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<p>AGUSTIN RIVERA, JR.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>HOVIONE, LLC, INSPERITY PEO SERVICES, L.P., ADMINISTAFF COMPANIES II, L.P., FILIPE TOMAS, DINA SILVA, DONALD HAMME III, MARCO MARQUES, 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</p> <p>BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p><u>Civil Action</u></p> <p>COMPLAINT & DEMAND FOR TRIAL BY JURY; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff Agustin Rivera, Jr. (“Plaintiff”), by way of Complaint against Defendant Hovione, LLC (“Defendant Hovione”), Defendant Insperty PEO Services, L.P. (“Defendant Insperty”),

Defendant Administaff Companies II, L.P. (“Defendant Administaff”) (collectively “Corporate Defendants”), Defendant Filipe Tomas (“Defendant Tomas”), Defendant Dina Silva (“Defendant Silva”), Defendant Donald Hamme III (“Defendant Hamme”), Defendant Marco Marques (“Defendant Marques”) (collectively “Individual Defendants”) (all collectively “Defendants”), allege as follows:

INTRODUCTION

This is an action brought under the Conscientious Employee Protection Act (“CEPA”) against a company willing to do whatever is necessary to enhance profits, even if it means blatant failure to take appropriate health and safety measures during a global pandemic of Coronavirus (COVID-19) and putting its employees at immediate and serious risk of contracting a dangerous virus causing deaths on a daily basis. Even worse, Defendants flagrantly retaliated against employees, like Plaintiff, who attempted to complain about such unscrupulous conduct because it stood in the way of their deliberate attempts to deceive its workforce and bury known health and safety risks to them. Against the backdrop of a deadly pandemic that has put the entire world “on pause,” Defendants’ deliberate obstruction of the known safety risks to its employees culminated in Plaintiff’s unlawful termination in direct retaliation for his sharing a pertinent and publicly accessible news article with other co-workers regarding the ongoing COVID-19 health crisis in protest for Defendants’ ignoring of his prior complaints regarding employee health and safety.

Such conduct is shameful and has no place in society, let alone the workplace. Fortunately, New Jersey Law provides redress for employees subjected to such disparate treatment, discrimination, and retaliation. Plaintiff, therefore, brings this lawsuit to expose Defendants’ behavior and to seek redress for the unlawful retaliation he suffered in violation of New Jersey law.

PARTIES

1. Plaintiff is an individual residing in Willingboro, New Jersey and at all times relevant hereto, was employed by Corporate Defendants as a Mechanical Technician until his wrongful termination on March 28, 2020.

2. Defendant Hovione is a New Jersey Limited Liability Company with its principal place of business at 40 Lake Drive, East Windsor, New Jersey 08520.

3. Defendant Insperity is a Delaware Foreign Limited Partnership with its principal place of business at 500 Campus Drive, Suite 300, Florham Park, New Jersey 07932. Defendant Administaff is, upon information and belief, an associated name of Defendant Insperity.

4. At all relevant times, Defendant Hovione, Defendant Insperity and Defendant Administaff have been single and joint employers of Plaintiff within the meaning of the New Jersey Conscientious Employee Protection Act (“CEPA”) *N.J.S.A. 10:5-12, et seq.* and New Jersey State Law. Upon information and belief, Defendant Hovione, Defendant Insperity and Defendant Administaff’s operations are interrelated and unified, and they share common management, centralized control of labor relations, common ownership, common control, common business purposes, and interrelated business goals. In addition, they jointly determine and manage the pay practices, rates of employee pay and method of payment, maintenance of employee records and personnel policies, practices and decisions with respect to the employees. Defendant Hovione, Defendant Insperity and Defendant Administaff directly or jointly employed Plaintiff and/or Individual Defendants.

5. Defendant Tomas, at all times relevant hereto, is an individual employed as a Site Manager by Corporate Defendants. This claim is brought against Defendant Tomas in his individual capacity and as an agent and/or servant of Corporate Defendants during his

employment. At all times relevant hereto, Defendant Tomas is an “employer” as defined under the NJLAD.

6. Defendant Silva, at all times relevant hereto, is an individual employed as the head of Corporate Defendants’ Human Resources Department. This claim is brought against Defendant Silva in her individual capacity and as an agent and/or servant of Corporate Defendants during her employment. At all times relevant hereto, Defendant Silva is an “employer” as defined under the NJLAD.

7. Defendant Hamme, at all times relevant hereto, is an individual employed as the head of Corporate Defendants’ Engineering and Maintenance Department. This claim is brought against Defendant Hamme in his individual capacity and as an agent and/or servant of Corporate Defendants during his employment. At all times relevant hereto, Defendant Hamme is an “employer” as defined under the NJLAD.

8. Defendant Marques, at all times relevant hereto, is an individual employed as the Director of Corporate Defendants’ Technical Operations. This claim is brought against Defendant Marques in his individual capacity and as an agent and/or servant of Corporate Defendants during his employment. At all times relevant hereto, Defendant Marques is an “employer” as defined under the NJLAD.

9. Defendants ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with the Corporate Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of the Corporate Defendants, and/or current unidentified business entities who may have liability for the damages suffered by Plaintiff under any theory advances herein.

Defendant Hovione, Defendant Insperity, Defendant Administaff, and Defendants ABC Corporations 1 through 5 will henceforth be referred to as “Corporate Defendants.”

10. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of the Corporate Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein. Defendants John Does 1-5, Defendant Tomas, Defendant Silva, Defendant Hamme and Defendant Marques will henceforth be referred to as “Individual Defendants.”

NATURE OF THE ACTION

11. This is an action brought by Plaintiff, former employee of Corporate Defendants, to recover damages and other relief for retaliation against him for reporting conduct in violation of law, fraudulent, in violation of public policy, and/or in violation of other state and federal law in violation of the New Jersey Conscientious Employee Protection Act.

12. As discussed in more detail below, Plaintiff objected to and/or refused to participate in activities and practices by Defendants that he believed were in violation of the law and/or constituted fraudulent, unsafe, illegal, and/or criminal activity. Plaintiff seeks compensatory and punitive damages, lost wages, attorney’s fees, costs, and such other relief as the Court deems equitable and just.

FACTS COMMON TO ALL CLAIMS

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

14. According to Defendant Hovione's website, Defendant Hovione is "a Pharmaceutical Company dedicated to helping Pharmaceutical Customers bring new and off-patent drugs to market. We do well what is difficult, to give our customers what they cannot find elsewhere. In joining Hovione, you will become part of a fast-paced and dedicated team that works together to provide our clients with the safety and the right quality of our products for patients."¹

15. Unfortunately, however, while Corporate Defendants claim to care about the safety of its patients, they place no value whatsoever on the health and safety of its own employees and wrongfully terminate the employment of any such employees that exercise their legal right to raise concerns with respect to same.

A. PLAINTIFF COMMENCES EMPLOYMENT WITH CORPORATE DEFENDANTS

16. On or about September 24, 2018, Plaintiff commenced employment with Corporate Defendants as a Mechanical Technician in Corporate Defendants' East Windsor, New Jersey location ("New Jersey location"). Plaintiff always performed his job duties in an exemplary fashion and was consistently held in high regards by supervisors and co-workers throughout the course of his employment with Corporate Defendants. Plaintiff never received any disciplinary actions against him nor was Plaintiff's work ethic ever questioned at any time.

B. A GLOBAL PANDEMIC COMPLETELY PARALYZES ALL BUSINESS OPERATIONS NOT ONLY IN THE STATE OF NEW JERSEY, BUT ALSO, THROUGHOUT THE UNITED STATES OF AMERICA AND ABROAD

17. On January 20, 2020, the first confirmed cases of COVID-19 outside mainland China occurred in other countries, including the United States.

¹ Information obtained from <https://www.hovione.com/> as well as Corporate Defendants' original Offer of Employment to Plaintiff dated August 23, 2018.

18. On January 30, 2020, the World Health Organization declared a global health emergency. The U.S. Department of State warned travelers to avoid China.

19. On January 31, 2020, the United States restricted any foreign nationals who had traveled to China in the past 14 days, excluding the immediate family members of American citizens or permanent residents. By this date, 213 people had died and nearly 9,800 had been infected worldwide.

20. On February 2, 2020, the first coronavirus death outside of China was reported in the Philippines.

21. On February 29, 2020, the United States reported the first coronavirus death in Seattle, Washington. What was believed to be the first coronavirus death in the United States at the time was actually the third as two other people had died of the coronavirus earlier, before the COVID-19 diagnoses were discovered.

22. On March 2, 2020, New Jersey's patient zero went to an urgent care with a bad cough and heart palpitations. He tested negative for flu and strep, but Coronavirus (also referred to herein as "COVID-19") tests were not available at the clinic. The patient's chest X-ray appeared normal, but due to his symptoms, his doctor advised that he go to an emergency room for a CT scan. At the hospital, the patient developed a fever, shortness of breath, and diarrhea. The results of his CT scan revealed that he had pneumonia and shading in one lung. This gave doctors reason to believe he could have the coronavirus. On March 3, 2020, he was tested for COVID-19.

23. On March 3, 2020, U.S. officials approved widespread testing and the Center for Disease Control and Prevention (the "CDC") lifted all federal restrictions on testing. By this point, more than 90,000 around the world has been infected and 3,000 worldwide had died.

24. On March 4, 2020, Governor Phil Murphy and Lieutenant Governor Sheila Oliver published a joint statement reporting New Jersey's first case of COVID-19, a presumptive positive test result in a man who had been hospitalized in Bergen County since March 3, 2020.

25. On March 5, 2020, New Jersey officials announced that there was a possible second presumptive case of COVID-19 they were investigating.

26. On March 6, 2020, officials reported a third presumptive case in Camden County and a fourth case in Bergen County. That same day, ten states reported their first case of coronavirus: Hawaii, Utah, Nebraska, Kentucky, Indiana, Minnesota, Connecticut, South Carolina, Pennsylvania, and Oklahoma.

27. On March 8, 2020, two presumptive positive cases were confirmed in East Brunswick and Edison, New Jersey, bringing the state's total to six. That same day, several schools and school districts declared closings or schedule modifications due to the impact of the virus. These measures were set to go in effect that day.

28. On March 9, 2020, Governor Murphy declared a state of emergency in New Jersey as the number of confirmed COVID-19 cases had reached eleven. As part of the press release that day, Governor Murphy announced the following:

As part of the state's coordinated response to address the novel coronavirus outbreak, Governor Phil Murphy today declared a State of Emergency and a Public Health Emergency, effective immediately, to ramp up New Jersey's efforts to contain the spread of COVID-19. Executive Order No. 103 declares a state of emergency and public health emergency across all 21 counties in New Jersey, allowing state agencies and departments to utilize state resources to assist affected communities responding to and recovering from COVID-19 cases.

29. On March 10, 2020, state officials reported that the first death as a result of COVID-19 occurred in Bergen County, New Jersey. John Brennan was the first patient to die as a result of the virus in New Jersey. He was 69 years old and had underlying health conditions. He was

taken to Hackensack University Medical Center and died of a heart attack. After his death, officials learned that he was connected to cluster of coronavirus among a New Jersey family that eventually killed four of his family members.

30. On March 13, 2020, President Trump declared a national emergency.

31. For the week ending March 14, 2020, unemployment claims in New Jersey increased 20% compared to the same period the previous year.

32. On March 15, 2020, the Center for Disease Control and Prevention (the "CDC") recommended no gatherings of 50 or more people in the United States. President Trump advised citizens to avoid groups of more than 10.

33. On March 18, 2020, Governor Murphy announced that there were 160 more positive tests for the coronavirus, bringing that state's total to 427. The confirmed cases were found in 18 of the state's 21 counties. That same day, the death toll reached five, as two more people died.

34. On March 18, 2020, all New Jersey schools became officially closed statewide. That same day, the United States enacted the Families First Coronavirus Response Act ("FFCRA"), which requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

35. On March 19, 2020, Governor Murphy announced 315 new positive tests for the coronavirus, bringing the state's total to 742. Additionally, it was reported that four more deaths occurred, bringing the death toll to nine. That same day, Murphy ordered all personal care businesses that could not possibly maintain proper social distancing have to close by 8 p.m.; the businesses included barbershops, hair salons, nail salons, spas, and tattoo parlors. That day, Murphy said, "We've basically shut the state down. Stay home." In addition, Governor Murphy

also announced the postponement of upcoming local special elections and school board elections. The elections were postponed until May 12, 2020 with voting being done by mail. Additionally, the New Jersey Transit's ridership dropped by almost 90% in the preceding week, and the agency requested \$1.25 billion in federal aid.

36. On March 20, 2020, New Jersey officials reported that the number of coronavirus cases in the state escalated to 890. Two more deaths were reported, bringing New Jersey's total to 11. As a result, Governor Murphy decided to implement a plan to close all non-essential businesses.

37. On March 20, 2020, the first government-run coronavirus testing center opened at Bergen Community College in Bergen County. In response, hundreds of cars were lined up for about three miles waiting to get into the drive-thru center. The center opened at 8:00 a.m., and by 12:00 p.m., people were being turned away because the site was at max capacity. That day, health workers at the center tested more than 650 people.

38. On March 21, 2020, the testing center at Bergen Community College reached its daily capacity of 350 tests within two hours of opening.

39. On March 21, 2020, New Jersey officials announced that the state had over 400 new cases of the coronavirus, bringing the total to 1,327. There were also five more deaths, bringing the total to 16. The virus had also been found in all 21 of New Jersey's counties. As a result, Governor Murphy implemented a statewide stay-at-home order that all non-essential businesses in the state close indefinitely by 9 p.m. on the 21st. This included closing all the state's libraries and requiring police academies to close until April 6, 2020.

40. By March 23, 2020, New Jersey had 2,844 cases of the coronavirus. Nationally, New Jersey had the second-most cases of all states in the country, with New York being the first.

New Jersey's death toll had increased to 27. New drive-through testing centers opened at Hudson Regional Hospital, Kean University, and PNC Bank Arts Center. As a result of the outbreak, the economy was affected negatively, and New Jersey prepared for a drop in tax revenue by putting \$900 million into reserve.

41. On March 24, 2020, officials reported that New Jersey had 3,675 cases of the coronavirus. Additionally, the death toll rose by 17, or 44 total.

42. On March 25, 2020, New Jersey's confirmed coronavirus cases rose to 4,402. The death toll rose by 18, to 62 total. All 94 residents of St. Joseph's Senior Home in Woodbridge Township were assumed to have coronavirus. The first of 24 positive cases were discovered on March 17, 2020, and at least one more had developed every day since then.

43. By March 25, 2020, a hotline had been set up for New Jersey workers to report employers for making them go to work despite the emergency declaration. However, the hotline got so many calls that it crashed the system. The state thereafter set up a website for employees to report violations.

44. On March 26, 2020, New Jersey officials reported that New Jersey's number of coronavirus cases increased to 6,876. The death toll rose by 19, making the state's total 81. Governor Murphy said that 155,000 people filed for unemployment benefits in New Jersey during the previous week, 16 times the number that filed the week before.

45. In or around this time, the Center for Disease Control and Prevention (the "CDC") also identified certain patient populations at higher risk for serious illness with COVID-19.

46. This included older adults (greater than age 60), and patients with lung disease, heart disease, diabetes, and in particular, high risk congenital cardiac conditions (*i.e., patients with hypoplastic left heart syndrome, tricuspid atresia, and double inlet left ventricle*).

47. Pursuant to CDC recommendations, high risk patients and family members were to take everyday precautions to keep space from others, to keep away from others who are sick, to limit close contact, to wash hands often, to avoid crowds as much as possible, and to stay home as much as possible to further reduce the risk of being exposed.

48. Further, employers were advised to tell employees that if they have a cough, fever, runny nose or other cold or flu-like symptoms, they should stay at home and not risk exposing others to illness.

49. On March 27, 2020, state officials announced that New Jersey had 8,825 known cases of the coronavirus. The death toll increased by 27, to 108. Since the pandemic began, New Jersey's state laboratory had run 28,043 coronavirus tests with 8,296 positive ones for a rate of 33.4%. At least one positive test had been found in 55 of the state's 375 nursing homes.

50. On March 29, 2020, New Jersey announced that there were 13,386 cases of the coronavirus in the state. The death toll had reached 161.

51. It was reported that New Jersey had the second-largest outbreak in the country, behind only New York. In a Twitter video, Governor Murphy said, "Nothing's changed in New Jersey, stay at home. New Jersey is part of the hottest spot in America right now, alongside New York City and the nation's eyes are upon us."

52. That same day, the acting superintendent of New Jersey's state police reported that about 700 police officers in the state had tested positive for the coronavirus, but none had died.

53. On March 30, 2020, New Jersey reported that the total number of cases had rose to 16,636. The death toll increased by 37, to 198.

54. On March 31, 2020, Governor Murphy announced that there were 18,696 cases of the coronavirus in New Jersey. The death toll increased by 69, to 267. At this time, police in

Newark had closed 16 nonessential businesses and issued over 250 summonses for obstructing the business of law.

55. That same day, the Ocean County towns of Bay Head, Mantoloking, and Point Pleasant Beach announced that their beaches would be closed starting April 3.

56. On April 1, Governor Murphy reported that New Jersey had 22,255 coronavirus cases and 355 deaths. State lawmakers moved New Jersey's income tax deadline from April 15 to July 15 and moved New Jersey's budget deadline from June 30 to September 30. The lawmakers announced that, "The ongoing COVID-19 pandemic has caused hardships, financial strain, and disruptions for many New Jerseyans and New Jersey businesses."

57. On April 2, 2020, officials reported that New Jersey had 25,590 total cases of the coronavirus and 537 deaths. Of the 537 deaths, almost half (47%) of the deceased individuals were over the age of 80. Residents of long-term care facilities accounted for 76 deaths. 110 of New Jersey's 375 long-term care facilities had at least one confirmed case of the coronavirus.

58. On April 4, 2020, state officials announced that New Jersey had 34,124 total cases of the coronavirus and 846 deaths. The state reported an average of 5,000 tests a day. The state also reported that they were only testing symptomatic people. According to state health commissioner Judith Perischilli, there were more than 4,000 coronavirus patients hospitalized in New Jersey as of April 3rd. Of those patients, 1,494 were in critical care, including 1,263 who were on ventilators.

59. On April 6, 2020, the state reported that 41,090 people had tested positive for the coronavirus in New Jersey. The death toll in New Jersey had reached 1,003. Atlantic City mayor Marty Small issued an order prohibiting hotels and motels in the city from accepting new guests; those currently in rooms were allowed to remain until the end of their booked stay.

60. On April 7, 2020, Governor Murphy reported that New Jersey had 44,416 total cases of COVID-19 and 1,232 deaths. That same day, Murphy signed an executive order closing all state parks, state forests, and county parks starting that day. Officials in the Cape May County towns of Avalon, North Wildwood, Wildwood, and Wildwood Crest announced that they were closing their beaches.

61. On April 8, 2020, Governor Murphy reported that New Jersey had 47,437 total cases and 1,504 deaths from the coronavirus. Among U.S. states, New York was the only state that had more cases. Murphy signed an executive order requiring all employees and shoppers at open businesses to wear face coverings. Workers were required to wear gloves while interacting with customers. The number of customers allowed inside stores was limited to a max of 50% capacity. Murphy also banned non-essential construction in New Jersey and postponed the state's primary elections from June 2 to July 7, 2020.

62. On April 9, 2020, Governor Murphy reported that New Jersey had 51,027 total cases of COVID-19 and 1,700 deaths.

63. The statewide restrictions put into place due to the coronavirus caused many business closings and layoffs. According to the state Department of Labor and Workforce Development, nearly 577,000 New Jersey workers filed for unemployment benefits over the previous three weeks.

64. On April 10, 2020, state officials announced that New Jersey had 54,588 cases of COVID-19 and 1,932 deaths.

65. On April 11, 2020, New Jersey reported that there were 58,151 total cases of COVID-19 and 2,183 deaths. Governor Murphy signed more executive orders that were going to take effect on the 13th. In doing so, he cut New Jersey Transit trains and buses to 50% capacity

and required employees and riders to wear face coverings. He also mandated that people getting takeout inside restaurants and bars have to wear face coverings.

66. By April 13, 2020, New Jersey had 64,584 total cases of COVID-19 and 2,443 deaths. As of the 12th, there were 7,781 people hospitalized with the coronavirus or suspected of having the virus. Of those patients, 1,886 were in critical or intensive care, and 1,611 were on ventilators.

67. On April 14, 2020, state officials announced that New Jersey had 68,824 total cases and 2,805 deaths. New Jersey's Department of Health's website reported that 128,604 New Jersey residents had been tested for the coronavirus, and 70,950 had tested negative. The positivity rate was about 45%.

68. By April 15, 2020, New Jersey had 71,030 total cases of COVID-19, and the death toll was 3,156. The state had about 66 testing sites.

69. On April 16, 2020, state officials announced that there were 75,317 total cases of COVID-19 and 3,518 deaths.

70. By April 17, 2020, New Jersey had 78,467 confirmed cases of COVID-19 and 3,840 deaths. A total of 9,094 cases, including 1,530 deaths, had been reported in the state's 384 long-term care facilities.

71. By April 18, 2020, New Jersey had 81,420 confirmed cases of COVID-19 and 4,070 deaths. New Jersey Governor Phil Murphy said, "This is a pandemic the likes of which we haven't seen in a century." He noted that the state's 4,070 deaths from COVID-19 over the previous six weeks was more than those "lost in past three flu seasons in their entirety combined." Since the outbreak began, 147,850 coronavirus tests had been performed in New Jersey, with a positivity rate of 45.14%.

72. On April 19, 2020, state officials announced that New Jersey had 85,301 total cases of COVID-19 and 4,202 deaths. There were 7,495 patients hospitalized for coronavirus or suspected of having the virus in New Jersey as of the 18th. Of those hospitalized, 1,940 were in critical or intensive care, and 1,628 were on ventilators.

73. On April 20, 2020, New Jersey officials reported 88,806 total cases of the COVID-19 and 4,377 deaths. Residents of long-term care facilities accounted for 10,744 cases and 1,779 deaths.

74. On April 21, 2020, New Jersey announced that the state had 92,387 total cases of COVID-19 and 4,753 deaths.

75. As of April 24, 2020, and as previously referenced herein, Governor Murphy has issued a number of Executive Orders designed to help New Jersey combat the spread and the impact of COVID-19 that has ravaged not only the State of New Jersey, but also, the entire country and abroad. To date, Governor Murphy has signed 26 such Executive Orders, including but not limited to, Orders creating a Coronavirus Task Force, Closing Schools, Moving Elections, and ordering residents to stay home.

76. Specifically, to date, the Executive Orders issued by Governor Murphy include the following:

DATE	EXECUTIVE ORDER	PURPOSE
February 3, 2020	No. 102	Coronavirus Task Force
March 9, 2020	No. 103	State of Emergency

March 16, 2020	No. 104	“Aggressive” Social Distancing
March 19, 2020	No. 105	Delaying Some Elections
March 19, 2020	No. 106	Halting Evictions and Foreclosures
March 21, 2020	No. 107	Stay at Home
March 21, 2020	No. 108	Invalidating Local Restrictions
March 23, 2020	No. 109	Suspending Elective Surgeries
March 25, 2020	No. 110	Shutting Down Most Child Care Centers
March 28, 2020	No. 111	Mandatory Reporting from Health-Care Facilities
April 1, 2020	No. 112	Protecting Health-care Workers
April 2, 2020	No. 113	Confiscating Medical Supplies
April 3, 2020	No. 114	Flags at Half-Staff
April 4, 2020	No. 115	Bringing Back Retirees
April 7, 2020	No. 116	Extending School Election Deadlines
April 7, 2020	No. 117	Student Testing
April 7, 2020	No. 118	Closing State and County Parks
April 7, 2020	No. 119	Extending the Public Health Emergency
April 8, 2020	No. 120	Postponing the June Primary

April 8, 2020	No. 121	Changing Weight Limits for Trucks
April 8, 2020	No. 122	Halting Non-Essential Construction Work/Placing New Restrictions on Stores
April 9, 2020	No. 123	Insurance Grace Period
April 10, 2020	No. 124	Releasing Some Prisoners
April 11, 2020	No. 125	NJ Transit Restrictions/Masks for Takeout Food
April 13, 2020	No. 126	Prohibition from Cable and Telecommunications Providers from Terminating Internet and Voice Service
April 14, 2020	No. 127	Extension of Certain Deadlines Associated With Rulemaking
April 24, 2020	No. 128	Critical Short-Term Support for Renters

77. On April 29, 2020, New Jersey announced that the state had 116,264 total cases of COVID-19 and 6,770 deaths.

C. PLAINTIFF COMPLAINS ABOUT EMPLOYEE HEALTH AND SAFETY ISSUES IN JANUARY/FEBRUARY 2020

78. Commencing in late January to February 2020, Plaintiff raised serious issues on several occasions not only about the issue of a shortage of Personal Protective Equipment (“PPE”) at Corporate Defendants’ East Windsor, New Jersey location (“New Jersey location”). Further, Plaintiff reported that Corporate Defendants’ employees, including but not limited to Plaintiff, had serious concerns regarding the screening and prevention of spreading the Coronavirus, especially

because there were employees already known to have recently returned from cruises and overseas with symptoms consistent with COVID-19 such as coughing, sneezing and fevers.

79. By way of example but not limitation, during late January to early February 2020, Plaintiff became aware of a “1st shift” Quality Assurance/Quality Control (“QA/QC”) lab technician at Corporate Defendants’ New Jersey location who returned from a recent cruise with symptoms of coughing, sneezing, and fever (i.e., symptoms now known to be consistent with COVID-19). Upon information and belief, Corporate Defendants’ Human Resources (“HR”) department was notified and said employee was sent back to work.

80. Thereafter, in mid-February 2020, Plaintiff became aware of another “1st shift” QA/QC lab technician at Corporate Defendants’ New Jersey location who also returned from vacation with symptoms of coughing and fever (i.e., symptoms now known to be consistent with COVID-19). Upon information and belief, Corporate Defendants’ HR department was notified and said employee was also sent back to work.

81. Subsequently, Plaintiff verbally raised concerns with his immediate supervisor, Defendant Hamme, in mid-February 2020 regarding the aforementioned employees who had returned to work with the troubling aforementioned symptoms. Defendant Hamme merely informed Plaintiff that same was being handled by Corporate Defendants’ HR department, and provided no further details to Plaintiff regarding same.

82. Thereafter, from mid-February to mid-March 2020, there were, upon information and belief, other discussions amongst “3rd Shift” employees at Corporate Defendants’ New Jersey location regarding the availability of Personal Protective Equipment (“PPE”) as well as concerns regarding the aforementioned co-workers who were allowed to return to work. Upon further information and belief, Diego Vasquez (“Mr. Vasquez”), Corporate Defendants’ “3rd shift” Lead

at Corporate Defendants' New Jersey location, was present and participated in several of such conversations.

83. On March 13, 2020, Plaintiff spoke to his newly assigned Maintenance Manager, David Travostino ("Mr. Travostino"), regarding Corporate Defendants' ongoing PPE gear shortage as well as Corporate Defendants' handling of COVID-19 during their "meet and greet."

84. On March 13, 2020, at or around 7:06 p.m., Plaintiff received an email from Defendant Hamme stating that Corporate Defendants had activated the company's contingency plan for COVID-19 (the "March 13, 2020 email").

85. On March 20, 2020, at or around 2:54 p.m., Plaintiff received an email from Corporate Defendants' Environmental Specialist of U.S. Operations, Harsh Patel ("Mr. Patel"), regarding protective masks provided to both Tiago Martin, Corporate Defendants' "2nd Shift" Lead and Mr. Vasquez for Corporate Defendants' production crew and QA/QC technicians (the "March 20, 2020 email").

86. On March 22, 2020, at or around 10:02 pm, Plaintiff sent an email to Defendant Hamme and Mr. Travostino inquiring as to where he could obtain PPE since Plaintiff was not referenced or even mentioned in the March 20, 2020 email.

87. The next day (March 23, 2020), at or around 9:08 a.m., Plaintiff was copied on an email from Defendant Hamme to Mr. Patel regarding the March 20, 2020 email and obtaining PPE for Plaintiff. Nearly a half hour later, Plaintiff was copied on an email from Mr. Patel to Defendant Hamme in regard to providing extra masks to another employee of Corporate Defendants, Keith Kirschner ("Mr. Kirschner") and obtaining more temperature monitors for Corporate Defendants' New Jersey location. Plaintiff's inquiry was completely ignored by Defendants.

D. FRUSTRATED BY CORPORATE DEFENDANTS' CONTINUED REFUSAL TO TAKE ACTION, PLAINTIFF PROTESTS ABOUT HEALTH AND SAFETY CONCERNS AT WORK

88. Thereafter, on March 24, 2020, at around 6:00 a.m., Plaintiff completed his regular work shift for the day. Prior to leaving work to go home, Plaintiff left three (3) copies of a March 10, 2020 news article from the website "ROI-NJ.com" on a cafeteria table at Corporate Defendants' New Jersey location (the "March 10, 2020 COVID-19 article"). Same was in regard to the appropriate and effective measures that Bayer, a major pharmaceutical company, was undertaking to properly handle the COVID-19 outbreak.

89. Plaintiff left the copies of the March 10, 2020 COVID-19 article not only to share and demonstrate to his co-workers what could/should be done by Corporate Defendants in response to the ongoing COVID-19 health pandemic plaguing the entire country, but also, as an objection to the safety measures (or lack thereof) taken by Corporate Defendants (the "March 24, 2020 objection"):

Bayer became the first major New Jersey employer to recommend its employees work from home due to the coronavirus risk, essentially closing its main campus in Whippany and secondary site in Morristown on Tuesday.

Both locations will be closed Wednesday and until further notice. Approximately 2,300 employees are impacted.

The company stressed it is taking the measure as a precaution and there are no known cases of COVID-19 connected to the locations. In fact, there are no known cases in Morris County as of Tuesday afternoon.

The company notified its employees Monday. It is unclear how long they will be asked to work remotely.

Company spokesperson Daniel Childs, director, U.S. external communications, stressed the proactive position of the company.

"We take the risk of the coronavirus seriously and are taking all necessary measures to keep our employees and neighbors safe," he said. "The primary goal is to ensure the health and safety of our employees, but at the same time to act with reason and judgment.

"In light of this, Bayer has temporarily closed its campuses in Whippany and Morristown in order to implement additional cleaning measures in common areas as a proactive measure and out of an abundance of caution.

"Bayer is also working in close consultation with state health officials. To be clear, Bayer has received no indication at this time that any employee has been confirmed to be infected with coronavirus."

90. The March 10, 2020 COVID-19 article was seen by the “1st Shift” of Corporate Defendants but removed by Corporate Defendants by mid-morning that same day. Thereafter, Corporate Defendants’ employees, including the Plaintiff, were informed that there would be an upcoming emergency company-wide meeting at Corporate Defendants’ New Jersey location regarding employee safety.

91. The following morning on March 25, 2020, Plaintiff was notified by a co-worker, Keith Kirschner (“Mr. Kirschner”), that there were “questions and/or actions” that had resulted from the Plaintiff’s sharing of the March 10, 2020 COVID-19 article.

92. Mr. Kirschner also informed Plaintiff that following his sharing of the March 10, 2020 COVID-19 article, various employees immediately corresponded with Corporate Defendants’ Human Resources Department regarding health/safety questions and/or concerns they had as well.

93. The next day (March 26, 2020), at or around 2:45 p.m., Defendant Tomas dispatched an email to Corporate Defendants’ employees, including Plaintiff, regarding the scheduling of the aforementioned meeting (the “March 26, 2020 meeting”). Defendant Tomas’ email provided three (3) separate dates and times for the March 26, 2020 meeting. The “3rd shift” at Corporate Defendants’ New Jersey location, which was Plaintiff’s normal work shift, was scheduled to participate in the March 26, 2020 meeting at 9:00 p.m. and were instructed to arrive early for work that evening to participate in same.

94. The March 26, 2020 meeting, which was conducted personally by Defendant Tomas, was entitled “COVID-19 Status and Update” and presented in the canteen/cafeteria for

employees at Corporate Defendants' New Jersey location, including Production, Quality Assistance/Quality Control Lab Technicians², and Maintenance.

95. The March 26, 2020 meeting conducted by Defendant Tomas addressed how Corporate Defendants were (1) handling the COVID-19 pandemic; (2) how Corporate Defendants had donated hand sanitizers to local law enforcement, and (3) the importance of producing ingredients necessary to make other drugs for other pharmaceutical companies.

96. Following the March 26, 2020 meeting attended by Plaintiff, and at around 10:00 p.m. that night, Plaintiff was pulled aside by Defendant Tomas, Corporate Defendants' Site Manager; Defendant Silva, the head of Corporate Defendants' Human Resources department ("HR"); Defendant Hamme, the head of Corporate Defendants' Engineering and Maintenance department; and Defendant Marques, the Director of Corporate Defendants' Technical Operations. At this time, Defendants Tomas, Silva, Hamme, and Marques immediately interrogated Plaintiff as to whether he was the one who circulated the March 10, 2020 COVID-19 article and if so, why Plaintiff did so.

97. In response, Plaintiff confirmed that it was he who left out the March 10, 2020 COVID-19 article. Additionally, Plaintiff reminded Defendants about the prior issues he had raised concerning the PPE shortage at Corporate Defendants' facility as well as his (and other employees') ongoing concerns regarding the measures being taken by Corporate Defendants or lack thereof to screen and prevent the spread of the Coronavirus.

² Corporate Defendants' QA/QC Lab Technicians attended the March 26, 2020 meeting remotely via WebEx video conferencing.

98. Plaintiff further reminded Defendants Tomas, Silva, Hamme, and Marques that Corporate Defendants' HR was already made aware of the foregoing issues raised by Plaintiff as well.

99. In clear retaliation for Plaintiff's prior complaints as well as his subsequent March 24, 2020 objection, Defendant Tomas immediately advised Plaintiff that he wanted Plaintiff terminated. However, Defendants Silva, Hamme and Marques disagreed with Defendant Tomas and instead admitted that they needed to further discuss same.

100. As such, Plaintiff was promptly sent home early that day from Corporate Defendants' New Jersey location.

101. A few days later, on March 28, 2020, Plaintiff received a call from Defendant Hamme who indicated that Defendant Silva was also on the phone. At that time, Defendant Silva immediately informed Plaintiff that he was terminated as of that date.

102. Not only did Corporate Defendants ignore Plaintiff's concerns, but also, they immediately wrongfully terminated him for his complaints regarding employee safety and subsequent March 24, 2020 protest in circulating the March 10, 2020 COVID-19 article to Corporate Defendants' staff.

103. As if Plaintiff's wrongful termination was not already traumatizing enough, Plaintiff was further informed by Defendants not only that he was not allowed to return to Corporate Defendants' New Jersey location to retrieve his personal belongings, but also, that his personal belongings would not be returned to him until Corporate Defendants' company property was returned by Plaintiff through the mail. Plaintiff was further humiliated by such treatment of him by Corporate Defendants.

104. Plaintiff was greatly disturbed by Corporate Defendants' wrongful termination which was in blatant retaliation for his prior complaints to Corporate Defendants' management regarding the health and safety of employees as well as his circulation of the March 10, 2020 COVID-19 article on March 24, 2020.

105. To date, Plaintiff has still not received his personal belongings that he had in his work locker and desk despite complying with Corporate Defendants' outrageous ultimatum that their company property be returned first.

106. On April 3, 2020, Plaintiff spoke briefly on the phone with another former co-worker, Andrew Koiquah ("Mr. Koiquah") whereupon Mr. Koiquah voiced concerns about Plaintiff's health because of recent revelations regarding other employees of Corporate Defendants that had recently tested positive for COVID-19.

107. Specifically, Mr. Koiquah informed Plaintiff that at least one worker on Corporate Defendants' "2nd shift," which is the shift Plaintiff relieved, tested positive for COVID-19 and that said employee's work locker was only two (2) lockers away from Plaintiff's former work locker. Mr. Koiquah also stated that another employee's brother, who worked on Corporate Defendants' "1st shift" in production, also tested positive for COVID-19 and said employee had since quit.

108. Mr. Koiquah further advised that rather than shut down operations for two (2) weeks for cleaning, Corporate Defendants instead merely had a few employees perform a routine cleaning of the New Jersey location's locker room.

109. On April 7, 2020, Plaintiff received an offer from Corporate Defendants for severance pay in the amount of \$10,924.80 in exchange for the execution of an "Employment Separation and Release." Plaintiff has not, and will never, execute said "Employment Separation and Release."

110. Nonetheless, CEPA protects employees from retaliation upon an employee's "reasonable belief" that the employer's conduct was a violation of a regulation, rule, or law.

111. In sum, Defendants subjected Plaintiff to retaliation, including but not limited to, termination of his employment, for his complaints regarding employees' health and safety of employees as well as his March 24, 2020 protest.

COUNT I

RETALIATION AND VIOLATION OF NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")

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

113. At all times relevant to the factual circumstances set forth above, Defendants were an employer as that term is defined in N.J.S.A. 34:19-2(a).

114. At all times relevant to the factual circumstances set forth above, Plaintiff was an employee as that term is defined in N.J.S.A. 34:19-2(b).

115. During the course of Plaintiff's employment with Defendants, Plaintiff objected to activities and practices of the Defendants that they believed were in violation of law, fraudulent, in violation of public policy, and/or in violation of other state and federal law.

116. As a direct result of the foregoing, Defendants took retaliatory action against Plaintiff, including but not limited to, terminating Plaintiff's employment with Defendants. Defendants also took retaliatory action against Plaintiff due to Plaintiff's disclosure of the aforementioned activities and practices to his supervisors. *N.J.S.A. 34:19-3a, et seq.*

117. Defendants are vicariously, strictly and/or directly liable to Plaintiff for unlawful retaliation and violation of CEPA pursuant to *N.J.S.A. 34:19-1, et seq.*

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

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre and post-judgment interest, attorneys' fees and costs of suit, and for such other relief as the Court deems equitable and just.

COUNT II

WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY

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

120. During the course of his employment, Plaintiff reported and complained about Defendants' unlawful behavior. Defendants had knowledge of Plaintiff's protests and terminated him as a result thereof.

121. The acts of Defendants constitute a wrongful discharge in violation of public policy by which Plaintiff has been damaged and will continue to suffer damages.

WHEREFORE, Plaintiff demands judgment in his 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, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to *Rule 4:10-2(b)*, demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm

carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff,
Agustin Rivera, Jr.

By: /s/Austin B. Tobin
Austin B. Tobin, Esq.

Dated: April 30, 2020

DESIGNATION OF TRIAL COUNSEL

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

CERTIFICATION

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter 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,
Agustin Rivera, Jr.

By: /s/Austin B. Tobin
Austin B. Tobin, Esq.

Dated: April 30, 2020

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<p>AGUSTIN RIVERA, JR.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>HOVIONE, LLC, INSPERITY PEO SERVICES, L.P., ADMINISTAFF COMPANIES II, L.P., FILIPE TOMAS, DINA SILVA, DONALD HAMME III, MARCO MARQUES, 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</p> <p>BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p><u>Civil Action</u></p> <p style="text-align: center;">PLAINTIFF’S FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, AND PUNITIVE DAMAGES TO DEFENDANT(S)</p>
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FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, AND PUNITIVE DAMAGES TO DEFENDANT(S)

PLEASE TAKE NOTICE that, McOmber McOmber & Luber, P.C., attorneys for Plaintiff Agustin Rivera, Jr. (“Plaintiff”) demand that Defendants Hovione, LLC, Insperity PEO Services, L.P., Administaff Companies II, L.P., Filipe Tomas, Dina Silva, Donald Hamme III, and Marco Marques (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with *Rule 4:17-4(c)* and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to *Rule 4:17-7*. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

DEFINITIONS

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

2. “Defendant Hovione” shall mean Defendant Hovione, LLC, 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 Insperity” shall mean Defendant Insperity PEO Services, L.P., and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

4. “Defendant Administaff.” shall mean Defendant Administaff Companies II, L.P., 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.

5. “Defendant Tomas” shall mean Filipe Tomas, Defendant in the above captioned action.

6. “Defendant Silva” shall mean Dina Silva, Defendant in the above captioned action.

7. “Defendant Hamme” shall mean Donald Hamme III, Defendant in the above captioned action.

8. “Defendant Marques” shall mean Marco Marques, Defendant in the above captioned action.

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

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

11. 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.

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

13. “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.

14. “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.

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

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

17. 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.

18. 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.

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

20. “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.

21. 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.

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

23. 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.

24. 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.

25. 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.

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

27. 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 Interrogatories for which no objection to claim of privilege is made.

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

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

DOCUMENT REQUESTS TO DEFENDANT(S)

1. All documents relating to any insurance policy or reinsurance policy that may be used to pay all or part of any judgment entered against Defendant(s) in this Action.

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

3. 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.

4. A complete copy of the personnel file Defendant(s) maintained pertaining to any Defendant, including but not limited to copies of documents (written or electronic) relating to the following: Copies of the following from the personnel file of any Individual Defendants: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Individual Defendant; (b) performance evaluations that were conducted for any Individual Defendant; and (c) job title or job status changes for any Individual Defendant.

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

6. A written job description for each position that Plaintiff held during his/her employment with employer Defendant.

7. A written job description for each position each Individual Defendant held during his/her tenure of employment with employer Defendant.

8. A copy of any and all documents (written or electronic) authored by any Defendant (or agent of employer Defendant) pertain to the decision to terminate Plaintiff's employment, if applicable.

9. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2014 in which an allegation was made and/or a lawsuit filed alleging that Defendants engaged in whistleblower retaliation in violation of New Jersey's Conscientious Employee Protection Act. 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.

10. A copy of Defendant(s) written policy concerning reporting legal, fraud, deception, safety, health, policy, or regulatory violations or incidents.

11. All statements, documents, or communications that relate to federal or state inspection and/or investigation of Defendant(s) in the last five (5) years.

12. All statements, documents, or communications that relate to reporting misconduct, safety or health violations or incidents, and/or unlawful conduct to any regulatory or governmental authority.

13. All statements, documents, or communications that relate to all notices, violations, and/or warnings received by Defendant(s) over the past ten (10) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline Defendant(s) operations, and/or Defendant(s)' employees.

14. All statements, documents, or communications that relate to all laws, regulations, policies, or guidelines Defendant(s) follows or is required to follow in connection with its business.

15. 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 the complaint.

16. All statements, documents, or communications concerning or made by the Plaintiff that relate to this Action.

17. All statements, documents, or communications concerning or made by Defendant(s) that relate to this Action.

18. All statements, documents, or communications concerning or made by the Plaintiff that relate to the allegations asserted in the Complaint.

19. All statements, documents, or communications concerning or made by Defendant(s) that relate to the allegations asserted in the Complaint.

20. All statements, documents, or communications relating to statements of witnesses provided to Defendant(s) that relate to this Action.

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

22. 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.

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

24. 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.

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

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

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

28. All statements, documents, or communications relating to any Person interviewed

in connection with this Action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45. 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.

46. 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.

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

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

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

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

51. All statements, documents, or communications between Defendant(s) and any

Person relating to any Investigation of Defendant(s).

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

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

54. 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.

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

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

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

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

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

60. All documents and electronic data that relate to, refer to, discuss or memorialize the termination, demotion, suspension, separation, and/or resignation of Plaintiff.

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

62. 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.

63. All documents relating to this Plaintiff performance of his/her job duties.

64. All statements, documents, or communications concerning Plaintiff's performance of his/her job duties for the past ten (10) years, including but not limited to employee evaluations.

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

66. All statements, documents, or communications concerning Defendant(s)' performance of his/her job duties for the past ten (10) years, including but not limited to employee evaluations.

67. All statements, documents, or communications concerning any communication between Defendant(s) and Defendant(s)' Human Resources department regarding Plaintiff.

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

69. Produce a copy of the employee handbook in force and effect at the time of the Plaintiff's employment with Defendant(s).

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

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

72. All documents relating to the Plaintiff's hiring by Defendant(s).

73. All documents relating to the Plaintiff's compensation during his/her employment with Defendant(s).

74. All documents relating to any employee benefits or benefit plan in which the

Plaintiff was/were eligible to participate during his/her employment with Defendant(s).

75. 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.

76. 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.

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

78. 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 the Plaintiff's employment.

79. 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.

80. 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.

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

82. 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.

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

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

85. All statements, documents, or communications concerning Defendant(s) receiving any sensitivity training or any training regarding appropriate workplace language and conduct.

INTERROGATORIES TO DEFENDANT(S)

1. 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.

2. State the reasons why Plaintiff's position of employment was terminated or otherwise subjected to adverse employment action.

3. Identify by full name, job title, last known address and phone number the person or persons who made the decision to terminate Plaintiff's position of employment or otherwise subjected to adverse employment action.

4. Identify by full name, job title, last known address and phone number each person who provided information to Defendant(s) that was relied upon on deciding to terminate Plaintiff's employment. For each such person, identify in detail the information provided, to whom it was provided and when it was provided.

5. What facts are information did Defendants provide that was relied upon in deciding

to terminate Plaintiff's employment otherwise subjected to adverse employment action.

6. Identify by full name, job title, last known address and phone number each person who provided information to Defendant that was relied upon in deciding to terminate Plaintiff's employment otherwise subjected to adverse employment action.

7. 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.

8. 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.);
 - h. any custodians of records with relevant knowledge of documents produced in this matter.

9. 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.

10. 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.

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

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

13. 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.

14. 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.

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

16. 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.

17. 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.

18. 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.

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

20. For any position held by the 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.

21. State the required qualifications and skills for each and every job title that the

Plaintiff held while employed by any Defendant(s).

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

- a. from what position or job title the promotion was from and to 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.

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

- a. from what position or job title the demotion was from and to 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.

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

25. For any position held by Defendant(s) 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.

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

27. State whether Defendant(s) was/were ever promoted while employed by any

Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to 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.

28. State whether Defendant(s) were ever demoted while employed by any

Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to 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.

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

30. 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.

31. 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.

32. 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.

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

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

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

36. 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.

37. State whether any Defendant(s) 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.

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

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

40. 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.

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

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

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

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

44. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances of discrimination, harassment,

hostile workplace environment and/or unfair favoritism by Defendant(s) in the past ten (10) years.

45. 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

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

47. 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).

48. 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.

49. 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).

50. Please describe, in detail, the method by which an employee transfer (such as a transfer to another department or location) is conducted by Defendant(s).

51. Please describe, in detail, if there are any limitations on employee transfers (such as a transfer to another department or location) at Defendant(s).

52. 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.

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

54. 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.

55. 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.

56. 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.

57. 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;
- 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.

58. 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.

59. 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.

60. 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.

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

62. 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).

63. 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.

64. 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.

65. 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.

66. 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?

67. 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).

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

69. 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.

70. 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.

71. 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.

72. 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; and
- e. whether you obtained consent to tape or record such communications.
Provide any such recordings.

73. 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.

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

75. 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 five (5) years. Identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

76. 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.

77. 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.

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

79. 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.

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

preservation.

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

82. 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.

83. 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.

84. 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.

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

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

87. Identify and describe in full detail the facts and circumstances surrounding the Plaintiff in the matter's complaint of discrimination and/or retaliation to any of the Defendant(s).

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

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

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

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

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

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

94. 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).

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

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

97. Identify and describe in detail Defendant(s)' procedure and/or policy for

reprimanding, suspending, and terminating employees.

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

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

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

101. 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).

102. Identify any and all laws, regulations, policies, or guidelines Defendant(s)' employees follow or are required to follow concerning reporting misconduct and/or unlawful conduct to any regulatory or governmental authority.

103. Identify and describe any and all laws, regulations, policies, or guidelines Defendant(s)' employees follow or are required to follow concerning licensing in connection with Defendant(s)' businesses.

104. Identify and describe any and all laws, regulations, policies, or guidelines Defendant(s) follows or is required to follow concerning insurance in connection with its business.

105. Identify and provide full details concerning any New Jersey Department of Labor, Federal Bureau of Investigation, Attorneys' General Office, U.S. Attorney's Office Investigation, or any other regulatory body or law enforcement agency, of Defendant(s) in the last five (5) years.

106. Identify and provide full details concerning any state or federal Investigation of Defendant(s) in the last five (5) years.

107. Identify and provide full details concerning all regulatory compliance trainings conducted by Defendant(s) in the past five (5) years.

108. 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.

109. Identify and describe, in detail, instances when Plaintiff reported, complained, and/or stated a Grievance (formal or otherwise) to any Defendant(s), including Defendant(s)' agents.

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

111. Identify and describe, in detail, instances when Plaintiff reported, complained, and/or stated a Grievance (formal or otherwise) to any Defendant(s), including Defendant(s)' agents, regarding reporting misconduct and/or unlawful conduct in connection with Defendant(s)' business.

112. Identify and describe each state inspection and/or investigation of Defendant(s) in the last five (5) years.

113. Identify and describe each federal inspection and/or investigation of Defendant(s) in the last five (5) years.

114. Identify and describe when and how Defendant(s) were notified of each state and/or

federal inspection and/or investigation of Defendant(s) in the last five (5) years.

115. Describe, in full detail, the circumstances surrounding the termination of Plaintiff's employment.

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

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

118. Identify and describe Defendant(s)' policy regarding incidents of unlawful conduct.

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

120. Identify all regulatory authorities that oversee Defendant(s).

121. Identify all state authorities that oversee Defendant(s).

122. State whether any civil or criminal actions have ever been filed charging Defendant(s), with unlawful conduct in the past five (5) 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.

123. 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.

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

125. Identify and describe in full detail the facts and circumstances surrounding the Plaintiff in the matter's complaint of retaliation to any of the Defendant(s) in this matter.

126. Please describe in detail complaints or Grievances (formal or otherwise) made by Plaintiff regarding fellow employees and Defendant(s).

127. 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.

128. 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.

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

130. 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 Defendant(s)' employee. Annex hereto a copy of each said document.

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

132. 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 Department (or similar department) at Defendant(s).

133. 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 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 2008 through 2019 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 2009 through 2019, 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 2009 through 2019, 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 2009 through 2019, 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 2009 through 2019, up to and including the present.

INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)

1. If the Defendant(s) is a corporation, set forth as to each:
 - a. The full name of the corporation;
 - b. Date of incorporation;
 - c. State of incorporation;
 - d. All States in which the Defendant(s) conducts its business;
 - e. All States in which the Defendants has registered to do business;
 - f. The full and correct names and residential address of all stockholders for the last two (2) years;
 - g. The number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
 - h. Number of shares issued to each of said stockholders;
 - i. The full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
 - j. All trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
 - k. The complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location;
 - l. The name and address of the person who has custody of this corporation's books and records.

2. Is a majority interest in the corporate stock of the Defendant(s) owned by any individual, corporation or holding company?

3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation or holding company with a majority interest in the Defendant(s):
 - a. Name and address;
 - b. State of incorporation;
 - c. The state in which doing business;
 - d. Address of each business office;
 - e. The name and address of each current officer or director;
 - f. The nature of the business in which engaged.

4. For each facility owned or maintained by the Defendant(s), please state:
 - a. The business address;
 - b. The names and addresses of all current officers of the facility;

- c. The nature of the business conducted at the facility;
- d. The dates during which the facility has been owned or maintained by the Defendants' employer;
- e. The number of individuals presently employed at the facility.

5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest and set forth the nature of the interest.

6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.

7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.

8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).

9. List all the physical assets of the Defendant(s) and their location. If any asset is subject to a lien, then state the name and address of the lienholder and the amount due.

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

11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:

- a. Name(s) in which property is owned;
- b. Address of property;
- c. Date property was purchased;
- d. Purchase price;
- e. Name and address of mortgage holder, if any;
- f. Balance due on mortgage, if any;
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

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

- a. Make, model, and year;
- b. License plate number;
- c. Vehicle identification number;

- d. If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

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

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

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

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

- a. Creditor's name;
- b. Creditor's attorney;
- c. Amount due;
- d. Name of Court;
- e. Docket number.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Agustin Rivera, Jr.

Dated: April 30, 2020

By: /s/ Austin B. Tobin
AUSTIN B. TOBIN, ESQ.

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: _____

Civil Case Information Statement

Case Details: BURLINGTON | Civil Part Docket# L-000921-20

Case Caption: RIVERA, JR. AGUSTIN VS HOVIONE, LLC
Case Initiation Date: 04/30/2020
Attorney Name: AUSTIN B TOBIN
Firm Name: MCOMBER MCOMBER & LUBER, PC
Address: 54 SHREWSBURY AVE
RED BANK NJ 07701
Phone: 7328426500
Name of Party: PLAINTIFF : RIVERA, JR., AGUSTIN
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)*

04/30/2020
Dated

/s/ AUSTIN B TOBIN
Signed