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Morristown Administration

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Attorney(s) for Plaintiff(s): Christos Pappas

Christos Pappas

Plaintiff(s)

vs.

The Town of Morristown, Gary Smith, XYZ Municipality 1-10,
XYZ CORP 1-10, JOHN AND JANE DOE 1-10

Defendant(s)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

MORRIS COUNTY

DOCKET NO.: MRS-L-000336-20

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 provided and available in the Civil Division Management Office in the county listed above or 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 (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 provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: March 4, 2020

Michelle/M/Smith
 Michelle//M//Smith Clerk of the Superior Court

Name of Defendant to be Served: Gary Smith

Address of Defendant to be Served: Department of Public Works, 200 South Street, Morristown, New Jersey 07960

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 343-4200

BERGEN COUNTY

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 483-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice, First Floor
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY

Deputy Clerk of the Superior Court
9 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
466 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake, First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Department
Brennan Court House, First Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
Middlesex Vicinage
Second Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY

Morris County Courthouse
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 287-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6078
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

Updated: 8/21/13

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Attorney for Plaintiff
Attorney I.D. Number: 0006272006

CHRISTOS PAPPAS Plaintiff, v. THE TOWN OF MORRISTOWN, GARY SMITH, XYZ MUNICAPLITY 1-10, XYZ CORP 1-10, JOHN AND JANE DOE 1-10 Defendants.	SUPERIOR COURT OF NEW JERSEY MORRIS COUNTY-LAW DIVISION DOCKET: MRS-L-000336-20 CIVIL ACTION FIRST AMENDED COMPLAINT, JURY DEMAND, DESIGNATION OF TRIAL ATTORNEY AND CERTIFICATION
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Plaintiff CHRISTOS PAPPAS (hereinafter PAPPAS), residing at
[REDACTED],
complaining of Defendants, The Town of Morristown and Gary Smith,
hereby states the following;

COUNT ONE

1. Plaintiff, Pappas was a member of the Department of Public Works for the Defendant, Town of Morristown, (herein referred to as Defendant "Morristown") with an office located at 200 South Street, Morristown, County of Morris, New Jersey since his date of hire in July 2012. Plaintiff is still employed in such capacity.

2. Plaintiff discharged his duties with competency during his tenure as an employee of the Defendant Morristown.
3. While an employee with Defendant Morristown Plaintiff Pappas was exposed to a hostile work environment and sexual harassment.
4. While employed by Defendant Morristown, Plaintiff Pappas was exposed to sexual harassment by Defendant Gary Smith (herein after referred to as "Defendant Smith").
5. On or about February 11, 2019 Plaintiff reported the conduct of Defendant Gary Smith to his supervisor at Defendant Morristown.
6. Jillian Barrick, the Business Administrator for Defendant Morristown, sustained the allegations of sexual harassment made by Plaintiff. More specifically, Ms. Barrick sent a letter on May 17, 2019, stating, in part:

Your harassment allegations made against Gary Smith for the various incident(s) occurring from February 11, 2019 have been investigated. Based upon the findings, I have determined there is credit (to) your Complaints and that Mr. Smith did violate the Town Harassment Policy.

7. Defendant Smith was not terminated, and Plaintiff was forced to continue working with Defendant Smith.
8. Upon information and belief, Defendant Morristown has a policy against sexual harassment and has memorialized this policy in a handbook provided to employees. Upon information and belief, this handbook was provided to Defendant Smith.

9. The policy employed by Defendant Morristown to discourage sexual harassment is ineffective, and negligent as it is clear from the conduct of Defendant Smith the policy was such that it had and has no effect on the conduct of the employees.

10. Defendant Morristown was negligent in their hiring, supervising and training of their employees, in this matter, Defendant Smith.

COUNT ONE

1. Plaintiff incorporates the allegations set forth in Paragraphs 1-10 as if fully set forth herein.
2. Defendants are responsible for exposing plaintiff while at work, into an environment where he was harassed and victimized by Defendants who made harassing sexual remarks to him, made unwanted contact upon him, requested to engage in sexual contact with him, resulting in extreme emotional distress for him.
3. The actions described herein, all of which were performed wantonly and intentionally, constitutes a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10: 5-1 et seq., and which continues.

WHEREFORE, Plaintiff, demands judgment against defendants jointly and severally, asserting penalties and sanctions and awarding him;

- a) Equitable damages, including but not limited to lost wages, benefits and interest, denied to him;
- b) A restraining order against the Defendant Smith;

- c) Compensatory damages, including but not limited to all damages for pain and suffering and other losses resulting from defendant's unlawful actions;
- d) Prejudgment and post judgment interest;
- e) Punitive damages for Defendant's extreme and outrageous conduct and willful and wanton disregard for plaintiff's entitlement to a workplace free of sexual harassment and discriminatory misconduct;
- f) Cost of suit, including reasonable attorneys' fees;
- g) Any such other relief deemed by the court to be equitable and just, as provided by law.

SECOND COUNT

1. Plaintiff incorporates the allegations set forth in the above stated paragraphs as though set forth herein.
2. Defendant Morristown and its officers and its employees had a duty to Plaintiff to properly hire, supervise and monitor its employees, to ensure that illegal behavior was not committed, condoned or permitted to continue, either negligently or intentionally.
3. As a direct and proximate results of Defendant Morristown's acts and omissions, plaintiff has and will continue to suffer permanent and irreparable physical, psychological and financial injuries, losses and tribulations.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, and awarding him;

- (a) Equitable damages, including but not limited to lost wages, benefits and interest, denied to him;
- (b) Compensatory damages, including but not limited to all damages for pain and suffering and other losses resulting from defendant's unlawful actions;
- (c) Prejudgment and Post judgment interest;
- (d) Punitive damages for defendants extreme and outrageous conduct and willful and wanton disregard for plaintiff's entitlement to a discrimination free place of employment;
- (e) Cost of suit, including reasonable attorneys' fees;
- (f) Any such other relief deemed by the court to be equitable and just, as provided by law.
- (g) Statutorily imposed damages.

THIRD COUNT

1. Plaintiff incorporates the allegations set forth in the above stated paragraphs as though set forth herein.
2. Each and every act or omission alleged in this complaint to have been committed or omitted by an individual, or a discrete group of individuals, was committed or omitted using the authority given to the person alleged to have committed or omitted the act by the required officers or other supervisors and person with management authority vested upon them by virtue of their employment with Defendant Morristown.
3. Defendant Morristown failed in the duty to provide to plaintiff a work environment free of harassment.

4. Despite being advised of the sexual harassment being committed by the Defendant Smith the Defendant Morristown failed to take the proper corrective actions.
5. As a direct and proximate result of defendants' acts and omissions, plaintiff has and will continue to suffer permanent and irreparable physical, psychological and financial injuries, losses and tribulations.

WHEREFORE, Plaintiff demands judgment against defendants jointly and severally, and awarding him;

- (a) Equitable damages, including but not limited to lost wages; benefits and interest, denied to him;
- (b) Compensatory damages, including but not limited to all damages for pain and suffering and other losses resulting from defendant's unlawful actions;
- (c) Prejudgment and Post judgment interest;
- (d) Punitive damages for defendants extreme and outrageous conduct and willful and wanton disregard for plaintiff's entitlement to a discrimination free place of employment;
- (e) Cost of suit, including reasonable attorneys' fees;
- (f) Any such other relief deemed by the court to be equitable and just, as provided by law.
- (g) Statutorily imposed damages.

FOURTH COUNT

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

2. N.J.S.A. §§ 34:19-1 - 34:19-8 ("NJ CEPA"), prohibits all public and private employers from retaliating against employees who disclose, object to, or refuse to participate in certain actions that the employees reasonably believe are either illegal or in violation of public policy.

3. Defendant's failure to provide a safe and harassment free place of employment for Plaintiff is a violation of legal standards. Plaintiff complained about the harassment and was retaliated against by way of failure to receive any promotions, raises, or other advancement.

4. Plaintiff reasonably believed that Defendant's actions were in violation of the law and posed a threat.

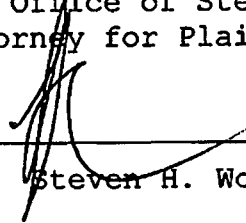
5. Defendants violated CEPA by unlawfully withholding any ancillary benefits, promotions, raises, overtime, or other benefits due and owing to Plaintiff in retaliation for his complaints.

6. As a direct and proximate result of Defendant's CEPA violations, Plaintiff has suffered losses consisting of the attendant wages and benefits, and emotional distress damage.

WHEREFORE, Plaintiff demands judgment against defendants jointly and severally, and awarding him;

- (a) Equitable damages, including but not limited to lost wages, benefits and interest, denied to him;
- (b) Compensatory damages, including but not limited to all damages for pain and suffering and other losses resulting from defendant's unlawful actions;
- (c) Prejudgment and Post judgment interest;
- (d) Punitive damages for defendants extreme and outrageous conduct and willful and wanton disregard for plaintiff's entitlement to a discrimination free place of employment;
- (e) Any and All Statutorily imposed damages;
- (f) Cost of suit, including reasonable attorneys' fees;
- (g) Any such other relief deemed by the court to be equitable and just, as provided by law.

Respectfully Submitted,
Law Office of Steven H. Wolff, LLC
Attorney for Plaintiff

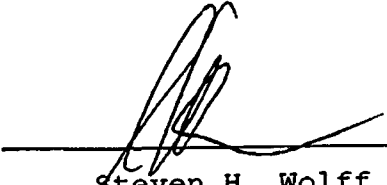
By: 
Steven H. Wolff, Esq.

Dated: February 20, 2020

* * *

JURY DEMAND

Plaintiff demand a trial by jury on all issues as may be allowed by law.



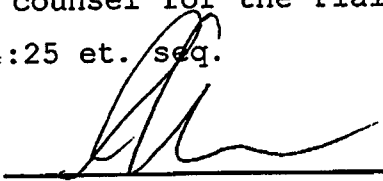
Steven H. Wolff

Attorney for Plaintiff

Dated: February 20, 2020

DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, Plaintiff hereby designates Steven H. Wolff, Esq. as counsel for the Plaintiff in the within matter pursuant to Rule 4:25 et. seq.



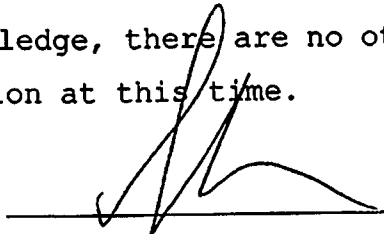
Steven H. Wolff

Attorney for Plaintiff

Dated: February 20, 2020

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to Rule 4:5-1 I hereby certify that this matter is not the subject of any other action pending in any Court nor the subject of any arbitration proceeding and no such action or proceeding is contemplated at this time. I further certify that, to the best of my knowledge, there are no other parties who should be joined in this action at this time.



Steven H. Wolff

Attorney for Plaintiff

Date: February 20, 2020