target of unlawful harassment, retaliation, and persecution as a result of his decision to support Chief Valentine's bid for political office.

35. During their exchanges concerning Chief Valentine, LT. YOUNG observed that Defendant TRAVISANO was angry, agitated, and upset with LT. YOUNG's support of Chief Valentine's bid to run for office, and that the defendants would likely retaliate against LT. YOUNG as a result.

36. Following his suspension, Chief Valentine retained legal counsel and commenced a lawsuit against Dover. Upon information and belief, the Court determined that, in fact, the suspension of Chief Valentine was an unlawful act in violation of Chief Valentine's rights guaranteed under the New Jersey State Constitution. As a result, LT. YOUNG's complaint to Defendant TRAVISANO was validated not only as having been a legitimate concern that the defendants were violating New Jersey law, policy and procedure, but also that LT. YOUNG was correct to raise that issue conscientiously as an employee of Dover. Following the Court's ruling in his favor, Chief Valentine was reinstated to the position of Chief of Police of the Dover PD.

37. Upon information and belief, during and throughout his interactions with LT. YOUNG regarding the suspension of Chief Valentine, Defendant TRAVISANO was working in concert with the other defendants for purposes of advancing their unlawful motives and objectives, and with their authorization, knowledge and/or consent.

38. The defendants' wrongful acts in connection with the suspension of Chief Valentine created an atmosphere of unlawful intimidation, bullying, retaliation, and harassment, against LT. YOUNG, causing him to suffer emotional stress and suffering.

39. Unbeknownst to LT. YOUNG, on or about April 30, 2015, Defendant TRAVISANO (again working in concert with the other defendants for purposes of advancing their unlawful motives and objectives) caused there to be initiated against LT. YOUNG an unlawful internal affairs investigation (the "Investigation").

40. The Investigation was commenced and conducted in abject violation not only of Dover PD's internal affairs policies and procedures, but also of the State AG IA Guidelines.

41. For example:

- (a) The "complaint" was taken by Defendant TRAVISANO, who was neither law enforcement nor a member of Dover PD, in violation of the State AG IA Guidelines requirement that the complaint be taken by a senior member of the law enforcement entity;
- (b) Defendant TRAVISANO unlawfully withheld the "complaint" from Chief Valentine, the highest ranking officer within Dover PD, who, under the applicable State AG IG Guideline, in light of the facts and circumstances, was the law enforcement person who could or should have known about the "complaint";
- (c) Neither Defendant TRAVISANO nor anyone else timely notified LT. YOUNG that he was the subject of an internal affairs investigation, in violation of the State AG IA Guidelines;
- (d) The investigation was undertaken and conducted by persons who are not law enforcement actors, in violation of the State AG IA Guidelines requirement that it could only be conducted by a properly assigned, member of law enforcement;
- (e) The investigation was undertaken and conducted without conducting the mandatory interview of LT. YOUNG, the "subject officer", in violation of the State AG IA Guidelines;
- (f) The Investigation was not conducted in a thorough, complete, and/or objective, manner, in violation of the State AG IA Guidelines; and,

(g) Other gross irregularities evidencing unlawfulness and impropriety that violated LT. YOUNG's protected rights and interests.

42. The investigation and charging of LT. YOUNG orchestrated by the defendants was a form of unlawful harassment, retaliation, and persecution, of LT. YOUNG as a result of his exercise of his protected rights and interests.

43. On June 2, 2015, Chief Valentine lost the primary election in which he ran against defendant DODD. Empowered by Chief Valentine's election loss, the defendants increased their unlawful harassment, retaliation and persecution of LT. YOUNG.

44. On or about June 8, 2015, LT. YOUNG received a telephone call from defendant TRAVISANO. Defendant TRAVISANO made demands to LT. YOUNG that he immediately deliver documents and information which it would have been unlawful to disclose to Defendant TRAVISANO.

45. For example Defendant TRAVISANO demanded that LT. YOUNG – Dover PD's Commander of Internal Affairs – immediately turn over to Defendant TRAVISANO Internal Affairs documents and records.

46. Under New Jersey law, rules, and regulation (and, specifically, the New Jersey State Attorney General Guidelines governing Internal Affairs), as a matter of law LT. YOUNG was precluded from turning such materials over to Defendant TRAVISANO because they are highly confidential and can only be released to "law enforcement."

47. Defendant TRAVISANO also demanded that LT. YOUNG immediately turn over to him documents containing private healthcare information concerning an Officer employed at Dover PD.

48. Under federal law, namely the Health Insurance Portability and Accountability Act ("HIPAA"), it would have been unlawful for LT. YOUNG to turn over such materials to Defendant TRAVISANO.

49. LT. YOUNG refused Defendant TRAVISANO's demands, advising him that he could not turn over the requested document and information because it was and would be a violation of state and federal laws, rules, and regulations, including HIPAA and the State Attorney General Guidelines.

50. In that regard, once again, LT. YOUNG's statements and positions articulated to defendant TRAVISANO were objections by LT. YOUNG to acts and omissions which defendant Dover and the other defendants (in concert) protected under CEPA, because the statements and positions were based upon LT. YOUNG's reasonable beliefs that the acts and omission he identified were unlawful and/or against a clear mandate of public policy which the defendant knew or should have known they were violating.

51. Moreover, once again, LT. YOUNG had protected rights and interests under New Jersey law, including but not limited to his protected right to make personal and political associations free of harassment or other unlawful action against him by the defendants.

52. During their exchanges concerning Defendant TRAVISANO's unlawful demands, it was clear to LT. YOUNG that Defendant TRAVISANO was angry, agitated, and upset with LT. YOUNG's CEPA protected act of complaining to Defendant TRAVISANO that his demands were unlawful and/or would be in violation of important

public policies protected under the law. It was clear as well to LT. YOUNG that the defendants would likely retaliate against LT. YOUNG as a result.

53. On June 10, 2015, Defendant TRAVISANO directed LT. YOUNG to come to his office and bring with him his next highest ranking Dover PD officer. Upon arriving at Defendant TRAVISANO's office, LT. YOUNG was informed that he was being placed on suspension from his employment with the Dover PD, with pay, for 180 days based upon Disciplinary Charges being brought against him following an internal affairs investigation of LT. YOUNG. This constituted the first notice and/or notification that LT. YOUNG ever received that he was a subject officer in an internal investigation purportedly conducted by the Dover PD.

54. LT. YOUNG was escorted from the building and subsequently placed on an indefinite suspension, depriving him of numerous, important, protected rights and interest including but not limited to: (a) his right to work overtime and accrue and receive additional income and employment benefits; (b) his right to remain an active employee of the Dover PD, in good standing, as he had been throughout his decorated career; (c) his right to continue to develop and excel in his law enforcement career, including but not limited to employment as the Dover PD's Chief of Police and/or employment in a senior position in another law enforcement agency; (d) his right to good faith performance from Dover under the employment contract which existed between them; (e) his constitutionally protected rights to free speech, freedom of association, and freedom to participate in politics, and exercise his right to vote, without on-the-job retribution; and (f) other significant rights and interests, such as his right to be free from emotional

distress. LT. YOUNG was constructively discharged from his employment with the Dover PD.

55. LT. YOUNG was then served with formal notice of the discipline, which indicated the defendants' intention to permanently remove him from office, to demote him, and to force him to relinquish his employment with Dover PD as an employee not in "good standing."

56. The defendants' suspension of LT. YOUNG and endeavor to prosecute disciplinary charges against him were other forms of unlawful harassment, retaliation, and persecution directed at him by the defendants.

57. The disciplinary charges brought against LT. YOUNG were imposed unlawfully and in abject violation of Dover PD's policies and procedures, the State AG IA Guidelines, and other controlling case law, statutes, rules, and regulations.

58. The disciplinary charges were brought against LT. YOUNG based upon the Investigation, but before it was completed in compliance with the procedural protections afforded LT. YOUNG by the State AG IA Guidelines.

59. The disciplinary charges were never authorized by a properly appointed Dover PD law enforcement actor, but, rather, by the Dover Township Administrator who, as a matter of law, cannot bring such charges.

60. Once the disciplinary charges were brought, and LT. YOUNG made timely demand for a hearing, Dover failed and refused to conduct a timely hearing to resolve the disciplinary charges, which done for the purpose of harassing him and wrongfully removing from work.

61. The defendants' intentions included, but were not limited to, retaliation and retribution against LT. YOUNG based upon his actions that were protected under CEPA; as well as unlawful political retaliation and retribution against LT. YOUNG based upon his lawful support of Chief Valentine's bid for office.

62. The defendants committed numerous other acts and omissions for purposes of committing unlawful harassment, retaliation, retribution, and persecution of LT. YOUNG.

63. Upon information and belief, the afore described acts, actions, and omissions, by the defendants were unlawful and were committed by each of them intentionally in violation of applicable law, including but not limited to the New Jersey State Constitution and New Jersey Conscientious Employee Protection Act.

64. Alternatively, upon information and belief, the afore described acts, actions, and omissions, by the defendants were unlawful and were committed by each of them in reckless disregard of applicable law, including but not limited to the New Jersey State Constitution and New Jersey Conscientious Employee Protection Act.

65. Alternatively, upon information and belief, the afore described acts, actions, and omissions, by the defendants were unlawful and were committed by each of them in negligent disregard of applicable law, including but not limited to the New Jersey State Constitution and New Jersey Conscientious Employee Protection Act.

66. As a direct and proximate result of the acts and omissions of each of the defendants, Plaintiff has suffered injury and damage including, but not limited to: constructive discharge from employment; loss of employment; economic loss; emotional distress; disruption to career and work; other injury, damages, and loss.

FIRST COUNT

(New Jersey Civil Rights Act N.J.S.A. §10:6-2(c) & Unlawful Political Retaliation)

67. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation previously made in his Complaint, including those set forth in paragraphs 1-66 above.

68. In March 2015, Chief Valentine announced his intention to run for Mayor of Dover against defendant DODD in the June 2015 primary race.

69. Plaintiff publically supported Chief Valentine in his run for office, which included, on or about July 3, 2015, Plaintiff's publicly endorsing Chief Valentine for Mayor in his race against defendant DODD.

70. Such endorsement was an exercise of Plaintiff's right of free speech under Article I, Section 6 of the New Jersey State Constitution.

71. Plaintiff's statements, acts, and actions constitute political activities protected under New Jersey statutory law.

72. As a direct and proximate result of Plaintiff's exercise of his Article I, Section 6 state constitutional right of free speech, and their respective acts and omissions in retaliation against LT. YOUNG that constitute his statutory protected right to political affiliation, activities, and speech, defendants DOVER, DODD, ROSELL, TRAVISANO, and JOHN & JANE DOES 1-10 and ABC Corp. 1-10, acting under color of state law, did act in concert to deprive plaintiff of his protected rights and interests, including but not limited to suspending him from his employment on June 10, 2015.

73. As a direct and proximate result of the defendants' wrongful acts and omissions, defendants DOVER, DODD, ROSELL, TRAVISANO, and JOHN & JANE

DOES 1-10 and ABC Corp. 1-10 caused plaintiff to suffer injury and damages, including, but not limited to: constructive discharge from employment; loss of employment; disruption to his career; loss of income; and, emotional distress, anxiety, embarrassment, and public humiliation.

WHEREFORE, pursuant to N.J.S.A. §10:6-2 plaintiff LT. YOUNG demands judgment against each defendant, jointly and severally, awarding Plaintiff:

- a. Compensatory and consequential damages to the fullest extent permitted under applicable law, including, but not limited to, compensation for lost back pay, lost front pay, lost income, salary and wages, lost employment benefits, damages for disruption to his career, damages for injury to his name and reputation, damages to compensate his for emotional distress, anxiety, embarrassment, and humiliation, and other damages;
- b. Punitive damages;
- c. Attorney fees, pre- and post-judgment interest, litigation expenses, and costs of suit;
- d. Equitable relief including, but not limited to, injunctive relief; and,
- e. Such other relief as may be deemed just and proper by the Court.

SECOND COUNT

(Conscientious Employee Protection Act pursuant to N.J.S.A. §34:19-1 et seq.)

74. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation previously made in his Complaint, including those set forth in paragraphs 1-73 above.

75. At all times relevant, defendant DOVER was the employer of the Plaintiff as that term is used in N.J.S.A. §34:19-2(a).

76. At all times relevant, Plaintiff was an employee of defendant DOVER as that term is used in N.J.S.A. §34:19-2(b).

77. At all times relevant, defendant TRAVISANO was a supervisor as that term is used in N.J.S.A. §34:19-2(d).

78. Plaintiff reasonably believed that it was illegal, unethical or violative of public policy and/or law for him to have provided defendant TRAVISANO with either or both the Internal Affairs materials or medical records of a fellow officer, pursuant to N.J.S.A. §34:19-3(a) and (c).

79. Plaintiff's refusal to provide defendant TRAVISANO with either or both the Internal Affairs materials and/or medical records of a fellow officer was a protected act as that term is used in N.J.S.A. §34:19-3(c).

80. Defendants DODD and TRAVISANO each are members of "upper management" of Dover, as a result of their respective management powers, duties, and responsibilities.

81. The suspension of the Plaintiff by defendants DOVER, DODD, ROSELL, TRAVISANO, JOHN & JANE DOES 1-10 and ABC Corp. 1-10, was retaliatory action as that term is defined under N.J.S.A. §34:19-2(e) and N.J.S.A. §34:19-3.

82. As a result of the defendants' unlawful retaliation, plaintiff suffered injury and damage including, but not limited to: constructive discharge from employment; constructive discharge from employment; loss of employment; disruption to his career; loss of income; and, emotional distress, anxiety, embarrassment, and public humiliation.

WHEREFORE, plaintiff LT. YOUNG demands judgment against each defendant, jointly and severally, awarding plaintiff:

- a. Compensatory and consequential damages to the fullest extent permitted under applicable law, including, but not limited to, compensation for lost back pay, lost front pay, lost income, salary and wages, lost employment benefits, damages for disruption to his career, damages for injury to his name and reputation, damages to compensate him for emotional distress, anxiety, embarrassment, and humiliation, and other damages;
- b. Punitive damages;
- c. Attorney fees, pre- and post-judgment interest, litigation expenses, and costs of suit;
- d. Equitable relief including, but not limited to, injunctive relief; and,
- e. Such other relief as may be deemed just and proper by the Court.

THIRD COUNT
(Breach of Express Contract)

83. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation previously made in his Complaint, including those set forth in paragraphs 1-82 above.

84. At all times relevant hereto, LT. YOUNG and defendant DOVER were parties to a binding employment contract, supported by good and valuable consideration, pertinent to plaintiff's employment with DOVER.

85. At all times relevant hereto, Plaintiff rendered material performance of his duties and obligations under that contract, and satisfied, discharged and/or was relieved

from any and all conditions applicable to his right to reciprocal performance under that contract.

86. As a result, at all times relevant hereto, Plaintiff was and is entitled to full and complete performance by defendant DOVER of its contractual duties and obligations.

87. The parties' contract included an implied covenant of good faith and fair dealing.

88. Defendant DOVER materially breached the parties' contract by and through the acts, actions, omissions, deeds and misdeeds of defendants DODD, ROSELL, TRAVISANO, JOHN & JANE DOES 1-10 and ABC Corp. 1-10, and others.

89. As a direct, proximate and consequential result of the material breach, plaintiff suffered and continues to suffer injury and damages including, but not limited to: constructive discharge from employment; loss of employment; disruption to his career; loss of income; and, emotional distress, anxiety, embarrassment, and public humiliation.

WHEREFORE, plaintiff LT. YOUNG demands judgment against each defendant, jointly and severally, awarding plaintiff:

- a. Compensatory and consequential damages to the fullest extent permitted under applicable law;
- b. Punitive damages;
- c. Attorney fees, pre- and post-judgment interest, litigation expenses, and costs of suit;
- d. Equitable relief including, but not limited to, injunctive relief; and,
- e. Such other relief as may be deemed just and proper by the Court.

FOURTH COUNT
(Declaratory Judgment & Injunctive Relief)

90. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation previously made in his Complaint, including those set forth in paragraphs 1-89 above.

91. As a result of the defendants' unlawful and wrongful acts and omissions, LT. YOUNG was subjected to an internal affairs investigation, and resulting disciplinary charges, which are improper, unlawful, wrongful, and in violation of applicable New Jersey case law, statutes, rules and regulations, including but not limited to the State AG IA Guidelines.

92. The Investigation was commenced and conducted in abject violation not only of Dover PD's internal affairs policies and procedures, but also of the State AG IA Guidelines, including, by way of example the following:

- (a) The "complaint" was taken by Defendant TRAVISANO, who was neither law enforcement nor a member of Dover PD, in violation of the State AG IA Guidelines requirement that the complaint be taken by a senior member of the law enforcement entity;
- (b) Defendant TRAVISANO unlawfully withheld the "complaint" from Chief Valentine, the highest ranking officer within Dover PD, who, under the applicable State AG IG Guideline, in light of the facts and circumstances, was the law enforcement person who could or should have known about the "complaint";

- (c) Neither Defendant TRAVISANO nor anyone else timely notified LT. YOUNG that he was the subject of an internal affairs investigation, in violation of the State AG IA Guidelines;
- (d) The investigation was undertaken and conducted by persons who are not law enforcement actors, in violation of the State AG IA Guidelines requirement that it could only be conducted by a properly assigned, member of law enforcement;
- (e) The investigation was undertaken and conducted without conducting the mandatory interview of LT. YOUNG, the "subject officer", in violation of the State AG IA Guidelines;
- (f) The Investigation was not conducted in a thorough, complete, and/or objective, manner, in violation of the State AG IA Guidelines; and,
- (g) Other gross irregularities evidencing unlawfulness and impropriety that violated LT. YOUNG's protected rights and interests.

93. The defendants' suspension of LT. YOUNG and endeavor to prosecute disciplinary charges against him also is improper, unlawful, wrongful, and in violation of applicable New Jersey case law, statutes, rules and regulations, including but not limited to the following the following example:

- (a) The disciplinary charges brought against LT. YOUNG were imposed unlawfully and in abject violation of Dover PD's policies and procedures, the State AG IA Guidelines, and other controlling case law, statutes, rules, and regulations;

- (b) The disciplinary charges were brought against LT. YOUNG based upon the investigation, but before it was properly completed in compliance with the procedural protections afforded LT. YOUNG by the State AG IA Guidelines
- (c) The disciplinary charges were never authorized by a properly appointed Dover PD law enforcement actor, but, rather, by the Dover Township Administrator who, as a matter of law, cannot bring such charges;
- (d) Once the disciplinary charges were brought, and LT. YOUNG made timely demand for a hearing, Dover failed and refused to conduct a timely hearing to resolve the disciplinary charges, which done for the purpose of harassing him and wrongfully removing from work; and
- (e) Other gross irregularities evidencing unlawfulness and impropriety that violated LT. YOUNG's protected rights and interests.

94. The defendants' improper and unlawful conduct and use of internal affairs investigations resulting in disciplinary charges which placed officers on administrative suspension, with and/or without pay, was and is not limited to LT. YOUNG but, rather, a practice which the defendants have utilized repeatedly, over the years.

95. Upon information and belief, full and complete discovery of the internal affairs records of Dover PD as to officers placed in suspension will reveal numerous instance in which the defendants engaged in such unlawful, wrongful practices.

96. Knowing that its investigation and resulting disciplinary charges are unlawful, the defendants have and continue, nevertheless, to cause Dover PD to pursue the disciplinary charges wrongfully, for purposes of harassing, retaliating against, and causing injury, distress and damages to, LT. YOUNG.

WHEREFORE, plaintiff LT. YOUNG demands relief against each defendant, jointly and severally, of the following nature:

- a. An Order entering declaratory judgment in favor of plaintiff, and against defendant Town of Dover, that the Dover Police Department Internal Affairs investigation of LT. YOUNG was improper, unlawful, wrongful, and conducted in violation of LT. YOUNG's protected rights and interests;
- b. An Order entering declaratory judgment in favor of plaintiff, and against defendant Town of Dover, that the disciplinary charges pending against LT. YOUNG are improper, unlawful, wrongful, conducted in violation of LT. YOUNG's protected rights and interests, and striking down those charges, with prejudice;
- c. One or more Orders in favor of plaintiff, and against defendant Town of Dover and the other defendants, imposing preliminary and permanent injunctions against each of them which bar the further prosecution of the pending disciplinary charges against LT. YOUNG, and which bar them from bring further charges against him based upon the facts and/or information revealed during or in connection with the prior, unlawful internal affairs investigation;
- d. An Order awarding in favor of plaintiff, and against each of the defendants, awarding plaintiff compensatory and consequential damages to the fullest extent permitted under applicable law;

- e. An Order awarding in favor of plaintiff, and against each of the defendants, awarding plaintiff punitive damages;
- f. An Order awarding in favor of plaintiff, and against each of the defendants, awarding plaintiff attorney fees, pre- and post-judgment interest, litigation expenses, and costs of suit;
- g. An Order awarding in favor of plaintiff, and against each of the defendants, awarding plaintiff equitable relief including, but not limited to, injunctive relief; and,
- h. An Order awarding in favor of plaintiff, and against each of the defendants, awarding plaintiff such other relief as may be deemed just and proper by the Court.

FIFTH COUNT
(Breach of Attorney-Client Privilege)

97. Plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation previously made in his Complaint, including those set forth in paragraphs 1-96 above.

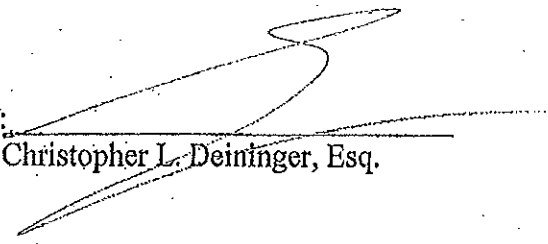
98. In 2014, there was commenced in this Court a plenary, civil action entitled Thiel v. Town of Dover, et al., New Jersey Superior Court, Morris County, Law Division, Docket No. MRS-L-1734-14 (the "Thiel Action").

99. In response to the Thiel Action, defendant Dover retained and engaged legal counsel to represent Dover and the Dover employees named as defendants therein, including LT. YOUNG, namely, Robert J. Greenbaum, Esq. (hereinafter, "Defense Counsel").

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject matter of any other existing or contemplated action in this Court or any other Court. I further certify that the matter in controversy is not the subject of any arbitration proceedings. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

BUBB GROGAN & COCCA, LLP,
Attorneys for Plaintiff

By: 
Christopher L. Deininger, Esq.

Dated: March 17, 2016

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SUPERIOR COURT
2016 MAR 17 1:18 PM
HOBBS COUNTY
CIVIL DIVISION

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Christopher L. Deininger, Esq.		TELEPHONE NUMBER (973) 539-6500	
	COUNTY OF VENUE Morris		DOCKET NUMBER (when available) _____	
	FIRM NAME (if applicable) Bubba, Grogan & Cocca, LLP		OFFICE ADDRESS 25 Prospect Street Morristown, NJ 07960	
NAME OF PARTY (e.g., John Doe, Plaintiff) Barry M. Young, Jr., Lieutenant Dover Police Department, Plaintiff		CAPTION Barry M. Young, Jr., Lieutenant Dover Police Department v. Town of Dover, Mayor James P. Dodd, Public Safety Director Richard Rosell, Town Administrator Donald Travisano, et al		
CASE TYPE NUMBER (See reverse side for listing) 616		HURRICANE SANDY RELATED? ☐ YES ☒ NO IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS _____		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO		IF YES, IS THAT RELATIONSHIP: ☒ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION _____		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE? _____		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: _____				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETA/AREXIA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59