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<p>ALEXANDRIA V. CHAPMAN,                   Plaintiff,                   vs.                   ACV ENVIRO CORPORATION, KEVIN SHEPPARD, SETH WHALLEY, ANDREW SHACKETT, TASHA PEREZ, ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),                   Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY                  LAW DIVISION                  CAMDEN COUNTY                   DOCKET NO.:   <u>Civil Action</u>   <b>COMPLAINT &amp; DEMAND                  FOR TRIAL BY JURY</b></p>
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Plaintiff Alexandria V. Chapman (“Ms. Chapman” and/or “Plaintiff”) by way of Complaint against Defendant ACV Enviro Corporation (“Defendant ACV” and/or “Corporate Defendant”), Defendant Kevin Sheppard (“Defendant Sheppard”), Defendant Seth Whalley (“Defendant

Whalley”), Defendant Andrew Shackett (“Defendant Shackett”), and Defendant Tasha Perez (“Defendant Perez”) (collectively “Defendants”), alleges as follows:

### **PARTIES**

1. Plaintiff is a female individual residing in Cherry Hill, New Jersey and at all times relevant hereto is employed by Corporate Defendant.

2. Defendant ACV is a privately owned and operated environmental services company that provides industrial waste management and disposal services throughout the United States.

3. Defendant ACV has a principal place of business located at 1500 Rahway Avenue, Avenel, New Jersey 07001. At all times relevant hereto, Defendant ACV is an “employer” as defined under the New Jersey Law Against Discrimination (“LAD”), *N.J.S.A. 10:5-1, et seq.*

4. Defendant Sheppard, at all relevant times hereto, is an individual employed by Defendant ACV as the Chief Development Officer. This claim is brought against Defendant Sheppard in his individual capacity and as an agent and/or servant of Defendant ACV.

5. Defendant Whalley, at all relevant times hereto, is an individual who was employed by Defendant ACV as the Director of Technical Services/Systems. This claim is brought against Defendant Whalley in his individual capacity and as an agent and/or servant of Defendant ACV.

6. Defendant Shackett, at all relevant times hereto, is an individual employed by Defendant ACV as the President and Chief Executive Officer. This claim is brought against Defendant Shackett in his individual capacity and as an agent and/or servant of Defendant ACV.

7. Defendant Perez, at all relevant times hereto, is an individual employed by Defendant ACV as the Director of Human Resources. This claim is brought against Defendant Perez in her individual capacity and as an agent and/or servant of Defendant ACV.

8. Defendant ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with Defendant ACV, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-discrimination policies of Defendant ACV, and/or currently unidentified business entities who have liability for the damages suffered by Plaintiff under any theory advanced herein.

9. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of harassment or anti-discrimination policies of Defendant ACV and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

### **INTRODUCTION**

10. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

11. This case concerns the most basic right of a female employee—the right to enjoy a workplace free of sexual harassment. Now, more than ever, women should be empowered and encouraged for bringing valid claims of sexual harassment to light. At a minimum, women who report sexual harassment should not have to endure victim blaming based on outdated gender stereotypes. But when Plaintiff, a married and promising account executive, spoke out and reported the disgraceful sexual harassment, assaults and batteries she suffered at the (literal) hands of multiple male supervisors, including the company’s Chief Development Officer, Defendants protected Plaintiff’s harassers and weaponized their resources against her.

12. Despite the severity of Plaintiff’s reports to Defendant ACV – including but not limited to Plaintiff’s claims that Defendants Sheppard and Whalley attempted to forcibly kiss her,

repeatedly groped her body while pressing their genitals against her, and that Defendant Sheppard grabbed Plaintiff by the arm, pulled her hair and choked Plaintiff causing significant bruising, Defendant ACV allowed Plaintiff's assailants to remain employed without discernable consequence. Moreover, rather than sending a message that Defendants' outrageous conduct would not be tolerated, Defendants mobilized their resources to retaliate against Plaintiff, downplay her trauma and sweep the brutal harassment, assaults and batteries she endured under the rug.

13. In sum, despite its motto: "BEST PEOPLE. BEST TEAM. GREAT SERVICE," when it came to caring for one of their own, Defendant ACV fell pitifully short of its obligations as Plaintiff's employer. Such conduct is shameful and has no place in society, let alone at work. New Jersey's Law Against Discrimination provides redress for women subjected to such treatment in the workplace. Plaintiff accordingly brings this lawsuit.

#### **FACTS COMMON TO ALL CLAIMS**

14. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

15. Plaintiff commenced employment with Defendant ACV in May 2018 as an Account Executive. In such capacity, Defendants Sheppard, Whalley and Shackett all act in a supervisory capacity over Plaintiff.

16. On November 15, 2018, Plaintiff attended a work-sponsored event at Topgolf in Edison, New Jersey with workers from Defendant ACV, including, but not limited to, Defendant Sheppard, Defendant Whalley, and Customer Service Manager Bryan Schwab ("Mr. Schwab").

17. On the way to the hotel after dinner and drinks at Topgolf, Defendant Sheppard discussed the possibility of Plaintiff working closer to home. When Plaintiff explained that there

were no such positions available at Defendant ACV, Defendant Sheppard offered to create a role for her.

18. Upon arrival at the hotel, the group continued socializing at the hotel bar until it closed, then moved to a nearby “dive bar.” Thereafter, Defendant Sheppard insisted that the group continue drinking at 1 Oak, a nightclub in New York City.

19. Defendant Sheppard called Ubers to shuttle the group into New York City, but there was not enough room for everyone in the car. When Plaintiff stated that she would return to the hotel and not join the group at 1 Oak, she was instructed to get into the Uber. Defendant Whalley then pulled Plaintiff onto his lap in the Uber and held her in the car despite Plaintiff’s objections.

20. Plaintiff felt pressured to stay out with the group, but she wanted to continue bonding with her coworkers in a more casual setting, as these bonds are often valuable in business.

21. Notably, Mr. Schwab shared with Plaintiff his belief that the “guys were acting a little weird,” during the evening, so Mr. Schwab was “legit worried” about Plaintiff going with them to 1 Oak. Mr. Schwab opted not to go to the nightclub with the group, and based on his concerns, he asked that Plaintiff text him at the end of the night to confirm she was alright.

22. After arriving at 1 Oak, Defendant Sheppard instructed Plaintiff to provide the venue her company credit card to pay for VIP service, which included a booth, a bottle of alcohol and a personal server.

23. When Plaintiff stated that she did not want any of those charges on her card, Defendant Sheppard insisted and reminded Plaintiff that he is her supervisor, stating “it will be fine; I approve your expenses.”

24. Plaintiff then followed Defendant Sheppard’s orders and provided her company credit card and identification to the 1 Oak VIP employee. The 1 Oak employee then advised

Plaintiff that he could not return her cards until every member of the group vacated the nightclub. Because the venue was holding onto her credit card and license, Plaintiff was compelled to stay at 1 Oak.

25. Once in the club, Defendant Sheppard insisted that Plaintiff dance with him. Plaintiff initially declined, but Defendant Sheppard was relentless and ultimately pulled Plaintiff out onto the dance floor.

26. While dancing in the crowd, Defendant Sheppard pulled Plaintiff in close, which led to Plaintiff repeatedly pulling back to get away from him.

27. Throughout the evening, Defendant Sheppard pressured Plaintiff and her coworkers to keep drinking alcohol beyond the point of intoxication and to continue partying into the early hours of the next morning.

28. Upon information and belief, Defendant Sheppard demanded that Plaintiff continue drinking in order to lower her inhibitions and make her an easier target for his intended sexual harassment.

29. Under cover of the dark nightclub, Defendant Sheppard launched the next phase of his plan to sexually harass Plaintiff. He began to aggressively pursue sexual contact with Plaintiff by grabbing her and rubbing his body against hers.

30. Defendant Sheppard then pulled Plaintiff in and tried to kiss her on the mouth. Plaintiff immediately pushed away and took Defendant Sheppard aside to speak with him.

31. During this discussion, Plaintiff asked Defendant Sheppard what he was doing, reminded him that he was married, and told him that his sexual advances toward her were unwanted. Defendant Sheppard remained silent during Plaintiff's complaints of his sexual harassment.

32. Plaintiff explained to Defendant Sheppard that she believed his sexual advances were inappropriate, and she was not interested in him. Defendant Sheppard said nothing in return, and the two went their separate ways.

33. However, the sexual advances did not stop there. Later that night, Defendant Sheppard again coerced Plaintiff to dance with him. Believing she had no choice but to appease her supervisor, Plaintiff agreed to Defendant Sheppard's relentless demands that she dance with him.

34. Defendant Sheppard clearly ignored Plaintiff's previous rejections of his sexual advances. Once again, Defendant Sheppard pulled Plaintiff close to him, placed his hands on her back, slid his hand against her skin, and ultimately ***placed his hands under her pants touching her buttocks.***

35. Plaintiff, shocked and in a panic, immediately attempted to pull away, but Defendant Sheppard gripped her tighter and pulled her in closer. Defendant Sheppard proceeded to pull on the top of Plaintiff's tank top in order to pull her toward him.

36. When Plaintiff turned to walk away, Defendant Sheppard ***forcibly grabbed Plaintiff by her hair and pulled her back toward him.***

37. The unlawful and inappropriate conduct did not stop there. All throughout the night, Defendant Sheppard repeatedly subjected Plaintiff to unyielding inappropriate advances and sexually suggestive comments.

38. By way of example, but not limitation, Defendant Sheppard stated to Plaintiff on several occasions ***"you're so bad,"*** in addition to other sexually suggestive comments.

39. Additionally, Defendant Sheppard ***placed his hand on Plaintiff's breast.*** Plaintiff immediately admonished Defendant Sheppard for his inappropriate touching of her body.

40. Specifically, Plaintiff asked Defendant Sheppard what he was doing, sternly told him to stop, and informed him that he had been behaving inappropriately all night.

41. When Plaintiff advised Defendant Sheppard that she could report his behavior to Defendant ACV, ***he forcibly grabbed her by placing both his hands around her neck, violently pushed her against a wall, and held her there firmly.***

42. Plaintiff pleaded with Defendant Sheppard to stop choking her and stated that she could not breathe. Plaintiff also tried to pull Defendant Sheppard's hands off her neck.

43. Despite her begging, Defendant Sheppard refused to let go of Plaintiff's neck until she waved her hand to indicate that someone was behind him.

44. Defendant Sheppard then loosened his grip around Plaintiff's neck, and she pulled free of his grasp. Defendant Sheppard then attempted to stop Plaintiff from walking away by ***grabbing her arm forcefully.*** As a result of the unlawful conduct, Plaintiff sustained bruising to her neck and arms (at the hands of Defendant Sheppard) as pictured below.<sup>1</sup>



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<sup>1</sup> The pictures posted below were taken 24-36 hours after the assault and battery in which Defendant Sheppard grabbed Plaintiff, strangled her, and forcibly held her against a wall.





45. In addition to Defendant Sheppard's outrageous and despicable behavior, Plaintiff was also subjected to sexual harassment, assault, and battery at the hands of Defendant Whalley on the same exact night.

46. Specifically, while Plaintiff was speaking to Defendant Whalley at the nightclub, Defendant Whalley leaned in and ***started forcibly kissing Plaintiff's neck.***

47. Plaintiff was extremely uncomfortable with this behavior and immediately instructed Defendant Whalley to stop kissing her. She then pushed Defendant Whalley away from her and walked away.

48. The next morning, Plaintiff's supervisor, Rob Motl ("Mr. Motl"), noticed the markings that Defendant Sheppard made on Plaintiff's neck and asked her what had happened.

49. Initially, Plaintiff did not want to talk about what happened, but eventually reported to Mr. Motl everything that had transpired at 1 Oak the previous night.

50. Plaintiff also reported the sexual harassment, assaults and batteries to which she was subjected at 1 Oak to the New York Police Department ("NYPD"), and upon information and belief, the NYPD investigation into Plaintiff's claims is ongoing.

51. Mr. Motl responded to Plaintiff's reports of Defendant Sheppard's unlawful conduct by advising Plaintiff to reach out to an attorney.

52. Plaintiff informed Mr. Motl that she feared she would be subjected to a retaliatory termination as a result of complaining, to which Mr. Motl promised Plaintiff that everything would be kept confidential.

53. As a result of her conversation with Mr. Motl, Plaintiff sent the following email to Human Resources ("HR") on November 19, 2018:

I have to report disturbing behavior and sexual harassment that happened while a group of us were out after the conference last week. After dinner a group of us went out for drinks. I thought because these were my coworkers and superiors I would be in a safe environment, however I was wrong. While we were out Kevin repeatedly made sexual advances toward me. He put his hands on me many times and rubbed his body against mine and held my body tightly close to him. He kept calling me a "bad" girl and other suggestive comments to flirt with me and he tried to kiss me multiple times, which I avoided. When I tried to say no he became very angry and it scared me. He even went so far as to choke me and pull my hair when I tried to get away from him. This doesn't even cover all of Kevin's inappropriate behavior toward me. I am devastated. I am so distraught over what happened and very concerned about facing backlash for coming forward. This is not an easy thing for me to do, and I hope this matter will be handled properly.

54. The next day, on November 20, 2018, Plaintiff attended an in-person meeting with Defendant Perez and Defendant Shackett to discuss her November 19, 2018 complaint.

55. Therein, Plaintiff recounted the severe and pervasive sexual harassment, assaults, and batteries to which she was subjected.

56. During the meeting, Defendant Perez informed Plaintiff that she was "not surprised" by Plaintiff's complaints. Plaintiff understood Defendant Perez's comment to mean that Defendant Perez and/or Defendant ACV had knowledge of Defendant Sheppard's penchant for harassment and unlawful conduct prior to the assaults and batteries that Plaintiff endured.

57. After the meeting concluded, Plaintiff was told that Defendant Sheppard would be placed on paid suspension while an investigation was conducted by attorneys at a law firm hired by Defendant ACV.

58. The next day, on November 21, 2018, Plaintiff emailed Defendant Perez summarizing their discussion as follows:

Hello Tasha:

I understand that your attorney will be reaching out to me sometime today, but I'd rather set up a date and time with him to talk – preferably early to mid next week so I can prepare and collect my thoughts. I am already anxious about having to relive this again and expect to be hammered with questions. Not knowing when that will be is just adding to my anxiety. I'd like to be able to coordinate a set time.

Also, since our meeting yesterday, a couple of things were said have been bothering me. When we were discussing the situation, you had said how this happening didn't surprise you. If it isn't surprising then I feel like this could have been prevented and that the company didn't protect me when they know there was a problem. I think he has acted irresponsibly before. He felt way too empowered and protected to continually treat me as he did that night, ultimately escalating to choking me and restraining me.

Also, Andy had mentioned that the company may consider demotion or something other than termination. However, in an organization whose handbook touts zero tolerance, why wouldn't there be immediate termination when I was harassed and sexually assaulted? Kevin has a lot of power in the company and is friend with Andy. I also feel as though the law firm that is going to be investigating may not actually be independent but may just be a way to salvage Kevin's position in the company. That is also increasing my anxiety and making me very concerned.

Please let me know how I can coordinate a time and a date to speak with your legal counsel. Thank you, Tasha.

Alex

59. Defendant Perez responded to Plaintiff's email by immediately "back tracking" her

prior statement to Plaintiff that she was “not surprised” that this happened.

60. Additionally, Defendant Perez stated that she has “never had any complaints about the parties involved.”

61. Although Defendant Perez informed Plaintiff that Defendant ACV was taking the matter “seriously,” she also exposed the company’s complete failure to appreciate the severity of Plaintiff’s complaints and understand its own legal obligations as Plaintiff’s employer.

62. By way of example, but not limitation, despite having knowledge that Plaintiff was sexually harassed, groped, assaulted and choked by Defendant Sheppard during a work gathering, Defendant Perez informed Plaintiff “ACV didn’t have to get legal involved however we felt it was the best approach...”

63. This erroneous and retaliatory comment by Defendant Perez implied that Plaintiff should be grateful that Defendant ACV was investigating at all, and that Plaintiff should stop complaining.

64. On November 21, 2018, Plaintiff discussed scheduling an in-person interview with the attorney hired by Defendant ACV to investigate her complaints.

65. Defendant ACV’s investigatory process was inconvenient, informal, and aimed to suppress open discussion by publicly embarrassing Plaintiff.

66. By way of example, but not limitation, despite the sensitive nature of Plaintiff’s claims, the investigator proposed meeting Plaintiff at a spare table in the Philadelphia 30th Street public train station.

67. Indeed, although she was still reeling from the sexual harassment, assaults and batteries she endured only days earlier, ACV Enviro’s investigator requested that Mrs. Chapman share the intimate details of her complaints in public.

68. In turn, Plaintiff respectfully replied “I can tell you there are no quiet tables [at the train station proposed]. I think given the severity of the issue, it would be best to meet in a more professional environment.”

69. On November 26, 2018, Plaintiff took a train to Washington D.C. to meet with the investigator at his office.

70. Plaintiff’s interview for Defendants’ scant and informal investigation lasted approximately one and a half hours.

71. Therein, Plaintiff learned that Defendant ACV was flying Defendant Sheppard down to the investigator’s office for his interview later in the week, even though Plaintiff was required to take the train to Washington D.C.

72. During the interview, Plaintiff answered multiple questions and recounted the terrible physical attacks and sexual harassment that she had endured at the (literal) hands of Defendant Sheppard.

73. Thereafter, the investigator asked Plaintiff what remedial actions she would prefer Defendant ACV take. Plaintiff explained to the investigator that she was extremely hurt by Defendant Sheppard’s unlawful conduct and that she could not work for or with Defendant Sheppard going further under any circumstances.

74. In shifting responsibility to Plaintiff to prepare her own remedial plan concerning the sexual harassment she endured, it became clear to Plaintiff that: (i) Defendants were ill equipped to implement appropriate remedial measures following a complaint of sexual harassment; (ii) Defendants’ “Zero Tolerance” sexual harassment policy was ineffective; and/or (iii) Defendants had no intention of following its own “Zero Tolerance” sexual harassment policy, which states in relevant part:

ACV Enviro will not tolerate sexual harassment in the workplace. We are committed to a zero tolerance policy as it pertains to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

...

ACV Enviro has the responsibility of investigating and resolving alleged threats or acts of sexual harassment. Confidentiality will be maintained as much as is practicable. Offenders may be disciplined through suspension and/or termination. We reserve the right to take any appropriate legal action we deem necessary. Should any associate believe this policy has been violated by a fellow associate, he or she is urged to contact a member of management or the HR department for appropriate follow-up action.

75. Accordingly, Plaintiff stated that Defendant ACV's "Zero Tolerance" policy should be enforced, and Defendant Sheppard should be terminated as result of his unlawful conduct.

76. Furthermore, during the meeting with the investigator, Plaintiff expressed her concerns about experiencing negative backlash for her complaints. Specifically, Plaintiff noted that the Defendant ACV executives are all friends, and she was worried about retaliation.

77. By way of additional example, but not limitation, Plaintiff advised the investigators that Defendant Sheppard had offered her a promotion before launching his sexual advances, and the position had not been discussed since her rejection and complaints of his unlawful conduct, so she feared that offer was withdrawn in retaliation for same.

78. About a week later, on December 4, 2018, Plaintiff met with Defendant Perez and Defendant Shackett. During the meeting, Defendant Shackett apologized to Plaintiff and expressed that "none of it should have happened," "nothing good happens after midnight," and "the location should not have been picked."

79. Despite this apology, Defendant Shackett and Defendant Perez advised Plaintiff that her reports of Defendant Sheppard's sexual harassment were not verified by their biased investigation.

80. Additionally, Plaintiff was advised that although Defendant ACV purports to maintain a zero-tolerance policy, because Defendant Sheppard had allegedly never been accused of such conduct prior to Plaintiff's complaints, he would not be terminated because they needed to give him the opportunity to "fix himself."

81. In essence, despite the serious nature of Mrs. Chapman's reports of his unlawful conduct, Defendant Sheppard was going to receive a mere slap on the wrist.

82. Defendant Perez and Defendant Shackett told Plaintiff that Defendant Sheppard (i) would be placed on a corrective action plan, (ii) would be subjected to a vague and ambiguous "probationary period," and (iii) would suffer undisclosed financial consequences.

83. Plaintiff was also advised that she would not have to work with Defendant Sheppard going forward, as the company was going to reassign her to a role as a national account manager and transfer her different division of the company.

84. Although Plaintiff's prior experience and training was in sales, she would now be reporting to the technical services department.

85. Defendant Shackett advised that Defendant Sheppard was originally going to "inherit" the technical services division, but he would no longer be heading same as a "punishment" for his behavior toward Plaintiff.

86. Defendants advised Plaintiff that she would receive a pay increase in connection with the offered manager position, if she was satisfied by their proposed remedial measures.

87. Plaintiff declined this position and complained that it would significantly increase her workload for the same earning potential as that of her current role as Account Executive. In addition, Plaintiff rejected the proposed role as her discretionary bonus would be determined by a supervisor who is friends with Defendant Sheppard.

88. Despite how Defendants spun it, the position would not be a benefit to Plaintiff but rather a retaliatory and illusory offer to set Plaintiff up for failure.

89. Moreover, Plaintiff was extremely unhappy and shocked by Defendant ACV's apathy toward the severity of her complaints. She immediately complained that the investigatory findings were clearly self-serving and biased, as evinced by Defendant Shackett's comments and purported "punishment" of Mr. Sheppard.

90. Plaintiff also complained that she was concerned her professional advancement would be negatively impacted if Defendant Sheppard remained at Defendant ACV as she could not work with him.

91. Plaintiff was especially disheartened that Defendant ACV failed to uphold its "Zero Tolerance" policy.

92. During the discussion, Plaintiff explained to Defendant Shackett and Defendant Perez that she felt extremely unsafe around Defendant Sheppard and would not feel comfortable reporting to the same work environment as him.

93. In turn, Defendant ACV offered that Defendant Sheppard write an apology letter to Plaintiff, which was completely inappropriate and further evidence that Defendant ACV was not grasping the severity of the physical attacks and severe sexual harassment that Plaintiff endured.

94. On December 6, 2018, Plaintiff sent the following email to Defendant Shackett and Defendant Perez:

Hello Andy and Tasha:

I have been thinking a lot about our meeting yesterday morning and want to address some items that were said.

Following your apologies, you outlined Kevin's corrective action plan, which will take all of next year to be enacted. You also stated that there would be a reorganization (later to find out meaning for



me). You mentioned how Kevin will be facing financial penalties and under a probationary period, by which any deviation would result in termination. Kevin would have to write me an apology letter, which I may decline. While Kevin won't have the responsibility of technical services as was originally intended and is having some pay cut, his life at ACV is going to be relatively unchanged for that of a professional leader who assaulted me.

It sounds like ACV's Zero Tolerance policy only means zero tolerance in situations where it is convenient, irrespective of staff noticing bruising on my neck hours later on the next day and pictures showing bruising on my neck and arm about 36 hours after being strangled and grabbed.

One of the times I mentioned feeling like it was an unsafe work environment specific to zero tolerance not being zero tolerance, I gave a scenario where something could happen to me again and if no one saw, it would be as good as not happening; I was disappointed and frustrated that the response I was given was that I wouldn't be meeting with Kevin alone. Seeing Kevin or being forced to interact with him in a group or otherwise will force me to relive that night and this entire situation. I can't even wear the same clothing or the pearl necklace that I'd wear every day, which my husband gave me many years ago, because of association and yet you are suggesting I work in an environment where I would have to over time work with the person who has caused this. Making me suffer through this over and over is not fair to me or to the people who worry and care about me. I feel like this investigation was not really seeking truth but ultimately damage control for the company and for Kevin. I am the one who is suffering through this, not Kevin; he is just being somewhat inconvenienced for what he did to me.

Clearly, this series of events shows the folks involved that there is tolerance for inappropriate and violent behavior, so serious in nature that I can press charges for assault. Criminal behavior is acceptable and permitted at ACV at least when there are no previous records on ACV file. Andy, you said that we have to give Kevin an opportunity to fix himself. Since this happened, I have been diagnosed with PTSD and suffering anxiety and panic attacks; I have lost my appetite and force myself to eat at my friend's and family's requests. I have difficulty focusing and have been unable to sleep; my overall demeanor has shifted. This is not something where moving me into another division, reporting to another person and being told I'll have increased earning potential will make things better or make me feel better. I won't feel any safer knowing that I still work with Kevin and that the company is OK with his behavior, thereby saying ACV

is ok with others exhibiting the same kind of behavior. While retaliation against me is not allowed by company policy, since this situation was generally viewed as acceptable, how can coworkers not feel like in some way retaliation is acceptable, especially when they are Kevin's friends?

Kevin continuously used his position over me to force me into uncomfortable situations, making me feel trapped at the club until everyone left, pulling me back when I went to walk away or pulling me up against him. He might not have anything on a formal record, but his empowered behavior certainly felt like this wasn't the first time he behaved this way.

Not only do I feel like this is an unsafe work environment, I feel like I am truly going to be pigeonholed into Technical Services. You had mentioned how my background on my resume showed a lot of sales and development experience with some technical expertise. I am now blocked from sales with Kevin as the head of that group and will only be able to work in that area of Technical Services. If I am to stay and grow with this company as I specifically expressed interest, I eventually could be Kevin's peer and would have to work with him. Andy, you talked about future opportunities with different services, including pharmaceutical waste and DEA controlled services; I have over 10 years of extensive expertise in these fields having even developed successful programs for other larger organizations, so knowledgeable and connected that regulatory bodies would approach me for consultation. How could I do anything with that at ACV if I can't work with the sales team?

I am being treated as a toxic asset; I am in sales for the company but the only sales team member not reporting to or working with the rest of the sales team. I've been pigeonholed into Technical Services and segregated from the rest of the sales team.

Tasha, you had said about not wanting to create an uncomfortable environment and we would be kept separated, but I don't see how that's possible if I am going to work on large opportunities impacting our bottom line, no less move up in the company. I don't feel like it is an opportunity that is available to me and that was one of the main reasons I was interested in and came to ACV.

At the end of the meeting, you told me Andy that I could have a week or two to think things over and that same morning, I received a call from Bryan Swanson specific to the new role in Technical Services that I was offered. We ended up playing phone tag throughout the day and when we finally connected around 4PM, he

told me that you (Andy) had called him, told him about the new position for me and to work on targets and that I was to assist with the targeting; Bryan asked for me to have some targets to him this week. Bryan seemed unaware of the particulars around the situation and I dismissed this week's request due to bereavement time to avoid getting into further particulars as to why this request on this day was inappropriate. It is frustrating to me that I was told I'd have up to a couple of weeks to think about how this was handled and instead, the same day, I am called about targets as the company's main concern. This request is unreasonable in this situation and again emphasizes that even in this situation ACV's focus is on earning potential and bottom line, which I have to assume is a large part of why Kevin is still in his position and our policies are largely ignored and hypocritical.

I feel like my advancement is limited, that this is still an unsafe work environment for me, that ACV is more interested in protecting Kevin than taking the investigation and outcome seriously. I feel like you tried to make it sound like this was going to end up being a good thing for me and Kevin was the one who was going to be penalized – by keeping his exact job with a little less pay. The Harassment and Discrimination policy isn't really zero tolerance, the reaction to the situation is hypocritical to our policies, and I don't find the outcome of the investigation satisfactory.

Please send me a copy of the written report and a written determination as it relates to me and my job with ACV.

Thank you,

Alex

95. Defendant Perez responded to Plaintiff defending the action taken by Defendant ACV following Plaintiff's complaints and refusing to provide Defendant ACV's alleged investigatory findings.

96. Specifically, Defendant Perez stated as follows:

Hi Alex,

As we discussed, ACV takes your allegations very seriously. Kirkland acted independently and conducted a thorough investigation, interviewing everyone that was at the club that night as well as Bryan and Rob. Although Kirkland's investigation was

unable to corroborate your specific allegations -- i.e. no one saw Kevin do the things you allege he did, the Company has still taken prompt corrective action to assure that any similar conduct cannot happen in the future.

Kevin's employment is continuing only subject to a twelve month probationary period. As part of this probation, he has been fined, will receive one-on-one harassment, sensitivity and hostility training and has responsibilities removed from his role.

In offering you a new role in Technical Services, we had hoped to provide you with a role where you can excel, have opportunity for job advancement, and will not work directly or indirectly with Kevin.

We can assure you that no one at ACV views you as a "toxic asset." We want you to stay at ACV and continue to advance. We will take all steps necessary to assure that you will not be retaliated against for bringing forward your complaint. ACV will also be training all employees regarding sexual harassment and other codes of conduct.

We received a privileged, detailed verbal debriefing from Kirkland and are not sharing a written report. Please feel free to contact me if you have any questions.

Regards,

Tasha Perez

97. In sum, Defendant ACV chalked Plaintiff's serious complaints up to a "he said/she said" situation and conducted a whitewashed investigation intended only to support its own profit-driven conclusion.

98. Nevertheless, Plaintiff understood Defendants' punishment of Defendant Sheppard to be an admission that he engaged in the unlawful sexual harassment, assaults and batteries of which Plaintiff complained.

99. Despite Defendant Perez's assertion that Defendant ACV took "prompt corrective action to assure that any similar conduct cannot happen in the future," Defendant ACV failed to

even follow its own “Zero Tolerance” policy.

100. Additionally, Defendant ACV allowed Defendant Sheppard to continue employment in a position of authority despite Plaintiff’s serious allegations that he choked, groped, and sexually harassed her.

101. Defendant ACV’s response to Plaintiff’s complaints were carefully crafted so the company appeared to be proactive without taking any action whatsoever that might affect its bottom line.

102. In addition, Defendant ACV was setting Plaintiff up for failure by reassigning her to the National Account Manager position under the terms proposed.

103. Indeed, although Plaintiff’s background and experience is in sales, and the position clearly requires interaction with the sales department, Plaintiff was cut off from the sales team all to protect the team leader, Defendant Sheppard.

104. To make matters worse, even though Plaintiff was promised that she would be separated from Defendant Sheppard, Plaintiff has been forced to interact with Defendant Sheppard on numerous occasions via email and telephone, causing her additional emotional distress.

105. On December 16, 2018, Plaintiff emailed Defendant Perez to express her ongoing complaints about Defendant ACV’s retaliatory plan following her complaints of unlawful conduct.

In relevant part, the e-mail stated as follows:

Hello Tasha:

...As touched upon in the letter you sent me, ACV is planning to utilize my skillset and experience to not only do a national account manager role but to also develop successful programs for the organization. In order to develop and then successfully sell these programs, I absolutely will have to interact with more than Seth, Brian, and Tom – Brian even told me I would be working with the AEs, etc. We will need the AEs to be the day to day folks with larger opportunities especially to hand off to once the deal is sold, so I do

not understand how I won't be working with the sales team if I am going to be effective and successful for and at ACV.

Finally, you and Andy promised me I wouldn't have to work with Kevin; however, in order to follow through on my duty to the team and our customer, I have had to interact and work with Kevin. An example of one of the email chains is in the attached and I have to respond to this email, too, so that the team can react appropriately. What am I supposed to do with these situations where my choosing to not respond would negatively impact the customer, negatively impact our ability to collect the over \$800K we are owed, and negatively impact the team? This customer is worth over \$1.7MM and is at risk. As Kevin even mentions in the email, I know the situation with the customer better than anyone, so should I just ignore it? I can't let the customer down and I do not want to let my teammates down. I need you to tell me how to handle this because I cannot keep being put in this situation; among other things, it is causing me anxiety having to interact with him.

Alex

106. Plaintiff repeatedly advised Defendant ACV that the remedial measures it proposed were ineffective and compromising her ability to successfully perform her job duties.

107. Further, Defendant ACV's failure to terminate Defendant Sheppard in accordance with the company's own policy, or separate him from Plaintiff as promised, was causing her additional anxiety and emotional distress.

108. Defendants failed to address Plaintiff's concerns, so Plaintiff continued to endure a hostile and retaliatory work environment.

109. As a result of the sexual harassment, assaults, and batteries to which Plaintiff was subjected by Defendants, Plaintiff began attending therapy sessions.

110. Plaintiff also reported Defendant Whalley's unlawful behavior to Defendant Perez, including but not limited to his forcibly kissing Plaintiff's neck, and expressed her concerns that Defendant Whalley would be her supervisor in the event she accepted Defendant ACV's proposed reassignment to the National Account Manager position.

111. Plaintiff emailed Defendant Perez on December 19, 2018, in relevant part, as follows:

Hello Tasha:

...I am concerned that Seth is on my proposed new team and I will have to work with someone who has been horribly inappropriate toward me. I am concerned that because this is someone in a position of authority, there will be possibly be some form of retaliation for coming forward and it causing disruption. I also have concern that remedial measures may not be taken and I will be the one who has to work in an uncomfortable work environment, further limiting the groups of people that I am able to interact with and work with as teammates.

I also have concerns that I am limited from going to the corporate office because of that being where Kevin is based. I don't see how I am not being limited from later advancement in the organization if I won't be able to work at or meet folks at the corporate office. Specific to even meeting today, I know you said Suzy wasn't made aware of the reasons why the meeting location had to change, but what am I supposed to say to her if she asks why you suggested meeting elsewhere? It also may seem like I have some issue with her because from her perspective, it could look like I went to you to ask for our meeting location to be changed after she told me she had to be in Avenel. I don't want my professional relationship with her to be negatively impacted and I worry it now has to a degree. I worry about similar instances of having to meet other folks based at corporate; how will it be handled? I don't know how I can't feel like some toxic asset to the team. It will seem like I have a problem with these teammates and I don't.

Alex

112. When she was contacted by Defendant ACV's attorney-investigator to discuss her complaints of Defendant Whalley's unlawful conduct, Plaintiff advised that she did not feel comfortable working with Defendant Whalley. Plaintiff also reiterated that she just wanted to feel safe at work.

113. Plaintiff further complained that Defendant ACV was failing to take the necessary steps to alleviate the unlawful and unsafe work environment.

114. On January 3, 2019, Plaintiff emailed Defendant Perez to complain again about the ongoing retaliation she was enduring at Defendant ACV.

115. In relevant part, Plaintiff explained, ***“[h]ow can I not feel like I am being treated like a toxic asset to the company when not even leadership or their teams will work with me – whether directly or indirectly?”***

116. The next day, on January 4, 2019, Plaintiff was advised that Defendant ACV’s purported investigation was concluded, and that her allegations against Defendant Whalley were uncorroborated.

117. Additionally, because of her complaints, Defendant ACV retracted their previous offer of the National Account Manager position because that role required direct contact with Defendant Whalley.

118. Again, Defendant ACV’s opted to protect her harassers at Plaintiff’s expense.

119. Defendant ACV then offered Plaintiff three unviable job options that were inconvenient, set the Plaintiff up for failure, and/or would result in a reduction in Plaintiff’s compensation.

120. Most troubling however, was that the roles proposed to Plaintiff by Defendant ACV would require her to continue reporting to Defendant Sheppard.

121. These reassignments were intended to retaliate against Plaintiff, not as remedial responses to her complaints.

122. On January 9, 2019, Plaintiff emailed Defendant Perez complaining about Defendants’ ongoing retaliatory conduct:

Hello Tasha:

When we spoke on Friday, you had offered me three options –



1. Project Coordinator Position
2. AE in Philadelphia
3. NAM

I expressed concern with all three. The PC position requires a technical expertise that I do not have and would set both myself and ACV up for failure, which you acknowledged but later offered training. Based on my experience thus far at ACV, there really is no training program and I do not feel confident I would receive adequate training. Secondly, it would report to John Van Ness, who reports to Kevin – meaning I am still in a reporting structure to Kevin. Thirdly, I would make less money in this position and do not deserve to be penalized financially when it isn't even a position I want or a direction I want to take my career.

The AE position is an issue because Andy and you promised me a better position and earning more money last time the three of us met in person; this position does not deliver on that promise and ultimately reports up to Kevin. I also would be working for John, who supposedly wouldn't know the reasons behind needing to be separated from Kevin – although you gave me an excuse for everyone, which I will address below. Thirdly, the NAM position would have me working with Seth, which is not acceptable either as I deserve to work in a safe and professional work environment; I also would have to work directly with the sales team, who reports to Kevin. The earning potential you had previously outlined would come in around that of the AE position and I would be tasked with significantly more work, which doesn't sound like an improvement as promised.

All of these options would require that myself or Kevin would need to be exempt from team meetings – small or company-wide for me to avoid interaction. You callously said to tell people “Kevin and I had a difference of opinion and I just can't stand to be in the same room as him.” You furthered that it isn't their business to know why I don't want to be in Kevin's presence – which is because he assaulted me, not because of a difference of opinion. While it isn't anyone's business, people naturally would gossip and to give a ridiculous excuse such as refusing to work with someone because of a difference of opinion will only cause others to create a negative opinion of me and hurt my career. Also, your trivialization of my being sexually and physically assaulted is ridiculous and hurtful.

It is not fair for me to continually be mistreated and penalized, especially given the circumstances. I was sexually assaulted and I don't feel that ACV has taken this seriously. Kevin was not

terminated and the remedial plan is unacceptable and ineffective. You now are expecting me to scramble while Kevin is fully protected. On top of this, I have been and am continually dealing with unprofessional behavior from coworkers as I mentioned to you in my other email. I feel like you haven't taken me seriously either because I never received a response when I asked for help when dealing with these concerns. As I mentioned, I can give you plenty of specific examples. As an example, all of these occurred during the course of one meeting/call yesterday:

- I asked Chris Simon, Paula Etman, and Wanda Valle a direct, specific question and received zero response.
- About 10 – 15 minutes into the call, someone joins. I stop the call and say, I heard a beep, it sounds like someone joined the call. Who just joined? I don't get a response at all. We all wait several seconds and get no response. We only found out Suzy Voutsinas joined later because a manager asked if she was on the call; later through conversation we found out Stephen Sheppard did listen in on the line with Suzy. Why couldn't they answer me when I asked who it was?
- In an in person internal meeting, I asked Matt Smith a question and he just stared at me and gave zero response. I asked the same question twice in a row and after the second time and long gap of silence, explained why I was asking to try and get an answer – and still received no response from Matt in a room and call full of people, including Matt's manager. Matt is a manager and other managers and lower level team members were in the room and on a call hearing this and not reacting, not even my manager.

I feel like I am being bullied. The meeting yesterday was to prepare us for a client meeting – I cannot even get support to support us for our clients. This is unprofessional and demoralizing and unfortunately, this is not the first time in the last month I've dealt with this kind of behavior. I was sexually assaulted and ACV's response is not to take me or the situation seriously at all.

Two of the options you gave report up through Kevin, the other working with Seth and per Brian Swanson, the sales team who reports to Kevin. All options ultimately will hurt my opportunity for advancement with my being cut out of meetings or team events where I could build professional relationships and opportunity to grow my career. None of these options are realistic or will work. What other options do you have?

Alex

123. Rather than appropriately address Plaintiff's ongoing complaints, Defendant ACV continued to retaliate against Plaintiff.

124. By way of example, but not limitation, Defendant Perez replied to Plaintiff's previous email defending Defendant ACV's conduct and accusing Plaintiff of not doing her job in direct retaliation for Plaintiff's previous complaints.

125. Defendant Perez's January 9, 2019 reply to Plaintiff states in relevant part:

... ACV took immediate action and hired outside counsel to conduct a fair and thorough investigation into this matter. As I mentioned to you before the allegations could not be corroborated. ACV cannot guarantee that you wouldn't see Kevin or Seth as the organization is big enough yet. However ACV would do it's best to make sure you don't have any interaction with either Kevin.

ACV has no reason to retaliate against you. We have been supportive of your feelings and have taken into account your role which adds value within the organization. To date we have created three roles for you with an increase in compensation, (or same compensation) and hope you accept one of the three roles as we feel you will be successful.

We didn't terminate Kevin Sheppard but he has been penalized. Kevin understands and acknowledges he's on a last chance agreement. Kevin will also going to several trainings as a apart of his agreement. I'm disappointed to hear your points regarding "unprofessionalism" and if this occurred it should be addressed with management. As you know ACV expects all our employees to act and remain professional at all times while at work.

Other than the parties that were involved in the investigations NO ONE is aware of the investigation or the complaint. This is confidential and will remain confidential. I apologize if you feel my comments to you on Friday were "callous". I told you that if employees start asking you why you choose not to be around Kevin your response should be "You had a disagreement and choose not to be around them". You that [sic] you don't owe anyone an explanation to this situation or about this situation as it's personal.

I also want to confirm if you've been working? If so I want ensure you are not "running" into Kevin...

126. Instead of addressing Plaintiff's complaints and feedback regarding the inefficiency of the company's proposed remedial measures, Defendants continued to defend their retaliatory position.

127. Even worse, to deflect from the vague and unimpressive explanation of Defendant Sheppard's "penalize[ation]," Defendant Perez intimated that Plaintiff was not performing her job.

128. Plaintiff, disgusted by Defendant Perez's retaliatory email, replied complaining about Defendants' ongoing unlawful conduct as follows:

Hello Tasha:

Tasha, by way of background, I do not believe that the ACV has handled this correctly or fairly. I believe that the investigation was narrow and designed to protect someone who sexually assaulted me, that Kevin should have been promptly terminated, and that the ACV cares more about protecting their profits and Kevin's well being than mine. I don't think it was handled appropriately and efficiently - at all. It is hard to believe that I am still coping with issues like this, in this day and age, after being sexually assaulted and showing you pictures of what was done to me. How do you think you have done the right thing? I am dealing with PTSD and serious anxiety and I have to take medications for this and go to therapy. It has upset my professional and personal life to an extent that you could not possibly understand. And the issue is compounded every day because I have interacted with a person who sexually assaulted me and be tossed around like a hot potato. And you are treating it like a workplace disagreement and trying to sanitize the whole thing.

By your own admission the PC position would pay less than the AE job in overall commission/bonus plan. It is not something I am qualified for and again would set me up for failure. The other positions are not going to work for reasons already outlined and are not good.

You did not respond to my email on January 3rd entitled "Request" and you told me to wait for next steps as you were going on vacation the next day; waiting 12 days for a response is not a timely response. These are some of the reasons I do not feel valued or that this is being taken truly seriously.

ACV might do it's best to make sure I don't have any interaction with either Kevin or Seth, but in any of these positions you have suggested I would have to work for teams that report to Kevin or interact with Seth - that is not going to be realistic after my experiences with them. Trying to do its best is not enough.

You said you are disappointed to hear about my points of "unprofessionalism" and that if this occurred it should be addressed with management. If I feel like the managers aren't handling things accurately, what good is that going to do? This is why I reached out to you on January 3rd.

You mentioned that other than the parties that were involved in the investigations NO ONE is aware of the investigation or the complaint. How do you know this to be fact? Firstly, I find it hard to believe when the parties involved have family and close friends or significant others working at the organization that no one else knows. Plus, as I have mentioned, behavior toward me has shifted by a number of team members, which I can't help but wonder is because of others talking about me and spinning the story. I have reported this and you have not inquired further or helped investigate it. You have just brushed it off.

I have been working - I mentioned in my last email about being at a meeting and conference call. I am doing my best to help our customers and get things done.

The options that you have presented are not acceptable to me and ACV's response is general is not acceptable to me. And I should not be forced to accept something that completely unfair and limits my professional growth simply because it is convenient for Kevin and ACV.

Alex

129. On January 10, 2019, Plaintiff's lawyer dispatched a Litigation Hold Letter to Defendant ACV apprising the company of Plaintiff's claims and intent to file a lawsuit in connection with the sexual harassment, hostile work environment, retaliation, assaults and batteries to which Plaintiff was subjected by Defendants.

130. Upon information and belief, the Litigation Hold Letter was shared with employees of Defendant ACV and Plaintiff's claims were discussed openly with uninvolved individuals.

131. Upon information and belief, during these discussions, Defendant Whalley denigrated Plaintiff and attempted to illicit sympathy from Defendant ACV employees at Plaintiff's expense.

132. Following Defendants' receipt of the Litigation Hold Letter, Plaintiff was subjected to additional retaliation including, but not limited to, isolation from coworkers, disparate and increased scrutiny, and ongoing hostility at work.

133. On February 26, 2019, Plaintiff met with Defendant ACV's in-house counsel Chris Novak ("Mr. Novak") and another HR representative Aida Garcia ("Ms. Garcia") to discuss her ongoing concerns regarding the unprofessional, hostile, and retaliatory work environment.

134. During the meeting, Plaintiff was advised that Mr. Novak and Ms. Garcia were unaware of her previous complaints regarding the sexual harassment, assaults, and batteries to which she was subjected to by Defendant Sheppard and Defendant Whalley.

135. Plaintiff was extremely alarmed that these individuals, now tasked with investigating Plaintiff's complaints of ongoing retaliation, were basing their decisions and recommendations off absurdly incomplete information.

136. Additionally, Plaintiff believed it would be impossible for Mr. Novak and Ms. Garcia to conduct an appropriate and thorough investigation into her complaints without all relevant information.

137. Further, the decision to not share such information with the investigators clearly exposes the self-serving and biased nature of Defendant ACV's investigatory tactics.

138. At the conclusion of this meeting, Plaintiff was advised that Mr. Novak and Ms. Garcia would investigate her complaints and be in touch with her within a few weeks.

139. About four weeks later, on March 27, 2019, Plaintiff met with Ms. Garcia and was advised that Defendant ACV's purported investigation determined that Plaintiff was not subjected to retaliation and downplayed the hostile work environment that Plaintiff was enduring.

140. Rather than being sympathetic or addressing Plaintiff's complaints, Ms. Garcia essentially accused Plaintiff of being overly sensitive and instructed her to move on and stop complaining.

141. Ms. Garcia also advised that Plaintiff's direct supervisor, Mr. Motl, Plaintiff's closest confidant at the company, did not support her claims in his interview.

142. In addition, Ms. Garcia blamed Plaintiff for being isolated from coworkers and that stated that it was Plaintiff's "choice" to be excluded because Defendant Sheppard leads the sales team.

143. Following this meeting, Plaintiff confirmed with Mr. Motl that Defendant ACV's HR department misconstrued and fabricated the information he supposedly provided in his interview.

144. Specifically, Mr. Motl advised Plaintiff that he remained supportive of her throughout the interview, despite Defendant ACV's attempts to contort his statements to suit its own purpose.

145. Mr. Motl also advised Plaintiff that Defendant ACV pushed for him to downplay Plaintiff's emotional trauma and exclude her from meetings that included Defendant Sheppard.

146. On April 5, 2019, Plaintiff complained via email to Ms. Garcia about the ongoing retaliation she was enduring as follows:

Hi Aida and Chris:

I had a conversation with Rob Motl this week about a few things that have left me feeling like you are not taking my subsequent

complaints seriously and that you are trying to whitewash the retaliation against me.

Rob asked me about the meeting I had with you last week. Rob told me that his words had been taken out of context. In effect, ACV misrepresented what was said and did not fully investigate my concerns in what seems to be an attempt to neutralize my complaints. By the way, Rob told me that you had originally scheduled it with him to be in person, then called back and said you needed it to be the same day via conference call. Aida, you told me that it wasn't possible to meet in person insinuating because of Rob's schedule, which is different than what Rob told me.

You told me Rob had said that no one had acted negatively toward me or in a retaliatory fashion. Rob told me that he said he felt Shelbi was contentious toward me with the NYCDOT exchange. That is not what you said to me. Shelbi is not the only person I have expressed concerns about and yet that is the only person you seemed to focus on beyond the PCs to some extent because the PCs impact customers.

I have asked Rob for help and he has dismissed me both verbally and in writing saying "keep me out of it" or similar – I mentioned this to Tasha previously in an email. It is not unbelievable that he would agree with you specific to generalized comments to alleviate any risk of retaliation, especially if he is concerned about his job security. An example of Rob looking out for himself and not for me, which Kevin Sheppard can substantiate, was at the November sales meeting; Rob and Kevin were arguing about me in the hallway. Kevin was arguing about my role and Rob said he wanted to keep me on his team, keeping me from a better role. Kevin loudly called Rob selfish, which I and others heard.

Rob said that during the call that Chris had mentioned that I "claimed" to have PTSD and was having difficulty with aspects of my work; Rob said he substantiated that and when questioned, Rob pointed out that I was so upset about what happened to me initially that I had taken days off at Tasha's direction and approval, which Tasha confirmed on the call. As a side note, I don't "claim" to have PTSD; I have been diagnosed with it by a healthcare professional. I don't understand why you would be questioning Rob seeing as he is not an expert except to further try and find ways to dismiss or minimize me.

As long as Kevin is the head of sales, I will be minimized and excluded. By keeping Kevin as head of sales, you have essentially



ruined any prospect of advancement for me. Aida, last week you said this is my fault as I am not willing to compromise my career or career goals by shifting out of sales. Rob said your call largely focused on exclusion and while he confirmed that he hadn't excluded me from his team meetings, it was only because Kevin Sheppard couldn't make it. Rob said that you asked why he wouldn't invite me to a meeting with Kevin and reminded you that it was at Tasha's direction. Rob said you asked him if I was being excluded by others. Rob didn't know of anything to his knowledge – but Rob didn't know about the meetings Kevin had at Elizabeth with the sales team in the area.

An example from this week includes a call from Kevin Fitzgerald; among other things, he asked me about my position and where I want to go at ACV. Based on the things he said, it sounded like he had no idea about my situation; specifically, he made a comment 'you were going to be promoted into a corporate role, right – whatever happened with that?' When I spoke to Rob yesterday and mentioned Kevin Fitzgerald had called me, Rob said 'Why? He knows what's going on with you so I don't know why he would call you.' Rob said, Fitzgerald knew "Alex is suing the company" and Rob said that Fitzgerald knew that Kevin Sheppard had assaulted me. If Kevin Fitzgerald knew the situation and that my future is basically on hold until our mediation on May 21<sup>st</sup>, why was he asking me why I didn't have the corporate accounts position or about my long term plans at ACV unless he was looking for me to say something to use against me in some way and try and make me uncomfortable?

Alex

147. Upon information and belief, Mr. Motl submitted his resignation to Defendant ACV the same day that Plaintiff dispatched the above email, April 5, 2019.

148. Additionally, upon information and belief, Mr. Motl's resignation from Defendant ACV was due to his concerns about and refusal to participate in Defendant ACV's ongoing hostility and retaliation towards Plaintiff.

149. Plaintiff has been diagnosed with Post Traumatic Stress Disorder ("PTSD") as a direct result of the unlawful conduct to which Defendants have subjected her.

150. Further, following a medical evaluation of Plaintiff by Clinical Psychologist Jeffrey C. Singer, PhD (“Dr. Singer”), Dr. Singer concluded the following about Plaintiff:

It is clear that Ms. Chapman is suffering from syndromal levels of depression, anxiety and posttraumatic stress that meets the formal diagnosis criteria of Posttraumatic Stress Disorder (PTSD).

It is highly likely that Ms. Chapman’s functionally debilitating and noxious emotional state is the result of her supervisor’s alleged repeating violations of her emotional, physical and sexual boundaries as well as her sense of betrayal from her employer to not take effective action in the wake of these allegations. The alleged abuses and perceived failures leave Ms. Chapman to feel distraught, depressed, shamed, and humiliated at levels which impaired her ability to function.

In consideration of the alleged sexual, physical and emotional violations, Ms. Chapman will likely require years of psychotherapy. There is no precise way to predict how long this will take or how well she will recover. It should be noted that Ms. Chapman’s migraine headaches, colitis, and dysfunctional family of origin are all factors which will impact her adaptations. Regardless, she will likely never be the same.

The etiological underpinnings of Ms. Chapman’s current psychological distress and emotional turmoil from her PTSD can be attributed to the combination of the consequences of the events from the evening of Friday, November 16, 2018, and Ms. Chapman’s perception of feeling that her violations were not adequately addressed by her employer and that she remains vulnerable.

151. On March 15, 2019, Plaintiff’s therapist provided a letter to Defendant ACV explaining the reasonable workplace accommodations she recommended be made for Plaintiff in connection with the PTSD diagnosis.

152. Rather than accommodating Plaintiff’s reasonable requests, Defendant ACV has repeatedly subjected Plaintiff to additional retaliation, including but not limited to hassling Plaintiff to obtain additional information from her doctor among other hoop-jumping.

153. Rather than properly engaging in the interactive process by responding with their own proposed plan for accommodating her requests, Defendant ACV is clearly placing obstacles in Plaintiff's way in retaliation for her prior complaints.

154. The company failed to provide any response to Plaintiff's reasonable accommodation requests until April 17, 2019, when Ms. Garcia emailed Plaintiff as follows:

Good morning Alex,

Thanks for the follow-up letter from your therapist. Before we address the letter, I think it is important to advise you of two recent developments in the organization. First, Seth Whalley is no longer an employee of ACV Enviro and second, Kevin Sheppard is no longer the Chief Development Officer in charge of Sales. Kevin has moved into an audit role that has him working with Finance and Operations. Kevin Fitzgerald is assuming all of Kevin Sheppard's duties and responsibilities.

Given these details, I am sure you will agree that there is no chance you will be required to interact with either of these individuals. Does this new information in any way impact or prompt you to modify your current request for accommodation? Please let me know your thoughts so that we can move forward with this matter.

Thanks!

155. Shortly thereafter on April 17, 2019, Plaintiff complained as follows regarding Defendant ACV's ongoing failure to appropriately address her concerns and reasonable requests:

Hi Aida:

You say Kevin Sheppard is no longer the Chief Development Officer in charge of sales when everything in the day to day seems contrary to that statement. His Outlook title and signature still reflect the CDO title, he has been referenced as leading decisions that impact the sales team, contracts, and operational day to day as recently as this week. Colleagues view him as head of sales as well in comments as recently as yesterday. My boss, Kevin Fitzgerald, also reports to Kevin Sheppard. Kevin Sheppard is involved in contracts and projects I am working on, such as the NYCDOC and has been identified as responsible for making the ultimate decisions

for the sales team. I continue to have involvement with him even peripherally.

I am unable to attend the sales/ops meeting next week with the rest of the regional team because Kevin Sheppard is a part of it, which I had to generally explain to my boss. There seems to be a disconnect for you with what's going on in the day to day and the field.

Regarding the therapist letter, ACV completely overlooked the PTSD aspect as well as the hostile work environment comments. Further, you haven't responded to my other two emails I have sent outlining concerns about the workplace and as such I feel like sending you continued updates on the work environment are futile because my attempts to reach out appear to be disregarded.

The information you provided in your email does not result in adjustment for request for accommodation as it does not address the items outlined previously.

156. The issue of Plaintiff's requests for reasonable accommodations remain outstanding.

157. Additionally, Defendant Sheppard remains in control of the sales team, and any suggestion that he has been removed from said role is another fabrication by Defendants.

158. Accordingly, Plaintiff's environment continues to be unbearably hostile, and Plaintiff continues to be prevented from attending meetings crucial to her success at Defendant ACV due to Defendant Sheppard's presence and control over the sales department.

159. Moreover, Plaintiff continues to be marginalized, isolated, ignored and subjected to increased and disparate scrutiny by Defendants.

160. By way of example but not limitation, Defendants shared with Defendant ACV employees that the parties were engaging in mediation prior to filing this complaint. In turn, Plaintiff's coworkers began to withdraw from Plaintiff under the mistaken assumption that she was transferring roles and/or exiting the company.

161. In addition, upon information and belief, Defendants are providing Plaintiff's client's disparate service, which causes increased work to Plaintiff and has undermined her otherwise excellent relationships with her clients.

162. Defendants' ongoing unlawful conduct toward Plaintiff has caused Plaintiff damage to her professional reputation and lost commission compensation.

163. Plaintiff has been forced to enter therapy and now takes prescription anti-anxiety medication and sleep-aids in order to cope with the trauma she continues to experience as a result of Defendants' ongoing unlawful conduct.

164. Indeed, Plaintiff currently experiences severe, ongoing, and debilitating depression, overwhelming anxiety, PTSD, shock, embarrassment, insomnia and emotional distress as a result of Defendant Sheppard and Defendant Whalley's pervasive sexual harassment and Defendants' ongoing retaliation.

165. Plaintiff suffers severe emotional distress, depression and anxiety on a near daily basis.

166. In addition, Plaintiff's Crohn's Colitis has been exacerbated as a result of the stress she experiences resulting from Defendants' ongoing unlawful conduct.<sup>2</sup>

167. Prior to enduring Defendants' unlawful sexual harassment and retaliation, Plaintiff's Crohn's Colitis symptoms were well-managed and in remission.

168. The harassment, hostile work environment, and retaliation to which Defendants have subjected Plaintiff are significant contributing factors causing Plaintiff's Crohn's Colitis to worsen. As a direct result, Plaintiff has experienced pain, discomfort, and medical expenses, among other damages.

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<sup>2</sup> If not properly managed, Crohn's Colitis disease can be debilitating and extremely painful. Unnecessary stress and anxiety, however, are significant contributing factors to flare ups.

**COUNT ONE**

**NJLAD – DISPARATE TREATMENT, SEXUAL HARASSMENT & HOSTILE  
WORK ENVIRONMENT DISCRIMINATION DUE TO GENDER**

169. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

170. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiff is outlined at length above.

171. Plaintiff was subjected to repeated, pervasive, severe, and continuing instances of disparate treatment and harassment based on gender.

172. The above-described conduct would not have occurred but for Plaintiff's gender.

173. The harassing and discriminatory conduct was severe or pervasive enough to make a reasonable person and employee believe that the conditions of employment were altered, and the working environment was hostile and discriminatory.

174. As the employer and/or supervisor of Plaintiff, Defendant ACV is vicariously, strictly, and/or directly liable to Plaintiff pursuant to the New Jersey Law Against Discrimination ("NJLAD"), *N.J.S.A. 10:5-1, et seq.*, in that the affirmative acts of harassment, discrimination, and retaliation committed by Defendants Sheppard, Whalley, Shackett, and Perez occurred within the scope of Plaintiff's, Defendant Sheppard's, Defendant Whalley's, Defendant Shackett's, and Defendant Perez's respective employment with Defendant ACV; the creation of the hostile work environment was aided by Defendant ACV in delegating power to Defendants Sheppard, Whalley, Shackett, and Perez to control the day-to-day working environment at Defendant ACV; and/or Defendant ACV was deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or Defendant ACV failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal

and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of harassment, discrimination, and retaliation in the workplace; and/or by having actual knowledge of the harassment, discrimination, and retaliation of Plaintiff and failing to promptly and effectively act to stop it.

175. Defendants aided, abetted, incited, compelled and/or attempted to aid, abet, incite, compel and/or coerce Defendants Sheppard, Whalley, Shackett, and Perez to commit acts and omissions that were in violation of the NJLAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of Defendant ACV's, Defendant Sheppard's, Defendant Whalley's, Defendant Shackett's, and Defendant Perez's respective supervisory duties to halt or prevent harassment, retaliation and discrimination, rendering all Defendants individually and collectively liable to Plaintiff pursuant to *N.J.S.A. 10:5-12(e)*.

176. Defendant ACV, Defendant Sheppard, Defendant Whalley, Defendant Shackett, Defendant Perez and the managers and/or supervisors of Plaintiff aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants to commit acts and omissions that were in violation of the NJLAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of Defendant ACV's, Defendant Sheppard's, Defendant Whalley's, Defendant Shackett's, and Defendant Perez's respective supervisory duties to halt or prevent harassment, retaliation, and discrimination rendering Defendants individually and collectively liable to Plaintiff pursuant to *N.J.S.A. 10:5-12(e)*.

177. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Court, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;



- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

**COUNT TWO**

**NJLAD – RETALIATION/IMPROPER REPRISAL**

178. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

179. Plaintiff complained and/or protested against the continuing course of harassing, discriminatory, and retaliatory conduct set forth at length above. Defendants had knowledge about those complaints and/or protests.

180. Defendants took retaliatory against Plaintiff by subjecting her to a hostile work environment and disparate treatment.

181. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney’s fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;

- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

### **COUNT THREE**

#### **NJLAD: QUID PRO QUO SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT**

182. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

183. Plaintiff was subjected to pervasive and severe instances of sexual harassment and hostile work environment by Defendant Sheppard and Defendant Whalley through unlawful conduct

including, but not limited to, sexual harassment, assault, sexual comments, physical gestures, and sexual contact which created a sexually hostile and offensive work environment for her as a female.

184. Plaintiff currently experiences severe, ongoing, and debilitating depression, overwhelming anxiety, PTSD, shock, embarrassment, insomnia, and emotional distress as a result of Defendant Sheppard and Defendant Whalley's pervasive sexual harassment. Plaintiff suffers severe emotional distress, depression and anxiety on a near daily basis. Plaintiff has suffered emotional distress for which Plaintiff has been to a therapist and seeks continuing treatment.

185. The conduct would not have occurred but for Plaintiff's gender.

186. The conduct was severe or pervasive enough to make a reasonable woman believe that the conditions of employment were altered, and the working environment was hostile.

187. As the employers and/or supervisors of the Plaintiff, Defendant ACV is vicariously, strictly, and/or directly liable to the Plaintiff pursuant to the New Jersey Law Against Discrimination ("LAD"), *N.J.S.A. 10:5-1, et seq.*, in that the affirmative acts of sexual harassment committed by Defendant Sheppard and Defendant Whalley occurred within the scope of their employment; the creation of the hostile work environment was aided by Defendant ACV in delegating power to Defendants Sheppard and Whalley to control the day-to-day working environment; and/or Defendant ACV was deliberately indifferent, reckless, negligent and/or tacitly approved the hostile work environment; and/or Defendant ACV failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of sexual harassment in the workplace; and/or by having actual knowledge of the harassment of Plaintiff and failing to promptly and effectively act to stop it.

188. Defendants Sheppard and Whalley aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendant ACV to commit acts and omissions that were in violation of the LAD by committing affirmatively harassing acts towards Plaintiff in violation of their supervisory duty to halt or prevent harassment, subjecting Defendant ACV to individual liability to Plaintiff pursuant to *N.J.S.A.* 10:5-12(e).

189. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;

- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

**COUNT FOUR**

**ASSAULT (as to Defendant Sheppard and Defendant Whalley)**

190. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

191. By intentionally touching Plaintiff, Defendant Sheppard and Defendant Whalley intended to cause and did cause Plaintiff to suffer apprehension of an immediate harmful contact.

192. Defendant Sheppard and Defendant Whalley touched Plaintiff knowingly, willfully, and with malicious intent, and Plaintiff is entitled to punitive damages.

193. Defendant Sheppard and Defendant Whalley were employees of Corporate Defendants when they committed the acts intended to cause and causing Plaintiff to suffer apprehension of an immediate harmful contact.

194. Defendants, despite having actual or constructive notice of the conduct of the Defendant Sheppard and Defendant Whalley, were deliberately indifferent and acquiesced to same, proximately causing damages to the Plaintiff.

195. On account of the conduct of Defendants, Plaintiff has been injured.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, punitive damages, pre-and post-judgment interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

**COUNT FIVE**

**BATTERY (as to Defendant Sheppard and Defendant Whalley)**

196. Plaintiff repeats each and every allegation set forth as if set forth fully herein at length.

197. By intentionally touching Plaintiff, Defendant Sheppard and Defendant Whalley intended to cause and did cause immediate harmful and offensive contact with Plaintiff.

198. Defendant Sheppard and Defendant Whalley touched Plaintiff knowingly, willfully, and with malicious intent, and Plaintiff is entitled to punitive damages.

199. Defendant Sheppard and Defendant Whalley were employees of Corporate Defendants when they committed the intentional touching of Plaintiff.

200. Defendants, despite having actual or constructive notice of the conduct of Defendant Sheppard and Defendant Whalley, were deliberately indifferent and acquiesced to same, proximately causing damages to the Plaintiff.

201. On account of the conduct of Defendants, Plaintiff has been injured.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, punitive damages, pre-and post-judgment interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to *Rule* 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including but not limited to, any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury on all issues.

McOMBER & McOMBER, P.C.  
*Attorneys for Plaintiff,*  
*Alexandria V. Chapman*

By: /s/ Christian V. McOmber  
Christian V. McOmber, Esq.

Dated: July 11, 2019

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to *Rule* 4:25-4, CHRISTIAN V. McOMBER, ESQUIRE is hereby designated as trial counsel for Plaintiff.

**CERTIFICATION**

Pursuant to *Rule 4:5-1*, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter and/or with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER & McOMBER, P.C.  
*Attorneys for Plaintiff,*  
*Alexandria V. Chapman*

By:           /s/ Christian V. McOmber            
Christian V. McOmber, Esq.

Dated: July 11, 2019



# Civil Case Information Statement

## Case Details: CAMDEN | Civil Part Docket# L-002781-19

**Case Caption:** CHAPMAN ALEXANDRI VS ACV ENVIRO  
CORPORATI ON

**Case Initiation Date:** 07/11/2019

**Attorney Name:** CHRISTIAN V MC OMBER

**Firm Name:** MC OMBER & MC OMBER, PC

**Address:** 54 SHREWSBURY AVENUE

RED BANK NJ 07701

**Phone:**

**Name of Party:** PLAINTIFF : CHAPMAN, ALEXANDRI, V

**Name of Defendant's Primary Insurance Company**

(if known): Unknown

**Case Type:** LAW AGAINST DISCRIMINATION (LAD) CASES

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Hurricane Sandy related?** «sandyRelated»

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

### 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

**If yes, is that relationship:** Employer/Employee

**Does the statute governing this case provide for payment of fees by the losing party?** YES

**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?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO      **Title 59?** NO

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 *Rule 1:38-7(b)*

07/11/2019

Dated

/s/ CHRISTIAN V MC OMBER

Signed