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<p>PRIYA GUPTA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>FRANKLIN TOWNSHIP VOLUNTEER        FIRE DEPARTMENT, INC.; TOWNSHIP        OF FRANKLIN IN THE COUNTY OF        WARREN; RAYMOND READ; VINCENT        FORTUNATO; JAN VERKADE; ABC        CORPORATIONS 1-5 (fictitious names        describing presently unidentified business        entities); and JOHN DOES 1-5 (fictitious        names describing presently unidentified        individuals),</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY        LAW DIVISION        WARREN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p><b>COMPLAINT &amp; DEMAND FOR TRIAL        BY JURY; FIRST DEMAND FOR        PRODUCTION OF DOCUMENTS AND        FIRST SET OF INTERROGATORIES        DIRECTED TO ALL DEFENDANTS</b></p>
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Plaintiff Priya Gupta (“Plaintiff”), by way of Complaint against Defendant Franklin Township Volunteer Fire Department, Inc. (“Defendant Franklin Township Fire Department”),

Defendant Township of Franklin in the County of Warren (“Defendant Franklin Township”), Defendants ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with “Defendant Franklin Township Fire Department” and “Defendant Franklin Township,” collectively referred to as the “Franklin Township Defendants”), Defendant Raymond Read (“Defendant Read”), Defendant Vincent Fortunato (“Defendant Fortunato”), Defendant Jan Verkade (“Defendant Verkade”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Read,” “Defendant Fortunato,” and “Defendant Verkade,” collectively referred to as the “Individual Defendants”), alleges as follows:

### **INTRODUCTION**

The Franklin Township Defendants indifferently permitted Defendant Read, their forty-year-old Fire Department Chief, to *repeatedly* sexually harass and objectify a seventeen-year-old female volunteer Emergency Services Technician. Plaintiff Priya Gupta alleges that Defendant Read told her he thought she was hot when she served him as a sixteen-year-old waitress the year before she began volunteering with the Franklin Township Defendants. Defendant Read’s disgusting sexual harassment did not end there. By way of illustration and example, Defendant Read saw fit to volley some of the most offensive, desperate, and hypersexualized commentary towards Plaintiff, when he (a) asked her if she shaved her genitals; (b) told her she had “cock-craving disorder”; (c) told her that her skinny arms were only good for putting behind her back when [she is] getting “hit from behind”; (d) told her she had “no tits”; and provided her with the unsolicited and absolutely disturbing advice that (e) you shouldn’t keep good pussy forever, you should keep it, enjoy it for a bit, and then throw it back into the sea.”

Worse, Defendant Read paradoxically expressed his racist and bigoted worldview, when he praised the Ku Klux Klan to Plaintiff as a “charity organization” and stated he would “never date an Indian” because he didn’t want to “smell like curry.” No human being, let alone a seventeen year old girl, should ever have to endure being spoken to by their supervisor in such a manner. But that is precisely the kind of conduct Plaintiff was forced to endure on a daily basis while volunteering to protect the community.

This behavior was well open and notorious throughout the workplace. Indeed, after Plaintiff complained to the Deputy Chief of the Fire Department, she was told that her complaints were a “long time coming.” Nevertheless, the Franklin Township Defendants refused to investigate and took absolutely no remedial action whatsoever. Fortunately, New Jersey provides redress for women subjected to such treatment in the workplace. Accordingly, Plaintiff brings this lawsuit under the LAD to assert her right to work in an environment free from sexual harassment, discrimination and humiliation.

### **PARTIES**

1. Plaintiff is a female currently residing in Asbury, New Jersey, and at all times relevant hereto was employed by Defendant Franklin Township Fire Department as a volunteer firefighter and Emergency Medical Technician (“EMT”).

2. Defendant Franklin Township Fire Department is a non-profit corporation organized and existing under the laws of the State of New Jersey with a principal place of business located at 37 Second Street, Stewartville, New Jersey 08886 (the “Franklin Township Firehouse”). At all times relevant hereto, Defendant Franklin Township Fire Department is an “employer” as defined under the LAD.

3. Defendant Franklin Township is a body politic of the State of New Jersey which operates and oversees the Franklin Township Fire Department. At all times relevant hereto, Defendant Franklin Township is an “employer” as defined under the LAD.

4. Defendant Read, at all times relevant hereto, was employed by Franklin Township Defendants as the Chief of the Franklin Township Fire Department, the Head of the Franklin Township EMS, and the Franklin Township Office of Emergency Management Coordinator. This claim is brought against Defendant Read in his individual capacity and as an agent of the Franklin Township Defendants. At all times relevant hereto, Defendant Read is an “employer” as defined under the LAD.

5. Defendant Fortunato, at all times relevant hereto, was employed by Franklin Township Defendants as a Lieutenant with the Franklin Township Fire Department. This claim is brought against Defendant Fortunato in his individual capacity and as an agent of Franklin Township Defendants. At all times relevant hereto, Defendant Fortunato is an “employer” as defined under the LAD.

6. Defendant Verkade, at all times relevant hereto, was employed by Franklin Township Defendants as Deputy Chief of the Franklin Township Fire Department. This claim is brought against Defendant Verkade in his individual capacity and as an agent of Franklin Township Defendants. At all times relevant hereto, Defendant Verkade is an “employer” as defined under the LAD.

7. Defendants ABC Corporations 1-5 are currently unidentified business entities which have acted in concert with Franklin Township Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-discrimination policies of Franklin Township Defendants, and/or currently unidentified business

entities which have liability for the damages suffered by Plaintiff under any theory advanced therein.

8. Defendants John Does 1-5 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 Franklin Township Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

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

9. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey specific policies prohibiting sexual harassment and gender-based discrimination.

10. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey a zero-tolerance policy when it comes to sexual harassment and retaliation.

11. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures requiring an employee who believes he or she was the victim of sexual harassment or gender-based discrimination to report the harassment to supervisory and management staff.

12. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures whereby they would engage in a timely and effective investigation of complaints of sexual harassment or gender-based discrimination brought to their attention by employees.

13. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures committing to engage in a timely and effective investigation of complaints of sexual harassment brought to their attention by employees.

14. Franklin Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures committing to undertake prompt and effective remedial measures to put a stop to any sexual harassment and/or gender discrimination they found to exist.

15. In Fall 2018, Plaintiff – then aged sixteen – began volunteering with the Franklin Township Defendants at the Franklin Township Firehouse.

16. Throughout her tenure with the Franklin Township Defendants, Plaintiff genuinely enjoyed the work she was assigned and performed her job responsibilities competently and diligently, loyally dedicated to the Franklin Township Defendants and the people which they serve in the community.

17. Despite her demonstrated ability to maintain the very highest level of job performance, Plaintiff was soon subject to an intolerably hostile work environment rife with sexual harassment, discrimination, exploitation, and sexual assault. The primary source of this behavior was Defendant Read, the Chief of the Franklin Township Fire Department and a direct employee of the Franklin Township Defendants.

18. Defendant Read began his perverted sexual pursuit of Plaintiff when Plaintiff was only *sixteen years old*.

19. Soon after Plaintiff began working for the Franklin Township Defendants, she mentioned she had earlier served Defendant Read as a waitress when she was sixteen, and that he

had given her a tip. Defendant Read, despite being approximately forty years old, responded, ***“yeah, that was me, because I thought you were hot.”***

20. During Plaintiff’s first year as a volunteer with the Franklin Township Defendants, while she was still seventeen years old, Defendants Read and Fortunato used their power and authority as Plaintiff’s employers to exploit Plaintiff and deceive her to begin an illicit sexual relationship with Defendant Fortunato.

21. Specifically, Defendant Fortunato, who was twenty-six years old at the time, expressed his lust and sexual desire for Plaintiff to Defendant Read.

22. In response, Defendant Read, despite knowing Plaintiff was young and impressionable, encouraged Defendant Fortunato to “go for it.” In other words, the forty-year-old Chief of the Franklin Township Fire Department gave his *imprimatur* to his twenty-six-year-old Lieutenant to engage in a sexual relationship with a seventeen-year-old volunteer.

23. Worse, Defendant Fortunato specifically warned Plaintiff he believed Defendant Read “would really go after [her]” after she turned eighteen years old. As a result of this transparent abuse of power against a young and impressionable female volunteer of the Franklin Township Defendants, Plaintiff suffered severe emotional distress and harm.

24. It was clear that Defendant Read was already pursuing Plaintiff sexually and waiting for the right time to strike. Indeed, almost immediately after Plaintiff turned eighteen years of age, Defendant Read launched a sustained campaign of sexual harassment against her within the workplace, rendering her work environment completely intolerable.

25. Every time Plaintiff reported for duty, she would arrive at the Franklin Township Firehouse only to discover Defendant Read waiting for her. Defendant Read would then pepper her with vile sexual commentary. By means of illustration and example only, the following are

just some of the many deviant, harassing, and hypersexualized comments Defendant Read made to Plaintiff:

- a. Defendant Read asked Plaintiff whether she shaved her genitals, specifically, “is it like a landing strip down there? Do you leave a little flavor saver?”;
- b. Defendant Read told Plaintiff he wanted to take photographs of Plaintiff in his bedroom “in order to make [co-worker] Kathrine [Janecko] jealous”;
- c. Defendant Read told Plaintiff, “I can teach you some skills with your tongue”;
- d. Defendant Read told Plaintiff she had “CCD...cock-craving disorder”;
- e. Defendant Read told Plaintiff her “skinny” arms were “only good for putting behind your back when you’re hitting it from behind”;
- f. Defendant Read routinely commented that Plaintiff has “small tits” or “no tits”;
- g. Defendant Read routinely commented on Plaintiff’s legs, saying, “damn, look at Miss Long Legs over here” and referring to Plaintiff’s legs as “stilts”;
- h. Defendant Read often announced to everyone at the Franklin Township Firehouse that it was “my hot EMT day” when Plaintiff arrived and told Plaintiff she was “hotter than Kathrine [Janecko]”; and
- i. Defendant Read told Plaintiff, “you shouldn’t keep good pussy forever, you should keep it, enjoy it for a bit, and then throw it back into the sea.”

26. Defendant Read did not restrict his sexual harassment to the Franklin Township Firehouse. Defendant Read further harassed Plaintiff with sexually explicit and predatory text messages and social media comments during Plaintiff's off-hours. Plaintiff was thus never able to escape Defendant Read's sexual harassment.

27. By means of illustration and example only, the following are just some of the many sexually harassing comments Defendant Read made to Plaintiff via text message and/or social media comment:

- a. Defendant Read commented, "not gonna lie, I would have driven my car off the road if I had seen you" on a photograph of Plaintiff in her prom dress";
- b. Defendant Read commented, "so what you're saying is, I could have seen a hot girl in a bikini but I missed it?" on a video of Plaintiff swimming;
- c. Defendant Read texted that Plaintiff "always go[es] for the pole," by which he meant "penis"; and
- d. Defendant Read commented, "we should send [Plaintiff's mother] a picture of you undressed" on a photo of Plaintiff wearing a tank top.

28. Defendant Read further made sexually harassing and discriminatory comments about other women who volunteered for Franklin Township Defendants. These comments were witnessed by Plaintiff and contributed to the hostile work environment suffered by Plaintiff and other female volunteers. By means of illustration and example only, the following are just some of the many sexually harassing and discriminatory comments Defendant Read made about female volunteers:

- a. Defendant Read said volunteer Kathrine Janecko ("Ms. Janecko") "never showered" and that "her pussy is probably like cream cheese";

- b. Defendant Read said Ms. Janecko had “no tits”;
- c. Defendant Read said Ms. Janecko was “going to get raped out West” prior to Ms. Janecko leaving New Jersey for a forest fire deployment;
- d. Defendant Read said volunteer Taylor Schaefer (“Ms. Schaefer”) had “very nice legs” and asked Ms. Schaefer’s brother, firefighter Thomas Schaefer (“Mr. Schaefer”) “did you hear me in your sister’s bedroom last night?”;
- e. Defendant Read called one female volunteer a “whale” and said “girls like her shouldn’t be allowed to dress in certain ways or wear tight clothing”; and
- f. Defendant Read mocked a photograph of one female EMT paddle boarding in a bathing suit, saying “it’s no wonder that the picture was so zoomed out.”

29. Defendant Read also made racist and racially discriminatory comments on many occasions. For example, Defendant Read often used the word “nigger” to refer to African Americans.

30. Defendant Read also praised the Ku Klux Klan, calling it a “charity organization.”

31. Further, Defendant Read told Ms. Janecko he “would never date an Indian” and “didn’t want to smell like curry” as a result of being with Plaintiff.

32. Defendant Read’s racist comments further contributed to a hostile work environment at the Franklin Township Fire Department. Although Plaintiff is not African American, as person of Indian descent, she felt intimidated and demeaned by Defendant Read’s racist and inflammatory language.

33. Defendant Read showed no remorse for his sexually harassing and discriminatory conduct. Doubling down on his bigotry, Defendant Read told Plaintiff, “sensitivity training is a joke” and said he would fail any sensitivity training ordered by Franklin Township Defendants. Further, Defendant Read bragged to Plaintiff’s mother that he had been “kicked out” of sensitivity training at times in the past.

34. Defendant Read was not the only man to make sexually harassing comments to Plaintiff at the Franklin Township Fire Department. In fact, Lieutenant Chris Parkin (“Lt. Parkin”) told Plaintiff, “that means you want to sleep around” after Plaintiff advised him she was not interested in a relationship.

35. Firefighter Austin Lajda (“Mr. Lajda”) repeatedly asked Plaintiff via social media to “come over” to his house and implied that they would have sex. When Plaintiff declined, Mr. Lajda would often tell Plaintiff he believed she would “sleep around once you get to college.”

36. Further, when Plaintiff told Mr. Lajda that Defendant Read was sexually harassing her, Mr. Lajda responded, “when you learn how to get women from the best, you recognize the signs” and said he “wouldn’t doubt” that Defendant Read was trying to have sex with Plaintiff.

37. The constant sexually harassing and discriminatory comments directed toward Plaintiff and other female volunteers demonstrated that women were considered second-class citizens by Defendants.

38. The sexually harassing and discriminatory comments directed toward Plaintiff and other female volunteers were made openly in front of many volunteers, employees, and supervisors at the Franklin Township Fire Department. The Franklin Township Defendants were thus aware of the fact that Plaintiff and other women were being subjected to sexual harassment, discrimination, and a hostile work environment.

39. Despite being fully aware of the sexual harassment, discrimination, and hostile work environment at the Franklin Township Fire Department, the Franklin Township Defendants did nothing to remedy the situation, investigate Individual Defendants, or discipline those responsible.

40. Defendants thus ratified and maintained a hostile work environment at the Franklin Township Fire Department.

41. On August 14, 2020, Plaintiff left her home to begin college. Plaintiff planned to return to volunteer with Franklin Township Defendants in late November 2020, following the end of her first semester.

42. Defendant Read resumed sexually harassing Plaintiff via social media comments as soon as she arrived at college.

43. By means of illustration and example only, the following are just some of the many sexually harassing comments Defendant Read made to Plaintiff after Plaintiff left for college:

- a. Defendant Read told Plaintiff, “don’t tempt me, I miss you, god I miss you, the things I’d do to you if I came to see you”;
- b. Defendant Read told Plaintiff he “want[ed] to see your legs, those and something else too.” Plaintiff believes Defendant Read was referring to her buttocks;
- c. Defendant Read commented, “I can think of a million places for the rest of them” in response to Plaintiff’s post about her legs not fitting in her dorm room bed;
- d. Defendant Read told Plaintiff, “Well Priya, I might be leaving this weekend, so if we’re gonna do it we gotta do it soon.” Plaintiff believes Defendant

Read was referring to having sex with Plaintiff before he left on a forest fire assignment; and

e. Defendant Read told Plaintiff, “don’t be cheating on me now.”

44. On August 24, 2020, after suffering over a year of sexual harassment, Plaintiff contacted Defendant Verkade, the Deputy Chief of the Franklin Township Fire Department, and reported that she had been sexually harassed and planned to seek legal counsel.

45. Defendant Verkade advised Plaintiff that her complaints were “a long time coming.” In other words, Defendant Verkade acknowledged that Defendants knew about the rampant sexual harassment, discrimination, and hostile work environment at the Franklin Township Firehouse, but chose to ignore it.

46. Defendant Verkade did not investigate Plaintiff’s complaints or take any other action in response thereto. Rather, Defendant Verkade figuratively shrugged his shoulders, merely telling Plaintiff to “keep me posted.”

47. Plaintiff reasonably believed the terms and conditions of her employment had irrevocably changed, and that her work environment had become hostile.

48. Reasonably believing that her complaints were being ignored and that Defendants would not take any action to remedy the hostile work environment or punish those responsible, Plaintiff blocked Defendant Read from sending her text messages or commenting on her social media accounts. Plaintiff was forced to take these drastic steps to protect herself from ongoing sexual harassment, because Defendants utterly failed to do so.

49. Simply stated, Franklin Township Defendants, by and through their responsible agents, intentionally created, knowingly permitted, and failed to remedy a hostile working

environment rife with sexual harassment, racial and gender discrimination, and abuse of power. As a result of Defendants actions, Plaintiff has suffered severe emotional trauma.

**COUNT ONE**

**LAD – SEXUAL HARASSMENT, GENDER DISCRIMINATION & HOSTILE WORK ENVIRONMENT**

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiff is outlined above.
3. Plaintiff was subjected to repeated, pervasive, severe, and continuing instances of disparate treatment, harassment, and sexual assault based on gender/sex.
4. The above-described conduct would not have occurred but for Plaintiff's gender/sex.
5. 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.
6. 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.
7. Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiff from discriminatory behavior and retaliation.
8. Defendants did not have an effective anti-harassment policy in place, Defendants have not maintained an anti-harassment policy that is current and effective, and Defendants' anti-harassment policy existed in name only.

9. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment and retaliation.

10. Defendants did not properly train their supervisors and/or employees on the subject of discrimination, harassment, and retaliation.

11. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

12. Defendants did not have commitment from the highest levels of management that harassment will not be tolerated; in fact, the highest levels of management deliberately and actively discriminated on the basis of race and retaliated against those who complained about such conduct.

13. Defendants failed to conduct prompt and thorough investigations of employee complaints of harassment or provide a remedial plan reasonably calculated to stop any harassment that is found.

14. As the employer and/or supervisor of Plaintiff, Franklin Township Defendants are vicariously, strictly, and/or directly liable to Plaintiff pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq., in that the affirmative acts of harassment, discrimination, and retaliation committed by Individual Defendants occurred within the scope of their employment; the creation of the hostile work environment was aided by Franklin Township Defendants in delegating power to Individual Defendants to control the day-to-day working environment; and/or Franklin Township Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or Franklin Township Defendants and the Individual Defendants 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.

15. Defendants aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce the Individual Defendants to commit acts and omissions that were in violation of the LAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of the supervisory duty 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).

16. The Individual Defendants 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 LAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of their supervisory duty 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).

17. As a proximate result of the discriminatory and retaliatory actions undertaken by Franklin Township Defendants, Defendants Read, Fortunato, and Verkade, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, Plaintiff has been and continues to suffer economic losses and pecuniary damage in the form of lost income and benefits past, present and future.

18. As a proximate result of the discriminatory and retaliatory actions undertaken by Franklin Township Defendants, Defendants Read, Fortunato, and Verkade, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, Plaintiff has been and continues to suffer non-

economic damages in the form of humiliation, stress, anger, sadness, and anxiety, causing her mental and emotional anguish and dysfunction, and physical manifestations of same including, but not limited to, nervousness, anxiousness, sleeplessness, loss of appetite and loss of sleep, all or some of which may be permanent.

**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, emotional distress damages, pre- and post-judgment interest, and attorneys' fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the LAD 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**

### **LAD – HOSTILE WORK ENVIRONMENT AND DISCRIMINATION DUE TO RACE**

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. Plaintiff was employed by Corporate Defendant(s) during the period relevant hereto.
3. At all relevant times hereto, Defendants directly controlled or exerted control over Plaintiff, including but not limited to control over operations, hiring, promotion, demotion, firing and/or evaluation of Corporate Defendant personnel.
4. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiff by employees of Franklin Township Defendants is outlined above.
5. Plaintiff was subjected to repeated, pervasive, severe, and continuing instances of harassment and discrimination by Defendants due to her race, as set forth above.
6. Defendants regularly targeted, discriminated and retaliated against Plaintiff based on her race.

7. The above-described conduct would not have occurred but for Plaintiff's race.

8. 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.

9. Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiff from discriminatory behavior and retaliation.

10. Defendants did not have an effective anti-harassment policy in place, Defendants have not maintained an anti-harassment policy that is current and effective, and Defendants' anti-harassment policy existed in name only.

11. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment and retaliation.

12. Defendants did not properly train their supervisors and/or employees on the subject of discrimination, harassment, and retaliation.

13. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

14. Defendants did not have commitment from the highest levels of management that harassment will not be tolerated; in fact, the highest levels of management deliberately and actively discriminated on the basis of race and retaliated against those who complained about such conduct.

15. Defendants failed to conduct prompt and thorough investigations of employee complaints of harassment or provide a remedial plan reasonably calculated to stop any harassment that is found.

16. As the employer and/or supervisor of Plaintiff, Defendants are vicariously, strictly, and/or directly liable to Plaintiff pursuant to the New Jersey Law Against Discrimination,

N.J.S.A. 10:5-1, et seq., in that the affirmative acts of harassment, discrimination, and retaliation committed by Individual Defendants occurred within the scope of their employment; the creation of the hostile work environment was aided by Franklin Township Defendants in delegating power to Individual Defendants to control the day-to-day working environment; and/or Franklin Township Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or Franklin Township Defendants and Individual Defendants 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.

17. Defendants aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Individual Defendants to commit acts and omissions that were in violation of the LAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of the supervisory duty 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).

18. Individual Defendants 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 LAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiff in violation of their supervisory duty 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).

19. 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 attorneys' fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the LAD 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;
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- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
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- 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.

**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 & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano

PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, PETER D. VALENZANO, 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 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 & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano  
PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

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<p>PRIYA GUPTA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>FRANKLIN TOWNSHIP VOLUNTEER        FIRE DEPARTMENT, INC.; TOWNSHIP OF        FRANKLIN IN THE COUNTY OF        WARREN; RAYMOND READ; VINCENT        FORTUNATO; JAN VERKADE; ABC        CORPORATIONS 1-5 (fictitious names        describing presently unidentified business        entities); and JOHN DOES 1-5 (fictitious        names describing presently unidentified        individuals),</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY        LAW DIVISION        WARREN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><b>PLAINTIFF’S FIRST SET OF        INTERROGATORIES, FIRST        DEPOSITION NOTICES, AND FIRST        NOTICE TO PRODUCE TO DEFENDANTS</b></p>
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**FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, AND DISCOVERY  
 DEMANDS RELATING TO PUNITIVE DAMAGES**

**PLEASE TAKE NOTICE** that McOmber McOmber & Luber, P.C., attorneys for Plaintiff Priya Gupta (“Plaintiff”), demand that Defendants Franklin Township Volunteer Fire Department, Inc., Township of Franklin in the County of Warren, Raymond Read, Vincent Fortunato, and Jan Verkade (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with Rule 4:17-4(c) and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to Rule 4:17-7. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

#### **DEFINITIONS**

1. “Plaintiff” shall mean, individually and collectively, each Plaintiff identified in the above-captioned action. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

2. “Defendant Franklin Township Fire Department” shall mean Franklin Township Volunteer Fire Department, Inc., and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Franklin Township” shall mean Township of Franklin in the County of Warren and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

4. “Defendant Read” shall mean Raymond Read, Defendant in the above-captioned action.

5. “Defendant Fortunato” shall mean Vincent Fortunato, Defendant in the above-captioned action.

6. “Defendant Verkade” shall mean Jan Verkade, Defendant in the above-captioned action.

7. “Defendant(s)” shall individually and collectively mean all Defendants in the above-captioned action.

8. The term “Corporate Defendant(s)” shall individually and collectively any Defendant company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

9. The term “Individual Defendant(s)” shall mean any defendant in this matter sued in his/her individual capacity or as an agent/servant of any Corporate Defendant.

10. The terms “you,” “your,” or “yours” shall mean the party answering these interrogatory questions.

11. “Entity” shall mean any company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

12. “Person” shall mean any natural Person, partnership, corporation, or other business entity and all present and former officers, directors, agents, employees, attorneys and others acting or purporting to act on behalf of such natural Person, partnership, corporation or other business entity.

13. The term “Action” shall mean the civil action captioned above.

14. The “Complaint” shall mean the Complaint filed by Plaintiff(s) in this Action.

15. The term “Answer” shall mean any Answer to the Complaint filed by any party in this Action, which specifically includes all Affirmative Defenses, Denials, and Counterclaims, and was filed with the Court in the above-captioned Action.

16. The term “Investigation” shall mean any investigation, inquiry, analysis, review, examination, research, study, interview, interrogation, and/or collection of evidence, statements (oral or written), and documents.

17. The term “Grievance” shall mean any complaint, grievance, accusation, allegation, protest, and/or objection (formal or otherwise) by Plaintiff(s) or any Person concerning any of the Defendant(s) and Plaintiff.

18. “Document” or “documents” is defined in accordance with New Jersey Court Rule 4:18-1 and includes the original and any identical or non-identical copy, regardless of origin or location, of any written, reported, filmed, magnetically stored, or graphic matter, or record of any type or description, whether produced, reproduced, or producible on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including, but not limited to, memoranda, notes, minutes, records photographs, computer programs, correspondence, telegrams, diaries, bookkeeping entries, specifications, source code, object code, flow charts, financial statements, charts, studies, reports, graphs, statements, notebooks, handwritten notes, application, feasibility studies, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations or voicemails, emails, inter-office or intra-office communications, handwritten or other notices, diaries, invoices, purchase orders, bills of lading, work papers, and also including, but not limited to, originals and all copies which are different

from the original, whether by interlineation, receipt stamp, notation, indication of copy sent or received, or otherwise, and drafts, which are in the possession, custody or control of the present or former agents, representatives, employees, or attorneys of Defendant(s), or all persons acting on Defendant(s)' behalf, including documents at any time in the possession, custody or control of such Individuals or entities who are known by Defendant(s) to exist. Include any catalog, brochure, or any other data compilations from which information can be obtained and translated if necessary, or any other written, recorded, stored, transcribed, punched, taped, filed or graphic matter however produced or reproduced, to which Defendant(s) have or have had access.

19. The term "communication" means any conversation, correspondence, discussion, meeting, message, record of phone calls, or other occurrence in which data, conclusions, information, opinions, or thoughts are exchanged between two or more persons, whether it be written, oral, or electronically transmitted.

20. The terms "all" and "any" shall both be construed as "any and all."

21. The terms "and," "or," and "and/or" shall be construed in both the disjunctive and conjunctive to permit the broadest possible reading of the request so as to bring within the scope of the request documents and other material that might otherwise be construed to be outside the request.

22. The term "concerning" means concerning, comprising, constituting, containing, commenting on, dealing with, describing, discussing, embodying, evidencing, illustrating, pertaining to, referring to, reflecting, regarding, relating to, responding to, stating, or supporting in any way, either directly or indirectly.

23. The phrases "relating to" or "relate to" or "relates to" or "refer to" or "refers to" or "referred" or "relating to" and/or "regarding" shall be construed in the broadest possible sense to

mean, inter alia, concerning, referring to, embodying, constituting, describing, connected with, commenting on, responding to, evidencing, identifying, supporting, contradicting, rebutting, pertaining to, and/or relating in any way.

24. The term “including” or “include” shall mean “including without limitation.”

25. Masculine forms of any noun or pronoun shall embrace and be read to include the feminine or neuter, as the context may make appropriate.

### **INSTRUCTIONS**

1. In addition to the specific instructions enumerated below, the following Document Requests and Interrogatories shall be subject to the New Jersey Rules of Court.

2. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

3. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and last known place of employment.

4. These Document Requests and Interrogatories shall be deemed continuing in nature so as to require prompt supplementation if, as, and when obtain additional information.

5. If anyone identified in response to any of the Document Requests and/or Interrogatories was formerly, but is no longer, employed by you, please so state in the answer and provide the former employee’s or volunteer’s current address and telephone number (business or home), if known. If the current address and telephone number are not known, then please provide the former employee’s or volunteer’s last known address and telephone number.

6. You shall be under a continuing obligation to supplement answers to the Document Requests and Interrogatories.

7. If you cannot respond to any of the following Document Requests and/or Interrogatories in full after exercising due diligence to secure the information to do so, then respond to the extent possible and explain your inability to provide a complete answer. State whatever information or knowledge you have about the unanswered portion of any Document Request and/or Interrogatories.

8. Whenever a Document Request and Interrogatories asks for a date, state the exact day, month and year, if ascertainable or, if not, the best approximation thereof.

9. Documents shall be produced in their original state (i.e., in their original file folders in the exact order as found) without removal or rearrangement of anything contained therein.

10. Each document request that seeks information relating in any way to communications to, from, or within a business or entity is hereby designated to mean, and should be construed to include all communications by and between that business and/or entity's present or former representatives, employees, agents, and servants of the business and/or entity.

11. All documents shall be organized and labeled to correspond with the numbered paragraphs of these document requests. If there are no documents responsive to a particular document request, Defendant(s) shall so state in writing.

12. All electronically stored information shall be produced in a reasonably usable form, and it shall not be converted from the form in which it is ordinarily maintained to a different form that would make it more difficult or burdensome for Plaintiff to use such information.

13. In the event that any document or portion thereof is withheld on the basis of any privilege or otherwise claimed to be protected against production, such document shall be identified by stating: (a) the nature of the privilege or reason for withholding which Defendant(s) contend applied; (b) the factual basis for Defendant(s)' assertion of privilege or the reason for

withholding; (c) the type of document (e.g., letter, memorandum, etc.); (d) all authors and addressees; (e) all indicated and blind copies; (f) all persons to whom the document was distributed, shown, or explained; (g) the document's date; (h) a summary description of the document's subject matter; (i) the number of pages and attachments or appendices comprising the document; and (j) its present custodian.

14. Whenever a claim of privilege concerns any oral communication or statement, identify the participants to the communication and the person giving and receiving the statement, and set forth the date and place of the communication or statement and state the general subject matter thereof and state the basis for the claim of privilege.

15. If any document was, but is no longer, in Defendant(s)' possession, or subject to Defendant(s)' control, or in existence, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding any such disposition, including the authorization of the disposition, the date of destruction or discard, the manner of destruction or discard and reason for destruction or discard, the persons who authored and carried out such destruction or discard, whether any copies of the document presently exist, and, if so, the name of the custodian of each copy.

16. An objection or claim of privilege directed to part of a request does not constitute an excuse for failure to respond to the parts of the Document Request and/or Interrogatories for which no objection to claim of privilege is made.

17. If a refusal to answer a Document Request and/or Interrogatories is based on the grounds that the request is overly burdensome, identify the number and nature of documents needed to be searched.

18. Punitive Requests relate to Corporate Defendant(s)' financial condition for purposes of punitive damages. "Case law recognizes the defendant's financial condition as a relevant factor in all punitive-damage awards." Herman v. Sunshine Chemical Specialties, Inc., 133 N.J. 329, 339, (1993). In order to properly determine the appropriate punitive damage award amount, the trier of fact "must consider evidence of the defendant's financial condition." Id. at 342. "The degree of punishment resulting from a judgment must be, to some extent, in proportion to the means of the guilty person. Restatement (Second) of Torts 908 comment d (1977)." McDonough v. Jorda, 214 N.J. Super. 338, 349 (1986), certif. denied, 110 N.J. 302 (1988) cert. denied, 489 U.S. 1065 (1989).

#### **DOCUMENT REQUESTS TO DEFENDANT(S)**

1. All documents relating to any insurance policy or reinsurance policy that may be used to pay all or part of any judgment entered against Defendant(s) in this Action.
2. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.
3. All statements, documents, or communications concerning Plaintiff's work performance.
4. A complete copy of the personnel file Defendant(s) maintained pertaining to Plaintiff, including but not limited to copies of documents (written or electronic) relating to the following: (a) medical records and reports; (b) pay and benefits provided to Plaintiff; (c) attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Plaintiff; (e) job title or job status changes; (f) documents relating to any leave of absence; and (g) employer policy information provided to Plaintiff, if any.
5. A complete copy of the personnel file Defendant(s) maintained pertaining to any Individual Defendant, including but not limited to copies of documents (written or electronic)

relating to the following: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Individual Defendant; (b) performance evaluations that were conducted for any Individual Defendant; and (c) job title or job status changes for any Individual Defendant.

6. A copy of any and all written complaints and/or verbal complaints reduced to writing made about any Individual Defendant or any employee or agent of Defendants(s)' personal conduct (other than related to his/her job performance) during his/her tenure of employment or volunteer service with employer Defendant, if any.

7. A written job description for each position that Plaintiff held during Plaintiff's employment or volunteer service with Franklin Township Defendants.

8. A written job description for each position held by any Individual Defendant, or any employee or agent of Defendant(s), during his/her tenure of employment or volunteer service with Franklin Township Defendants.

9. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for employees or volunteers to report discrimination, sexual harassment, disparate treatment, and/or retaliation.

10. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for investigating and responding to reports of discrimination, sexual harassment, disparate treatment, and/or retaliation made by employees, volunteers, customers, clients, and/or any other Person.

11. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss sexual harassment, verbal harassment, discrimination, disparate treatment,

inappropriate sexual conduct, and/or retaliation by any Individual Defendant, or any agent or employee of any Defendant.

12. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss Defendant(s)' response to any allegations of sexual harassment, verbal harassment, discrimination, disparate treatment, inappropriate sexual conduct, and/or retaliation by any Individual Defendant, or agent or employee of any Defendant, including, but not limited to, deliberations by Defendant(s) as to whether and/or how to respond to such allegations.

13. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss Plaintiff's work or volunteer hours and/or schedule.

14. All statements, documents, or communications concerning or referring to any occasion in which Defendant(s) reprimanded or disciplined Plaintiff.

15. A copy of any and all statements or communications (written or electronic) transmitted between Plaintiff and any Individual Defendant or any agent or employee of Defendant(s) at any time during Plaintiff's employment or volunteer service.

16. All statements, documents, or communications concerning or referring to the criminal history of any employee or agent of Defendant(s).

17. All statements, documents, or communications concerning or referring to the relationship between any volunteers at Defendant Franklin Township Fire Department and Franklin Township Defendants.

18. All statements, documents, or communications concerning or referring to any pay or other compensation received by volunteers or agents of Franklin Township Defendants.

19. All statements, documents, or communications concerning or referring to the relationship between Defendant Franklin Township Fire Department and Defendant Franklin Township.

20. All statements, documents, or communications concerning or referring to any sexual or romantic relationships between any employees, agents, or volunteers of Franklin Township Defendants.

21. All statements, documents, or communications concerning or referring to Defendant Read's employment or volunteer service with Franklin Township Defendants and/or to the end of Defendant Read's employment or volunteer service with Franklin Township Defendants.

22. All statements, documents, or communications concerning or referring to Defendant Read's employment or volunteer service with any other entity, instrumentality, or organization of the State of New Jersey.

23. All statements, documents, or communications concerning or referring to any complaints, lawsuits, grievances, or allegations concerning or referring to any Individual Defendant.

24. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in discrimination, harassment, differential treatment, or the maintenance of a hostile work environment in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was

made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

25. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in improper retaliation and/or reprisal in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

26. A copy of any and all employee or volunteer handbooks in force and effect at any time during the period of Plaintiff's employment or volunteer service.

27. A copy of any and all official policies, disciplinary forms, personnel records, or any other Human Resources materials used by Defendant(s) at any time in the last five (5) years.

28. A copy of any and all documents which pertain to any investigation conducted by Defendant(s) into the allegations made by Plaintiff or which is referenced in Plaintiff's Complaint.

29. All statements, documents, or communications concerning or made by Plaintiff that relate to this Action and/or the allegations asserted in the Complaint.

30. All statements, documents, or communications concerning or made by Defendant(s) that relate to this Action and/or the allegations asserted in the Complaint.

31. All statements, documents, or communications relating to statements of witnesses provided to Defendant(s) that relate to this Action and/or the allegations asserted in the Complaint.

32. All statements, documents, or communications concerning or made by Plaintiff that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

33. All statements, documents, or communications concerning or made by Defendant(s) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

34. All statements, documents, or communications concerning or made by any Person (including any employees, volunteers, or coworkers) that relate to this Action and/or the allegations asserted in the Complaint.

35. All statements, documents, or communications concerning or made by any Person (including any of Defendant(s)' employees, volunteers, or coworkers) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

36. All statements, documents, or communications that support any defense or factual allegation asserted by Defendant(s) this Action.

37. All statements, documents, or communications concerning any agreement or contract between Plaintiff and Defendant(s).

38. All statements, documents, or communications relating to any Person contacted in connection with this Action.

39. All statements, documents, or communications relating to any Person interviewed in connection with this Action.

40. All statements, documents, or communications concerning any Person who has knowledge and/or information relating to this Action.

41. All statements, documents, or communications between Plaintiff and Defendant(s) that relate to this Action.

42. All statements, documents, or communications concerning any admissions by or of Defendant(s) that relate to this Action.

43. All statements, documents, or communications concerning any admissions of Plaintiff that Defendant(s) contends support his/her/their defenses in this Action.

44. All statements, documents, or communications concerning any admissions of Plaintiff that Defendant(s) contend support the defenses in this Action.

45. All statements, documents, or communications concerning each of Defendant(s)' Affirmative Defense(s) set forth in the Answer filed on behalf of Defendant(s).

46. All statements, documents, or communications concerning any of Defendant(s)' denials of allegations set forth in the Complaint.

47. All statements, documents, or communications concerning any employee or volunteer anti-retaliation training completed by Defendant(s).

48. All statements, documents, or communications concerning any employee or volunteer anti-discrimination training completed by Defendant(s).

49. All statements, documents, or communications concerning any employee or volunteer anti-harassment training completed by Defendant(s).

50. All statements, documents, or communications concerning any training regarding appropriate workplace conduct and/or appropriate interpersonal conduct completed by Defendant(s).

51. All documents any expert who may testify on Defendant(s)' behalf and which Defendant(s) intend to use or may rely upon at trial.

52. Copies of all books, documents, drawings, plans, photographs or other tangible things upon which Defendant(s) will rely in support of its defenses.

53. All statements, documents, or communications relating to any incident reports by Plaintiff.

54. All statements, documents, or communications relating to any Grievance made by Plaintiff concerning Defendant(s).

55. All statements, documents, or communications relating to any Grievance made by Defendant(s)' employees or volunteers concerning Defendant(s).

56. All statements, documents, or communications relating to any Grievance made by Defendant(s)' customers or clients concerning Defendant(s).

57. All statements, documents, or communications concerning a Grievance relating to Defendant(s).

58. All statements, documents, or communications relating to any Investigation concerning Defendant(s).

59. All documents Defendant(s) intend to use for any purpose in this litigation, including but not limited to the data it intends to use in depositions or at trial.

60. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.

61. All statements, documents, or communications concerning any Investigation that relates to Defendant(s).

62. All statements, documents, or communications concerning any Investigation that relates to Plaintiff.

63. All reports (including drafts) relating to any Investigation concerning Defendant(s) and/or Plaintiff.

64. All statements, documents, or communications between Defendant(s) and any Person relating to any Investigation of Defendant(s).

65. Any written statements made by any parties to this lawsuit, including agents, representatives, employees of Defendant(s).

66. Any reports relevant to this matter written by an expert utilized by Defendant(s).

67. Copies of any and all books, treatises, pamphlets or other printed material upon which Defendant(s) or any experts retained by Defendant(s) will rely, including using as an exhibit at trial.

68. All statements of witnesses taken by Defendant(s), including Defendant(s)' agents or representatives.

69. All documents or written statements rendered by any persons contacted or interviewed in connection with this matter at Defendant(s)' direction.

70. All documents relating to and/or containing any admissions Defendant(s) intend to use at trial.

71. All documents relating to any incident reports or Grievances taken concerning Plaintiff.

72. All documents and electronic data that relate to, refer to, discuss or memorialize Plaintiff's hiring.

73. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Plaintiff.

74. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Defendant(s)' agents, servants or representatives.

75. All statements, documents, or communications concerning the job performance of any Individual Defendant or any agent or employee of Defendant(s) during the tenure of his/her employment or volunteer service.

76. All statements, documents, or communications concerning any communication between Defendant(s) and Defendant(s)' Human Resources Department, or between Defendant(s) and any Person, company, or entity providing Human Resources services to Defendant(s), regarding Plaintiff.

77. All documents identified or referenced in Defendant(s)' Answers to Plaintiff's First Set of Interrogatories to Defendant(s).

78. Produce a copy of Defendant(s)' written policy concerning retaliation.

79. Produce a copy of Defendant(s)' written policy concerning discrimination.

80. Produce a copy of Defendant(s)' written policy concerning harassment.

81. All documents relating to Defendant(s)' policy or policies concerning electronic data retention and preservation.

82. All documents relating to Plaintiff's compensation during Plaintiff's employment or volunteer service with Defendant(s).

83. All documents relating to any employee or volunteer benefits or benefit plan in which Plaintiff has been eligible to participate during her employment or volunteer service with Defendant(s).

### **INTERROGATORIES TO DEFENDANT(S)**

1. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made sexually harassing comments directed to any employee, agent, client, or vendor of Defendant(s). For any such comments, please state the following:

- a. date of the comment;
- b. full name, address, and title of the person to whom the comment was made;
- c. full name, address, and title of the person who made the comment;
- d. a verbatim reproduction of the comment or, if not possible, the material substance of the comment;
- e. the reaction to the comment by the person to whom it was made; and
- f. describe any complaints or objections made by any person regarding the comment and the response to any such complaints by Defendant(s).

2. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made racially discriminatory comments directed to any employee, agent, client, or vendor of Defendant(s). For any such comments, please state the following:

- a. date of the comment;
- b. full name, address, and title of the person to whom the comment was made;
- c. full name, address, and title of the person who made the comment;
- d. a verbatim reproduction of the comment or, if not possible, the material substance of the comment;
- e. the reaction to the comment by the person to whom it was made; and
- f. describe any complaints or objections made by any person regarding the comment and the response to any such complaints by Defendant(s).

3. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made misogynist comments or comments discriminating on the basis of gender directed to any employee, agent, client, or vendor of Defendant(s). For any such comments, please state the following:

- a. date of the comment;
- b. full name, address, and title of the person to whom the comment was made;
- c. full name, address, and title of the person who made the comment;
- d. a verbatim reproduction of the comment or, if not possible, the material substance of the comment;
- e. the reaction to the comment by the person to whom it was made; and
- f. describe any complaints or objections made by any person regarding the comment and the response to any such complaints by Defendant(s).

4. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever had sexual intercourse or any other sexual contact with Plaintiff. For any such actions, please state the following:

- a. date of the action;
- b. full name, address, and title of the person against whom the action was taken;
- c. full name, address, and title of any person with knowledge of any such action;
- d. full name, address, and title of the person who took the action;
- e. a summary of the material substance of the action;
- f. the reaction to the action by the person against whom it was made; and
- g. describe any complaints or objections made by any person regarding the action and the response to any such complaints by Defendant(s).

5. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever transmitted or shared sexually explicit material to any employee, agent, or customer of Defendant(s). For any such actions, please state the following:

- a. date of the action;
- b. full name, address, and title of the person against whom the action was taken;
- c. full name, address, and title of the person who took the action;
- d. a summary of the material substance of the action;
- e. the reaction to the action by the person against whom it was made; and
- f. describe any complaints or objections made by any person regarding the action and the response to any such complaints by Defendant(s).

6. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever taken any retaliatory action towards Plaintiff or towards any other Person. For any such actions, please state the following:

- a. date of the action;
- b. full name, address, and title of the person against whom the action was taken;
- c. full name, address, and title of the person who took the action;
- d. a summary of the material substance of the action;
- e. the reaction to the action by the person against whom it was made; and
- f. describe any complaints or objections made by any person regarding the action and the response to any such complaints by Defendant(s).

7. Identify by full name, job title, last known address, phone number and tenure of employment or volunteer service, all Persons Defendant(s) contends comprises its Litigation

Control Group in this action and for each such identified person, the reasons for their inclusion in this group.

8. State whether Plaintiff was an employee of Franklin Township Defendants.
9. State whether Defendant Read was an employee of Franklin Township Defendants.
10. State whether Defendant Fortunato was an employee of Franklin Township Defendants.
11. State whether Defendant Verkade was an employee of Franklin Township Defendants.
12. State whether Defendant Franklin Township Fire Department is operated by or affiliated with Defendant Franklin Township and, if so, describe in detail the relationship between Defendant Franklin Township Fire Department and Defendant Franklin Township.
13. State whether Plaintiff was paid or compensated by Franklin Township Defendants and, if so, describe in detail any such payment or compensation.
14. State whether Plaintiff has received any negative performance evaluations, whether verbal or in writing, and set forth the date(s) and substance of any such evaluations.
15. Identify by full name, job title, last known address and phone number each person who had knowledge that Plaintiff had been sexually harassed, verbally harassed, discriminated against, subjected to disparate treatment, and/or retaliated against during Plaintiff's employment or volunteer service with Defendant(s).
16. State whether Plaintiff was a good employee or volunteer and, if so, set forth in detail the reasons why Plaintiff was a good employee or volunteer.
17. State whether Plaintiff was a bad employee or volunteer and, if so, set forth in detail the reasons why Plaintiff was a bad employee or volunteer.

18. State the reasons why Plaintiff was hired by Defendant(s).
19. Describe in detail Defendant(s)' response to Plaintiff's complaints about sexual harassment, abuse of power, discrimination, and a hostile work environment.
20. Describe in detail the relationship between Plaintiff and Defendant Fortunato.
21. State the reasons why Defendant Read encourage Defendant Fortunato to engage in a sexual relationship with Plaintiff.
22. State the reasons why Defendant Fortunato said he believed Defendant Read "would really go after" Plaintiff after Plaintiff turned eighteen.
23. State the reasons why Defendant Read called the Ku Klux Klan a "charity organization."
24. State the reasons why Defendant Verkade told Plaintiff he might have to inform Defendant Read if Plaintiff decided she wanted to resign.
25. Identify each Person answering these Interrogatories by stating his or her:
  - a. full name;
  - b. address;
  - c. title and relationship to the party upon whom these Interrogatories were served;
  - d. his/her duties and responsibilities with the party upon whom these Interrogatories were served;
  - e. the date when the employment or volunteer service of the person answering these Interrogatories commenced;
  - f. the date upon which these Interrogatories were answered;
  - g. whether you read and complied with the general instructions and definitions set forth in these Interrogatories (If not, explain in detail exactly how you failed to comply with these directions.); and
  - h. any custodians of records with relevant knowledge of documents produced in this matter.
26. Identify each person, not a party to the action, who assisted or participated in preparing and/or supplying any of the information given in answer to or relied on in answering these Interrogatories.

27. State if information set forth in the answers to these Interrogatories is based on personal knowledge. If not based on personal knowledge, set forth with specificity the sources of information and belief.

28. Indicate whether the individual or individuals certifying these Interrogatory answers had the opportunity to review the typed responses.

29. Identify all documents used in responding to these Interrogatories. State whether the facts set forth in the answers are based on personal knowledge.

30. State the name, last known address, and last known telephone number of all persons who have knowledge of facts relating in any way to this matter, and specify the subject matter of each such person's knowledge.

31. State the name, last known address, and last known telephone number of each person whom Defendant(s) may expect to call as a witness at trial and indicate those facts to which each such witness is expected to testify.

32. State the names and business addresses of any and all proposed expert witnesses whom Defendant(s) have retained for this matter.

33. With respect to each proposed expert witness referred to in the preceding Interrogatory, provide the following:

- a. field of expertise;
- b. educational background;
- c. the names of any and all books, periodicals, or other writings that he or she has written or to which he or she has contributed;
- d. the date, time, and place at which any oral opinion was rendered, specifying to whom that opinion was rendered and describing the content of that opinion;
- e. true and accurate copies of any and all written reports or opinions, including drafts;
- f. the name, last known address, last known telephone number, job title, and current employer of each person with whom the expert has met in

- connection with formulating his or her opinion or preparing his or her report(s);
- g. true and accurate copies of any and all documents that the expert created, obtained, or reviewed in connection with the formulation of his or her opinion or the preparation of his or her report(s);
- h. all tangible things upon which your expert(s) may rely as an exhibit at trial, and identify the name and address of the person in whose custody the above identified tangible things are at the present time; and
- i. if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories.

34. With respect to each proposed expert witness referred to in the preceding Interrogatory, set forth in summary form the substance of the opinion to which each is expected to testify, including a summary of grounds for each opinion.

35. Identify the names and addresses of any persons, other than those named in the preceding three Interrogatories, who have been retained, specifically employed, or consulted by Defendant(s) in anticipation of litigation or preparation for trial and who may not be called as witnesses at trial, and as to each:

- a. state the subject matter on which he/she was consulted;
- b. state his/her field of expertise;
- c. set forth the full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person (as to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received);
- d. attach to the answers to these Interrogatories copies of all written reports submitted to you (or detailed resume if report was oral) of each such expert;
- e. state whether or not there are any other reports in existence from the particular experts named, either written or oral (if any such reports, either written or oral, subsequently become known to you, or become available, submit copies thereof of supplemental answers to these Interrogatories);
- f. set forth completely all expert opinions rendered by the named expert(s) which are not in writing;
- g. identify each document that has been relied upon by each expert witness in the formulation of his or her opinion; and
- h. state a summary of the grounds for each opinion.

36. List chronologically each job title held by Plaintiff while employed by any Defendant(s) indicating the time period during which each position was held.

37. For any position held by Plaintiff while employed by Defendant(s) for which there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

38. State the required qualifications and skills for each and every job title that Plaintiff held while employed by any Defendant(s).

39. State whether Plaintiff was ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. what position or job title the promotion was from and what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

40. State whether Plaintiff was ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. what position or job title the demotion was from and what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

41. List chronologically each job title held by each Individual Defendant while employed by any Defendant(s), indicating the time period during which each position was held.

42. For any position held by each Individual Defendant while employed by any Defendant(s) which there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

43. State the required qualifications and skills for each and every job title that each Individual Defendant held while employed by any Defendant(s).

44. State whether each Individual Defendant was ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. what position or job title the promotion was from and what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

45. State whether each Individual Defendant was ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. what position or job title the demotion was from and what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

46. State the full name of each manager that worked with or oversaw Plaintiff.

47. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken. Identify those who

Defendant(s) contacted or assigned to conduct each specific investigation or inquiry, who was questioned, what was discovered, and what corrective action was taken to the best of Defendant(s)' knowledge. Provide copies of any examinations, audits, findings, reports, or notices in Individual Defendant(s)' possession.

48. Identify and provide full details concerning any Investigation relating to any denials or defenses asserted in the Answer, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken.

49. Identify all persons employed by Defendant(s) who are responsible for Human Resources, personnel matters, training, orientation, and personnel monitoring for the previous five (5) years to the best of Defendant(s)' knowledge.

50. Identify and annex hereto any performance evaluations or review of any Individual Defendant conducted by Defendant(s) from their respective start dates of employment or volunteer service to the present.

51. Identify and annex hereto any performance evaluations or review of Plaintiff conducted by Defendant(s) from Plaintiff's start date of employment or volunteer service to the present.

52. State whether any Individual Defendant received or went through an orientation program when he/she was hired to work at Defendant(s) and describe said program. If so:

- a. provide a description of the system(s) or procedure(s) used for orientation for the past five (5) years; and
- b. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

53. State whether Defendant(s) maintain a system or procedure for recording, investigating, and/or resolving employee or volunteer complaints or grievances of discrimination, harassment, and/or retaliation. If so:

- a. provide a description of the system(s) or procedure(s) used for the past five (5) years to present; and
- b. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

54. Identify and provide full details concerning all discrimination, harassment, and retaliation prevention training conducted by Defendant(s) in the past five (5) years.

55. In connection with Defendant(s)' response to the preceding Interrogatory, provide full details of such training including the dates, and provide any written materials used in such training. If the training was provided by a third party, please forward the third party's name, business address, and last known phone number, together with the third party's qualifications to perform such training.

56. State whether any civil or criminal actions have ever been filed charging Defendant(s) with discrimination, harassment, and/or retaliation in the past ten (10) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

57. Please describe in detail complaints or Grievances (formal or otherwise) made by the Plaintiff with regard to discrimination, harassment, retaliation, and/or hostile workplace environment regarding fellow employees or volunteers and/or Defendant(s).

58. Describe, in detail, all complaints or Grievances (formal or otherwise) by any employees or volunteers of Defendant(s) relating to discrimination, harassment, retaliation, and/or hostile workplace environment by Defendant(s) in the past ten (10) years.

59. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances of discrimination, harassment, retaliation, and/or hostile workplace environment by Defendant(s) in the past ten (10) years.

60. Identify each and every document relating to any and all complaints or Grievances made by Defendant(s)' employees or volunteers relating to Defendant(s) in the past ten (10) years. Annex hereto a copy of each said document.

61. Describe, in detail, all complaints or Grievances (formal or otherwise) by any of Defendant(s)' clients or customers relating to Defendant(s).

62. Describe, in full detail, any facts and circumstances surrounding any occasion when clients or customers of Defendant(s) reported a Grievance (formal or otherwise) regarding any Defendant(s).

63. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to complaints or Grievances by any clients or customers relating to Defendant(s).

64. Identify each and every document relating to any and all complaints or Grievances (formal or otherwise) made by Defendant(s)' clients or customers relating to Defendant(s). Annex hereto a copy of each said document.

65. Describe, in detail, the facts and circumstances relating to the method and process by which complaints or Grievances are handled and resolved with the Human Resources Departments (or similar departments) at Defendant(s).

66. Identify every paper, writing, memorandum or document of every kind and description of which Defendant(s) have knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Defendant(s) in any manner, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Defendant(s)' answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Defendant(s) will rely in support of Defendant(s)' claims/defenses/affirmative defenses state:

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

67. Describe in detail the factual basis for each of Defendant(s)' denials of the allegations of the Complaint.

68. Identify each document in Defendant(s)' possession or control, in addition to the documents referred to in other answers to these Interrogatories, which is in any way related to the subject matter of this litigation. Annex hereto a copy of each said document.

69. Are there any documents that Defendant(s) know or believe to be in existence, although not in Defendant(s)' possession or control, that in any way relate to the subject matter of this litigation? If so, identify each such document, set forth the source of Defendant(s)' information or belief regarding the existence of such document, and identify the person or entity in whose possession or control such document is known or believed to be.

70. Identify each and every document, which supports, tends to support or is claimed by Defendant(s) to support any of Defendant(s)' answers to these Interrogatories. As to each such

document, identify those facts to which each document refers or relates. Annex hereto a copy of each said document.

71. Have any admissions been made by a party or parties propounding these Interrogatories, or any of his/her/its/their agents, servants or representatives concerning the subject matter of this litigation? If the answer to this Interrogatory is in the affirmative, set forth in detail the following:

- a. the time, date and place of each admission;
- b. the content and substance of each admission;
- c. the name and address of each person making an admission;
- d. if the admission was an oral communication, the names and addresses of all persons present when the admission was made;
- e. if the admission was made in a document, attach a copy thereof to Defendant(s)' answers to these Interrogatories; and
- f. if the admission was made in an oral communication, describe verbatim, to the extent possible, what was said by each party to such oral communication.

72. Set forth whether Defendant(s) have obtained a statement from the party or parties propounding these Interrogatories. If the affirmative, state:

- a. if written, attach a true copy of the statement;
- b. if oral, set forth a verbatim recitation of the statement and advise whether the statement was recorded, the manner of recording and the person who has custody of the statement; and
- c. the date the statement was obtained.

73. Set forth whether Defendant(s) have obtained a statement from any person not a party to this action. If your answer is in the affirmative, state:

- a. name and address of the person who gave the statement, and date statement obtained;
- b. if written, whether signed by the person;
- c. if oral, name and address of the person who obtained the statement, and if recorded, the nature and present custody of recording;
- d. attach a copy of all said written statements; and
- e. if oral, set forth completely the substance of said statements.

74. Attach to your answers to these Interrogatories any correspondence between or among the parties to this action, or their agents, servants or employees, upon which Defendant(s) may rely at the time of trial to establish any of your claims or defenses/affirmative defenses.

75. Attach to your answers to these Interrogatories any correspondence between or among the parties to this action, or their agents, servants or employees.

76. Please set forth the existence and contents of any insurance agreement pertaining to the issues in the case, insuring the party answering this Interrogatory. This request is made pursuant to Rule 4:10-2(b).

77. State the policy limits of any insurance policies naming Defendant(s) as an insured which cover the claims in this litigation, along with the name of the insurance carrier and policy number, the amount of any applicable deductible, and if the claim is being defended under a Reservation of Rights Agreement or letter, attach a copy of said Reservation of Rights Agreement or letter.

78. If the party or parties answering these Interrogatories believes that some person, not a party to this action, is in some way responsible for the injuries and/or damages alleged, please set forth the name and address of such person, and the acts or omissions and address of such person, the acts or omissions of said person which caused the injury or damage and the facts which support the belief.

79. If the person certifying the answers to these Interrogatories did not answer each and every question, then identify each person supplying information used to answer the above Interrogatories and set forth the numbers of the Interrogatories as to which each such person supplied information.

80. Will the proofs to be presented by Defendant(s) contain allegations that an adverse party, including the party or parties propounding these Interrogatories, violated or failed to comply with any law, statute, ordinance, resolution, regulation or written standard of conduct in connection with the subject matter of this litigation?

81. If the answer to the preceding Interrogatory in the affirmative, identify the law or statute, ordinance, resolution, regulation or written standard of conduct which was allegedly violated and describe, in detail, the nature of such violation(s).

82. Enumerate specifically all of the things that you contend the party serving these Interrogatories did which should not have been done.

83. State whether Defendant(s)' agents communicated with any persons or entities that are not parties to this litigation in connection with the subject matter of this lawsuit. For all such communications that were oral, specify the nature and substance of the communication, the date on which it occurred, the place at which it occurred, and the names, last known addresses, and last known telephone numbers of all persons present. For all such communications that were written, provide true and accurate copies of each such communication.

84. Set forth whether Defendant(s) and/or any of Defendant(s)' agents or representatives and/or Defendant(s)' other employees either destroyed or disposed of any documents that in any way touch upon, discuss or pertain to any matters relating to this suit. If "yes,"

- a. identify each document;
- b. state when it was destroyed or disposed of; and
- c. identify the person who authorized or ordered the destruction.

85. Identify and provide herewith a copy of all instant messages, voicemails, and emails between or among Defendant(s) and/or agents, representatives, and employees including the Plaintiff and Defendant(s), for the past five (5) years.

86. State whether, at any time, Defendant(s) ever taped and/or digitally recorded any communication with the Plaintiff, whether face-to-face or telephonic. If so, describe in detail, including but not limited to:

- a. the identity of each Defendant(s) recorded;
- b. the date, time, place, and manner in which you recorded the communications;
- c. the substance of the recorded communications;
- d. the device used for making such recordings;
- e. whether you obtained consent to tape or record such communications; and
- f. provide any such recordings.

87. Set forth in detail all notices and warnings Defendant(s) received over the past ten (10) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline its operations, and/or their employees or agents.

88. Describe, in detail, any complaints to, investigations by, and/or inquiries by the New Jersey Department of Labor with regard to any employment or volunteer matter concerning Defendant(s) for the past ten (10) years. Identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

89. Identify each email account each Individual Defendant utilized as an employee or volunteer of Defendant(s) in the last three years.

90. Identify and describe in full detail Defendant(s)' policy relating to an employee's or volunteer's complaint of discrimination, harassment, hostile work environment, and/or retaliation.

91. Identify and describe in full detail the facts and circumstances surrounding Plaintiff's complaints of discrimination, harassment, and/or retaliation to any of the Defendant(s).

92. Identify and describe in full detail all communications between Defendant(s) concerning Plaintiff.

93. Identify and describe the subject matter of any communications concerning or between any of the Defendant(s) relating to the subject matter of this litigation.

94. Describe, in detail, any investigation, determination and/or disciplinary actions taken by Defendant(s) relating to any of the Defendant(s) in the past ten (10) years.

95. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to Plaintiff in the past ten (10) years.

96. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) reprimanded or disciplined Plaintiff while employed at Defendant(s).

97. Identify and describe the facts and details relating to each instance in which any of the Individual Defendant(s) were reprimanded or disciplined.

98. Identify and describe in detail Defendant(s)' employee or volunteer complaint procedure and/or policy.

99. Identify and describe in detail Defendant(s)' procedure and/or policy for reprimanding, suspending, and terminating employees or volunteers.

100. Describe, in detail, the factual basis for each Affirmative Defense set forth in the Answer.

101. Describe, in full detail, the facts and circumstances relating to any change in Plaintiff's position and/or job responsibilities.

102. Describe, in full detail, the facts and circumstances relating to any change in any Individual Defendant(s)' position and/or job responsibilities.

103. Identify and describe, in detail, instances when Plaintiff reported, complained, and/or stated a Grievance (formal or otherwise) to any Defendant(s), Defendant(s)' superior, or Defendant(s)' agent(s) regarding matters contained in the Complaint.

104. Identify and describe in detail each communication by or between any employee(s) or agent(s) of Defendant(s), regarding the matters contained in the Complaint. Annex hereto any documents relevant to this request.

105. Identify and describe in detail each communication by or between any employee(s) or agent(s) of Defendant(s) regarding Plaintiff. Annex hereto any documents relevant to this request.

106. Identify and describe Defendant(s)' policy regarding reporting incidents related to the subject matter of this litigation.

107. State whether any civil or criminal actions have ever been filed charging Defendant(s) with sexual harassment in the past ten (10) years. This includes, but is not limited to, all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

108. State whether any civil or criminal actions have ever been filed charging Defendant(s) with discrimination in the past ten (10) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

109. State whether any civil or criminal actions have ever been filed charging Defendant(s) with retaliation in the past ten (10) years. This includes, but is not limited to, all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

110. Identify and describe in full detail Defendant(s)' policy relating to an employee's or volunteer's complaint of retaliation.

111. Identify and describe in full detail the facts and circumstances surrounding complaints or Grievances (formal or otherwise) made by Plaintiff regarding fellow employees or volunteers and/or Defendant(s).

112. Describe, in detail, all complaints or Grievances (formal or otherwise) by any employees or volunteers of Defendant(s) relating to Plaintiff and/or Defendant(s) in the past five (5) years.

113. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances concerning Defendant(s) in the past five (5) years.

114. Identify each and every document relating to any and all complaints or Grievances made by any employee or volunteer of Defendant(s) relating to Defendant(s) and/or any employee or volunteer of Defendant(s) in the past five (5) years. Annex hereto a copy of each said document.

115. Identify each and every document relating to any and all complaints or Grievances (formal or otherwise) made by any Person in connection with Defendant(s) and/or any employee or volunteer of Defendant(s). Annex hereto a copy of each said document.

116. State whether there is a Human Resources Department, or a similar department, at Defendant(s).

117. Identify every paper, writing, memorandum or document of every kind and description of which Defendant(s) have knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by you in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, and attach true copies to your answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Defendant(s) will rely in support of Defendant(s)' claims/defenses/affirmative defenses, state:

- a. its description;
- b. its nature;

- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

**INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY**

1. Identify every paper, writing, memorandum or document of every kind and description of which Individual Defendant(s) has knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Individual Defendant(s) in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Individual Defendant(s)' answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)' claims/defenses/affirmative defenses state:

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

2. Identify all email addresses used by Individual Defendant(s) the past five (5) years to send and receive emails and identify the internet service provider affiliated with those email addresses.

3. Identify all cell phone numbers used by Defendant(s) for the past five (5) years, as well as carrier and current location of each cell phone. For any such cell phones that are no longer in Individual Defendant(s)' possession, please identify the name and address of the person's whose possession they are in.

4. Has Individual Defendant(s) ever been convicted of a criminal offense? If so, for each of Individual Defendant(s)' convictions, identify and set forth in detail:

- a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
- b. the date of each such conviction;
- c. the courts in which Individual Defendant(s) was convicted;
- d. the facts surrounding and underlying each such conviction; and
- e. the punishment or sentence received.

**DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES**

1. All financial statements prepared for the years 2010 through 2020 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).

2. All tax returns filed by the Corporate Defendant(s) for the years 2010 through 2020, up to and including the present.

3. All documents evidencing assets of the Corporate Defendant(s).

4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.

5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.

6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2010 through 2020, up to and including the present.

7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.

8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2010 through 2020, up to and including the present.

9. All documents evidencing payments made by the Corporate Defendant(s) to creditors.

10. All corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s).

11. All copies of inventories taken by the Corporate Defendant(s) of its property at any time during the years 2010 through 2020, up to and including the present.

**INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)**

1. If the Defendant(s) is a corporation, set forth as to each:
  - a. the full name of the corporation;
  - b. date of incorporation;
  - c. state of incorporation;
  - d. all States in which the Defendant(s) conducts its business;
  - e. all States in which the Defendants has registered to do business;
  - f. the full and correct names and residential address of all stockholders for the last two (2) years;
  - g. the number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
  - h. number of shares issued to each of said stockholders;
  - i. the full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
  - j. all trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
  - k. the complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location; and
  - l. the name and address of the person who has custody of this corporation's books and records.
  
2. Is a majority interest in the corporate stock of the Defendant(s) owned by any individual, corporation or holding company?
  
3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation or holding company with a majority interest in the Defendant(s):

- a. name and address;
  - b. state of incorporation;
  - c. the state in which doing business;
  - d. address of each business office;
  - e. the name and address of each current officer or director; and
  - f. the nature of the business in which engaged.
4. For each facility owned or maintained by the Defendant(s), please state:
- a. the business address;
  - b. the names and addresses of all current officers of the facility;
  - c. the nature of the business conducted at the facility;
  - d. the dates during which the facility has been owned or maintained by the Defendant(s)' employer; and
  - e. the number of individuals presently employed at the facility.
5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest and set forth the nature of the interest.
6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.
7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.
8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).
9. List all the physical assets of the Defendant(s) and their location. If any asset is subject to a lien, then state the name and address of the lienholder and the amount due.
10. Does the Defendant(s) own any real estate?
11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:
- a. name(s) in which property is owned;
  - b. address of property;
  - c. date property was purchased;
  - d. purchase price;
  - e. name and address of mortgage holder, if any;

- f. balance due on mortgage, if any; and
- g. the names and addresses of all tenants and monthly rentals paid by each tenant.

12. List all motor vehicles owned by the Defendant(s) and state the following for each vehicle:

- a. make, model, and year;
- b. license plate number;
- c. vehicle identification number; and
- d. if there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

13. List all accounts receivable due to the Defendant(s), stating the name, address, and amount due on each receivable.

14. For any transfer of business assets that has occurred within six months from the date of these Interrogatories, specifically identify:

- a. the nature of the asset;
- b. the date of the transfer;
- c. name and address of the person or entity to whom the asset was transferred; the consideration paid for the asset and the form in which it was paid (check, cash, etc.); and
- d. explain in detail what happened to the consideration paid for the asset.

15. Set forth all judgments that have been entered against the Defendant(s) and include the following for each:

- a. creditor's name;
- b. creditor's attorney;
- c. amount due;
- d. name of Court; and
- e. docket number.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano  
PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

**CERTIFICATION**

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on ( ) my personal knowledge and/or ( ) information provided by others. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me:

- 1.
- 2.
- 3.
- 4.
- 5.

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, whether written or oral, are unknown to me and, if such become later known or available, I shall serve them promptly on the propounding party.

I certify that the foregoing answers to the Interrogatories 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.

Dated: \_\_\_\_\_, 2020

By:\_\_\_\_\_

**NOTICE OF R. 4:14-2 AND R. 4:14-9 VIDEO DEPOSITION**

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Priya Gupta, through her undersigned counsel, will take the deposition upon oral examination of Defendant Read, **commencing on January 20, 2021, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

**PLEASE TAKE FURTHER NOTICE** that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano  
PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

**NOTICE OF R. 4:14-2 AND R. 4:14-9 VIDEO DEPOSITION**

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Priya Gupta, through her undersigned counsel, will take the deposition upon oral examination of Defendant Fortunato, **commencing on January 21, 2021, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

**PLEASE TAKE FURTHER NOTICE** that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano  
PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

**NOTICE OF R. 4:14-2 AND R. 4:14-9 VIDEO DEPOSITION**

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Priya Gupta, through her undersigned counsel, will take the deposition upon oral examination of Defendant Verkade, **commencing on January 22, 2021, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

**PLEASE TAKE FURTHER NOTICE** that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Priya Gupta*

By: /s/ Peter D. Valenzano  
PETER D. VALENZANO, ESQ.

Dated: October 15, 2020

# Civil Case Information Statement

## Case Details: WARREN | Civil Part Docket# L-000285-20

**Case Caption:** GUPTA PRIYA VS FRANKLIN TOWNSHIP  
VO LUNTEER

**Case Initiation Date:** 10/15/2020

**Attorney Name:** PETER DOUGLAS VALENZANO

**Firm Name:** MCOMBER MCOMBER & LUBER, PC

**Address:** 54 SHREWSBURY AVE

RED BANK NJ 07701

**Phone:** 7328426500

**Name of Party:** PLAINTIFF : Gupta, Priya

**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

**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

**Are sexual abuse claims alleged by: Priya Gupta?** 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 **Consumer Fraud?** 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)*

10/15/2020

Dated

/s/ PETER DOUGLAS VALENZANO

Signed