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<p>PATRICIA R. MORAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RWJ BARNABAS HEALTH, INC. d/b/a MONMOUTH MEDICAL CENTER, CLARE CINELLI, JULIET GOSSETT, 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;">COMPLAINT & DEMAND FOR TRIAL BY JURY</p>
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Plaintiff Patricia R. Moran (“Plaintiff”), by way of Complaint against Defendant RWJ Barnabas Health, Inc. d/b/a Monmouth Medical Center (“Defendant RWJ” or “Corporate Defendant”), Clare Cinelli (“Defendant Cinelli”) and Juliet Gossett (“Defendant Gossett”) (collectively, “Defendants”), alleges as follows:

INTRODUCTION

1. This is an action brought under the New Jersey Conscientious Employee Protection Act (“CEPA”) that arises out of the unlawful retaliation of a dedicated nurse who has cared for RWJ patients for more than three decades. Plaintiff was subjected to immediate retaliation after she reported employees who intentionally disregarded patient safety standards and falsified patient medical records. More specifically, Plaintiff reported that several nurses on her floor (i) knowingly

misused and administered “Benadryl,” (ii) intentionally administered the medication, not for its intended uses, but instead to make a patient drowsy or fall asleep, and (iii) deceptively failed to chart or note a patient received Benadryl for such a purpose, which is dangerous (for a variety of reasons) and undoubtedly against hospital policy. Rather than laud Plaintiff for reporting the misconduct (which was substantiated by the hospital), Defendant Cinelli (Plaintiff’s direct manager and the individual responsible for managing the nurses who engaged in the conduct) commenced an immediate retaliatory campaign to justify Plaintiff’s termination or compel her resignation. Plaintiff was denied time on the schedule, she was provided a bogus evaluation, she was subjected to increased scrutiny, and she was otherwise ostracized from her co-workers.

2. Even worse, soon after Plaintiff reported the unlawful conduct and retaliation, Plaintiff was deliberately “floated” to the pediatric psychiatric unit where she was asked to complete a pediatric admission. Because Plaintiff had neither observed nor completed such an assignment during her entire career, Plaintiff appropriately indicated to the charge nurse that she lacked training or experience in handling a “pediatric admission.” When Defendant Cinelli learned of this incident, she falsely accused Plaintiff of “refusing” an assignment and committing a “terminable offense.” That is, even though Plaintiff had not received any discipline whatsoever in more than 31 years with the hospital, Plaintiff suddenly found herself under investigation and slated for potential termination. And, with full knowledge of Defendant Cinelli’s retaliatory motive, Defendants suspended *Plaintiff without pay for 14 weeks and placed her a on a final warning (skipping the progressive discipline policy altogether)*. The retaliation is obvious, it is shameful, and it has no place in any workplace let alone a hospital like Defendant RWJ. New Jersey law provides redress for employees subjected to such conduct. Plaintiff accordingly brings this lawsuit.

PARTIES

3. Plaintiff is an individual residing in Wall, New Jersey. At all relevant times hereto, Plaintiff was employed by Defendant RWJ as a Registered Nurse.

4. Defendant RWJ is a New Jersey non-profit corporation with a principal place of business located at 95 Old Short Hills Road, West Orange, New Jersey, 07052 and at all relevant times was an employer of Plaintiff herein. At all times relevant hereto, Defendant RWJ is an “employer” as defined under CEPA.

5. Defendant Cinelli is an individual residing in the State of New Jersey and is employed by Defendant RWJ as a nursing manager. Defendant Cinelli is Plaintiff’s direct supervisor and, at all times relevant hereto, is an “employer” as defined under CEPA.

6. Defendant Gossett is an individual residing in the State of New Jersey and is employed by Defendant RWJ as the Human Resources Director. Defendant Gossett, at all times relevant hereto, is an “employer” as defined under CEPA.

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

8. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of harassment or anti-discrimination policies of Corporate Defendant 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, Defendants have been single and joint employers of Plaintiff. Defendants' operations are interrelated and unified, and they share common management, centralized control of labor relations, common ownership, common control, common website, 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. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

11. Plaintiff has been a registered nurse at Defendant RWJ for more than 30 years. Plaintiff was hired by Defendant RWJ in 1988 and worked on the adult involuntary psychiatric unit. Plaintiff has held ANCC certification as a Psychiatric and Mental Health nurse for over 20 years.

12. Plaintiff has been – and continues to be – nothing short of an excellent employee was dedicated to caring for and treating patients. Throughout the course of her career, Plaintiff has provided nothing less than exceptional care and treatment for patients. Plaintiff is the consummate professional.

13. In her continuing quest for increased safety on the inpatient units, in 2017, Plaintiff successfully advocated for removal of last names on staff ID badges. In early 2019, Plaintiff submitted constructive suggestions to management to rectify and improve the wandling process for safety of patients and staff. Plaintiff is often praised for her hard work and dedication, and by all measures, was a model employee.

14. That all changed, however, when Plaintiff reported illicit, unsafe, illegal, and

fraudulent medical practices.

15. The New Jersey Legislature enacted CEPA to shield those individuals from retaliation by their employers who report, oppose, and object to illegal, fraudulent, and deceptive conduct in the workplace.

16. CEPA provides that an employer shall not take any retaliatory action against employee because the employee discloses, objects to, or refuses to participate in any conduct that he or she reasonable believes is either unlawful, including that which involves “deception of, or misrepresentation to, any shareholder . . . or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;” or is “fraudulent . . . including any activity, policy or practice of deception or misrepresentation [which] may defraud any shareholder;” or “is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare[.]” See N.J.S.A. 34:19-3(a, c).

17. The Board of Nursing also encourages nurses, physicians, and employers to be aware of the laws and regulations governing the practice of nursing, including the grounds for discipline, and to report perceived violations of these laws and regulations to the Board.

18. Both nurse managers/supervisors and nurses in direct patient care positions are accountable for providing safe nursing care to their patients.

19. In this case, Defendants’ unlawful conduct includes, but is not limited, disregarding safety standards, falsifying patient medical records, and retaliating against those who report such illicit conduct, in violation of New Jersey law.

20. Benadryl is a brand name for diphenhydramine, an antihistamine medication used chiefly to stop allergy or cold symptoms, and address side effects from other medications.

21. Benadryl is also used topically for the treatment of itching, minor cuts, burns, etc.,

and taken orally for managing any of the above-mentioned conditions.

22. Diphenhydramine can cause powerful side effects even when taken as directed. The drug works by blocking the effect of histamine in the body. The chemical reactions that diphenhydramine trigger in the body can cause other potentially significant sedative side effects on the central nervous system. Patients with underlying medical conditions such as schizophrenia are also at higher risk of abusing the drug.¹

23. Diphenhydramine effects are dose-dependent, and the peak effects will be achieved within one hour after the drug is consumed. The effects, on average, last anywhere from four to six hours. Common diphenhydramine central nervous system effects can include:

- Confusion
- Blurred vision
- Convulsions
- Pins and needles sensation
- Impaired coordination
- Dizziness
- Feelings of euphoria
- Increased feelings of fatigue
- Inflammation of peripheral nerves
- Feelings of excitement
- Sedation
- Sleepiness
- Tremors
- Vertigo

24. Diphenhydramine can also cause sleepiness. When combined with other prescription drugs, the sedating effects of Benadryl can be increased.

25. As an experienced nurse, Plaintiff has significant knowledge and experience with medications such as Benadryl. In March 2019, Plaintiff became aware of clear misuse of Benadryl,

¹ Antihistamine abuse is a common trend increasing among adolescents and teenagers, as these substances are products that are found in the typical household medicine cabinet, reasonably cheap to buy and relatively easy to purchase. Benadryl is not recommended for use in children under the age of six where it has caused fatalities. In 2014, the FDA posted a warning about swallowing Benadryl gel products that were meant to be used topically. The warning stated that the relatively high levels of diphenhydramine in the gel could cause confusion and loss of consciousness

a medication typically ordered to address side effects of psychotropic medicine.

26. On hospital adult units, Benadryl is almost exclusively prescribed to address side effects from psychotropic medication, i.e. extrapyramidal symptoms, such as restlessness, muscle cramping and involuntary muscle contractions. When Benadryl is removed from the Pyxis machine, the machine prompts the nurse/user to note if the Benadryl is being used to address adverse side effects. If the user indicates “yes,” the machine generates a report. This is to track the effects of medication and the patient’s tolerance to the medication. Frequent use of Benadryl suggests the patient is not tolerating the medication. If the Pyxis machine does not generate a report it is because the nurse has denied the medication is being used for side effects, when in fact, that is generally the only reason it is prescribed.

27. Rather than use the medication to address such side effects, Plaintiff suspected that several overnight nurses were using Benadryl simply to put patients to sleep or make them drowsy, rather than for its legitimate indication. Upon information and belief, the medication was administered by staff to lighten the workload for the night shift nurses.

28. Plaintiff became aware of the misuse because the Pyxis machine, which dispenses and tracks hospital medications, automatically generates a report whenever Benadryl is used to treat side effects. Plaintiff checked with Erin Langford, Director for Behavioral Health Services, who indicated she had received no such reports. This confirmed that nurses were not providing accurate information regarding the use of Benadryl.

29. Believing this was a violation of law, policy, and serious patient safety issue, Plaintiff reported the matter to the Hospital’s Administrative Director of Psychiatry, Erin Langford.

30. As a result of Plaintiff’s complaint, Ms. Langford, indeed, confirmed that she had

received *no reports of Benadryl use as prescribed*. Ms. Langford then apparently addressed the matter with Plaintiff's direct manager, Defendant Cinelli, who was responsible for managing the nurses that improperly administered the medication.

31. Rather than express gratitude to Plaintiff for reporting the matter, Defendant Cinelli did just the opposite. Immediately following her complaint to Ms. Langford, Defendant Cinelli retaliated.

32. To begin, Defendant Cinelli failed to give Plaintiff any time on the subsequent schedule, nor did she request Plaintiff give her a list of available time for that schedule. Plaintiff was removed from the hospital schedule altogether.

33. Plaintiff complained directly Defendant Cinelli and then followed-up in writing on March 25, 2019: "I find it surprising that I have not been asked about availability, and have no time at all scheduled, although I see other per diems do have time scheduled. I am available any evening 7-11 shift. Pat."

34. Hearing no response or justification from Defendant Cinelli, in a meeting in early April 2019, Plaintiff reported to Ms. Langford that she had been subjected to retaliation as a result of reporting the misuse of medication. Plaintiff specifically complained that her manager, Defendant Cinelli, was deliberately and maliciously creating a hostile work environment with the intended goal of forcing her resignation or setting up her termination.

35. Plaintiff explained that, on the very next schedule following her complaint about the medication misuse within her department, Plaintiff curiously was not scheduled to work.

36. In fact, Defendant Cinelli did not ask Plaintiff to submit her availability, although the other per diem nurse apparently had been contacted for available time, she was requested to do so, and she had time scheduled in the system.

37. Plaintiff explained to Ms. Langford this was retaliatory and she would be contacting HR to file a formal complaint.

38. Shortly thereafter, Plaintiff met with Defendant Gossett to discuss Defendant Cinelli's retaliatory behavior stemming from the reports of Benadryl misuse, namely being left off the schedule, lack of transparency with the schedule, hostility, and her annual evaluation being signed off by Defendant Cinelli (although she had never met with Plaintiff as per hospital policy to discuss the evaluation).

39. Plaintiff also complained that Defendant Cinelli had, for approximately two years, deliberately cancelled Plaintiff's shifts under the guise that per diem staff were to be cancelled *prior* to overtime staff – which is a lie and the exactly opposite of hospital policy.

40. One week later, or on April 11, 2019, Plaintiff complained again of the ongoing retaliation:

From: Patricia Moran <patycake1445@hotmail.com>
Sent: Thursday, April 11, 2019 11:52 PM
To: Langford, Erin <Erin.Langford@rwjbh.org>
Subject: Fw: Schedule

Hi Erin,
Please see the attached e-mails.

Clare's continued lack of basic courtesy and professionalism (it took her 4 days to reply to my e-mail and she failed to acknowledge my question) is one of the behaviors contributing to what I consider an increasingly hostile work environment. In addition, as I advised you, I find it disconcerting that my evaluation, for the second year in a row, was never discussed with me but was signed off by Clare as though it had been. That has not occurred in my thirty years at the hospital and it is deceptive at best and perhaps reflective of some level of animosity.

I feel my request for additional dates when only three nurses were scheduled was not inappropriate, particularly given the limited number of shifts I had been assigned. However, it appears that on April 10th there were actually four nurses working at 7 PM, which only reinforces my perception of a lack of transparency with

scheduling. I understand flexibility due to census or call-outs but presumably the schedule should accurately reflect who is working. And there is no reason to completely ignore my question but rather provide a condescending repetition of my scheduled days.

I appreciate your recent validation of my concerns and I know you have more pressing issues with your retirement on the horizon. However, I wanted to extend the courtesy of letting you know I will be meeting with Julie Gosset next week to discuss some of these issues.

Pat

41. Defendant Cinelli's retaliation resulted in Plaintiff being cancelled on many occasions (causing her considerable financial loss) while some staff worked 60 hours weekly.

42. Although Defendant Gossett admitted that Defendant Cinelli violated hospital policy regarding scheduling and evaluations, she otherwise gave no indication of what corrective or disciplinary action would be taken to the address the matter. Upon information and belief, no action was taken and, thus, it is no surprise that the retaliation continued.

43. Further, although Plaintiff worked with adults for more than 30 years, Plaintiff was abruptly transferred/floated to work on a pediatric floor. Plaintiff was given an assignment that she had never completed (nor received training) during her entire tenure at the hospital – a pediatric admission.

44. Plaintiff understood the pediatric admission process to be considerably different from an adult admission. Plaintiff thus indicated to the charge nurse that she was uncomfortable with the assignment, as she had never observed nor completed a child's admission.

45. In other words, pursuant to hospital policy and training, Plaintiff advised that she was not comfortable completing the pediatric admission alone and simply requested to observe a nurse completing such an intake prior to doing so on her own. Plaintiff was subsequently given a different assignment on the pediatric unit, and only made this request out of abundance of caution

to the patient.

46. Under no circumstances did Plaintiff refuse the assignment. When Plaintiff expressed her concerns, the charge nurse on the pediatric floor agreed to give Plaintiff a different assignment for that day.

47. Despite Plaintiff clearly following hospital policy and acting in the best interests of the patient, inexplicably, Plaintiff was reported to HR for “refusing” an assignment.

48. Plaintiff was further advised that her conduct was a “terminable offense” and that she was not allowed to work until the matter was investigated by with HR. Plaintiff was placed on *unpaid* leave and remains on unpaid leave as of the filing of the complaint (i.e., from July 2019 through October 2019).

49. In addition, Defendant Cinelli clearly used the circumstance as a means to have Plaintiff fired under the pretext that Plaintiff refused an assignment.

50. On August 2, 2019 Plaintiff met with Defendant Gossett to discuss the charge that she refused an assignment. Plaintiff objected to the false characterization and explained that she had not done anything of the sort. After Plaintiff explained what actually occurred and that the allegation was nothing more than retaliation, HR advised Plaintiff that the hospital would investigate the matter.

51. Despite more than 30 years of excellent performance with no prior history of written warnings or reprimands, Plaintiff was suddenly on the chopping block for doing precisely what she was instructed to do by the hospital.

52. Plaintiff thus again complained to HR:

From: Patricia Moran

Sent: Wednesday, August 7, 2019 2:34 AM

To: Gossett, Juliet <JGossett@barnabashealth.org>

Subject: August 2nd Meeting

As a followup to our meeting on August 2nd, I would like to clarify my position. I have been employed at MMC for 31 years during which time I have never received an unsatisfactory annual evaluation (most recently March 2019) nor have I ever received either a verbal or written warning regarding my job performance. I think it's unfortunate that the recent incident on AP-2 was not able to be resolved by verbal counseling or a discussion of expectations. As I stated, I was uncomfortable with the assignment as I had never received training and never observed nor participated in a CCIS admission. As I advised you and Clare, I would certainly be willing to complete CCIS admissions with proper orientation.

As you are aware, I had recently spoken to Erin of my concerns regarding several clinical issues on AP-1, all of which were validated by Erin. And I recently spoke to you regarding Clare's interpretation of staff cancellation policy which affected me financially for the past several years, as well as transparency/scheduling of per diem time.

As a long time employee, I am certainly hopeful to avoid termination. If there is a per diem position available on AP-3, I would be happy to transfer to that cost center, if Nahomie would be agreeable.

I don't know who is being included in the discussion regarding my status but I would hope that we can reach a mutually agreeable solution.

Thanks, Pat

53. Hearing no response or update on the so-called investigation, Plaintiff followed-up in writing the following week:

From: Patricia Moran
Sent: Thursday, August 15, 2019 8:29 PM
To: Gossett, Juliet <JGossett@barnabashealth.org>
Subject: August 2nd Meeting

As another follow-up to our August 2nd meeting, I would like to reiterate what I stated in that meeting, namely that I feel current actions taken against me are retaliatory in nature. I have heard nothing from HR in the last two weeks and am concerned I may be terminated.

As you are aware, I had gone to Erin Langford in March to discuss concerns regarding overnight nurses' frequent, and illegal, use of Benadryl for patients. I did not go to Clare to discuss these concerns as she has been unreceptive to my observations regarding clinical issues in the past. My concerns were validated by Erin and apparently addressed with Clare, as the mis-use of Benadryl appeared to stop. However, on the schedule following my discussion with Erin, I had no time scheduled nor had I been asked to submit my availability, although the other per diem R.N. did have time scheduled. I alerted Erin to my concerns regarding the schedule and advised I was going to HR to discuss this and other issues. When I met with you at that time, we discussed 1) the fact that Clare had interpreted the hospital cancellation policy to cancel per diems rather than overtime so that I had been cancelled multiple times even when some staff were working 50 or more hours, resulting in financial loss for me. 2) The lack of transparency with the schedule where the other per diem was scheduled but I was not. You validated my concerns, confirming that the hospital policy is, in fact, to cancel overtime before per diems. 3) That Clare had signed off my annual evaluation indicating she had discussed it with me when, in fact, she never met with me. In a subsequent phone call to me you stated that Clare admitted not having met with me to discuss my evaluation. I believe the scheduling issues were done by Clare to retaliate against me for complaining about the misuse of medication by nurses and going to HR. You must be aware that this has hurt me financially.

In July I was floated to the children's unit where the team leader assigned me to an admission which had arrived earlier that day. I advised him I was uncomfortable with that as I had never observed or completed a children's admission. He wrote that up as a refusal of assignment. Clare, rather than counselling me and/or giving me a warning, immediately bumped it up to HR where you advised me it was a "terminable" offense. You said you needed to discuss it further and when I asked how long that would take you stated "I don't know". That was two weeks ago. It seems clear to me that these actions have been taken because I raised my concerns about mis-use of medication and retaliatory scheduling by Clare. I have heard nothing these past two weeks and I am concerned regarding possible termination, especially disconcerting because I merely did what I am supposed to do, namely report actions I believe are wrong.

I have been employed at MC for 31 years, during which time I have never received an unsatisfactory evaluation, nor have I ever received a verbal or written warning, and certainly never had an issue

escalated to HR. In fact, I have contributed greatly to the safety of the inpatient psych units by successfully advocating for the removal of last names from staff ID badges. The threat of termination due to a "mistake" on my part for indicating discomfort with a procedure I had neither observed nor completed previously seems to be excessive and punitive in nature. This reinforces my belief that these actions are retaliatory. In fact, two weeks after meeting with you, I have received no further information of my job status. I have not been told that I am suspended, although in fact, I have not been allowed to work any of my scheduled shifts in the current schedule, thereby sustaining considerable financial loss. I find it incredible that any reasonable employer would leave an employee in limbo, with no idea of what to expect or when to expect it.

I would appreciate an update on the status of this issue as soon as possible.

Pat

54. Plaintiff did not receive any response or update for *almost eight weeks*, during which time she was not provided any information about the so-called investigation or her employment status.

55. It was not until September 24, 2019 that Plaintiff met with HR regarding the matter. Plaintiff was issued a disciplinary notice of "Final Warning" regarding the alleged refusal of assignment. This is despite the fact that Defendant RWJ's disciplinary process is "progressive," for which Plaintiff was supposed to a verbal warning and then a written warning prior to a "final warning." That is, Plaintiff's "final warning" was given with no prior verbal or written warning and was, in fact, the *only* warning.

56. Plaintiff immediately questioned her "final warning" status but was told by HR that the matter had already been discussed and decided by a newly developed hospital "committee." Plaintiff was advised she would be permitted to return to work in late October 2019, rendering her out of work a total of 14 weeks.

57. Plaintiff followed-up via email complaining that the discipline was not warranted

and clear retaliation:

From: Patricia Moran
Sent: Thursday, September 26, 2019 9:07 PM
To: Gossett, Juliet <JGossett@barnabashealth.org>
Subject: Disciplinary notice

Following our meeting Tuesday, I would like to reiterate that I am perplexed as to why this is a "final warning". Although I have never been involved in any disciplinary process, I did believe that it was a sequential process, with both a verbal and written warning preceding a "final warning". As you know, I had received neither of those disciplinary interventions. I would appreciate the name of the committee this was submitted to for decision making. As discussed, I am agreeable to orientation to the process of admissions with the children, as I had mentioned during our initial meeting on August 2nd and again in an e-mail dated Aug. 7th. I don't agree with Clare's explanation that the completion of my competencies prepares me for admissions on the children's unit. Competencies are general knowledge, not the specifics of a particular unit. I presume Clare will arrange for my orientation with CCIS staff.

I appreciated your clarification of how I should submit my availability to Clare for the schedule, since I had advised you that I was not being notified of the schedule preparation, nor was I being asked for my availability, thus I was not scheduled for any time on the schedule. In addition, I wanted to discuss today the fact that you had recently confirmed that hospital policy does, in fact, state that overtime is to be cancelled before per diems, however I was being cancelled on multiple occasions, while some nurses were working 50 or 60 hours. Last time I was on the unit, the cancellation book had not been amended to indicate that overtime is cancelled prior to per diems. I would appreciate it if you could advise Clare of the correct policy.

Finally, I would like to clarify per diem scheduling. It has been my understanding that per diems are not allowed to work over 30 hrs per week, but scheduling of the other per diem R.N. has sometimes exceeded 30 hrs/week. Thank you for your attention to these matters.

Pat Moran

58. Finally, despite the fact that Plaintiff was cleared to return to work upon conclusion

of the investigation, on October 7, 2019, Defendant Cinelli *still refused to schedule Plaintiff for any shifts. Although Plaintiff has been “needed” and scheduled for all 31 years of her employment, Defendant Cinelli now claims there was “not a need” for her services:*

From: Cinelli, Clare <Clare.Cinelli@rwjbh.org>
Sent: Monday, October 7, 2019 3:27 PM
To: Patricia Moran <patycake1445@hotmail.com>
Subject: RE: Schedule

Thank you but there is not a need for 4 hours of RN coverage on the dates submitted.



NOTICE: This e-mail and its attachments, if any, may contain legally privileged and/or confidential information protected by law. It is intended only for use by the named addressee(s). If you are not the intended recipient of this e-mail, any dissemination, distribution or copying of this e-mail and its attachments, if any, is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by telephone or by reply e-mail, and permanently delete this e-mail and the attachments, if any, and destroy any printouts.

From: Patricia Moran [<mailto:patycake1445@hotmail.com>] \
Sent: Friday, September 27, 2019 11:19 AM
To: Cinelli, Clare
Subject: Schedule

***** This is an External Email *****

As per HR determination, I am providing my availability for the upcoming schedule 7 to 11 PM

Monday Oct. 21
Thurs. Oct. 24 **OR** Friday Oct. 25
Monday Oct. 28
Friday Nov. 1
Monday Nov. 4
Thurs. Nov. 7 **OR** Friday Nov. 8

Saturday Nov. 9
Sunday Nov. 10
Monday Nov. 11
Thurs. Nov. 14 **OR** Friday Nov.15

Pat

59. In sum, Plaintiff's career has been destroyed and her reputation has been tarnished, all because she reported clear violations of hospital policy and patient safety issues.

60. Defendants fabricated facts and drummed up charges against Plaintiff as a means to retaliate.

61. Defendant Cinelli looked for any excuse she could find to justify Plaintiff's punishment and to conceal the fact Plaintiff was disciplined for blowing the whistle.

62. Indeed, despite Plaintiff's repeated complaints, to date no one from the hospital has even attempted to address or remediate Plaintiff's valid concerns of retaliation.

63. In short, Defendants openly engage in unsafe and unlawful business practices, and when Plaintiff became aware of and complained about this unlawful conduct, she immediately suffered retaliation. The timing of the retaliation alone speaks volumes of Defendants' motives.

COUNT ONE

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

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

65. CEPA's purpose, as pronounced by the New Jersey Supreme Court, "is to protect and encourage employees to report illegal or unethical workplace activities and to discourage ... employers from engaging in such conduct."

66. CEPA specifically provides that:

An employer shall not take any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or another employer, with whom there is a business relationship, that the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
 - (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or
- c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;

- (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
- (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

N.J.S.A. 34:19-3.

67. Throughout the course of her employment, Plaintiff reported and complained of Defendants' unlawful behavior.

68. Defendants had knowledge of Plaintiff's complaints and/or protests.

69. As a direct result of Plaintiff raising complaints and/or threatening to disclose raising complaints, Defendants took retaliatory action against Plaintiff by subjecting her to a hostile work environment, altering her duties and responsibilities, and/or by taking adverse employment action.

70. Defendants are vicariously, strictly, and/or directly liable to Plaintiff for an unlawful retaliatory discharge in violation of CEPA, pursuant to N.J.S.A. 34:19-1, et seq.

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

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

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER & McOMBER, P.C.
Attorneys for Plaintiff

By: /s/ Matthew A. Luber
Matthew A. Luber, Esq.

Dated: October 9, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to *Rule* 4:25-4, MATTHEW A. LUBER, ESQUIRE is hereby designated as trial counsel for Plaintiff.

CERTIFICATION

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER & McOMBER, P.C.
Attorneys for Plaintiff

By: /s/ Matthew A. Luber
Matthew A. Luber, Esq.

Dated: October 9, 2019

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<p>PATRICIA R. MORAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RWJ BARNABAS HEALTH, INC. d/b/a MONMOUTH MEDICAL CENTER, CLARE CINELLI, JULIET GOSSETT, 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;">FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, PUNITIVE DAMAGES, AND DEPOSITION NOTICES TO DEFENDANT(S)</p>
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PLEASE TAKE NOTICE that, McOmber & McOmber, P.C., attorneys for Plaintiff Patricia R. Moran (“Plaintiff”) demand that Defendants RWJ Barnabas Health, Inc. d/b/a Monmouth Medical Center (“Defendant RWJ” or “Corporate Defendant”), Clare Cinelli (“Defendant Cinelli”) and Juliet Gossett (“Defendant Gossett”) (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with *Rule 4:17-4(c)* and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to *Rule 4:17-7*. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or

answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

DEFINITIONS

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

2. “Defendant RWJ” shall mean RWJ Barnabas Health, Inc. d/b/a Monmouth Medical Center and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Cinelli” shall mean Clare Cinelli, Defendant in the above captioned action.

4. “Defendant Gossett” shall mean Juliet Gossett, Defendant in the above captioned action.

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

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

7. 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.

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

9. “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.

10. “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.

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

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

13. 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.

14. 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.

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

16. “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.

17. 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.

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

19. 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.

20. 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.

21. 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.

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

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

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

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

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

13. In the event that any document or portion thereof is withheld on the basis of any privilege or otherwise claimed to be protected against production, such document shall be identified by stating: (a) the nature of the privilege or reason for withholding which Defendant(s) contend applied; (b) the factual basis for Defendant(s)' assertion of privilege or the reason for withholding; (c) the type of document (e.g., letter, memorandum, etc.); (d) all authors and addressees; (e) all indicated and blind copies; (f) all persons to whom the document was distributed, shown, or explained; (g) the document's date; (h) a summary description of the document's subject matter; (i) the number of pages and attachments or appendices comprising the document; and (j) its present custodian.

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

15. If any document was, but is no longer, in Defendant(s)' possession, or subject to Defendant(s)' control, or in existence, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding any such disposition,

including the authorization of the disposition, the date of destruction or discard, the manner of destruction or discard and reason for destruction or discard, the persons who authored and carried out such destruction or discard, whether any copies of the document presently exist, and, if so, the name of the custodian of each copy.

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

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

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

DOCUMENT REQUESTS TO DEFENDANT(S)

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

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

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

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

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

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

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

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

9. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2014 in which an allegation was made and/or a lawsuit filed alleging that Defendants engaged in whistleblower retaliation in violation of New Jersey's Conscientious Employee Protection Act. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. All statements, documents, or communications concerning any agreement or

contract between the Plaintiff and Defendant(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

relates to Plaintiff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74. All documents relating to any employee benefits or benefit plan in which the Plaintiff was/were eligible to participate during his/her employment with Defendant(s).

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

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

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

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

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

80. All documents or electronic data relating, reflecting or referring to the management, preservation and/or deletion of electronic media that may contain information or data relevant to

issues in this litigation, including but not limited to the “routine” destruction of replaced computer memories, hard drives, computers, computer systems, laptops, etc.

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

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

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

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

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

INTERROGATORIES TO DEFENDANT(S)

1. Identify by full name, job title, last known address, phone number and tenure of employment, all Persons Defendant(s) contends comprises its Litigation Control Group in this action and for each such identified person, the reasons for their inclusion in this group.

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

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

4. Identify by full name, job title, last known address and phone number each person

who provided information to Defendant(s) that was relied upon on deciding to terminate Plaintiff's employment. For each such person, identify in detail the information provided, to whom it was provided and when it was provided.

5. What facts are information did Defendants provide that was relied upon in deciding to terminate Plaintiff's employment otherwise subjected to adverse employment action.

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

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

8. Identify each Person answering these Interrogatories by stating his or her:
- a. full name;
 - b. address,
 - c. title and relationship to the party upon whom these Interrogatories were served;
 - d. his/her duties and responsibilities with the party upon whom these Interrogatories were served;
 - e. the date when the employment of the person answering these Interrogatories commenced;
 - f. the date upon which these Interrogatories were answered; and
 - g. whether you read and complied with the general instructions and definitions set forth in these Interrogatories (If not, explain in detail exactly how you failed to comply with these directions.);
 - h. any custodians of records with relevant knowledge of documents produced in this matter.

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

10. Identify each person, not a party to the action, who assisted or participated in

preparing and/or supplying any of the information given in answer to or relied in answering these Interrogatories.

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

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

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

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

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

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

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

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

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

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

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

19. List chronologically each job title held by the Plaintiff while employed by any

Defendant(s) indicating the time period during which each position was held.

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

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

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

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

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

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

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

25. For any position held by Defendant(s) while employed by any Defendant(s) which

there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

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

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

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

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

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

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

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

31. Identify and provide full details concerning any Investigation relating to the

allegations and claims in the Complaint, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken. Identify those who Defendant(s) contacted or assigned to conduct each specific investigation or inquiry, who was questioned, what was discovered, and what corrective action was taken to the best of Defendant(s)' knowledge. Provide copies of any examinations, audits, findings, reports, or notices in Individual Defendant(s)' possession.

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

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

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

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

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

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

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

38. State whether Defendant(s) maintain a system or procedure for recording,

investigating, and/or resolving employee complaints or grievances of retaliation. If so:

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

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

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

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

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

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

unfair favoritism regarding fellow employees and/or Defendant(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56. Identify each and every document, which supports, tends to support or is claimed

by Defendant(s) to support any of Defendant(s)' answers to these Interrogatories. As to each such document, identify those facts to which each document refers or relates. Annex hereto a copy of each said document.

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

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

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

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

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

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

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

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

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

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

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

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

66. Will the proofs to be presented by Defendant(s) contain allegations that an adverse

party, including the party or parties propounding these Interrogatories, violated or failed to comply with any law, statute, ordinance, resolution, regulation or written standard of conduct in connection with the subject matter of this litigation?

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

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

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

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

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

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

72. State whether at any time, Defendant(s) ever taped and/or digitally recorded any communication with the Plaintiff, whether face-to-face or telephonic. If so, describe in detail,

including but not limited to:

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

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

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

75. Describe, in detail, any complaints to, investigations by, and/or inquiries by the New Jersey Department of Labor with regard to any employment matter concerning Defendant(s) for the past five (5) years. Identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

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

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

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

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

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

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

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

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

84. Identify each Individual with knowledge of:

- a. The type and location of all hardware used as terminals for email, including servers, personal computers, laptops, PDAs, etc. at Corporate Defendant(s) between January 1, 2009 and the present;
- b. Computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 1, 2009 and the present;
- c. All email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 1, 2009 and the present;
- d. The email file naming conventions and standards;
- e. The back-up and rotation schedules for all email generated or received by Corporate Defendant(s)' employees between January 1, 2009 and the present;
- f. Electronic data retention, preservation and destruction policies;
- g. Diskette, CD, DVD and other removable media labeling standards;

- h. Structure and organization of all information and technology departments and/or information technology support vendors involved with the computer systems at Corporate Defendant(s);
- i. The location of the email produced in response to the Plaintiff in this matter's First Request for Production;
- j. The method of search for the documents and electronic data requested in the Plaintiff in this matter's First Request for Production; and
- k. The date and time of destruction of any electronic data requested in the Plaintiff in this matter's First Request for Production.

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

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

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

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

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

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

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

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

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

94. Identify and describe the facts and details relating to each instance in which any of

the Defendant(s) reprimanded or disciplined Plaintiff while employed at Defendant(s).

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

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

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

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

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

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

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

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

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

104. Identify and describe any and all laws, regulations, policies, or guidelines

Defendant(s) follows or is required to follow concerning insurance in connection with its business.

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

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

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

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

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

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

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

business.

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

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

114. Identify and describe when and how Defendant(s) were notified of each state and/or federal inspection and/or investigation of Defendant(s) in the last five (5) years.

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

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

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

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

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

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

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

122. State whether any civil or criminal actions have ever been filed charging Defendant(s), with unlawful conduct in the past five (5) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

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

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

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

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

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

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

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

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

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

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

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

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

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

rely in support of Defendant(s)' claims/defenses/affirmative defenses state

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

INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY

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

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

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

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

4. Has Individual Defendant(s) ever been convicted of a criminal offense? If so, for each of Individual Defendant(s)'s convictions, identify and set forth in detail:
 - a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
 - b. the date of each such conviction;
 - c. the courts in which Individual Defendant(s) was convicted;
 - d. the facts surrounding and underlying each such conviction; and
 - e. the punishment or sentence received.
5. State whether Individual Defendant(s) were Plaintiff's supervisors.

DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES

1. All financial statements prepared for the years 2008 through 2019 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).
2. All tax returns filed by the Corporate Defendant(s) for the years 2009 through 2019, up to and including the present.
3. All documents evidencing assets of the Corporate Defendant(s)
4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.
5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.
6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2009 through 2019, up to and including the present.
7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.
8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2009 through 2019, up to and including

the present.

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

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

11. All copies of inventories taken by the Corporate Defendant(s) of its property at any time during the years 2009 through 2019, up to and including the present.

INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)

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

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

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

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

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

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

- a. Make, model, and year;
- b. License plate number;
- c. Vehicle identification number;
- d. If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

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

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

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

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

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

McOMBER & McOMBER, P.C.
Attorneys for Plaintiff

Dated: October 9, 2019

By: /s/Matthew A. Luber, Esq.

CERTIFICATION

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

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

Dated: _____, 2019

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: _____, 2019

By: _____

Matthew A. Luber, Esq. – NJ ID # 017302010
 mal@njlegal.com
 R. Armen McOmber, Esq. – NJ ID # 018251998
 ram@njlegal.com
 Christian V. McOmber, Esq. – NJ ID # 012292010
 cvm@njlegal.com
 McOMBER & McOMBER, P.C.
 30 S. Maple Avenue
 Marlton, NJ 08053
 (856) 985-9800 Phone/ (732) 530-8545 Fax
Attorneys for Plaintiff Patricia Moran

<p>PATRICIA R. MORAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RWJ BARNABAS HEALTH, INC. d/b/a MONMOUTH MEDICAL CENTER, CLARE CINELLI, JULIET GOSSETT, 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;">NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION OF CORPORATE DEFENDANT(S)</p>
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PLEASE TAKE NOTICE that pursuant to *Rule 4:14-2(c)* of the New Jersey Rules of Court, Plaintiff Patricia R. Moran through her undersigned counsel, will take the deposition upon oral examination of the **corporate representative of Corporate Defendant RWJ Barnabas Health, Inc., d/b/a Monmouth Medical Center commencing on April 20, 2020 at 10:00a.m.** at the law offices of McOmber & McOmber, P.C. Corporate Defendant(s) is required to designate and produce for deposition a person or persons to testify on its behalf as to the matters identified in Exhibit A, which is attached and incorporated by reference.

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, P.C.
Attorneys for Plaintiff

Dated: October 9, 2019

By: /s/Matthew A. Luber, Esq.

Matthew A. Luber, Esq. – NJ ID # 017302010
 mal@njlegal.com
 R. Armen McOmber, Esq. – NJ ID # 018251998
 ram@njlegal.com
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Attorneys for Plaintiff Patricia Moran

<p>PATRICIA R. MORAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RWJ BARNABAS HEALTH, INC. d/b/a MONMOUTH MEDICAL CENTER, CLARE CINELLI, JULIET GOSSETT, 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;">NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION</p>
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PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff through her undersigned counsel, will take the deposition upon oral examination of **Clare Cinelli commencing on April 21, 2020 at 10:00a.m.** at the law offices of McOmber & McOmber, 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, P.C.
Attorneys for Plaintiff

Dated: October 9, 2019

By: /s/Matthew A. Luber, Esq.

Matthew A. Luber, Esq. – NJ ID # 017302010
 mal@njlegal.com
 R. Armen McOmber, Esq. – NJ ID # 018251998
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Attorneys for Plaintiff Patricia Moran

<p>PATRICIA R. MORAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RWJ BARNABAS HEALTH, INC. d/b/a MONMOUTH MEDICAL CENTER, CLARE CINELLI, JULIET GOSSETT, 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;">NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION</p>
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PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff through her undersigned counsel, will take the deposition upon oral examination of **Juliet Gossett commencing on April 22, 2020 at 10:00a.m.** at the law offices of McOmber & McOmber, 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, P.C.
Attorneys for Plaintiff

Dated: October 9, 2019

By: /s/Matthew A. Luber, Esq.

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-003597-19

Case Caption: MORAN PATRICIA VS RWJ BARNABAS HEALTH, INC.

Case Initiation Date: 10/09/2019

Attorney Name: PETER M DRAPER

Firm Name: MC OMBER & MC OMBER, PC

Address: 30 SOUTH MAPLE AVE

MARLTON NJ 08053

Phone: 8569859800

Name of Party: PLAINTIFF : MORAN, PATRICIA, R

Name of Defendant's Primary Insurance Company

(if known): Unknown

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

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

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

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

10/09/2019

Dated

/s/ PETER M DRAPER

Signed