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<p>NADIA ZEVALLOS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>GARDEN STATE DENTAL MANAGEMENT, LLC d/b/a AMERICAN DENTAL CENTER, LILY ALMEIDA, DAVID PALTAC, M.D., CATHLEEN PETERS, 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: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY          LAW DIVISION          UNION 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 Nadia Zevallos (“Plaintiff”), by way of Complaint against Defendant Garden State Dental Management, LLC d/b/a/ American Dental Center (“Defendant Garden State Dental”), Defendant ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with “Defendant Garden State Dental,” collectively referred to as the “Corporate

Defendants”), Defendant Lily Almeida (“Defendant Almeida”), Defendant David Paltac, M.D., (“Defendant Paltac”), Defendant Cathleen Peters (“Defendant Peters”), and Defendant John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Almeida,” “Defendant Paltac,” and “Defendant Peters,” collectively referred to as the “Individual Defendants”) alleges as follows:

### **INTRODUCTION**

The Hollywood film *Wolf of Wall Street* depicts a debauched workplace culture, where management and employees indulge in their worst impulses. It garnered critical acclaim for Leonardo DiCaprio’s realistic performance as Jordan Belfort, the self-proclaimed ringleader of the alcohol-soaked and drug-infused Wall Street work culture. But imagine working at a company where you could drink all day. Where you could routinely devour marijuana edibles and other illicit drugs. Where you could be the caged animal that comes out every weekend when the clock strikes five on Friday. Then, imagine that workplace was not on Wall Street – but was actually a dental practice on *Main Street*, where unsuspecting patients were handled by staff and treated by dentists who participated in this illicit and immoral behavior.

Plaintiff Nadia Zevallos is a former employee of the company who alleges that she was forced to endure an intolerably hostile work environment presided over by her supervisor, Defendant Lily Almeida, and cultivated, ratified and embraced by employees operating at all levels of Defendant Garden State Dental, including certain licensed dental professionals. Defendant Almeida would drink alcohol, consume marijuana edibles, and even distribute them amongst the staff, with apparent immunity. This cavalier behavior no doubt put patients and other employees in considerable danger.

When Plaintiff complained to management about this dangerous and unethical behavior, she was gaslighted, physically assaulted, retaliated against and constructively discharged from her position with the company. But, the retaliation did not end there. Even after being forced from her position with the company, a former co-worker of Plaintiff threatened her with physical violence for having the audacity to stand up to the ethos of drug and alcohol abuse permeating the work environment at Garden State Dental.

The unlawful activity Plaintiff was forced to endure was not limited to the above. Plaintiff was also passed over for promotion to a lucrative position within the company merely because, as an immigrant to the United States from Ecuador, she had a foreign accent. To put a finer point on it, Garden State Dental conceded that they denied Plaintiff a promotion she was otherwise qualified for merely because they did not like her accent. The violations of the law in connection with Plaintiff's claims are transparently obvious.

Fortunately, New Jersey provides redress for individuals subjected to such treatment in the workplace. Accordingly, Plaintiff brings this lawsuit under CEPA and the LAD to assert her right to work in an environment free from retaliation and discrimination.

### **PARTIES**

1. Plaintiff is an individual residing in Belleville, New Jersey, and at all times relevant hereto was employed by Defendant Garden State Dental.

2. Defendant Garden State Dental is a limited liability company licensed under the laws of the State of Florida which owns and operates the American Dental Center located at 1441 Union, New Jersey 07083 (the "American Dental Center"). At all times relevant hereto, Defendant Garden State Dental is an "employer" as defined under the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 *et. seq.* ("CEPA").

3. Defendant Almeida, at all times relevant hereto, is Plaintiff's supervisor at the American Dental Center. At all times relevant hereto, Defendant Almeida supervised Plaintiff in the performance of her job responsibilities. This claim is brought against Defendant Almeida in her individual capacity and as an agent of Defendant Garden State Dental. At all times relevant hereto, Defendant Almeida is an "employer" as defined under the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 *et. seq.* ("CEPA").

4. Defendant Paltac, at all times relevant hereto, is a dentist licensed in the State of New Jersey and associated with the American Dental Center operated by Defendant Garden State Dental. At all times relevant hereto, Defendant Paltac supervised Plaintiff in the performance of her job responsibilities. This claim is brought against Defendant Paltac in his individual capacity and as an agent of Defendant Garden State Dental. At all times relevant hereto, Defendant Paltac is an "employer" as defined under the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 *et seq.*

5. Defendant Peters, at all relevant times hereto, is the Office Manager of the American Dental Center. At all times relevant hereto, Defendant Peters supervised Plaintiff in the performance of her job responsibilities. This claim is brought against Defendant Peters in her individual capacity and as an agent of Garden State Dental. At all times relevant hereto, Defendant Peters is an "employer" as defined under the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.*

6. Defendants ABC Corporations 1-5 are currently unidentified business entities which have acted in concert with Defendant Garden State Dental and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-discrimination policies of Defendant Garden State Dental and/or currently unidentified business

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

7. 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 Defendant Garden State Dental 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**

8. Defendant Garden State Dental claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey, policies encouraging employees to disclose to supervisors or managers of the company any conduct engaged in by the company or a co-worker which an employee reasonably believed violated state or federal law.

9. Defendant Garden State Dental claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey, policies prohibiting retaliation against an employee who discloses to a supervisor or manager any conduct engaged in by the company or a co-worker which the employee reasonably believes is or was a violation of laws, rules or regulations.

10. Defendant Garden State Dental claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey, policies prohibiting retaliation against an employee who discloses to a supervisor or manager any conduct engaged in by the company or a co-worker which the employee reasonably believes is or was unethical.

11. Defendant Garden State Dental claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey, policies prohibiting an employee

from suffering retaliation for disclosing to supervisors or managers of Defendant Garden State Dental any conduct engaged in by the company or a co-worker which an employee reasonably believes is or was unethical.

12. Defendant Garden State Dental claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey, policies prohibiting an employee from suffering retaliation for disclosing to supervisors or managers of Defendant Garden State Dental any conduct engaged in by the company or a co-worker which an employee reasonably believes is or was a violation of Defendant Garden State Dental's company policies.

13. In or around December 2018, Plaintiff began working as a front desk receptionist for Garden State Dental at the American Dental Center.

14. At all times throughout her employment with the company, Plaintiff performed her job responsibilities competently and diligently, loyally committed to Defendant Garden State Dental and the patients which it serves.

A. **Defendant Almeida Created an Intolerably Hostile Work Environment at the American Dental Center, Where Drug and Alcohol Abuse Was Rampant, in Full View of Patients and Dentists.**

15. Despite her demonstrated ability to maintain the very highest level of job performance, Plaintiff immediately found herself subject to an intolerably hostile work environment, the primary source of which was Defendant Almeida and her penchant for engaging in rampant substance abuse in the workplace.

16. Defendant Almeida made it a habit of storing hard liquor, marijuana, and marijuana edibles at her desk in the American Dental Center. On more than one occasion, Plaintiff observed Defendant Almeida drinking hard liquor out of dental cups and eating marijuana jello shots and

marijuana brownies at the American Dental Center during regular working hours, while patients and dentists went about their work.

17. Plaintiff routinely smelled marijuana in Defendant Almeida's office and smelled alcohol on her breath. On several occasions, including on January 29, 2020, Plaintiff observed Defendant Almeida working with severely irritated eyes, indicating that she may have in fact been abusing marijuana.

18. Defendant Almeida often left marijuana brownies on her desk for long periods of time. Worse, Defendant Almeida offered marijuana and alcohol to many employees of Defendant Garden State Dental, including Plaintiff, who always declined. Nonetheless, Plaintiff observed a number of employees eat Defendant Almeida's brownies and jello shots at work, including a dental assistant, who provided direct treatment to patients.

19. Defendant observed the direct consequence of Defendant Almeida's alcohol and substance abuse. Specifically, it became transparently obvious that due to her consistent drug abuse, Defendant Almeida's performance declined. For example, Defendant Almeida routinely failed to collect and implement treatment plans, causing patients to be billed for treatment they had not received.

20. Relatedly, Defendant Almeida made numerous mistakes in the processing of patient and third-party payments. These mistakes caused significant difficulties for patients and the practice, because these patients were forced to spend extra time solving unnecessary problems with their insurance.

21. Defendant Almeida's behavior was enabled by the inappropriately familiar, flirtatious and possibly romantic relationship she had with Defendant Paltac, a dentist at the American Dental Center.

22. Defendant Almeida made numerous comments to Plaintiff indicating that because of her personal relationship with Defendant Paltac, she could get away with anything that she wanted in the workplace. Examples of such comments include the following:

- a. “[Defendant Paltac] tells me that I look like a Victoria’s Secret model”;
- b. “On Christmas, [Defendant Paltac] gave me a bonus”; and
- c. “[Defendant Paltac] brings me wine.”

23. In addition to providing Defendant Almeida with alcohol and lavishing her with bonuses, Defendant Paltac looked the other way as Defendant Almeida routinely abused alcohol and drugs at the American Dental Center. In other words, Defendant Paltac directly contributed to the unsafe work environment at the American Dental Center.

**B. Plaintiff Objected to the Widespread Use of Drugs and Alcohol in the Workplace, Reporting Same to the Office Manager, Defendant Peters, Who Took Absolutely No Curative Action.**

24. Plaintiff confronted Defendant Almeida on January 29, 2020, and tried to convince her to stop her unlawful and dangerous behavior. Defendant Almeida responded by telling Plaintiff, “well, nobody can prove it” and “if anyone opens their mouth, I’m not going down by myself.” By so responding, Defendant Almeida implicitly threatened to get Plaintiff and others fired in retaliation for objecting to unlawful behavior.

25. On February 03, 2020, Plaintiff reported to Defendant Peters the dangerous drug and alcohol abuse taking place in the office led by Defendant Almeida and cultivated, ratified and embraced by Defendant Paltac. Plaintiff demanded that Defendant Peters put an end to this unlawful and unethical behavior. Plaintiff also mentioned to Defendant Peters that another employee told Plaintiff that she had objected to the drug and alcohol abuse in October of 2019, but

that Defendant Peters had ignored the complaint. Defendant Peters appeared shocked that Plaintiff knew about the previous complaint.

C. **After Reporting Her Concerns About the Flagrant Abuse of Drugs and Alcohol in the Workplace, Plaintiff Was Subject to a Torrent of Retaliation and Humiliation.**

26. Rather than launch an impartial and comprehensive investigation into Plaintiff's allegations in order to halt the dangerous conduct, Defendant Peters immediately told Defendant Almeida what Plaintiff had said to her.

27. Defendants Almeida and Peters thereafter embarked upon a campaign of retaliatory abuse against Plaintiff. Defendant Almeida confronted Plaintiff at the front desk, in front of patients and office staff, screamed in her face, and threw an eleven-page accounting booklet at Plaintiff.

28. After throwing the booklet at Plaintiff, Defendant Almeida picked it up, slammed it on Plaintiff's desk and assigned Plaintiff an excessive workload for the rest of the week, while violently shaking Plaintiff's chair with her hands.

29. Further, Defendant Almeida manipulated Plaintiff's schedule to give Plaintiff hours she knew were difficult for Plaintiff to work, which continued a longstanding pattern of work hours being manipulated to benefit Defendant Almeida and others participating in the drug and alcohol abuse at the American Dental Center.

30. Plaintiff was deeply disturbed by these actions and complained to Defendant Peters, making clear that since Defendant Almeida learned of her allegations, she was making Plaintiff's work environment intolerable.

31. On February 03, 2020, Defendant Peters convened a meeting among herself, Plaintiff, Defendant Paltac, and Defendant Almeida, at which time Defendant Peters denied ever

knowing about the drug and alcohol abuse in the office. Defendant Peters also accused Plaintiff of making false accusations and refusing work assignments.

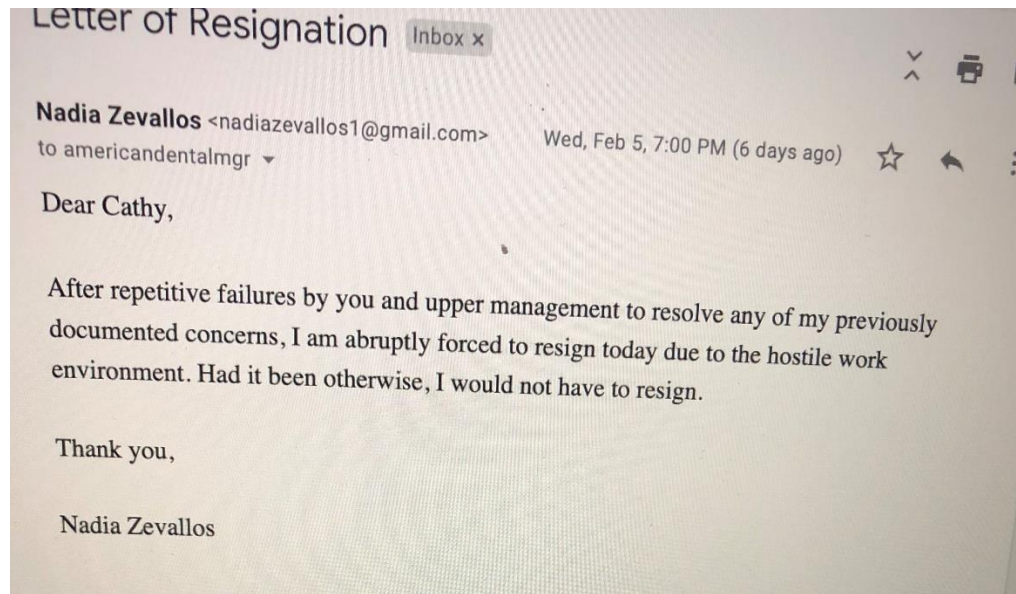
32. Worse, Defendant Paltac condescendingly and derisively told Plaintiff “there can be an empty bottle of whiskey in my garbage can, but if there is no video of me drinking it, no one can prove that the whiskey bottle is mine.”

33. Plaintiff stood her ground under this retaliatory harassment and told Defendant Paltac that “I might not have a video, but I do have facts and witnesses.” Defendant Peters doubled down on her retaliation by telling Plaintiff, “we don’t fire people here, we just make sure your life is miserable so you leave on your own.” Finally, Defendant Peters derisively called Plaintiff a “whistleblower” as if it was some sort of insult.

34. After leaving the meeting in tears, Plaintiff immediately saw Defendant Almeida glaring at her and decided she could no longer tolerate working in such a hostile work environment. Plaintiff told Defendant Peters that she was resigning, and Defendant Peters personally escorted Plaintiff to her car.

**D. The Terms and Conditions of Plaintiff’s Employment Became So Intolerable, That She Was Left With No Alternative But to Resign Her Employment With The Company.**

35. The following day, on February 04, 2020, Defendant Peters sent Plaintiff a text message commanding her to send an email from her personal email account with her resignation letter. Plaintiff immediately provided a letter in which she explained everything that had happened, stating the following:



36. The retaliation did not end there; however, because on February 05, 2020, Plaintiff received a voicemail from a former co-worker stating that “everyone in the office is upset at you,” and that “you know Danielle [Tomas, a receptionist who brought liquor into the office for Defendant Almeida], she doesn’t care, she will go and find you and kick your ass!”

37. Despite Plaintiff’s reasonable belief that drug and alcohol abuse at the American Dental Center was illegal and in violation of public policy, Defendant Garden State Dental failed to investigate or remedy her complaints and retaliated against her for continuing to voice her complaints.

**E. Plaintiff Was Subject to Invidious Racial and/or National Origin Discrimination and Passed Over For a Promotion Because of Her Noticeable Accent.**

38. The retaliation, harassment and unlawful behavior was not limited to the above. Defendant Garden State Dental discriminated against Plaintiff on the basis of her race and/or national origin in violation of the NJLAD, costing her a promotion and additional income.

39. Plaintiff is an immigrant to the United States from Ecuador. Plaintiff’s native language is Spanish.

40. In December 2019, Plaintiff was next in line for a promotion that has previously been based on seniority. However, Defendant Garden State Dental hired an outside applicant for the open position instead of promoting Plaintiff.

41. When Plaintiff asked Defendant Almeida why she had been passed over for the promotion, Defendant Almeida responded, “because you have an accent!”

42. Put differently, Defendant Garden State Dental passed Plaintiff over for a promotion because of her race/ethnicity and/or national origin.

**F. Defendant Garden State Dental Categorically Failed to Create and/or Have in Place Well Publicized Anti-Retaliation and Anti-Harassment Policies Despite the Foreseeability that Harassment Would Occur in the Workplace.**

43. Defendant Garden State Dental did not have an effective anti-harassment policy in place, Defendant Garden State Dental has not maintained an anti-harassment policy that is current and effective, and Defendant Garden State Dental’s anti-harassment policy existed in name only.

44. Defendant Garden State Dental did not properly train its supervisors and/or employees on the subject of retaliation or discrimination.

45. Defendant Garden State Dental failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

46. Defendant Garden State Dental did not have a commitment from the highest levels of management that harassment will not be tolerated; in fact, the highest levels of management deliberately and actively retaliated against those who complained about such conduct.

47. During the period Plaintiff worked for Defendant, Defendant Garden State Dental did not instruct or train the Individual Defendants what to do should they believe a coworker or subordinate employee was the victim of workplace retaliation or discrimination.

48. During the time Plaintiff worked for Defendant Garden State Dental, Defendant Garden State Dental did not provide its employees with a copy of or access to policies in effect prohibiting workplace retaliation and discrimination.

**COUNT ONE**

**VIOLATION OF NEW JERSEY'S CONSCIENTIOUS EMPLOYEE PROTECTION ACT – HOSTILE WORK ENVIRONMENT, DISPARATE TREATMENT, AND CONSTRUCTIVE DISCHARGE**

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

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

51. New Jersey's Conscientious Employee Protection Act (CEPA) allows an employee an action for retaliation when the employee discloses, threatens to disclose, objects to, or refuses to participate in certain actions the employee reasonably believes are either illegal, fraudulent, or a violation of a clear mandate of public policy, and is then subject to an adverse employment action(s), i.e., retaliation.

52. Plaintiff disclosed to Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, her reasonable belief that Defendant Almeida was engaged in unlawful activity in the workplace.

53. Plaintiff is a person protected under CEPA, because she disclosed, objected to, and refused to engage in activities engaged in by her managers, supervisors and employer which she reasonably believed were violations of law and regulations and rules related thereto and/or violations of clear mandates of public policy.

54. Shortly after making her disclosures, objections and refusals, Plaintiff was subject to retaliation in the form of a hostile work environment and constructive discharge from employment.

55. Through their unwarranted issuance of written disciplinary notices to Plaintiff, Defendants Garden State Dental, Almeida, Paltac and Peters incited, aided, abetted, and otherwise conspired with each in attempt to intimidate, harass, and humiliate Plaintiff.

56. By their joint and several acts and omissions, Defendants Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5 incited, aided, abetted, and otherwise conspired with each, and Defendant Garden State Dental, to create for Plaintiff a retaliatory-based hostile work environment so intolerable that it resulted in her involuntary constructive discharge.

57. Defendant Garden State Dental is liable as a matter of law for the unlawful acts and/or omissions of Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5.

58. The legislature has determined that persons subjected to unlawful retaliation may suffer diverse and substantial hardships which give rise to remedies under CEPA, including compensatory damages; economic loss; physical and emotional distress; search and relocation difficulties; anxiety caused by a lack of information, uncertainty and resultant planning difficulty; career, education, family and social disruption; adjustment problems; and severe emotional trauma, illness, homelessness, or other irreparable harm resulting from the strain of employment controversies.

59. As a result of the joint and several acts and omissions of Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, Plaintiff has been and continues to suffer non-economic damages in the form of humiliation, stress, 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, anxiety attacks, upset stomach and stomach pains, 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, 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 CEPA 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**

### **COMMON LAW RETALIATION IN VIOLATION OF PUBLIC POLICY** **(Pierce Claim)**

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

61. In Pierce v. Ortho Pharmaceutical Corp., 84 N.J. 58, 72 (1980), the Supreme Court established a New Jersey public policy exception to at-will employment. The Supreme Court established that:

An employee has a cause of action [in tort or contract or both] for wrongful discharge when the discharge is contrary to a clear mandate of public policy.

The sources of public policy include legislation; administrative rules, regulations and decisions; and judicial decisions. In certain instances, a professional code of ethics may contain an expression of public policy.

62. The public policies of the State of New Jersey underpinning Plaintiff's complaints are found, *inter alia*, in the statutes, codes and regulations applicable to business practices, medical practices, and public health and safety.

63. The above facts establish a public policy violation.

64. As a direct and proximate cause of the acts and omissions aforesaid, Plaintiff was constructively discharged from her position with Defendant Garden State Dental.

65. As a result of the retaliatory actions undertaken by Defendant Garden State Dental, Almeida, Paltac, Peters, John Does 1-5, and ABC Corporations 1- 5, Plaintiff has been and continues to suffer economic losses and pecuniary damage in the form of lost income and benefits past, present and future.

66. As a result of the retaliatory actions undertaken by Defendant Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, Plaintiff has been and continues to suffer non-economic damages in the form of humiliation, stress, 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, anxiety attacks, upset stomach and stomach pains, 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, pre-and post-judgment interest, and attorneys' fees and costs of suit.

**COUNT THREE**

**VIOLATION OF NEW JERSEY'S LAW AGAINST DISCRIMINATION- DISPARATE TREATMENT AND FAILURE TO PROMOTE DUE TO RACE/ETHNICITY AND/OR NATIONAL ORIGIN**

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

68. Defendant Garden State Dental and the Individual Defendants' treatment of Plaintiff violates the LAD which prohibits unlawful employment discrimination against any person by reason of **race**, creed, color, **national origin**, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex,

gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, etc.

69. Plaintiff, an immigrant from Ecuador, is protected by the provisions of the LAD.

70. Plaintiff was passed over for promotion and told it was because of her accent. Important to Plaintiff's claims is the fact that "**discrimination based upon a person's accent may constitute national origin discrimination.**" Wesley v. Palace Rehab. & Care Ctr., L.L.C., F. Supp. 2d, 3 F. Supp. 3d 221, 2014 U.S. Dist. LEXIS 31822, 2014 WL 956016, at \*5 (D.N.J. 2014).

71. An employer is strictly liable for damages caused to an employee by discrimination committed by supervisors, by non-supervisory employees, and in some instances, by third parties if the employer knew or should have known about the conduct, had control over the conduct and failed to take prompt appropriate corrective action.

72. Defendant Garden State Dental is strictly liable for damages caused by discrimination committed by Defendants Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, because Defendant Garden State Dental knew or should have known about the unlawful discriminatory conduct, had control over the conduct, and failed to take prompt appropriate corrective action to put a stop to the conduct.

73. Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, discriminated against Plaintiff, denying her a promotion due to her race/ethnicity and/or national origin.

74. Defendants Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, or any one or more of them, incited, aided and abetted Defendant Garden State Dental in its decision to constructively discharge Plaintiff's employment.

75. Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, denied Plaintiff promotions due to her race/ethnicity and/or national origin in violation of the LAD.

76. Defendant Garden State Dental, at all times relevant hereto, is liable as a matter of law for the unlawful acts and omissions committed by Defendants Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly and/or severally, as is alleged in the foregoing paragraphs of this Complaint.

77. As a result of the discriminatory actions undertaken by Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, jointly 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.

78. As a result of the unlawful acts and omissions of Defendants Garden State Dental, Almeida, Paltac, Peters, John Does 1-5 and ABC Corporations 1-5, 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, 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 NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;

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

**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, Nadia Zevallos*

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

Dated: April 02, 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, Nadia Zevallos*

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

Dated: April 02, 2020

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<p>NADIA ZEVALLOS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>GARDEN STATE DENTAL MANAGEMENT,        LLC d/b/a AMERICAN DENTAL CENTER,        LILY ALMEIDA, DAVID PALTAC, M.D.,        CATHLEEN PETERS, 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: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY        LAW DIVISION        UNION 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, PUNITIVE  
 DAMAGES, AND DEPOSITION NOTICES TO DEFENDANT(S)**

**PLEASE TAKE NOTICE** that, McOmer McOmer & Luber, P.C., attorneys for Plaintiff Nadia Zevallos (“Plaintiff”), demand that Defendants Garden State Dental Management, LLC d/b/a American Dental Center, Lily Almeida, David Paltac, M.D., and Cathleen Peters

(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 Requests 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 Garden State Dental” shall mean Garden State Dental Management, LLC d/b/a American Dental Center 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 Almeida” shall mean Lily Almeida, Defendant in the above-captioned action.

4. “Defendant Paltac” shall mean David Paltac, M.D., Defendant in the above-captioned action.

5. “Defendant Peters” shall mean Cathleen Peters, Defendant in the above-captioned action.

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

7. The term “Corporate Defendant(s)” shall individually and collectively mean 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.

8. 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.

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

10. “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.

11. “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.

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

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

14. 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.

15. 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.

16. 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/or Plaintiff.

17. “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.

18. 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.

19. The terms “all” and “any” shall both be construed as “any and all.”

20. 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.

21. 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.

22. 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.

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

24. 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 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 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 Interrogatory for which no objection to claim of privilege is made.

17. If a refusal to answer a Document Request and/or Interrogatory 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 the termination or end of Plaintiff’s employment with Corporate Defendants.
3. All statements, documents, or communications concerning any disciplinary measures or negative performance evaluations made against Plaintiff at any time during Plaintiff’s employment.
4. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.
5. A copy of Defendants’ policy regarding promotions.
6. All statements, documents, or communications concerning any promotion(s) for which Plaintiff was a candidate and/or which Plaintiff was denied and/or which Plaintiff was given.
7. All statements, documents, or communications concerning any complaint made by Plaintiff to Defendants, including, but not limited to, Defendants’ response to any complaint made by Plaintiff.

8. All statements, documents, or communications concerning the February 03, 2020 meeting among Plaintiff, Defendant Peters, Defendant Almeida, and Defendant Paltac, as described in Paragraphs 31-33 of Plaintiff's Complaint.

9. All statements, documents, or communications concerning alcohol or drug use on Defendants' property.

10. A copy of any and all safety rules, regulations, or policies maintained by Defendants.

11. All statements, documents, or communications concerning Plaintiff's work performance.

12. 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; pay and benefits provided to Plaintiff; 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.

13. A complete copy of the personnel file Defendant(s) maintained pertaining to Defendant Almeida, 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 Defendant Almeida; (b) performance evaluations that were conducted for Defendant Almeida; and (c) job title or job status changes for Defendant Almeida.

14. A complete copy of the personnel file Defendant(s) maintained pertaining to Defendant Paltac, 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 Defendant Paltac; (b) performance evaluations that were conducted for Paltac; and (c) job title or job status changes for Defendant Paltac.

15. A complete copy of the personnel file Defendant(s) maintained pertaining to Defendant Peters, 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 Defendant Peters; (b) performance evaluations that were conducted for Defendant Peters; and (c) job title or job status changes for Defendant Peters.

16. A complete copy of the personnel file Defendant(s) maintained pertaining to Danielle Tomas ("Ms. Tomas"), 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 Ms. Tomas; (b) performance evaluations that were conducted for Ms. Tomas; and (c) job title or job status changes for Ms. Tomas.

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

18. A written job description for each position that Plaintiff held during her employment with Corporate Defendants.

19. A written job description for each position any Individual Defendant held during his/her tenure of employment with Corporate Defendants.

20. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for employees to report discrimination, harassment, disparate treatment, and/or retaliation at any time during Plaintiff's employment.

21. 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, harassment, disparate treatment, and/or retaliation made by employees, customers, clients, and/or any other Person at any time during Plaintiff's employment.

22. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss allegations of discrimination, verbal harassment, disparate treatment, and/or retaliation by any Individual Defendant, or any agent or employee of any Defendant, at any time during Plaintiff's employment.

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

24. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for employees to report actions that are unlawful, contrary to company policy, or contrary to public policy at any time during Plaintiff's employment.

25. 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 actions that are unlawful, contrary to company policy, or contrary to public policy done by employees, customers, clients, and/or any other Person at any time during Plaintiff's employment.

26. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss allegations of actions that are unlawful, contrary to company policy, or contrary to public policy done by any Individual Defendant or any employer or agent of Defendants at any time during Plaintiff's employment.

27. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss Defendants' response to any allegations of actions that are unlawful, contrary to company policy, or contrary to public policy done by any Individual Defendant, or any agent or employee of any Defendant, at any time during Plaintiff's employment, including, but not limited to, deliberations by Defendant(s) as to whether and/or how to respond to such allegations.

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

29. A copy of any and all statements or communications (written or electronic) transmitted between Plaintiff and any employee or agent of Defendants at any time during Plaintiff's employment.

30. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2018, 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.

31. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2018, 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.

32. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2018, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged behavior or conduct that was unlawful, contrary to company policy, and/or contrary to public policy. 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.

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

34. 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.

35. 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.

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

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

38. 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.

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

40. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66. 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.

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

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

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

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

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

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

73. 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.

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

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

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

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

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

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

80. 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.

81. All statements, documents, or communications concerning Plaintiff's performance of his job duties throughout her tenure of employment, including but not limited to employee evaluations.

82. All documents and electronic data that relate to, refer to, discuss or memorialize the job performance of the individual or individuals who assumed Plaintiff's job duties after her employment.

83. All statements, documents, or communications concerning the job performance of any Individual Defendant or any agent or employee of Defendants during the tenure of his/her employment.

84. 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.

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

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

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

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

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

90. All documents relating to Plaintiff's compensation during her employment with Defendant(s).

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

92. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning employees' use of laptops and management, preservation and/or deletion of data on such laptops.

93. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning employees' use of desktop computers from home or remote locations, and the management, preservation and/or deletion of data created or transmitted to or from such computers.

94. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning employees' use of email, including but not limited to the management, preservation and/or deletion of email.

95. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning the management, preservation and/or deletion of data related to Plaintiff's employment.

96. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning the management, preservation, and/or deletion of data related to any tangible employment action taken against Plaintiff.

97. All documents or electronic data relating, reflecting or referring to the management, preservation and/or deletion of electronic media that may contain information or data relevant to issues in this litigation, including but not limited to the "routine" destruction of replaced computer memories, hard drives, computers, computer systems, laptops, etc.

98. All documents or electronic data relating, reflecting or referring to Defendant(s)' policy or policies concerning electronic data retention and preservation.

99. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning Defendant(s)' employees' use of its computers, computer system(s) and/or networks.

100. All documents or electronic data relating, reflecting or referring to Defendant(s)' ability to restore archived electronic data relating to Plaintiff's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

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

102. A copy of the document stating that Corporate Defendants did not retaliate against Plaintiff and that Corporate Defendants did not tolerate retaliation which Defendants attempted to get Plaintiff to sign, as described in Paragraph 51 of Plaintiff's Complaint.

**INTERROGATORIES TO DEFENDANT(S)**

1. State the reasons why Plaintiff's employment with Corporate Defendants was ended.

2. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made discriminatory comments while at work and/or while on Defendant(s)' property and/or directed to any employee, client, or vendor of Defendant(s) at any time during Plaintiff's employment. 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, agent of Defendant(s)' has ever used or possessed alcohol or illegal drugs at Defendants' property at any time during Plaintiff's employment. For any such occurrences, please state the following:

- a. date of the occurrence;
- b. full name, address, and title of the person(s) involved;
- c. a full description of the occurrence; and
- d. describe any complaints or objections made by any person regarding the occurrence 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 made retaliatory comments to or took retaliatory actions against any Person while at work and/or while on Defendant(s)' property at any time during Plaintiff's employment. For any such comments or actions, please state the following:

- a. date of the comment or action;
- b. full name, address, and title of the person to whom the comment or action was made;

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

5. Identify by full name, job title, last known address, phone number and tenure of employment, 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.

6. 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.

7. State whether Plaintiff was a good employee and fully explain the reasons why or why not.

8. Describe fully Defendants' response(s) to any and all complaint emails or letters sent by Plaintiff during the course of her employment.

9. State whether any Individual Defendant(s) or any employee(s) or agent(s) of Defendant(s) ever discussed Plaintiff verbally, in writing, by email, or by text message at any time during Plaintiff's employment. For any such communications, please state the following:

- a. date of the communication(s);
- b. full name, address, and title of the persons participating in the communication(s);
- c. a summary of the material substance of the communication(s);
- d. describe any complaints or objections made by any person regarding the communication(s) and the response to any such complaints by Defendant(s).

10. Identify by full name, job title, last known address and phone number each person who had knowledge that Plaintiff had been discriminated against, subjected to disparate treatment, and/or retaliated against during Plaintiff's employment with Defendant(s).

11. Identify by full name, job title, last known address and phone number each person who had knowledge that Individual Defendants and/or employees or agents of Defendants used and/or possessed alcohol and/or illegal drugs on Defendants' property.

12. State whether Defendants were aware that Defendant Almeida stored hard liquor, marijuana, and marijuana edibles at her desk at Defendants' property.

13. State whether Defendants were aware that Defendant Almeida and other employees of Corporate Defendants drank alcohol and used marijuana and marijuana products while at work and/or while on Defendants' property.

14. State whether any Individual Defendant or any employee or agent of Defendants ever interacted with, attended to, or provided service or treatment to any customer(s) while under the influence of alcohol or any illegal drug(s). For each such incident, identify the Persons(s) involved and provide a detailed description of the incident, including, but not limited to, the date and any response(s) by Defendants.

15. Identify by full name, job title, last known address and phone number each person to whom Defendant Almeida offered alcohol or illegal drugs while on Defendants' property.

16. State whether Defendant Almeida's job performance was satisfactory and, if not, explain in detail why not.

17. State whether Defendant Almeida's job performance declined during the tenure of Plaintiff's employment and, if so, explain why and how.

18. State whether Defendant Almeida made mistakes in the processing of patient and third-party payments and, if so, explain in detail the consequences of such mistakes.

19. State whether Defendant Almeida and Defendant Paltac were engaged in a romantic relationship at any time during Plaintiff's employment.

20. State the reasons why Defendant Almeida told Plaintiff that Defendant Paltac “tells me that I look like a Victoria’s Secret model.”

21. State whether Defendant Paltac gave Defendant Almeida a Christmas bonus in 2019, and explain in detail the reason(s) why or why not.

22. State whether Defendant Paltac gave any other employees a Christmas bonus in 2019, and explain in detail the reason(s) why or why not.

23. State whether Defendant Paltac ever brought or gave Defendant Almeida wine and, if so, explain in detail why.

24. State the reasons why Defendant Almeida told Plaintiff, “if anyone opens their mouth, I’m not going down by myself,” after Plaintiff confronted Defendant Almeida about her behavior.

25. State the reasons why Defendant Peters did not report Defendant Almeida’s drug and alcohol abuse when Defendant Peters was first made aware of it in October 2019.

26. Describe in detail Defendant Peters’ response to Plaintiff’s complaints regarding Defendant Almeida’s drug and alcohol abuse.

27. State the reasons why Defendant Peters immediately told Defendant Almeida that Plaintiff had complained about Defendant Almeida’s drug and alcohol abuse.

28. Describe in detail Defendant Almeida’s response to learning that Plaintiff had complained to Defendant Peters about Defendant Almeida’s drug and alcohol abuse.

29. State whether Defendant Almeida assigned work days and hours on Defendants’ schedule in a way that benefitted Defendant Almeida and other employees who participated in drug and alcohol abuse on Defendants’ property and, if so, describe how Defendant Almeida so manipulated the schedule.

30. State the reasons why Defendant Almeida assigned Plaintiff work days and hours that Defendant Almeida knew were difficult for Plaintiff to work.

31. State the reasons why Defendant Peters denied knowing about the drug and alcohol abuse on Defendants' property prior to February 03, 2020.

32. State the reasons why Defendant Peters accused Plaintiff of making false accusations and refusing work assignments.

33. State the reasons why Defendant Paltac told Plaintiff, "there can be an empty bottle of whiskey in my garbage can, but if there is no video of me drinking it, no one can prove that the whiskey bottle is mine."

34. State the reasons why Defendant Peters told Plaintiff, "we don't fire people here, we just make sure your life is miserable so you leave on your own."

35. State the reasons why Defendant Peters called Plaintiff a "whistleblower."

36. State the reasons why Defendant Peters sent Plaintiff a text message commanding Plaintiff to send an email from Plaintiff's personal email account with Plaintiff's resignation letter.

37. Describe in detail the reaction of any Individual Defendant and/or any employee or agent of Defendants to any complaints made by Plaintiff regarding drug and alcohol abuse on Defendants' property or any harassment or retaliation by any employee or agent of Defendants.

38. Describe in detail the reaction of any Individual Defendant and/or any employee or agent of Defendants to Plaintiff's resignation letter explaining that she was forced to resign due to a hostile work environment.

39. State whether Defendants were aware that Plaintiff was an immigrant to the United States from Ecuador and, if so, identify by full name, job title, last known address and phone number each person with such knowledge.

40. State whether Defendants were aware that Plaintiff's native language is Spanish and, if so, identify by full name, job title, last known address and phone number each person with such knowledge.

41. State whether Plaintiff was next in line for a promotion based on seniority in December 2019.

42. State the reasons why Defendants hired an outside applicant for the open position in December 2019 rather than promoting Plaintiff.

43. State the reasons why Defendant Almeida told Plaintiff she had been passed over for the promotion "because you have an accent."

44. State whether Defendants ever launched an investigation into the alleged use of alcohol and/or illegal drugs on Defendants' property during work hours and, if so, describe said investigation in detail.

45. State whether Defendants ever took any disciplinary action against any Individual Defendant and, if so, describe said action(s) in detail.

46. 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 of the person answering these Interrogatories commenced;
- f. the date upon which these Interrogatories were answered; and
- 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.

47. 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.

48. 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 in answering these Interrogatories.

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

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

51. 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.

52. 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.

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

54. 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.

55. 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.

56. 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.

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

58. 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.

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

60. 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.

61. 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.

62. 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.

63. 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.

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

65. 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.

66. 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.

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

68. For any position held by Ms. Tomas 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.

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

70. State whether Ms. Tomas 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.

71. State whether Ms. Tomas 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.

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

73. 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.

74. 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.

75. 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.

76. Identify and annex hereto any performance evaluations or review of the Plaintiff conducted by any Individual Defendant from the Individual Defendant's date of employment to the present.

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

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

79. 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.

80. State whether Defendant(s) maintain a system or procedure for recording, investigating, and/or resolving employee 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.

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

82. 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.

83. 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 and/or Defendant(s).

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

85. 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.

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

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

88. 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).

89. 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).

90. 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.

91. 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).

92. 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.

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

94. 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.

95. 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.

96. 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.

97. Have any admissions been made by 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.

98. 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.

99. 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.

100. 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.

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

102. 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).

103. 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.

104. 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.

105. 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.

106. 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?

107. 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).

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

109. 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.

110. 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.

111. 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.

112. 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.

113. Set forth in detail all notices and warnings Defendant 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.

114. Describe, in detail, any complaints to, investigations by, and/or inquiries by the New Jersey Department of Labor with regard to any employment 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.

115. Set forth Defendant(s)' policy or policies concerning employees' use of laptops, personal or provided by Defendant(s), from home or remote locations, and the management, preservation and/or deletion of data on such laptops.

116. Set forth Defendant(s)' policy or policies concerning employees' use of desktop computers (personal or provided by Defendant(s)) from home or remote locations, and the management, preservation and/or deletion of data created or transmitted to or from such computers.

117. Set forth Defendant(s)' policy or policies concerning employees' use of email, including but not limited to the management, preservation and/or deletion of email.

118. Set forth Defendant(s)' policy or policies concerning the management, preservation, and/or deletion of electronic media that may contain information or data relevant to issues in this litigation, including but not limited to the "routine" destruction of replaced computer memories, hard drives, computers, computer systems, laptops, etc.

119. Set forth Defendant(s)' policy or policies concerning electronic data retention and preservation.

120. Set forth Defendant(s)' policy or policies concerning Defendant(s)' employees' use of Defendant(s)' computers, computer system(s) and/or networks.

121. Describe in detail Defendant(s)' ability to restore archived electronic data relating to the Plaintiff in this matter's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

122. Describe in detail Defendant(s)' ability to restore archived electronic data relating to the employment of Defendant(s) contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

123. Identify each Individual with knowledge of:

- a. The type and location of all hardware used as terminals for email, including servers, personal computers, laptops, PDAs, etc. at Corporate Defendant(s) between January 1, 2009 and the present;
- b. Computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 1, 2009 and the present;
- c. All email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 1, 2009 and the present;
- d. The email file naming conventions and standards;
- e. The back-up and rotation schedules for all email generated or received by Corporate Defendant(s)' employees between January 1, 2009 and the present;
- f. Electronic data retention, preservation and destruction policies;
- g. Diskette, CD, DVD and other removable media labeling standards;
- h. Structure and organization of all information and technology departments and/or information technology support vendors involved with the computer systems at Corporate Defendant(s);
- i. The location of the email produced in response to the Plaintiff in this matter's First Request for Production;
- j. The method of search for the documents and electronic data requested in the Plaintiff in this matter's First Request for Production; and
- k. The date and time of destruction of any electronic data requested in the Plaintiff in this matter's First Request for Production.

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

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

126. 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).

127. Identify and describe in full detail all communications between Defendants concerning Plaintiff.

128. Identify and describe the subject matter of any communications concerning or between any of the Defendants relating to the subject matter of this litigation.

129. 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.

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

131. 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).

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

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

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

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

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

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

138. 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.

139. 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)' agents, regarding misconduct and/or unlawful conduct in connection with Defendant(s)' business.

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

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

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

143. State whether any civil or criminal actions have ever been filed charging Defendant(s) with actions that were unlawful or contrary to public policy 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.

144. 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.

145. State whether any civil or criminal actions have ever been filed charging Defendant(s), with 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.

146. 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.

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

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

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

150. 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.

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

152. 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 of Defendant(s). Annex hereto a copy of each said document.

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

154. 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, 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)'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)'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 Individual 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)'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.
5. State whether Individual Defendant(s) were Plaintiff's supervisors.

**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.

12. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all documents which identify each of the Defendants current accountants and bookkeepers by individual name, business name, and business address.

13. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all documents which identify all banking institutions (whether domestic, national or foreign) where each of the Defendant(s)' maintain monetary, currency, financial, investment, credit and/or debit accounts in or with.

14. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all documents which identify all other financial institutions (whether domestic, national or foreign) where each of the Defendant(s) maintain monetary, currency, financial, investment, credit and/or debit accounts.

15. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all documents which identify all other investment institutions (whether domestic, national or foreign) where each of the defendants maintain monetary, currency, financial, investment, credit and/or debit accounts.

16. For each of the named Defendant(s) in this action, produce true and accurate copies of their federal income tax returns with all attendant schedules for the tax years 2010 through 2020.

17. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all financial statements pertaining to their total assets for the past five (5) years.

18. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all other documents related to their gross income and liabilities for the past five (5) years.

19. For each of the named Defendants in this action, produce true and accurate copies of any and all other documents which demonstrate their financial condition.

20. For each of the named Defendants in this action, produce true and accurate copies of any and all Deeds for any and all real property(ies) owned by each either in whole or in part.

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

1. 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 Defendants' employer; and
  - e. The number of individuals presently employed at the facility.
2. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now have an interest and set forth the nature of the interest.
3. 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.
4. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.
5. 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).
6. 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.

7. State Defendant(s) gross income, operating budget, and liabilities for each of the past five (5) years.

8. Does the Defendant(s) own any real estate?

9. 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.

10. 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.

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

12. 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.

13. 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, Nadia Zevallos*

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

Dated: April 02, 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 Nadia Zevallos, through her undersigned counsel, will take the deposition upon oral examination of Defendant Lily Almeida **commencing on July 13, 2020, 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, Nadia Zevallos*

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

Dated: April 02, 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 Nadia Zevallos, through her undersigned counsel, will take the deposition upon oral examination of Defendant David Paltac, M.D. **commencing on July 15, 2020, 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, Nadia Zevallos*

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

Dated: April 02, 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 Nadia Zevallos, through her undersigned counsel, will take the deposition upon oral examination of Defendant Cathleen Peters **commencing on July 17, 2020, 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, Nadia Zevallos*

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

Dated: April 02, 2020

# Civil Case Information Statement

## Case Details: UNION | Civil Part Docket# L-001169-20

**Case Caption:** ZEVALLOS NADIA VS GARDEN STATE  
DENTAL MANAGEMEN

**Case Initiation Date:** 04/02/2020

**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 : Zevallos, Nadia

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

(if known): Unknown

**Case Type:** WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE  
PROTECTION ACT (CEPA)

**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?** 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)*

04/02/2020

Dated

/s/ PETER DOUGLAS VALENZANO

Signed