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<p>CRYSTAL WARDELL AND KARLA PORTILLO,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>AMAZON.COM SERVICES LLC, TERRY CHRISTIANSON, MICHELLE SINGLETON, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT & DEMAND FOR TRIAL BY JURY</p>
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Plaintiff Crystal Wardell (“Plaintiff Wardell”) and Plaintiff Karla Portillo (“Plaintiff Portillo”), by way of Complaint against Defendant Amazon.com Services LLC (“Amazon,” “Defendant Amazon” or “Corporate Defendant”), Defendant Terry Christianson (“Defendant Christianson”), and Defendant Michelle Singleton (“Defendant Singleton”) (“Individual Defendants”) (collectively, “Defendants”), allege as follows.

INTRODUCTION

Amazon has not delivered. Amazon had actual knowledge of severe and pervasive sexual harassment of two (2) female Plaintiffs by the same male employee: Defendant Terry Christianson. Defendant Christianson is an Amazon Learning Ambassador who was supposed to “set the tone” and be the “first impression of Amazon.” But, as set forth below, Defendant Christianson made sexual remarks about masturbation, sexual penetration and buttock-biting to Plaintiff Wardell and even chased her in a work vehicle in the Amazon warehouse. He also showed unsolicited sexually explicit pictures of his penis to Plaintiff Portillo. But when Plaintiff Portillo brought this unacceptable sexual misconduct to Amazon, its female Human Resources manager dismissively responded that she was too busy during Amazon Prime Week to address the issue.

Shockingly Amazon welcomed the Defendant Christianson back to the same warehouse with no or inadequate protections for Plaintiffs and their female co-workers, and demanded that Plaintiff Wardell change her work schedule or her location in order to accommodate her harasser. When this was reasonably questioned by Plaintiff Wardell, Amazon’s investigator told her that he “*didn’t need to explain [Defendant Amazon’s] operational decisions to her*” and that he was “*not going to debate the accusations with her.*” Plaintiff Wardell pleaded for protection and assured Amazon that she “*wants to be at work, wants to feel safe, and wants to feel like [her] job is protected.*” But this is impossible when a sexual predator is in her presence.

Accordingly, Plaintiffs bring this lawsuit the New Jersey Law Against Discrimination N.J.S.A. 10:5-1, *et seq.* (“NJLAD”) to redress the egregious misconduct by Defendant Christianson, Amazon and its Human Resources manager, Defendant Michelle Singleton.

PARTIES

1. Plaintiff Wardell is an individual residing in Brown Mills, New Jersey, and at all times relevant hereto was employed by Defendant Amazon as a Picker Driver.

2. Plaintiff Portillo is an individual residing in Philadelphia, Pennsylvania, and at all times relevant hereto was employed by Defendant Amazon as a Picker Driver.

3. Defendant Amazon is a Delaware Corporation with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Defendant Amazon has appointed its agent for service as follows: Corporation Service Company, Princeton South Corporate Center, Suite 160, 100 Charles Ewing Blvd., Ewing, New Jersey 08628. At all times relevant hereto, Defendant Amazon is an “employer” as defined under the NJLAD.

4. Defendant Christianson, at all times relevant hereto, is an individual and an Ambassador of Defendant Amazon. This claim is brought against Defendant Christianson in his individual capacity and/or as an agent or servant of Defendant Amazon.

5. Defendant Singleton, at all times relevant hereto, is an individual and the Human Resources Manager of Defendant Amazon in its Burlington, New Jersey warehouse. This claim is brought against Defendant Singleton in her individual capacity and/or as an agent or servant of Defendant Amazon.

6. Defendant ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with Corporate Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-retaliation policies of Corporate Defendant Amazon, and/or currently unidentified business entities who have liability for the damages suffered by Plaintiffs under any theory advanced therein.

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

FACTS COMMON TO ALL CLAIMS

I. Defendant Christianson's Harassment of Plaintiff Wardell.

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

9. Defendant Amazon owns and operates a fulfillment center warehouse in Burlington, New Jersey that prepares items for distribution to customers.

10. At this specific Amazon location, there has been a pattern of disgusting and unlawful sexual harassment by multiple employees that has been swept under the rug by management.

11. In July 2020, Defendant Amazon hired Plaintiff Wardell as a picker at the Robbinsville, New Jersey. Plaintiff Wardell was moved to the Burlington warehouse in November 2020 and trained to drive a picker machine there.

12. Several months after Plaintiff Wardell began working at Amazon's Burlington warehouse, Plaintiff Wardell became familiar with one of the higher-level warehouse workers, Defendant Christianson, that Amazon refers to as a "Learning Ambassador." Amazon Learning Ambassadors have leadership roles similar to managers without the formal title.¹

¹ See also <https://www.youtube.com/watch?v=JMYsPG0DWEc> (outlining Amazon's criteria to become an Amazon Learning Ambassador, including without limitation including whether the employee is in good standing and has no action write ups; detailed knowledge of process and is a top performer; desire to interact with numerous members of the Amazon team; flexibility and desire to learn and use training methods; ability to effectively communicate and

13. According to Amazon, “Ambassadors help set the tone and are the first impression of Amazon...”²

14. Plaintiff Wardell and Defendant Christianson had what Plaintiff Wardell interpreted to be as a normal, casual working relationship. They would have casual small talk periodically as they worked on the same shifts in the same part of the warehouse.

15. In the beginning of May 2021, Defendant Christianson approached Plaintiff Wardell because she was visibly upset at work. Plaintiff Wardell explained to Defendant Christianson that she was upset because her significant other cheated on her and they had just broken up.

16. After this encounter, Defendant Christianson began to aggressively pursue Plaintiff Wardell. Defendant Christianson began to make sexually explicit comments that made Plaintiff Wardell extremely uncomfortable.

17. Specifically, Defendant Christianson made comments such as, “*With an ass like that, why cheat?*” and “*That ass will make those pants bust at the seams.*”

18. As Plaintiff Wardell was going about her normal workday, she was even approached by Defendant Christianson another occasion as he detailed a disgusting fantasy that he had about her. Defendant Christianson crudely revealed that he had a daydream while he was in the shower about Plaintiff Wardell in a specific pair of pants that she had worn, and that “*thinking about her in those pants made his dick so hard that he had to jerk off.*” While saying this, Defendant Christianson mimicked lathering his body with soap.

interpersonal skills; detail-oriented and able to maintain a professional demeanor; meeting or exceeding all safety, quality, productivity and attendance expectations) (last visited July 14, 2021).

² See *id.*

19. During the beginning stages of the harassment, Plaintiff Wardell chose to brush the comments off as she did not want to even engage or acknowledge Defendant Christianson's horrific behavior in hopes that her indifference would make him leave her alone.

20. Unfortunately, Defendant Christianson only became more aggressive in his pursuit. On or about June 7, 2021, Defendant Christianson saw Plaintiff Wardell speaking to another male employee, and said to Plaintiff Wardell, "***Don't make me fuck him up.***" Plaintiff Wardell nervously laughed, hoping that Defendant Christianson was joking, which only made Defendant Christianson angrier. He then threatened Plaintiff Wardell and said, "***Don't play with me in here, I will fuck someone up.***"

21. This aggressive behavior startled Plaintiff Wardell. Though the two had a working relationship, the two never spoke outside of work. In fact, Plaintiff Wardell did not even know Defendant Christianson's last name and they never exchanged phone numbers.

22. Plaintiff Wardell was frightened and confused by Defendant Christianson's possessive behavior, particularly since the two barely had a working relationship let alone a romantic relationship. Plaintiff Wardell never gave Defendant Christianson any inclination that she was even remotely interested in Defendant Christianson in a romantic way, and so when he began acting this way at work, Plaintiff Wardell chose to distance herself from Defendant Christianson with the hope that he would stop his harassment.

23. Plaintiff Wardell attempted to avoid Defendant Christianson at all costs, while still maintaining a civil work environment. However, Defendant Christianson made this no easy feat. He would wait for Plaintiff Wardell at spots in the warehouse where he knew she worked and would continually try to talk to her. Plaintiff Wardell did her best to keep these interactions short following his previous concerning behavior.

II. Defendant Christianson Chased Plaintiff Wardell in the Amazon Warehouse in his Vehicle.

24. On June 16, 2021, Plaintiff Wardell was in an Amazon machine with a basket that would rise to allow employees to reach high shelves.

25. While Plaintiff Wardell was in the elevated pit, Defendant Christianson approached Plaintiff Wardell and made a comment about her pants and butt. Specifically, he said “*I would love to stick three of my fingers in your pussy and bite your ass.*”

26. In pure disgust and shock, Plaintiff Wardell immediately told Defendant Christianson he had crossed the line.

27. Later this day, Plaintiff Wardell left early for an unrelated reason.

28. The following day, June 17, 2021, Plaintiff Wardell came into work and was immediately approached by Defendant Christianson. Defendant Christianson was angered that Plaintiff Wardell had left the prior day without saying goodbye. Plaintiff Wardell ignored these harassing comments.

29. Plaintiff Wardell found this to be exceptionally strange and concerning since this was not a common practice between the two – Plaintiff Wardell never went out of her way to say goodbye to Defendant Christianson before she left because they were mere acquaintances. Plaintiff Wardell knew that her efforts to avoid Defendant Christianson were failing, and that Defendant Christianson’s irrational behavior and harassment was only growing worse.

30. In response to Plaintiff Wardell ignoring him, Defendant Christianson became enraged and aggressive.

31. Defendant Christianson was driving a forklift while Plaintiff Wardell drove her picker machine. He began to use his forklift to block off aisles to trap Plaintiff Wardell in the aisle that she was working in to try to talk to her.

32. Plaintiff Wardell had no safe way to escape Defendant Christianson's pursuit. Defendant Amazon's safety protocol dictates that the aisles are one-way, and that going down an aisle the wrong way is prohibited. However, this was Plaintiff Wardell's only option as Defendant Christianson placed his forklift nose-to-nose with her picker while verbally harassing her.

33. Defendant Christianson's actions forced Plaintiff Wardell to back down the aisle to try to escape. His actions caused Plaintiff to break safety protocol because she was so desperate to escape his egregious harassment that now threatened her safety.

34. Even so, Defendant Christianson chased her on his forklift around the aisles of the warehouse several times while shouting, "***Talk to me please! I'm sorry I just want you to talk to me.***" Plaintiff Wardell was repeatedly asking Defendant Christianson to leave her alone and to stop preventing her from doing her job.

35. At this time, there was another employee – Muhammad Adil – who witnessed Defendant Christianson chasing Plaintiff Wardell around the warehouse. Mr. Adil told Plaintiff Wardell that he saw Defendant Christianson harassing her, and that she needed to report Defendant Christianson to Human Resources.

36. At the same time, Defendant Christianson was screaming from his forklift, "***With all that ass and you're not going to talk to me?***" and "***If you don't give a fuck about me just tell me!***"

37. Plaintiff Wardell eventually escaped from Defendant Christianson's chase, and went to her manager – Manpreet Singh – to ask for help. Plaintiff Wardell explained Defendant Christianson's erratic and threatening behavior and informed Mr. Singh that she was genuinely scared for her safety. Mr. Singh instructed Plaintiff Wardell to go to Human Resources ("HR") and to ask for Audra Gutridge ("Gutridge").

38. Defendant Christianson was still driving his forklift when he found Plaintiff Wardell driving her picker to the parking lot on her way to HR.

39. Frightened, Plaintiff Wardell called out to another employee that was in the parking lot – Lerhan Bumbley, another Ambassador. Mr. Bumbley called Plaintiff Wardell’s name after he saw Defendant Christianson speeding his forklift into the parking spot next to where Plaintiff Wardell had parked her picker.

40. Plaintiff Wardell jumped out of her picker in the parking lot and *ran* to HR away from Defendant Christianson as he was screaming, “*just five minutes please!*”

III. Defendant Singleton Failed to File an Incident Report After Plaintiff Wardell Complained of Defendant Christianson’s Sexual Harassment.

41. When Plaintiff Wardell arrived at HR, she followed her manager’s suggestion and asked for Gutridge, but the woman Plaintiff Wardell spoke to turned out to be the HR Manager, Defendant Singleton.

42. Plaintiff Wardell explained the entire timeline of Defendant Christianson’s actions to Defendant Singleton in detail. Though Plaintiff Wardell was visibly shaken and traumatized from the sexual harassment that had just occurred, Defendant Singleton did not take Plaintiff Wardell seriously.

43. Instead, Defendant Singleton took Plaintiff Wardell back to Mr. Singh, Plaintiff Wardell’s manager. Defendant Singleton began yelling and laughing at Mr. Singh asking why he would send Plaintiff Wardell to HR.

44. Defendant Singleton did not listen to a word Mr. Singh said as he tried to reiterate why Defendant Christianson’s behavior needed to be reported. Instead of taking Plaintiff Wardell and Mr. Singh seriously, Defendant Singleton was preoccupied and walked around the warehouse looking for something unrelated to Plaintiff Wardell’s complaint.

45. Defendant Singleton finally agreed to talk to Defendant Christianson, but it was clear she did not believe Plaintiff Wardell. Plaintiff Wardell told Defendant Singleton that she just wanted to be able to do her job and for Defendant Christianson to leave her alone.

46. After this, Plaintiff Wardell spoke with another coworker in the warehouse, a safety officer, who advised her to ask HR for an incident report to document the events.

47. Plaintiff Wardell returned to HR to ask for an incident report as she was advised. Defendant Singleton was infuriated and asked how Plaintiff Wardell knew to ask for this. Plaintiff Wardell explained that a safety officer had advised her that this was Defendant Amazon's protocol.

48. Defendant Singleton refused to write an incident report because apparently, she had spoken with Defendant Christianson, and, according to him, ***“he did not realize he was making [Plaintiff Wardell] uncomfortable.”***

49. At this point, Plaintiff Wardell was frustrated. She exclaimed, ***“How can a male associate chase a female associate around the warehouse, violating multiple safety protocols, and sexually harass women without an incident report being made?”***

50. Defendant Singleton responded, ***“Now let's be careful about throwing around sexual harassment.”*** Plaintiff Wardell was shocked. She asked Defendant Singleton, ***“What does a man telling you he's going to stick three fingers in your pussy and bite your ass consist of then, Michelle?”***

51. Defendant Singleton told Plaintiff Wardell she was not aware of that exact comment, even though Plaintiff Wardell had previously given Defendant Singleton the entire series of events and was sure to include the most horrifically graphic comment that Defendant Christianson made, making it only clearer that Defendant Singleton had not listened to a word Plaintiff Wardell said in her initial complaint.

52. Even still, Defendant Singleton refused to complete an incident report, and instead, was satisfied with Defendant Christianson's claim that he did not know his actions were being construed as harassment. Defendant Singleton told Plaintiff Wardell that she did not believe Defendant Christianson's conduct would continue, but to come to her if the actions continued.

53. Plaintiff Wardell was astonished and saddened that the one person that should have been ready and willing to help her make a report was refusing to take her seriously. Defendant Singleton gave Plaintiff Wardell no reason to trust that if she came back to her to complain again, that Defendant Singleton would do anything to help her.

54. Not only did Defendant Singleton refuse to file an incident report as required by Defendant Amazon's protocol, but she did not provide Plaintiff Wardell with any other form of protection in response to Defendant Christianson's actions when Plaintiff Wardell explicitly expressed the danger and anxiety she felt in the presence of her harasser.

IV. Plaintiff Wardell Discovers She is not Alone.

55. On this same day, Plaintiff Wardell decided to make the workplace safe enough for her to be a productive employee. Plaintiff Wardell asked Mr. Singh to move her driving path so that she could avoid Defendant Christianson. Mr. Singh of course agreed as he too was worried for Plaintiff Wardell's safety.

56. Before Plaintiff left for the day, she was approached by another employee, Plaintiff Portillo.

57. Plaintiff Portillo asked Plaintiff Wardell who was harassing her. The two quickly discovered that they shared the same harasser: Defendant Christianson.

58. Plaintiff Portillo explained that after Defendant Christianson was confronted by Defendant Singleton, he then blocked Plaintiff Portillo in an aisle for seven minutes trying to get Plaintiff Portillo to tell him what Plaintiff Wardell had *told HR.

59. Specifically, Defendant Christianson asked Plaintiff Portillo, “*You don’t believe her, do you?*” to which Plaintiff Portillo responded, “*You’re doing the same thing to me as you did to her, why wouldn’t I believe her?*” Defendant Christianson’s obsessive personality again broke through when he exclaimed, “*But it’s different, we have a bond,*” referring to him and Plaintiff Portillo.

60. Plaintiff Portillo also informed Plaintiff Wardell that Defendant Christianson had previously sent her unsolicited sexually explicit pictures of Defendant Christianson’s penis, and that Plaintiff Portillo knew of two other women who were subjected to Defendant Christianson’s harassment.

61. Immediately after learning that she was not alone in this harassment, Plaintiff Wardell was even more enraged that Defendant Singleton did not take her complaints seriously. She returned to HR for the third time the same day that Defendant Christianson chased her around the warehouse and asked for an incident report again.

62. Even after Plaintiff Wardell explained that there were other victims of Defendant Christianson’s harassment, Defendant Singleton refused to follow protocol and draft an incident report.

63. Defendant Singleton told Plaintiff Wardell that she did not write an incident report and did not plan on writing an incident report.

V. **After Defendant Singleton Failed to File an Incident Report, Plaintiff Wardell’s Severe Anxiety and Fear of Defendant Christianson Caused her to Collapse at Work.**

64. On June 19, 2021, Plaintiff Wardell went in to work with hopes that Mr. Singh changing her driving route would keep Defendant Christianson away from her. Though this was as much as Mr. Singh could do with his limited power as shift manager, it was not enough, and Plaintiff Wardell still saw Defendant Christianson while she was working.

65. Throughout the day, Defendant Christianson would give Plaintiff Wardell dirty looks and mockingly smile at her, which frightened her. Plaintiff Wardell was extremely anxious that Defendant Christianson was going to retaliate against her for making the complaint to HR and was worried that being in his presence was unsafe.

66. Eventually, Plaintiff Wardell's anxiety caused her chest to tighten and her head to hurt. As she was waiting to speak with her manager to ask for a break to calm her nerves, she fainted and hit her head on the floor. Employees at the scene called an ambulance and Plaintiff Wardell was transferred from Defendant Amazon's warehouse to Willingboro Medical Center.

67. Plaintiff Wardell's doctor completed a cat scan, an EKG, blood work, and an X-Ray, and concluded that Plaintiff Wardell collapsed from a fainting spell caused by severe anxiety and a panic attack.

VI. Defendant Singleton Refused to Complete an Incident Report for Plaintiff Portillo.

68. On Monday, June 21, 2021, Plaintiff Portillo went to work with the intention of completing an incident report regarding Defendant Christianson's harassment. After Defendant Christianson cornered Plaintiff Portillo to interrogate her about Plaintiff Wardell's complaint, Plaintiff Portillo was fearful that his harassment was becoming more threatening and dangerous.

69. As Plaintiff Portillo was walking into the warehouse from the parking lot, she noticed Defendant Christianson following her. Plaintiff Portillo quickly removed herself from the situation and went straight to HR to file a complaint.

70. Though Plaintiff Portillo explained in detail the harassment that Defendant Christianson had subjected her to as well, Defendant Singleton *still* refused to file an incident report. Defendant Singleton instead instructed Plaintiff Portillo to call Defendant Amazon's Ethics Hotline to make her report.

71. Plaintiff Portillo was instructed by the Ethics Hotline to have the warehouse's HR Manager file an incident report. Plaintiff Portillo relayed this instruction to Defendant Singleton, which infuriated Defendant Singleton.

72. Instead of complying with Defendant Amazon's protocols that not only should she have known herself, but also that she was specifically told by Corporate Defendant's Ethics Hotline, she once again refused. Specifically, Defendant Singleton told Plaintiff Portillo that the Ethics Hotline asked the same questions she would so that should be sufficient.

73. Defendant Singleton then said that *her team was too busy with Amazon Prime week to write an incident report* for her.

VII. Defendant Amazon Placed Plaintiff Wardell and Plaintiff Portillo on Leave.

74. Later that day, Plaintiff Portillo told Plaintiff Wardell that Defendant Singleton again refused to do anything. Plaintiff Wardell was distraught as both women were anxiety ridden and terrified, and Amazon HR was allowing this harassment to go unaddressed with no concern for the victims.

75. Plaintiff Wardell went right to her manager, Mr. Singh, crying out of frustration and fear. A high-level manager was passing by and heard Plaintiff Wardell and Mr. Singh's conversation about HR's failure to act.

76. This high-level manager, Jenna (Last Name Unknown), promptly gathered a team that consisted of Defendant Amazon's Loss Prevention Managers, an HR representative, and both

of Plaintiff Wardell's immediate managers in the warehouse's main office. Plaintiff Wardell was then called to the main office and was asked to share her story.

77. The team documented everything that Plaintiff Wardell had previously told Defendant Singleton and allowed Plaintiff Wardell to draft a "witness statement."

78. After this meeting, both Plaintiff Wardell and Plaintiff Portillo were placed on paid leave, and they were informed that Defendant Amazon was going to open an investigation into the matter. Notably, Defendant Christianson was allowed to continue to work while the victims of his harassment were sent home.

79. The HR representative present at this meeting, Jessica (Last Name Unknown), informed Plaintiff Wardell that they would relaying information from the investigation to her by the end of that week, and that both victims should wait for instruction on when to return to work. Plaintiff Wardell never heard back.

VIII. Defendant Amazon's Bogus Investigation Has Failed to Provide Any Relief or Protection to the Victims of Defendant Christianson's Harassment.

80. After Defendant Amazon placed Plaintiffs on leave rather than Defendant Christianson, Plaintiffs recognized that Defendant Amazon was repeatedly failing to provide them with adequate protection and relief, so they consulted the undersigned counsel.

81. While Plaintiffs were on leave, the undersigned counsel sent Defendants a litigation hold letter.

82. By the end of the week, June 25, 2021, Plaintiffs had still not heard back from Defendant Amazon's HR representative regarding the pending investigation and whether they would be permitted to return to work.

83. Instead, the following week, Plaintiffs had to reach out to Defendant Amazon to learn that Defendant Amazon was planning to use a third-party contractor to investigate the matter.

84. Plaintiffs were told they could return to work on or about June 28, 2021; however, they were not given any assurance that they would be safe from Defendant Christianson's harassment.

85. Only *after* Plaintiff Wardell again complained that Defendants were not doing enough to protect the victims did Defendant Amazon place Defendant Christianson on suspension and assign an investigator to the matter, Mr. Juan Gonzalez.

86. After witnessing Defendant Singleton completely drop the ball with Plaintiffs' complaints, Gutridge reached out to Plaintiffs individually. On both calls, Gutridge apologized to Plaintiffs while explaining that she knew Defendant Singleton was not addressing the complaints, but that she had no power to step in as Defendant Singleton was the HR manager. She also informed Plaintiffs that the investigation should not have been sent out to a private investigator as that was not Defendant Amazon's proper protocol.

87. Mr. Gonzalez never returned any of Plaintiff Portillo's inquiries into the status of the investigation; however, he instead questioned Plaintiff Wardell for hours on end while she was working.

88. During these phone calls, Mr. Gonzalez made Plaintiff Wardell feel as though she was somehow in the wrong, which contributed to additional emotional distress and physical manifestations thereof. Every time Plaintiff Wardell would explain the harassment, Mr. Gonzalez would tell Plaintiff Wardell that Defendant Christianson had a different story. As a result, she suffered at the hands of Defendant Christianson and by and through the ineptitude and ineffectiveness of Defendant Amazon's HR department.

89. The victim blaming that Plaintiff Wardell has suffered in the wake of her sexual harassment complaint to Defendant Amazon is traumatizing and horrific. Mr. Gonzalez even

threatened Plaintiff Wardell that if she continues to raise awareness to Defendant Amazon's failure to properly address their employee's sexual harassment complaints, then the "***investigation will not go the way she wants it to go.***"

90. Mr. Gonzalez has failed to conduct an active and proper investigation. When Plaintiff Wardell specifically asked whether he had contacted the witnesses she identified in her statements, Mr. Gonzalez told her that "***a lot of the witnesses had not been at work, so he hasn't contacted them.***"

91. When Plaintiff Wardell inquired about a resolution to this situation, Mr. Gonzalez told her that she may have to switch ***her*** shifts if she wants to avoid contact with Defendant Christianson because Defendant Amazon intended to bring him back from suspension. Rather than taking corrective action against Defendant Christianson by switching his shifts, relocating him, or firing him, Defendant Amazon ***placed the burden on the victims*** to switch their shifts to avoid their harasser.

92. After Plaintiff Wardell was extensively interrogated by Mr. Gonzalez for approximately two (2) hours during her shift and after taking "paid" leave, Defendant Amazon issued Plaintiff Wardell a write up for being "underproductive" on or about June 29, 2021. Plaintiff Wardell was merely complying with the investigation and had no control over when Mr. Gonzalez chose to question her for hours on end. This write-up was a blatant act of retaliation for Plaintiff Wardell's complaints.

93. Though, upon information and belief, Defendant Amazon relocated Defendant Singleton to a different warehouse in Southern New Jersey ***after*** Plaintiffs sent a litigation hold letter, Defendant Amazon has done nothing to protect their employees from an aggressive harasser.

94. As of July 12, 2021, Defendant Amazon has apparently concluded their bogus “investigation” as they decided to lift Defendant Christianson’s suspension and allowed him to return to his exact position.

95. Though HR and Defendant Amazon ensured Plaintiff Wardell that she would be notified prior to his return if Defendant Christianson were allowed back on the premises, Defendant Amazon failed to notify Plaintiff Wardell and she was blindsided when she walked in to work and was face-to-face with her harasser.

96. When Plaintiff Wardell went to HR to ask why he was allowed on the premises, Mr. Gonzalez told Plaintiff Wardell that, “*...bringing back Terry was a part of a decision that was made and if we failed to advise you then we apologize, but Terry will not be anywhere near you.*” Plaintiff Wardell explained that this was already not the case, having seen Defendant Christianson within just minutes of her first shift with her harasser. Mr. Gonzalez’s only offered relief for Plaintiff Wardell was that “*if she didn’t want to work [with Defendant Christianson], then she may go home.*”

97. When Plaintiff Wardell asked why Defendant Amazon’s only resolution was to make *her* change her work schedule or location in order to accommodate her harasser, Mr. Gonzalez told Plaintiff Wardell that he “*didn’t need to explain [Defendant Amazon’s] operational decisions to her*” and that he was “*not going to debate the accusations with her.*”

98. Plaintiff Wardell pleaded with Mr. Gonzalez for protection and assured him that she “*wants to be at work, wants to feel safe, and wants to feel like [her] job is protected.*” However, Plaintiff Wardell explained that this is not possible when a sexual predator is in her presence. Mr. Gonzalez’s only response was to tell Plaintiff Wardell that she “*was putting labels on things when she had no idea what was going on.*”

99. Defendant Amazon has fostered a work environment so hostile that any reasonable woman would be fearful to return to work. Defendants have repeatedly failed to follow sexual harassment complaint protocol, failed to provide protections to vulnerable victims, and blamed victims.

100. As of July 12, 2021, Defendant Amazon has allowed Defendant Christianson to return to work with the same schedule that he had prior to his suspension. This means that Plaintiffs have already been in Defendant Christianson's presence while working as Defendant Amazon has not done anything further to mitigate the issue.

101. Importantly, this is not the first time that Defendant Amazon has mishandled workplace sexual harassment complaints. Several months ago, six (6) other women went to Amazon Human Resources to complain that an Amazon Ambassador, not Defendant Christianson, had been harassing all six of them. Defendant Amazon took no corrective action against the harasser.

102. In addition to the above harassment, Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiffs from further sexual harassment and intimidation. Defendants only "remedial action" occurred after Plaintiffs sent a litigation hold letter notifying Defendants that Plaintiffs were intending to file this complaint. Even so, the "remedial action" consisted of placing the victims on leave, a week *suspension* for the harasser, and a bogus investigation that was only conducted as an attempt to avoid liability.

103. 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.

104. Defendants did not maintain useful formal and informal complaint structures for victims of harassment.

105. Defendants did not properly train its supervisors and/or employees about harassment or retaliation.

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

107. Defendants did not have a commitment from the highest levels of management that harassment will not be tolerated; in fact, some of the highest levels of management deliberately ignored complaints of harassment and have since retaliated against employees who complain.

108. 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.

COUNT ONE

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

109. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

110. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiffs is outlined above.

111. Plaintiffs were subjected to repeated, pervasive, severe, and continuing instances of disparate treatment and harassment based on gender.

112. The above-described conduct would not have occurred but for Plaintiffs' gender.

113. 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.

114. As the employer and/or supervisor of Plaintiffs, Defendants are vicariously, strictly, and/or directly liable to Plaintiffs pursuant to the NJLAD, *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 Corporate Defendants in delegating power to Individual Defendants to control the day-to-day working environment; and/or Corporate Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or Corporate 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 Plaintiffs and failing to promptly and effectively act to stop it.

115. 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 NJLAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiffs in violation of the supervisory duty to halt or prevent harassment, retaliation, and discrimination, rendering all Defendants individually and collectively liable to Plaintiffs pursuant to *N.J.S.A. 10:5-12(e)*.

116. Individual Defendants Plaintiffs aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants to commit acts and omissions that were in violation of the NJLAD by committing affirmatively harassing, discriminatory, and retaliatory acts toward Plaintiffs in violation of their supervisory duty to halt or prevent harassment, retaliation, and discrimination rendering Defendants individually and collectively liable to Plaintiffs pursuant to N.J.S.A. 10:5-12(e).

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

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Court, together with compensatory and equitable relief, all remedies available under NJLAD, punitive damages, pre-and post-judgment interest, attorneys' fees and costs of suit and for such other relief that the Court deems equitable and just. More specifically, Plaintiffs demand judgment against Defendants for harm suffered in violation of the NJLAD as follows:

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

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

COUNT TWO

NJLAD – RETALIATION/IMPROPER REPRISAL

118. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

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

120. Plaintiffs were affirmative and/or constructively terminated by Defendants in retaliation for making complaints about Defendants' conduct and due to Defendants' failure to take corrective and remedial action. As a direct result, Defendants took retaliatory action against Plaintiffs, which is outlined above.

121. Defendants are vicariously, strictly and/or directly liable to Plaintiffs for unlawful retaliatory conduct in violation of the NJLAD pursuant to N.J.S.A. 10:5-12(d).

122. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained emotional and pecuniary damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under NJLAD, punitive damages, pre-and post-judgment interest, attorneys' fees and costs of suit and for such other relief that the Court deems equitable and just. More specifically, Plaintiffs demand judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Such other relief as may be available pursuant to the NJLAD 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.

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

Plaintiffs demand a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.

*Attorneys for Plaintiffs Crystal Wardell and
Karla Portillo*

By: /s/ Charles J. Kocher, Esq.
CHARLES J. KOCHER, ESQ.

Dated: July 20, 2021

DESIGNATION OF TRIAL COUNSEL

Pursuant to *Rule* 4:25-4, CHARLES J. KOCHER, 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 Plaintiffs Crystal Wardell and
Karla Portillo*

By: /s/ Charles J. Kocher, Esq.
CHARLES J. KOCHER, ESQ.

Dated: July 20, 2021