

R. Armen McOmber, Esq. - NJ ID # 018251998  
 ram@njlegal.com  
 Christian V. McOmber, Esq. - NJ ID # 012292010  
 cvm@njlegal.com  
 Matthew A. Luber, Esq. - NJ ID # 017302010  
 mal@njlegal.com  
 Peter D. Valenzano, Esq. - NJ ID # 037892010  
 pdv@njlegal.com  
 Austin B. Tobin, Esq. – NJ ID # 002622010  
 abt@njlegal.com  
 Lauren M. Hill, Esq. – NJ ID # 304102019  
 lmh@njlegal.com  
 McOMBER McOMBER & LUBER, P.C.  
 54 Shrewsbury Avenue  
 Red Bank, NJ 07701  
 (732) 842-6500 Phone  
 (732) 530-8545 Fax  
*Attorneys for Plaintiff, Mitchel Albom*

<p>MITCHEL ALBOUM,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>MERCK KGaA, DARMSTADT, GERMANY;        EMD PERFORMANCE MATERIALS CORP.        d/b/a EMD ELECTRONICS; ANTHONY        TREBINO; KEVIN STANTON; MARNA        SKRIPKO; 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        MONMOUTH COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p><b>COMPLAINT &amp; DEMAND FOR TRIAL        BY JURY; FIRST DEMAND FOR        PRODUCTION OF DOCUMENTS AND        FIRST SET OF INTERROGATORIES        DIRECTED TO ALL DEFENDANTS</b></p>
--	---

Plaintiff Mitchel Albom (“Plaintiff”), by way of Complaint against Merck KGaA, Darmstadt, Germany (“Defendant Merck”), EMD Performance Materials Corp. d/b/a EMD Electronics (“Defendant EMD”), Defendants ABC Corporations 1-5 (fictitious names describing

presently unknown business entities) (along with “Defendant Merck” and “Defendant EMD,” collectively referred to as the “Corporate Defendants”), Defendant Anthony Trebino (“Defendant Trebino”), Defendant Kevin Stanton (“Defendant Stanton”), Defendant Marna Skripko (“Defendant Skripko”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Trebino,” “Defendant Stanton,” and “Defendant Skripko” collectively referred to as the “Individual Defendants”), alleges as follows:

### **PRELIMINARY STATEMENT**

Plaintiff Mitchell Alboum, a sixty-one (61) year old man, has compelling and provable age discrimination, disability discrimination, and hostile work environment claims under New Jersey’s Law Against Discrimination (“NJLAD”), N.J.S.A. 10:5-1, et seq. For well over four decades, Plaintiff has been a loyal employee of Defendant Merck, who dedicated numerous painstaking hours to supporting the business and the customers it serves. For years, Plaintiff flourished in his role and was often praised by management and co-workers alike for his outstanding work performance. Indeed, it is easy to characterize Plaintiff as the textbook definition of a “company man” – the kind of employee who considers a job a long-term investment. Unfortunately, Plaintiff’s previously collegial work environment took a turn for the worse when in June 2018, Corporate Defendants hired two significantly younger new managers, Defendant Trebino and Defendant Stanton. Almost immediately, Plaintiff found himself in an overwhelmingly toxic and hostile work environment where he was routinely berated, mocked, and ridiculed by management because of his age.

Indeed, on or around February 17, 2021, after forty (40) years of consistently outstanding performance reviews, Plaintiff received a negative performance review which contained flagrantly ageistic comments, including, **“I do not believe that [Plaintiff] is able to break free from how we have done things in the past,”** **“it is difficult to change how he has been doing things for**

forty (40) years, and I think that is keeping him from trying,” and finally, stating condescendingly that Plaintiff has “limits to his computer skills.” As a result of this negative performance review, Plaintiff was denied his full bonus and placed on a Performance Improvement Plan (“PIP”) and denied his full annual bonus and pay increase.

Worse, even after writing numerous complaints alleging discrimination, the Defendants have failed to investigate, let alone remediate, this intolerably hostile work environment. Needless to say, the discrimination Plaintiff has endured is severe and pervasive enough to make Plaintiff believe that the terms of his employment have been irretrievably altered. Fortunately, New Jersey’s Law Against Discrimination, N.J.S.A. 10:5-1, et seq., provides redress for victims of such invidious discrimination. Accordingly, Plaintiff brings this lawsuit to vindicate his statutorily protected rights.

### **PARTIES**

1. Plaintiff is an individual residing in Morganville, New Jersey, and at all times relevant hereto was employed by Defendant EMD as an Environmental Health and Safety (“EHS”) Manager.

2. Defendant Merck is a foreign corporation that maintains its corporate headquarters located at Frankfurter Strasse 250 Darmstadt, Germany, 64293. Defendant Merck owns and operates Defendant EMD. According to its website, Defendant Merck “is the world’s oldest pharmaceutical and chemical company.” At all times relevant hereto, Defendant Merck is an “employer” as defined under the NJLAD.

3. Defendant EMD is a North American corporation that has a place of business located at 70 Meister Avenue, Branchburg, New Jersey 08876, (the “Branchburg Location”). According to its website, Defendant EMD is an electronics manufacturer. At all times relevant hereto, Defendant EMD is an “employer” as defined under the NJLAD.

4. Defendant Trebino, at all times relevant hereto, is an Engineering and EHS Manager employed by Corporate Defendants at the Branchburg Location. This claim is brought against Defendant Trebino in his individual capacity and/or as an agent or servant of Corporate Defendants acting during the course of his employment.

5. Defendant Stanton, at all times relevant hereto, is employed as the Site Director by Corporate Defendants at the Branchburg Location. This claim is brought against Defendant Stanton in his individual capacity and/or as an agent or servant of Corporate Defendants acting the course of his employment who aided and abetted the discrimination and retaliation referenced herein.

6. Defendant Skripko, at all times relevant hereto, is employed in the Human Resources Department at Corporate Defendants' Branchburg Location. This claim is brought by Plaintiff against Defendant Skripko in her individual capacity and/or as agent or servant of Corporate Defendants acting the course of her employment who aided and abetted the discrimination and retaliation referenced herein.

7. Defendants ABC Corporations 1-5 are currently unidentified business entities that have acted in concert with Corporate Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-discrimination policies of Corporate Defendants, and/or currently unidentified business entities that have liability for the damages suffered by Plaintiff under any theory advanced therein.

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

9. At all relevant times, Defendant Merck and Defendant EMD have been single and joint employers of Plaintiff within the meaning of the NJLAD. Upon information and belief, Defendant Merck and Defendant EMD'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.

**FACTS COMMON TO ALL CLAIMS**

10. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey specific policies prohibiting discrimination.

11. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures prohibiting discrimination on the basis of a person's age.

12. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies and procedures prohibiting workplace retaliation.

13. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey a zero-tolerance policy when it comes to workplace retaliation and discrimination.

14. Plaintiff is currently sixty-one (61) years old.

15. In or around June 1981, Plaintiff began employment as an Engineer with the Corporate Defendants. Plaintiff was originally employed in the State of Texas. However, in or

around 1998, Plaintiff was transferred to Corporate Defendants' Branchburg Location where he assumed the position of EHS Manager.

16. Over the course of his forty (40) years of employment with Corporate Defendants, Plaintiff performed his job responsibilities with the utmost competence and diligence, loyally committed to Corporate Defendants and the customers which they serve.

17. In or about 2018, Corporate Defendants hired two new managers, Defendant Trebino and Defendant Stanton. Upon information and belief, Defendants Trebino and Stanton are much younger than Plaintiff.

18. Before Defendants Trebino and Stanton were hired by the Corporate Defendants, Plaintiff enjoyed his work environment, and he never heard any comments or other negative treatment because of his age.

19. Unfortunately, Plaintiff's previously collegial environment vanished overnight, replaced with a toxic and hostile work environment, the primary source of which was Defendants Trebino and Stanton and their penchant for demeaning verbal abuse.

20. By way of example but not limitation, instead of discussing work-related concerns in private with Plaintiff, Defendant Trebino would berate Plaintiff in the hallway surrounded by his peers and co-workers in a deliberate attempt to humiliate him.

21. Plaintiff even received belittling and gratuitous criticism based on the way he spoke. In fact, at one point, Plaintiff was chastised by Defendant Trebino for using the words "um" or "you know" when he spoke. Furthermore, Defendants Trebino and Stanton unnecessarily subjected Plaintiff to increased scrutiny, punishing Plaintiff for inconsequential issues or non-existent errors.

22. Plaintiff's job duties entail government compliance that is a task in which he has decades of experience. Plaintiff was regularly criticized by Defendants Trebino and Stanton for

making sure the department followed all proper and necessary procedures. Indeed, Defendant Trebino derisively referred to Plaintiff as a “safety cop.”

23. Worse, on or around February 17, 2021, after forty (40) years of consistently outstanding performance reviews, Plaintiff received his first negative performance review from Defendant Trebino. As a result of same, Plaintiff was placed on a Performance Improvement Plan (“PIP”) and denied his full annual bonus and pay increase.

24. The denial of Plaintiff’s full annual bonus and pay increase, as well as the PIP, was based on Plaintiff’s first negative performance review. However, this performance review was not an accurate portrayal of the quality of Plaintiff’s work. This is because it was riddled with ageistic remarks and lacked any specific issues with Plaintiff’s performance.

25. These ageistic remarks include, **“I do not believe that Mitch is able to break free from how we have done things in the past,” “it is difficult to change how he has been doing things for forty (40) years, and I think that is keeping him from trying,”** and his **“limits to his computer skills.”**

26. Moreover, the PIP contained no objective feedback; rather, it was filled with subjective negative criticisms, despite Plaintiff having successfully completed all of the projects he was assigned.

27. Ever the consummate professional, Plaintiff requested assistance with his work to better understand what his new superiors expected. In fact, Plaintiff wrote a comprehensive rebuttal to his PIP asking for targeted objectives so that he could perform up to his new supervisors’ standard. Same stated, in relevant part:

I have signed my PIP. Although I disagree with the content it is my intention to continue to cooperate. However, I do have concerns about achieving these goals in this short amount of time in addition to managing my day to day responsibilities. I am also concerned

because these goals are all subjective. **Furthermore [sic], it does not go unnoticed that again my age is mentioned in the PIP.**

28. Rather than remediate any of Plaintiff's legitimate concerns of disparate treatment, Plaintiff was assigned impossible work projects. Separately, and not coincidentally, Defendant Trebino refused to provide any meaningful feedback on Plaintiff's work.

29. Thereafter, Plaintiff called a meeting with Defendant Trebino to discuss the PIP and determine a strategy to rectify his purported performance issues. However, Defendant Trebino refused to provide any constructive comment, derisively telling Plaintiff that it was up to Plaintiff **"figure out what [he] needed to do to improve [his] performance,"** and that Plaintiff needed to do that entirely on his own.

30. Defendant Trebino also retaliated by outright refusing to give Plaintiff any insight as to how to correct his performance after his extensive tenure with nothing but exceptional performance. Convinced he was suffering from age discrimination within the workplace, Plaintiff lodged a formal complaint with Corporate Defendants. Plaintiff's entire written complaint is reproduced below:

Before getting into the specifics of the review, an overall concern I have is that it seems that **the performance review substantially focused on my age.** Comments referencing my technical and computer abilities and statements like "I do not believe that Mitch is able to break free from how we have done things in the past" and "that it is difficult to change how he has been doing things for 40 years, and I think that is keeping him from trying" make it seem that the basis for the supposed concerns stated in the comments are primarily because of my age. **It seems that my being an older employee, with the company for 40 years, was principally on your mind when the review was written. Rather than focus on my work and achievements or include the items you have praised me on recently, in this short review, age based issues were raised more than once – alluding to my age causing gaps and a disconnect with company culture and my team.** The age component in the review also aligns with statements you have made to me that there is a need to "change the culture at the company" and that when I ask you for assistance on certain matters you tell me

simply to “google” them or figure it out on my own. **I am very concerned that the real reason I am being place on a PIP, denied a bonus and pay increase and my job is in jeopardy is not because of any performance issues but because I am 60 years old and because of my long-term tenure with the company.**

(emphasis added).

31. Thereafter, Corporate Defendants purported to open an investigation into Plaintiff’s complaint, which apparently revealed no evidence of discrimination. However, this perfunctory investigation was in name only, and Corporate Defendants concluded that there was no discrimination without even providing Plaintiff with any follow-up questions.

32. On or about April 05, 2021—shortly after learning about the results of Corporate Defendants’ investigation—Plaintiff sent a second written complaint, merely seeking the details concerning the purported investigation.

33. Plaintiff’s April 05, 2021 complaint is reproduced below:

I received your email and am confused that the matter is closed without any more information. Can you tell me who was contacted and what evidence was reviewed? I wasn’t asked one follow-up question or for any documents or information. I’m also concerned that you have closed the matter since I told you that I’m being retaliated against and nothing has changed. Was this part of the investigation too? I’m being inundated with work and still haven’t been told what is a priority and what can be set aside. This is clear in the emails. I’ve repeatedly asked for assistance and especially prioritization and that is ignored. [Defendant Trebino] is hostile and abusive towards me in his communications and to make matters worse, Tony has been belittling and demeaning me in front of our colleagues who have come to me with their concerns about my treatment. This stressful situation continues to get worse daily with no end in sight and is carrying over to my family and my health. My blood pressure has increased, I’m not sleeping and I’m full of anxiety. I’m worried each day that today will be the day I’m fired or that I’m being pushed to resign for no reason other than my age and because I’m doing my job as a “safety cop” and in retaliation for my reporting my concerns. All because of my age and loyalty to the company and because I’m doing the job I was hired to do. I’m sure the company does not accept bullying and abuse as part of its policies.

Since you have closed the matter, can you tell me the next steps? What should I expect? What are my options? What are you continuing to monitor?

I will keep you updated on any age related hostility and retaliation that occur.

Thanks for looking into my concerns. Let me know when I will receive a response to this email and how things move forward.

34. Corporate Defendants failed to provide Plaintiff any meaningful response, causing him to suffer considerable emotional distress. In fact, on April 29, 2021, as a result of the significant stress he was caused by the discrimination he faced at work, Plaintiff's doctor wrote him out of work until July 17, 2021, because of high blood pressure.

35. On or about July 19, 2021, Plaintiff returned to work.

36. Just one day after he returned from leave, Plaintiff met with Human Resources Representative, Defendant Skripko, and Defendant Stanton. During the meeting, Plaintiff was told that his PIP would continue without addressing the concerns Plaintiff had about the ageistic remarks permeating throughout his performance review and his complaints of same.

37. On July 21, 2021, Plaintiff sent Defendant Skripko a complaint email detailing the egregious age discrimination practices running rampant through EMD and the retaliatory PIP from the previous meeting, which read:

Dear [Defendant Skripko],

I am writing in response to our meeting yesterday. It's not fair that EMD is continuing to push this discriminatory PIP on me, even after I complained that [Defendant Trebino] and [Defendant Stanton] imposed it because of my age. Management and HR have done nothing to help me with this age discrimination I'm facing, even after I came to you for help. Instead, you've doubled down and are forcing me to complete this discriminatory PIP. This is clear retaliation because I complained. I am 61 years old, and I've worked for EMD for 40 years without an issue. Through all this time I've been dedicated to my job and an excellent employee of the company. I have done nothing to deserve this PIP, and my work

product has not changed in the 40 years I've worked for this company. EMD is just trying to find a reason to fire me now because of my age and because I complained about [Defendant Trebino] and [Defendant Stanton].

As you know, I have been out of work for 3 months due to health conditions brought on by your harassment and age discrimination of me for the last year. I worked for EMD for 40 years without issue until [Defendant Trebino] and [Defendant Stanton] started working for the company. For over a year now [Defendant Trebino] and [Defendant Stanton] have been continually adding to my work load and promising me help on the added projects. The workload was extremely burdensome and unrealistic. I was never given any help, but I was still able to complete all the tasks given to me. Instead of acknowledging that I got everything done, I got comments on not liking how I completed my work which were clearly subjective. These comments were constant, created a hostile work environment, and caused me a lot of stress and anxiety. But I pushed through and continued doing my job. Then, I received my review. None of my accomplishments were mentioned in the review, just your subjective negative opinions of me. Worse, the review had many thinly veiled references to my age being a bad thing.

I was truly shocked to receive a bad review and a PIP. I have never in 40 years ever received a bad review until I worked for [Defendant Trebino] and [Defendant Stanton]. Once again, all complaints were subjective, as all the work that I was assigned got done successfully. I also want to mention we have one of the safest sites in the company and other plants continually reach out to me as a resource. Never once have I heard a compliment on this, only subjective negative feedback. It has become apparent to me that [Defendant Trebino] and [Defendant Stanton], and EMD by extension, are trying to force me from my job with the company because of my age.

I have always taken great pride in my job. I moved my family at great sacrifice three times for the company. I have taken the safety of my co-workers very seriously. Yet, I'm constantly harassed and targeted with negative treatment, a hostile work environment, and subjective criticism for my work because of my age. By the end of April 2021, I found myself unable to work due to anxiety, depression, and high blood pressure. All of which I had never suffered from before this onslaught of harassment and hostility began. Tony was continually bullying me even in front of other employees and embarrassing me in public. I had no choice but to take time off due to the pressure you had me under because of my age.

It took time but I finally felt well enough to return this week and the first thing you bring up is the PIP. I would think my priorities would be all the work that was not done in my absence and to take care of all critical issues on the site and deal with timelines that were missed. Yet as soon as I walked through the door you called me into a meeting to continue [Defendant Trebino] and [Defendant Stanton's] discriminatory PIP. I have dedicated my life to this job and jeopardized my health because of my devotion to this job. Instead of belittling me for my age and years of service I should be given the opportunity to do my job without being asked to complete a PIP that is clearly subjective, unobtainable, and retaliatory.

38. Unsurprisingly, Plaintiff's complaint was entirely ignored.

39. On July 29, 2021, Plaintiff had a meeting with Defendant Skripko and Defendant Trebino.

40. In the meeting, Defendants Skripko and Trebino told Plaintiff that his PIP review period was not beginning until August 09, 2021, and run for thirty (30) days thereafter.

41. Plaintiff asked about this arbitrary start date and requested that his PIP review period begin as of the date of the meeting. However, Defendants Trebino and Skripko refused, for no possible reason other than to torment Plaintiff by providing him with less time to complete the retaliatory PIP, effectively setting Plaintiff up to fail in order to justify his termination.

42. On July 30, 2021, Plaintiff sent another follow-up email to Defendant Skripko detailing his grievances and making clear that he was being retaliated against for raising complaints of age discrimination.

43. Plaintiff's July 30, 2021 complaint reads:

I am writing in response to our meeting yesterday with you and Tony. This meeting, and your insistence that we move forward with the PIP even though I have complained that it is discriminatory, is just another way the company is retaliating against me because of my complaints of age discrimination. I have been an employee here for 40 years. I have never had issues with my performance until now. Then, all of a sudden, new management is brought in and I'm constantly berated for subjective issues, including how I speak, and

I'm placed on a PIP that's clearly intended to force me from my job. There's no reason for this constant criticism other than my age.

I thought the meeting yesterday was to review the changes to the PIP we spoke of last week. In the meeting last week, you and Kevin said that Tony would send the updated PIP and discuss the plan when he returned from vacation. I was never given a copy of the updated PIP till today. You did not state that the PIP timeline restarted on 7/19/21 during our meeting. I was therefore not prepared with a written PIP update. Then today, you suddenly informed me that my PIP was reinstated the day I got back from medical leave. By springing this on me yesterday, you've cheated me out of two whole weeks where I could have been working on the PIP. This is just another form of retaliation. You're setting me up to fail.

It is unfair and retaliatory that you will be evaluating my performance against the PIP (30-day review) on 8/8/21, even though you have effectively taken 2 weeks of progress from my by including 8 days before I left on 4/29/21 and 8 days since I returned on 7/19/21. As I've repeatedly told you, this PIP is age discrimination from Tony and Kevin. By enforcing the PIP even though I've made you aware of this, you're retaliating against me. You keep focusing on your perception of how my objectives are met and not that they are completed. You stated that I am unwilling to change with the times which insinuated that I am too old to change.

I asked that you restart the timeline starting 7/29/21 which you refused. You are not giving me the time to make acceptable progress at the 30 day review so you can have grounds to terminate me. This is not an acceptable way to treat an employee of 40 years who has dedicated all of his working life to the company. Please let me know what you're going to do to fix this.

44. Plaintiff's complaint was yet again ignored, and Defendants' concerted campaign of retaliation continued unabated.

45. On or about August 05, 2021, Plaintiff had a meeting to discuss the progress on his PIP with Defendant Trebino. Therein, Defendant Trebino refused to acknowledge Plaintiff's hard work and bombarded Plaintiff with demeaning, entirely subjective criticism.

46. Accordingly, on August 09, 2021, Plaintiff sent Defendant Skripko yet another complaint letter. Same stated:

I've come to you multiple times about the age discrimination and retaliation I'm facing at work, and you haven't done anything to help me. At this point, I'm getting very upset that the company I've dedicated myself to for 40 years is abandoning me and letting me be treated in such a demeaning and degrading way. I know that Tony and Kevin are setting me up to fail and trying to push me out the door. It's very disheartening to see my years of hard work rewarded in this way.

Last Thursday, 8/5, I had a PIP update meeting with Tony. Attached is the PIP update that I prepared for the meeting. The update was required to document progress since the previous meeting and propose next steps, and I sent this to Tony to make the meeting easier and more effective.

From the beginning of the meeting, Tony was very aggressive. He only focused on the progress of the PIP items and refused to acknowledge all other work that I was required to complete this week which took a significant portion of my time. He provided only negative feedback, no positive comments, even though I've worked tirelessly to make sure I'm completing the PIP and my job, even with the shortened timeline.

Tony even said my written updates on the work I've completed did not describe exact details of what was completed and the next steps didn't provide plans for the entire PIP period. For example, Tony did not accept that I stated that I was walking around and engaging with employees. I have been doing it daily. He drilled me on where I went, who I talked to and what we talked about. He said I needed to include all that details in the update so I could prove that I conducted the walk arounds and that they were effective. I stated to him that I have been working for 40 years and completed my assignments and have been trusted when I reported that I had done my work. I said that I deserved respect and that he was treating me like a child. He again stated this is based on how you complete your work, not that it was completed. All subjective. This went on with all 10 PIP items. That I needed to be working on all of them every week, not that I had the entire 90 day PIP period to complete based on balancing my workload.

He said he wanted all this in the next update before the 30 day meeting next week with you and him. He insinuated I was not making adequate progress, even though I've worked hard on making sure I meet my goals. As I previously complained about, you are counting all the days since I returned on 7/19 towards my time to complete the PIP, and setting me up to fail. I have had to spend the majority of time following up on work not completed or done wrong

while I was out and assisting requests from employees and other of site corporate personnel and regulatory agencies. All which are part big this year's objectives which I am expected to complete. If they are not done it will negatively reflected in my mid year performance review a which is under way. Then, you're expecting me to complete a 90-day PIP but are shorting me 14 days. It's unrealistic, retaliatory, and clearly an attempt to force me out of my job.

I'm completing this PIP, even though I know it's discriminatory and retaliatory, because I love my job and I'm hoping things can get better. However, after the meeting I had with Tony last Wednesday, I'm losing hope that I will make it through the end of the PIP process with my job. I can't believe after four decades of employment with the company I'm being forced out because of my age. Nobody should be treated the way I am.

I'm worried about the 39 day meeting is scheduled for next Thursday. The way Thursday's meeting went I expect it to be unbearable. Please, let me know how you're going to help me. I need you to step in and do something to stop Tony and Kevin's discrimination and retaliation. If you don't, they're going to push me out of my job.

47. Once again, Defendant Skripko ignored Plaintiff's complaint, failing to even discuss same with him.

48. Needless to say, the discrimination Plaintiff was subjected to was severe and pervasive enough to make Plaintiff believe that the terms of his employment had been irretrievably altered, and a reasonable employee would believe the work environment was hostile.

### **COUNT ONE**

#### **NJLAD – DISPARATE TREATMENT, HOSTILE WORK ENVIRONMENT, DISCRIMINATION & UNLAWFUL TERMINATION DUE TO AGE**

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

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

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

52. The above-described conduct would not have occurred but for Plaintiff's age.

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

54. The treatment received from Defendant Merck, Corporate EMD, Defendant Trebino, Defendant Stanton, Defendant Skripko, Defendants ABC Corporations 1-5, and Defendants John Does 1-5, jointly or severally, violates the NJLAD which prohibits unlawful employment discrimination against any person because of race, religion, age, gender, handicap, marital status, national origin, sexual orientation, etc.

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

56. Defendants did not maintain useful formal and information complaint structures for victims of discrimination, harassment, or retaliation.

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

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

59. Defendants did not have a commitment from the highest levels of management that discrimination and harassment will not be tolerated.

60. As a result of the above harassing and discriminatory conduct, Plaintiff experiences ongoing and debilitating emotional distress and experiences significant economic damages.

61. As the employer and/or supervisor of the Plaintiff, Corporate Defendants are vicariously, strictly and/or directly liable to the Plaintiff pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq., in that the affirmative acts of discrimination committed by the Individual Defendants occurred within the scope of their employment; allowing the Individual Defendants to control the day-to-day working environment; and/or Corporate Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved the hostile work environment; and/or Corporate Defendants failed to create and/or have in place well-publicized and enforced anti-discrimination policies, effective formal and informal complaint structures, training and/or monitoring mechanisms for same despite the foreseeability of discrimination in the workplace; and/or by having actual knowledge of the discrimination of Plaintiff and failing to promptly and effectively act to stop it.

62. Corporate Defendants aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce the Individual Defendants to commit acts and omissions that were in direct violation of the LAD by committing affirmatively discriminatory and retaliatory acts towards Plaintiff in clear violation of their supervisory duties to halt or prevent harassment, subjecting Corporate Defendants to liability to Plaintiff pursuant to N.J.S.A. 10:5-12(e).

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

Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

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

**COUNT TWO**

**NJLAD – RETALIATION/IMPROPER REPRISAL**

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

64. Defendants took retaliatory action against Plaintiff through the PIP as set forth above.

65. Defendants are vicariously, strictly and/or directly liable to Plaintiff for unlawful retaliation in violation of the LAD pursuant to N.J.S.A. 10:5-12(d).

66. As a proximate result of the aforementioned acts and omissions 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 the LAD, punitive damages, emotional distress damages, pre- and post-judgment interest, attorneys' fees and costs of suit, and for such other relief that the Court deems equitable and just. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

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

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

#### **DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

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

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Mitchel Alboum*

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

Dated: September 17, 2021

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, PETER D. VALENZANO, ESQUIRE, is hereby designated as trial counsel for Plaintiff.

**CERTIFICATION**

Pursuant to Rule 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings 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, Mitchel Alboum*

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

Dated: September 17, 2021

R. Armen McOmbler, Esq. - NJ ID # 018251998  
 ram@njlegal.com  
 Christian V. McOmbler, Esq. - NJ ID # 012292010  
 cvm@njlegal.com  
 Matthew A. Luber, Esq. - NJ ID # 017302010  
 mal@njlegal.com  
 Peter D. Valenzano, Esq. - NJ ID # 037892010  
 pdv@njlegal.com  
 Austin B. Tobin, Esq. – NJ ID # 002622010  
 abt@njlegal.com  
 Lauren M. Hill, Esq. – NJ ID # 304102019  
 lmh@njlegal.com  
 McOMBER McOMBER & LUBER, P.C.  
 54 Shrewsbury Avenue  
 Red Bank, NJ 07701  
 (732) 842-6500 Phone  
 (732) 530-8545 Fax  
*Attorneys for Plaintiff, Mitchel Alboum*

<p>MITCHEL ALBOUM,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>MERCK KGaA, DARMSTADT, GERMANY;        EMD PERFORMANCE MATERIALS CORP.;        ANTHONY TREBINO; KEVIN STANTON;        MARNA SKRIPKO; 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        MONMOUTH COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><b>PLAINTIFF’S FIRST SET OF        INTERROGATORIES, FIRST        DEPOSITION NOTICES, AND FIRST        NOTICE TO PRODUCE TO        DEFENDANTS</b></p>
---	--

**FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, PUNITIVE  
 DAMAGES REQUESTS, AND DEPOSITION NOTICES TO DEFENDANT(S)**

**PLEASE TAKE NOTICE** that, McOmbler, McOmbler & Luber, P.C., attorneys for Plaintiff Mitchel Alboum (“Plaintiff”), demand that Defendants Merck KGaA, Darmstadt Germany, EMD Performance Materials Corp. d/b/a EMD Electronics, Anthony Trebino,

Kevin Stanton, and Marna Skripko (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with Rule 4:17-4(c) and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to Rule 4:17-7. Both the Document Requests and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

### **DEFINITIONS**

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

2. “Defendant Merck” shall mean Merck KGaA, Darmstadt, Germany, 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 EMD” shall mean EMD Performance Materials Corp. d/b/a EMD Electronics 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 Trebino” shall mean Anthony Trebino, Defendant in the above-captioned action.

5. “Defendant Stanton” shall mean Kevin Stanton, Defendant in the above-captioned action.

6. “Defendant Skripko” shall mean Marna Skripko, Defendant in the above-captioned action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. The phrases "relating to" or "relate to" or "relates to" or "refer to" or "refers to" or "referred" or "relating to" and/or "regarding" shall be construed in the broadest possible sense to mean, inter alia, concerning, referring to, embodying, constituting, describing, connected with,

commenting on, responding to, evidencing, identifying, supporting, contradicting, rebutting, pertaining to, and/or relating in any way.

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

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

### **INSTRUCTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All documents relating to any insurance policy or reinsurance policy that may be used to pay all or part of any judgment entered against Defendant(s) in this Action.
2. All documents and electronic data that relate to, refer to, discuss, or memorialize the termination, demotion, suspension, separation, discipline and/or resignation of Plaintiff.
3. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.
4. All statements, documents, or communications concerning any complaints made by Plaintiff to Defendant(s).
5. All statements, documents, or communications concerning Defendant(s)' response to any complaints made by Plaintiff to Defendant(s).
6. All documents related to Defendant(s)' disciplinary policies, including but not limited to policies detailing any progressive disciplinary procedures, policies concerning monitoring and/or re-training of employees, and/or policies setting forth conduct warranting termination.

7. A complete copy of the personnel file Defendant(s) maintained pertaining to Plaintiff, including but not limited to copies of documents (written or electronic) relating to the following: (a) medical records and reports; (b) pay and benefits provided to Plaintiff; (c) attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Plaintiff; (e) job title or job status changes; (f) documents relating to any leave of absence; (g) documents relating to any disciplinary actions against Plaintiff; and (h) employer policy information provided to Plaintiff, if any.

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

9. A complete copy of the personnel file(s) Defendant(s) maintained pertaining to any person employed by Defendant(s) as an Environment Health and Safety Manager, including but not limited to copies of documents (written or electronic) relating to the following: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Environment Health and Safety Manager; (b) performance evaluations that were conducted for any Environment Health and Safety Manager; and (c) job title or job status changes for any Environment Health and Safety Manager.

10. A written job description for each position that Plaintiff held during Plaintiff's employment with Corporate Defendant(s).

11. A written job description for each position each Individual Defendant held during his/her tenure of employment with Corporate Defendant(s).

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

13. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for investigating and responding to reports of discrimination, harassment, disparate treatment and/or retaliation made by employees, customers, clients and/or any other Person at any time during Plaintiff's employment.

14. A copy of any and all documents (written or electronic) authored by any Defendant (or agent of employer Defendant) that pertain to the decision to place Plaintiff on a Performance Improvement Plan.

15. A copy of any and all policies used by Defendant(s) in the process of hiring new employees.

16. A copy of any and all communications between Plaintiff and Defendant(s)' Human Resources Department or any entity providing Human Resources services to Defendant(s).

17. A copy of any and all communications between Defendant(s) and Defendant(s)' Human Resources Department or any entity providing Human Resources services to Defendant(s) concerning Plaintiff.

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

19. A list of all Environment Health and Safety Managers hired and/or terminated by Defendant(s) during the period of Plaintiff's employment, along with each Environment Health and Safety Managers' age and the reason(s) for being hired and/or terminated.

20. All statements, documents, or communications concerning Plaintiff's age and/or experience.

21. All statements, documents, or communications concerning the age and/or experience of any other Environment Health and Safety Manager employed by Defendant(s).

22. All statements, documents, or communications concerning Plaintiff's work hours.

23. All statements, documents, or communications concerning Plaintiff's work assignments.

24. A copy of any document signed by Plaintiff during Plaintiff's employment with Defendant(s).

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

26. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in retaliation and/or improper reprisal in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the

allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed and/or ultimately disposed of each and every such matter.

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

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

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

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

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

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

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

34. 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.

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

36. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58. 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.

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

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

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

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

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

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

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

66. 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.

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

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

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

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

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

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

73. 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.

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

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

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

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

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

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

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

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

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

83. 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.

84. 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.

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

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

87. 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.

88. 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.

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

90. 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.

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

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

**INTERROGATORIES TO DEFENDANT(S)**

1. State the reasons why Plaintiff was placed on a Performance Improvement Plan by Defendant(s).

2. State whether any Individual Defendant or any employee of Defendant(s) has ever made comments expressing an intent to retaliate against Plaintiff or any other Person. For any such comments, please state the following:

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

3. State whether any Individual Defendant or employee of Defendant(s) has ever made comments expressing anger or dissatisfaction toward Plaintiff or about Plaintiff's work performance to Plaintiff or any other Person at any time during Plaintiff's employment. For any such comments, please state the following:

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

4. State whether any Individual Defendant or employee of Defendant(s) has ever made comments about Plaintiff's age, or any other employee's age, to Plaintiff or any other Person. For any such comments, please state the following:

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

5. State whether Plaintiff was ever disciplined during Plaintiff's employment with Defendant(s). For each such disciplinary action, please identify the following:

- a. date of the disciplinary action;
- b. full name, address, and title of the person administering the discipline; and

c. the material substance of the disciplinary action.

6. 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.

7. State whether Plaintiff has received any negative performance evaluations, whether verbal or in writing, and set forth the date(s) and substance of any such evaluations.

8. State whether Plaintiff was a good employee, and set forth the reasons why or why not.

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

10. State whether Defendant(s) knew Plaintiff's age, and if so, identify by full name, job title, last known address, and phone number each person who had knowledge of Plaintiff's age, and describe how each such person obtained that knowledge.

11. State the reasons why Defendant(s) hired Defendant Trebino.

12. State Defendant Trebino's age.

13. State the reasons why Defendant(s) hired Defendant Stanton.

14. State Defendant Stanton's age.

15. Provide the names of all Environment Health and Safety Managers hired and/or terminated by Defendant(s) during the period of Plaintiff's employment, along with each Environment Health and Safety Managers' age and the reason(s) for being hired and/or terminated.

16. State whether Defendant(s) preferred younger employees over older employees.

17. State the reasons why Defendant(s) issued Plaintiff a poor performance review.

18. State the reasons why Plaintiff was denied his annual bonus.
19. State the reasons why Plaintiff was denied his pay increase.
20. State whether Plaintiff's performance declined during his employment with Defendant(s).
21. State the reasons why Defendant Trebino refused to provide Plaintiff any feedback on how Plaintiff could improve Plaintiff's work.
22. State the reasons why Defendant(s) did not schedule Plaintiff's Performance Improvement Plan to begin until August 09, 2021.
23. Describe in detail all discussions or deliberations between any Individual Defendant and any Person in Defendant(s)' Human Resources Department or who provides Human Resources services to Defendant(s) concerning Plaintiff and/or Plaintiff's employment status.
24. 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;
  - g. whether you read and complied with the general instructions and definitions set forth in these Interrogatories (if not, explain in detail exactly how you failed to comply with these directions); and
  - h. any custodians of records with relevant knowledge of documents produced in this matter.
25. 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.

26. Identify each person not a party to the action who assisted or participated in preparing and/or supplying any of the information given in answer to or relied upon in answering these Interrogatories.

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

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

29. 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.

30. 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.

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

32. 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.

33. 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.

34. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46. 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.

47. 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.

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

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

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

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

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

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

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

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

54. 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.

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

56. Please describe in detail complaints or Grievances (formal or otherwise) made by the Plaintiff with regard to discrimination and/or retaliation regarding fellow employees and/or Defendant(s).

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

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

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

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

61. 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).

62. 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).

63. 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.

64. 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).

65. 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.

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

67. 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.

68. 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.

69. 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.

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

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

71. 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.

72. 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.

73. 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.

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

75. 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).

76. 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.

77. 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.

78. 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.

79. 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?

80. 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).

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

82. 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.

83. 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.

84. 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.

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

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

86. 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 that oversee, license, regulate, or discipline its operations and/or their employees.

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

88. 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.

89. 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.

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

91. 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.

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

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

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

95. 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.

96. 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 01, 2009, and the present;
- b. computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 01, 2009, and the present;
- c. all email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 01, 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 01, 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's First Request for Production in this matter;
- j. the method of search for the documents and electronic data requested in the Plaintiff's First Request for Production in this matter; and
- k. the date and time of destruction of any electronic data requested in the Plaintiff's First Request for Production in this matter.

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

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

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

100. Identify and describe in full detail all communications concerning or between any of the Defendant(s) relating to the subject matter of this litigation.

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

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

103. 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).

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

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

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

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

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

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

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

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

112. State whether any civil or criminal actions have ever been filed charging Defendant(s) with unlawful conduct 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.

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

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

114. 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.

115. 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.

116. 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.

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

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

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

120. 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)' answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)' claims/defenses/affirmative defenses, state:

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

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

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

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

- a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
- b. the date of each such conviction;

- c. the courts in which Individual Defendant(s) was convicted;
  - d. the facts surrounding and underlying each such conviction; and
  - e. the punishment or sentence received.
5. State whether Individual Defendant(s) were Plaintiff's supervisors.

**DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES**

1. All financial statements prepared for the years 2010 through 2020 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).
2. All tax returns filed by the Corporate Defendant(s) for the years 2010 through 2020, up to and including the present.
3. All documents evidencing assets of the Corporate Defendant(s)
4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.
5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.
6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2010 through 2020, up to and including the present.
7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.
8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2010 through 2020, up to and including the present.
9. All documents evidencing payments made by the Corporate Defendant(s) to creditors.
10. All corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s).

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

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

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

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

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

16. For each of the named Defendant(s) in this action, produce true and accurate copies of any and all other documents which demonstrate their financial condition.

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

1. If the Defendant(s) is a corporation, set forth as to each:
  - a. the full name of the corporation;
  - b. date of incorporation;
  - c. state of incorporation;
  - d. all States in which the Defendant(s) conducts its business;
  - e. all States in which the Defendants has registered to do business;

- f. the full and correct names and residential address of all stockholders for the last two (2) years;
- g. the number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
- h. number of shares issued to each of said stockholders;
- i. the full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
- j. all trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
- k. the complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location; and
- l. the name and address of the person who has custody of this corporation's books and records.

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

3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation, or holding company with a majority interest in the Defendant(s):

- a. name and address;
- b. state of incorporation;
- c. the state in which doing business;
- d. address of each business office;
- e. the name and address of each current officer or director; and
- f. the nature of the business in which engaged.

4. For each facility owned or maintained by the Defendant(s), please state:

- a. the business address;
- b. the names and addresses of all current officers of the facility;
- c. the nature of the business conducted at the facility;
- d. the dates during which the facility has been owned or maintained by the Defendant(s)' employer; and
- e. the number of individuals presently employed at the facility.

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

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

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

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

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

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

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

- a. name(s) in which property is owned;
- b. address of property;
- c. date property was purchased;
- d. purchase price;
- e. name and address of mortgage holder, if any;
- f. balance due on mortgage, if any; and
- g. the names and addresses of all tenants and monthly rentals paid by each tenant.

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

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

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

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

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

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

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

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Mitchel Alboum*

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

Dated: September 17, 2021

**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: \_\_\_\_\_, 2021

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: \_\_\_\_\_, 2021

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

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Mitchel Alboum, through his undersigned counsel, will take the deposition upon oral examination of Defendant Trebino **commencing on December 06, 2021, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

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

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Mitchel Alboum*

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

Dated: September 17, 2021

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Mitchel Alboum, through his undersigned counsel, will take the deposition upon oral examination of Defendant Stanton **commencing on December 13, 2021, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

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

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Mitchel Alboum*

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

Dated: September 17, 2021

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff Mitchel Alboum, through his undersigned counsel, will take the deposition upon oral examination of Defendant Skripko **commencing on December 20, 2021, at 10:00 AM**, at the law offices of McOmbler, McOmbler & Lubner, P.C.

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

McOMBER, McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Mitchel Alboum*

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

Dated: September 17, 2021

# Civil Case Information Statement

## Case Details: MONMOUTH | Civil Part Docket# L-003205-21

**Case Caption:** ALBOUM MITCHEL VS MERCK KGAA,  
DARMSTAD T, GERMAN

**Case Initiation Date:** 09/17/2021

**Attorney Name:** PETER DOUGLAS VALENZANO

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

**Address:** 54 SHREWSBURY AVE

RED BANK NJ 07701

**Phone:** 7328426500

**Name of Party:** PLAINTIFF : ALBOUM, MITCHEL

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

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

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

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

**Related cases pending:** NO

**If yes, list docket numbers:**

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

**Are sexual abuse claims alleged by:** MITCHEL ALBOUM? 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)*

09/17/2021

Dated

/s/ PETER DOUGLAS VALENZANO

Signed