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<p>KEVIN MARSHALL,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>NATIONWIDE VEHICLE ASSURANCE CORPORATON d/b/a MOTOR VEHICLE ASSURANCE; DANIEL RODD; CHRISTOPHER DOYLE; MICHAEL KAHLBAUM; WILLIAM KROGMAN; 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: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION OCEAN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p>COMPLAINT & DEMAND FOR TRIAL BY JURY; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff Kevin Marshall (“Plaintiff”), by way of this Complaint against Nationwide Vehicle Assurance Corporation d/b/a Motor Vehicle Assurance (“Defendant MVA”), Defendant ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along

with “Defendant MVA,” collectively referred to as the “Corporate Defendants”), Defendant Daniel Rodd (“Defendant Rodd”), Defendant Christopher Doyle (“Defendant Doyle”), Defendant Michael Kahlbaum (“Defendant Kahlbaum”), Defendant William Krogman (“Defendant Krogman”), and Defendant John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Rodd,” “Defendant Doyle,” “Defendant Kahlbaum,” and “Defendant Krogman,” collectively referred to as the “Individual Defendants”) alleges as follows:

INTRODUCTION

Plaintiff is one of the many African American employees forced to endure outright bigotry while employed at Defendant MVA. Indeed, Plaintiff endured an intolerably hostile work environment, where his Caucasian managers casually referred to black employees as “niggers.” Plaintiff watched as he and other African Americans were passed over for promotion, denied equal pay, and segregated into a room known as the “Black Room,” which the Caucasian management derisively referred to as the “Nigger Center.” The owner of the company, Defendant Rodd, even saw fit to dress up like Adolph Hitler, gleefully laughing as he performed a Nazi salute at a company-wide Halloween party.

Relatedly, Plaintiff alleges that salespersons and managers were forced to deceive potential customers about the terms of their warranties, bilking them out of their hard-earned cash. Plaintiff’s managers also encouraged salespersons to fraudulently acquire customers’ credit card information and bill them without authorization. Against this backdrop, Plaintiff observed illegal drugs being sold and used daily. The constant drug use, and Defendants refusal to listen to Plaintiff’s complaints about same, were so prevalent and so commonplace that at least one employee overdosed while at work.

Plaintiff reported and objected to the constant racial discrimination, fraud, and drug use at Defendant MVA office, but was only rewarded with retaliation. Plaintiff was consigned to the “Black Room,” demoted, and forced to accept lower pay than his white colleagues. Eventually, the work environment became so intolerable that Plaintiff was forced to leave. In other words, Plaintiff was constructively terminated from his employment with Defendant MVA.

Fortunately, New Jersey provides redress for victims of such invidious discrimination and harassment. Accordingly, Plaintiff brings this lawsuit under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* (the “LAD”) and the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.* (“CEPA”) to assert his right to work in an environment free from discrimination and retaliation.

PARTIES

1. Plaintiff is an individual residing in Seaside Heights, New Jersey, who at all times relevant hereto was employed by Defendant MVA as a Sales Representative.

2. According to its website, Defendant MVA is a “[V]ehicle Maintenance Service Protection Provider that provides policy holders a safeguard against unexpected repairs.” Defendant MVA maintains a place of business at 26 Main Street, Toms River, New Jersey 08753 (the “Toms River location”). At all times relevant hereto, Defendant MVA is an “employer” as defined under the LAD.

3. Defendant Rodd, at all times relevant hereto, is the CEO of Defendant MVA. This claim is brought against Defendant Rodd in his individual capacity and as an agent of Defendant MVA. Defendant Rodd is named as a Defendant in this litigation because of his role in aiding, abetting, and inciting Defendant MVA’s discrimination, harassment and/or retaliation against Plaintiff. At all times relevant hereto, Defendant Rodd is an “employer” under the LAD.

4. Defendant Doyle, at all times relevant hereto, is an owner of Defendant MVA. This claim is brought against Defendant Doyle in his individual capacity and as an agent of Defendant MVA. Defendant Doyle is named as a Defendant in this litigation because of his role in aiding, abetting and inciting Defendant MVA's discrimination, harassment and/or retaliation against Plaintiff. At all times relevant hereto, Defendant Doyle is an "employer" under the LAD.

5. Defendant Kahlbaum, at all times relevant hereto, is a General Manager of Defendant MVA. This claim is brought against Defendant Kahlbaum in his individual capacity and as an agent of Defendant MVA. Defendant Kahlbaum is named as a Defendant in this litigation because of his role in aiding, abetting and inciting Defendant MVA's discrimination, harassment and/or retaliation against Plaintiff. At all times relevant hereto, Defendant Kahlbaum is an "employer" under the LAD.

6. Defendant Krogman, at all times relevant hereto, is employed by Defendant MVA as a Sales Manager. This claim is brought against Defendant Krogman in his individual capacity and as an agent of Defendant MVA. Defendant Krogman is named as a Defendant in this litigation because of his role in aiding, abetting and inciting Defendant MVA's discrimination, harassment and/or retaliation against Plaintiff. At all times relevant hereto, Defendant Krogman is an "employer" under the LAD.

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

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

FACTS COMMON TO ALL CLAIMS

9. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey specific policies prohibiting racial discrimination and retaliation.

10. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures prohibiting racial discrimination and retaliation.

11. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey a zero-tolerance policy when it comes to racial discrimination and retaliation.

12. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures requiring an employee who believes he or she was the victim of racial discrimination or retaliation to report the harassment to supervisory and management staff of Defendant MVA.

13. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures whereby it would engage in a timely and effective investigation of complaints of racial discrimination and retaliation brought to its attention by employees of Defendant MVA.

14. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures committing it to engage in a timely and effective investigation of complaints of racial discrimination or retaliation brought to its attention by employees.

15. Defendant MVA claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures committing it to undertake prompt and effective remedial measures to put a stop to any racial discrimination or retaliation that it found to exist at Defendant MVA.

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

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

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

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

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

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

21. Plaintiff is African American.

22. In or about March 2017, Plaintiff began working for Defendant MVA as a Sales Representative at its Toms River location.

23. Throughout his employment with the company, Plaintiff performed his job responsibilities competently and diligently, loyally dedicated to Defendant MVA and the customers which it serves.

24. Despite his demonstrated ability to maintain the very highest level of job performance, throughout his employment with Defendant MVA, Plaintiff found himself subject to an intolerably hostile work environment on the basis of his race, African American.

25. Further, Plaintiff was retaliated against and constructively terminated for objecting to racial discrimination by Defendant MVA, Defendant Rodd's failure to pay Plaintiff for his performance in a radio advertisement pursuant to a verbal agreement, and rampant illegal drug use at the Toms River location that violated State laws and public policy.

A. Plaintiff Was Subjected to an Intolerably Hostile Work Environment on the Basis of His Race, African American.

26. On a daily basis, Plaintiff was treated differently and discriminated against because he is African American.

27. Throughout Plaintiff's employment with Defendant MVA, managers loudly played music featuring offensive racial epithets – including the word “nigger” – at the Toms River location. Plaintiff and other African American employees were thus subjected to an intolerably hostile work environment upon arriving to work each day.

28. Adding insult to injury, white managers – including Defendant Doyle and Defendant Kahlbaum – often loudly sang along with the offensive lyrics, subjecting Plaintiff and other African American employees to the cacophony of their white bosses gleefully shouting the word “nigger” throughout the office.

29. Further, Plaintiff and other African American employees were consistently paid less than white employees for identical work and were provided with fewer sales leads and opportunities for advancement when compared to their similarly situated white co-workers.

30. Specifically, Defendant MVA employees were segregated by race into two main sales areas. The main sales floor was almost entirely staffed by white employees, with a small handful of token African Americans. Another sales room was located at the back of the Toms River location, was only staffed by African American employees, and was known throughout the company as the “Black Room.”

31. On several occasions, Plaintiff overheard Defendant MVA employees and managers refer to the “Black Room” as the “Nigger Center.”

32. African American sales representatives consigned to the “Black Room” were consistently given fewer sales leads and often did not have their sales calls transferred to closers

to complete the sales and earn them commissions. On the comparatively rare occasions when closers took African American employees' sales calls, the closers would often direct only ten (10) or twenty (20) seconds of attention to the calls before hanging up and moving on to other business.

33. In contrast to the way closers treated African American sales representatives in the "Black Room," closers always gave full attention to potential sales initiated by white sales representatives.

34. As a result of this disparate treatment, African American sales representatives, including Plaintiff, earned far less in commissions than their similarly situated white co-workers.

35. Further, Plaintiff was never promoted to manager despite consistently being in the Top 5 on the Defendant MVA sales leaderboard.

36. In contrast, numerous white employees with far less experience and far worse sales numbers than Plaintiff were promoted ahead of Plaintiff. There is no legitimate explanation for these promotions other than Defendant MVA's discriminatory preference for white managers over African American managers.

37. As a particularly grievous example of this discrimination, a white sales representative named Dallas Manzoli ("Mr. Manzoli") would only show up to work several times per month during his first few months of employment with Defendant MVA. After several months of poor attendance, Defendant Kahlbaum and Defendant Rodd spoke with Mr. Manzoli about missing work so often. Mr. Manzoli began showing up for work every day, and after only one month, he was promoted to manager with a significant raise.

38. At the time of Mr. Manzoli's promotion and raise, Plaintiff had been working at Defendant MVA for over a year and a half with no attendance issues and superlative sales numbers.

39. Defendants promoted Mr. Manzoli entirely based on the color of his skin and thus discriminated against Plaintiff, an African American man who was in all ways significantly more qualified for a manger position than Mr. Manzoli.

40. On many occasions, Plaintiff verbally complained to Individual Defendants about the discriminatory treatment he and other African American employees suffered at the Toms River location, including being subjected to racist invective, unequal pay and sales opportunities, segregation in the office, and differential treatment with regard to promotions and access to management.

41. Individual Defendants and Defendant MVA did not take Plaintiff's complaints seriously, failed to launch any investigations into racial discrimination at the Toms River location, and failed to remedy the hostile work environment.

42. Worse, Defendant Kahlbaum, Defendant Doyle, and Defendant Rodd often laughed at Plaintiff when he reported racial discrimination and a hostile work environment.

43. On at least two occasions, Defendant Rodd displayed his full racism and discriminatory beliefs by dressing up in patently offensive costumes that further contributed to the intolerably hostile work environment at Defendant MVA.

44. Defendant Rodd dressed up as Adolf Hitler for Halloween one year and gave the "Heil Hitler" salute. In fact, Defendant Rodd was so proud of his racist costume that he posed for photographs, at least one of which was shared on social media with Defendant MVA employees, including Plaintiff.

45. A copy of a photograph of Defendant Rodd dressed as Adolf Hitler is included below:



46. A year later, Defendant Rodd dressed up in a costume displaying Donald Trump sitting on top of a racist caricature of a Mexican person.

47. A copy of a photograph of Defendant Rodd dressed as Donald Trump sitting on top of a Mexican person is included below:



48. Plaintiff verbally complained about Defendant Rodd's Donald Trump costume to several managers and Human Resources ("HR") representatives, but was ignored. Most of the managers and HR representatives to whom Plaintiff complained found the costume funny and laughed at Plaintiff when he complained about it.

B. Defendants Failed to Pay Plaintiff Money Owed to Him for a Radio Advertisement and Retaliated Against Plaintiff When He Complained.

49. During his employment, Plaintiff entered into a verbal agreement with Defendant Rodd whereby Plaintiff would lend his voice to an advertisement for Defendant MVA on iHeartRadio in exchange for a sum of money in addition to and separate from Plaintiff's usual compensation and commissions as a Sales Representative.

50. Defendant MVA used Plaintiff's voice in its advertisement.

51. Defendants never compensated Plaintiff for the use of his voice in the advertisement, as required under the terms of the verbal agreement between Plaintiff and Defendant Rodd.

52. Plaintiff attempted to discuss his compensation with Defendant Rodd several times after the radio advertisement began running, but Defendant Rodd always refused to engage with Plaintiff, saying "we can discuss the numbers later."

53. Frustrated by Defendant Rodd's prevarications, Plaintiff complained to Defendant Doyle and demanded that he be paid what he was owed. Defendant Doyle refused to discuss the matter with Plaintiff and changed the subject.

54. The day after Plaintiff complained to Defendant Doyle, Defendant Kahlbaum banished Plaintiff to the "Black Room." From that day forward, Plaintiff was given far fewer sales leads and had far fewer of his potential sales finalized by closers.

55. Plaintiff reasonably relied upon Defendant Rodd's promises of payment in exchange for the use of Plaintiff's voice in Defendant MVA's radio advertisements. Plaintiff thus suffered financial damages as a result of not being paid.

56. Further, Plaintiff was retaliated against by Defendants for asserting his right to compensation for the use of his voice.

C. Plaintiff Objected to Illegal and Dangerous Drug Use by Defendant MVA Employees, but was Ignored by Defendants.

57. Throughout Plaintiff's employment with Defendant MVA, he observed illegal drugs being used and sold by Defendant MVA employees at the Toms River location.

58. Specifically, Plaintiff would often walk into the bathroom only to find employees and managers openly using illegal drugs.

59. Plaintiff regularly discovered baggies of heroin lying on the floor and on desks at the Toms River location.

60. Further, Plaintiff often observed employees passed out at their desks after using illegal drugs. Managers would simply walk past the unconscious employees without acknowledging them or taking any action to make sure they were safe.

61. Plaintiff regularly reported illegal drug use to Defendant Kahlbaum, Defendant Doyle, and Defendant Krogman, and advised that he believed it was dangerous and unlawful.

62. Defendant Kahlbaum, Defendant Doyle, and Defendant Krogman ignored all of Plaintiff's complaints and reports of drug use and failed to take any action to remedy this dangerous and unlawful situation. In fact, they would often laugh at Plaintiff's reports, treating illegal drug use as a joke not worth taking seriously.

63. On at least one occasion, an employee overdosed in a bathroom at the Toms River location due to Defendants' failure to take Plaintiff's complaints and reports seriously.

64. Plaintiff disclosed and objected to activities and practices by Defendants that Plaintiff reasonably believed were unlawful and/or contrary to public policy, and Plaintiff's disclosures and objections are protected by CEPA, the New Jersey "Whistleblower Act."

D. Plaintiff Was Constructively Discharged from His Employment with Defendant MVA.

65. In or around August 2018, Defendant MVA promised Plaintiff a raise and a new commission and pay scale for sales in response to Plaintiff's ongoing complaints about and objections to discriminatory treatment, illegal drug use, a hostile work environment, and retaliation against him.

66. In Plaintiff's next paycheck, however, his compensation remained the same.

67. Plaintiff reasonably believed the intolerably hostile work environment would never change and that he could no longer endure it. As such, Plaintiff resigned from Defendant MVA in August 2018.

68. Plaintiff was thus constructively terminated from his employment with Defendant MVA in retaliation for having complained about racial discrimination, conduct that was unlawful and against public policy, and retaliation against him.

69. Defendant MVA, at all times relevant hereto, is responsible as a matter of law for the acts and/or omissions of its responsible administrators, managers, supervisors, and employees including, but not limited to Defendant Rodd, Defendant Doyle, Defendant Kahlbaum, and Defendant Krogman.

70. As a result of the discriminatory, retaliatory, and unlawful actions undertaken by Defendants MVA, Rodd, Doyle, Kahlbaum, Krogman, John Does 1-5, and ABC Corporations 1-5, jointly and/or severally, Plaintiff has suffered and continues to suffer damages in the form of humiliation, stress, anger, sadness, anxiety, and depression, causing him mental and emotional anguish and dysfunction, and physical manifestations of same including, but not limited to, nervousness, anxiousness, sleeplessness, loss of appetite and loss of sleep, all or some of which may be permanent.

COUNT ONE

**LAD – HOSTILE WORK ENVIRONMENT AND DISPARATE TREATMENT
DUE TO RACE**

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. Plaintiff was employed by Corporate Defendants during the period relevant hereto.

3. At all relevant times hereto, Defendants directly controlled or exerted control over Plaintiff, including but not limited to control over operations, hiring, promotion, demotion, firing and/or evaluation of Corporate Defendants' personnel.

4. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiff by employees of Corporate Defendants is outlined above.

5. Plaintiff was subjected to repeated, pervasive, severe, and continuing instances of disparate treatment and harassment by Defendants due to his race, African American, as set forth above.

6. Defendants regularly targeted, discriminated and retaliated against Plaintiff based on his race, African American.

7. The above-described conduct would not have occurred but for Plaintiff's race, African American.

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

9. Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiff from discriminatory behavior and retaliation.

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

11. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment and retaliation.

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

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

14. Defendants did not have commitment from the highest levels of management that harassment will not be tolerated; in fact, the highest levels of management deliberately and actively discriminated on the basis of race and retaliated against those who complained about such conduct.

15. Defendants failed to conduct prompt and thorough investigations of employee complaints of harassment or provide a remedial plan reasonably calculated to stop any harassment that is found.

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

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

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

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

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorneys' fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the LAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;

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

COUNT TWO

LAD – RETALIATION/IMPROPER REPRISAL

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

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

3. As a direct result, Defendants took retaliatory actions against Plaintiff, which are outlined above.

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

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

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorneys' fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the LAD as follows:

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

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

COUNT THREE

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

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. Throughout the course of his employment, Plaintiff reported and complained of Defendants’ unlawful behavior.
3. Defendants had knowledge of Plaintiff’s complaints and/or protests.
4. As a direct result of Plaintiff raising complaints, Defendants took retaliatory action against Plaintiff by subjecting him to a hostile work environment, excessive discipline, disparate treatment, and adverse employment outcomes.

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

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

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

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

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

COUNT FOUR

CONSTRUCTIVE TERMINATION

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. Defendants' actions created a work environment so intolerable that a reasonable person would rather resign than be forced to endure it.
3. Plaintiff reasonably felt Defendant MVA was no longer a safe environment for him, and that he could no longer endure working for Defendants.
4. Plaintiff was constructively terminated by Defendants when Plaintiff did not return to work following consistent and unmitigated racism, discrimination, and harassment at the hands of Defendants.
5. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages and will continue to suffer damages in the future.

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

COUNT FIVE

NEW JERSEY EQUAL PAY ACT (“EQUAL PAY ACT”) – WAGE DISCRIMINATION

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

2. Defendants are an “employer” within the meaning of the Equal Pay Act.

3. Plaintiff is an “employee” within the meaning of the Equal Pay Act.

4. Plaintiff is a member of a protected class within the meaning of the Equal Pay Act based upon his race and ethnicity.

5. The LAD prohibits discrimination in employment and pay disparity based on an employee’s inclusion in a protected class.

6. Specifically, N.J.S.A. 10:5-12(t) states, in pertinent part:

It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

For an employer to pay any of its employees who is a member of a protected class at a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility.

7. Plaintiff was paid substantially less than his non-African American peers.

8. Defendants discriminated against Plaintiff by paying him less than similarly situated non-African American coworkers for performing the same and/or substantially similar work.

9. By doing so, Defendants engaged in discriminatory pay practices based on Plaintiff’s race or ethnicity.

10. Plaintiff’s race or ethnicity were motivating factors in the Defendants’ decision to pay them less than similarly situated peers for the same and/or substantially similar work.

11. As a direct and proximate result of Defendants' violation of the LAD, Plaintiff has suffered emotional distress, economic loss, and other compensatory damages.

WHEREFORE, cause having been shown, Plaintiff demands judgment against Defendants and seeks the following relief:

- A. Treble damages;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Punitive damages;
- G. Pre-judgment interest and enhancements to off-set negative tax consequences;
- H. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- I. Ordering Defendants report all data concerning compensation and hours worked by their employees in the form by pay bands established by regulation promulgated by the commissioner and to provide a report for each established standard presumption for the number of hours worked by a fulltime employee or by a part-time employee for whom Defendants do not track actual hours worked;
- J. All Equitable Relief available under the LAD/Equal Pay Act; and
- K. Such other relief as may be available and which the Court deems just and equitable.

COUNT SIX

EQUAL PAY ACT – RETALIATION N.J.S.A. 10:5-12 et seq.

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. The Equal Pay Act further prohibits an employer from taking reprisals against an employee for discussing with or disclosing information regarding the job title, occupational category and rate of compensation, including benefits, of the employee or any other employee.

3. Plaintiff discussed and disclosed information regarding the job title, occupational category and rate of compensation, including benefits, to Defendants, which constitutes protected activity under the New Jersey Equal Pay Act.

4. Plaintiff specifically complained to Defendants concerning his compensation and their failure to pay him in the same amount that they paid other employees for the same and/or similar work.

5. Defendants took adverse employment actions against Plaintiff in retaliation for Plaintiff engaging in the aforementioned protected activity.

6. Defendants' conduct and/or treatment of Plaintiff was in retaliation for disclosures they made respecting Defendants' practices or acts forbidden under the Equal Pay Act and/or Plaintiff's exercise, attempted exercise and/or enjoyment of rights provided to them under the Equal Pay Act.

7. The retaliatory actions taken by Defendants against Plaintiff are in violation of the Equal Pay Act.

8. Defendants engaged in, participated in, condoned, ratified, perpetuated, conspired, incited, coerced, induced, and/or aided and/or abetted the Equal Pay Act violations.

9. Defendants' acts or omissions were the cause of Plaintiff's harm, and Defendants acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of person who foreseeably might be harmed by those acts or omissions.

10. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered emotional distress, compensatory and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for harm suffered due to the aforesaid violation of the Equal Pay Act as follows:

- A. Treble damages;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Punitive damages;
- G. Pre-judgment interest and enhancements to off-set negative tax consequences;
- H. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- I. Ordering Defendants report all data concerning compensation and hours worked by their employees in the form by pay bands established by regulation promulgated by the commissioner and to provide a report for each established standard presumption for the number of hours worked by a fulltime employee or by a part-time employee for whom Defendants do not track actual hours worked;
- J. All Equitable Relief available under the LAD/Equal Pay Act; and
- K. Such other relief as may be available and which the Court deems just and equitable.

COUNT SEVEN

BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. Plaintiff reasonably relied on Defendant Rodd's promise of monetary compensation in exchange for Defendant MVA's use of Plaintiff's voice in radio advertisements.
3. Defendant MVA never paid Plaintiff the compensation he was promised.
4. Defendants further retaliated against Plaintiff when he complained about not receiving the compensation he was promised.
5. The actions of Defendants constitute a breach of the implied covenant of good faith and fair dealing between Plaintiff and Defendants.

6. As a direct and proximate result of the intentional and wrongful acts of Defendants, Plaintiff suffered damages.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, attorneys' fees, costs of suit, interest, and such other relief the court may deem appropriate to compensate Plaintiff.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

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

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

DESIGNATION OF TRIAL COUNSEL

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

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter with respect to this matter and no other parties need to be joined at this time.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

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<p>KEVIN MARSHALL,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>NATIONWIDE VEHICLE ASSURANCE CORPORATON d/b/a MOTOR VEHICLE ASSURANCE; DANIEL RODD; CHRISTOPHER DOYLE; MICHAEL KAHLBAUM; WILLIAM KROGMAN; 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: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION OCEAN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">PLAINTIFF’S FIRST SET OF INTERROGATORIES, FIRST DEPOSITION NOTICES, AND FIRST NOTICE TO PRODUCE TO DEFENDANTS</p>
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**PLAINTIFF’S FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, AND
 DISCOVERY DEMANDS RELATING TO PUNITIVE DAMAGES**

PLEASE TAKE NOTICE that, McOmbler McOmbler & Lubber, P.C., attorneys for Plaintiff Kevin Marshall (“Plaintiff”), demand that Defendants Nationwide Vehicle Assurance

Corporation d/b/a Motor Vehicle Assurance, Daniel Rodd, Christopher Doyle, Michael Kahlbaum, and William Krogman (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 Kevin Marshall, Plaintiff in the above-captioned action.
2. “Defendant MVA” shall mean Nationwide Vehicle Assurance Corporation d/b/a Motor Vehicle Assurance, 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 Rodd” shall mean Daniel Rodd, Defendant in the above-captioned action.
4. “Defendant Doyle” shall mean Christopher Doyle, Defendant in the above-captioned action.
5. “Defendant Kahlbaum” shall mean Michael Kahlbaum, Defendant in the above-captioned action.
6. “Defendant Krogman” shall mean William Krogman, Defendant in the above-captioned action.

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

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

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

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

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

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

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

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

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

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

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

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

or any other data compilations from which information can be obtained and translated if necessary, or any other written, recorded, stored, transcribed, punched, taped, filed or graphic matter however produced or reproduced, to which Defendant(s) have or have had access.

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

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

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

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

23. The phrases “relating to” or “relate to” or “relates to” or “refer to” or “refers to” or “referred” or “relating to” and/or “regarding” shall be construed in the broadest possible sense to mean, *inter alia*, concerning, referring to, embodying, constituting, describing, connected with, commenting on, responding to, evidencing, identifying, supporting, contradicting, rebutting, pertaining to, and/or relating in any way.

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

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

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. An objection or claim of privilege directed to part of a request does not constitute an excuse for failure to respond to the parts of the Document Request and/or 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 Plaintiff’s termination and/or the end of Plaintiff’s employment with Corporate Defendant(s).
3. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.
4. All statements, documents, or communications concerning Plaintiff’s work performance.
5. All statements, documents, or communications concerning Plaintiff’s work experience.
6. A complete copy of the personnel file Defendant(s) maintained pertaining to Plaintiff, including but not limited to copies of documents (written or electronic) relating to the following: (a) medical records and reports; (b) pay and benefits provided to Plaintiff; (c) attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Plaintiff; (e) job title or job status changes; (f) documents relating to any leave of absence; and (g) employer policy information provided to Plaintiff, if any.
7. A complete copy of the personnel file Defendant(s) maintained pertaining to Dallas Manzoli (“Mr. Manzoli”), including but not limited to copies of documents (written or electronic) relating to the following: (a) medical records and reports; (b) pay and benefits provided

to Mr. Manzoli; (c) attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Mr. Manzoli; (e) job title or job status changes; (f) documents relating to any leave of absence; and (g) employer policy information provided to Mr. Manzoli, if any.

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

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

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

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

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

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

14. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss racial discrimination, harassment, disparate treatment, and/or retaliation by any Individual Defendant, or any agent or employee of any Defendant.

15. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss derogatory or racist language spoken by any Individual Defendant, or any agent or employee of any Defendant.

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

17. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for employees to report unlawful or unethical conduct.

18. A copy of any and all policies and/or procedures maintained and used by Defendant(s) establishing and/or describing official protocols for investigating and responding to reports of unlawful or unethical conduct made by employees, customers, clients, and/or any other Person.

19. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss unlawful or unethical conduct by any Individual Defendant, or any agent or employee of any Defendant.

20. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss Defendant(s)' response to any allegations of unlawful or unethical conduct by any Individual Defendant, or agent or employee of any Defendant, including, but not limited to, deliberations by Defendant(s) as to whether and/or how to respond to such allegations.

21. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss radio commercials or advertisements in which Plaintiff participated, including, but not limited to, any documents relating to Plaintiff's compensation for participation in any such radio commercials or advertisements.

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

23. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss payment structure for employees.

24. A copy of Defendant(s)' policy regarding the assignment of sales leads to employees.

25. A copy of Defendant(s)' policy regarding promotions.

26. A copy of Defendant(s)' policy regarding commissions.

27. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss the "Black Room" and/or any room or department to which black employees were exclusively sent to work.

28. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss drug use and/or the sale of drugs by employees of Defendant(s) and/or on Defendant(s)' property.

29. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss any proposed or promised pay raises by Defendant(s) to Plaintiff.

30. A copy of any and all statements, documents, or communications that pertain to, refer to, or discuss any overdose by any employee, agent, or customer of Defendant(s).

31. A copy of all documents (written or electronic) relating to each and every instance since January 1, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in discrimination, harassment, differential treatment, or the maintenance of a hostile work environment in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

32. A copy of all documents (written or electronic) relating to each and every instance since January 1, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in improper retaliation and/or reprisal in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

33. A copy of all documents (written or electronic) relating to each and every instance since January 1, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in improper retaliation and/or reprisal in violation of New Jersey's Conscientious Employee Protection Act ("CEPA"). 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.

34. A copy of all documents (written or electronic) relating to each and every instance since January 1, 2010, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in violations of the New Jersey Equal Pay Act ("Equal Pay 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.

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

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

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

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

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

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

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

42. 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.

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

44. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68. 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.

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

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

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

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

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

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

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

76. 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.

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

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

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

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

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

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

83. 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.

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

85. All statements, documents, or communications concerning the job performance of any Individual Defendant or any agent or employee of Defendant(s) during the tenure of his/her employment.

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

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

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

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

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

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

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

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

94. 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.

95. 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.

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

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

98. 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.

99. 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.

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

101. 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.

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

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

INTERROGATORIES TO DEFENDANT(S)

1. State the reasons why Plaintiff’s employment with Corporate Defendant(s) ended.
2. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made racist or racially discriminatory comments while at work and/or while on Defendant(s)’ property and/or directed to any employee, client, or vendor of Defendant(s). For any such comments, please state the following:

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

3. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever made any demeaning or degrading comment towards any employee or customer. For any such comments, please state the following:

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

4. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever taken any retaliatory action towards Plaintiff or towards any other Person. For any such actions, please state the following:

- a. date of the action;
- b. full name, address, and title of the person against whom the action was taken;
- c. full name, address, and title of the person who took the action;
- d. a summary of the material substance of the action;
- e. the reaction to the action by the person against whom it was made; and
- f. describe any complaints or objections made by any person regarding the action and the response to any such complaints by Defendant(s).

5. State whether any Individual Defendant or any employee or agent of Defendant(s) has ever used, sold, or possessed any illegal drug while at work and/or while on Defendant(s)' property. For any such actions, please state the following:

- a. date of the action;
- b. full name, address, and title of the person against whom the action was taken;
- c. full name, address, and title of the person who took the action;
- d. a summary of the material substance of the action; and
- e. describe any complaints or objections made by any person regarding the action and the response to any such complaints by Defendant(s).

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

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

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

9. State whether Plaintiff was a good employee and, if so, set forth in detail the reasons why Plaintiff was a good employee.

10. State whether Plaintiff was a bad employee and, if so, set forth in detail the reasons why Plaintiff was a bad employee.

11. Describe in detail Defendant(s)' response to Plaintiff's complaints about racism and discrimination by Defendant(s).

12. State the reasons why Defendant(s) played music with racially discriminatory and offensive lyrics in the office.

13. State the reasons why Plaintiff was not paid as much as similarly situated Caucasian employees.

14. State the reasons why Plaintiff was not promoted to manager during his employment with Defendant(s).

15. State the reasons why Mr. Manzoli was promoted to manager after one month of consistent attendance at work.

16. State whether any Individual Defendant ever verbally agreed to pay Plaintiff a sum of money in exchange for Defendant MVA using Plaintiff's voice in a radio commercial or advertisement. If so, describe in detail the substance of any such agreement, including the date, the person(s) making the agreement with Plaintiff, and the amount of promised compensation.

17. State the reasons why Plaintiff was never compensated for Defendant MVA's use of his voice in a radio commercial or advertisement.

18. Describe in detail Defendant(s) response to Plaintiff's objections and/or complaints about not receiving compensation for Defendant MVA's use of his voice in a radio commercial or advertisement.

19. Describe the "Black Room" as used by employees of Defendant MVA.

20. State the reasons why the "Black Room" was also called the "nigger center" by Defendant MVA employees and managers.

21. State whether Plaintiff was ever sent to the "Black Room" as a punishment and, if so, explain in detail why.

22. State whether illegal drugs were used and/or sold by Defendant MVA employees while at work and, if so, describe in detail Defendant(s)' response.

23. State whether Defendant(s) favored drug users or former drug users in their hiring and/or promotion decisions and, if so, explain why.

24. Describe in detail any incident(s) in which an employee or customer overdosed at Defendant MVA offices or locations.

25. State whether Defendant(s) promised Plaintiff a raise and/or a new commission and pay scale for sales in or around the Summer of 2018. If so, state whether Plaintiff received this

raise and/or new commission and pay scale. If Plaintiff did not receive a raise and/or a new commission and pay scale, explain in detail the reasons why not.

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

27. 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.

28. 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.

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

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

31. 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.

32. 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.

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

34. 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.

35. 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.

36. 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.

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

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

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

40. State whether Plaintiff was ever promoted while employed by any Defendant(s).

For each promotion, state the following:

- a. what position or job title the promotion was from and what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;

- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

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

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

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

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

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

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

- a. what position or job title the promotion was from and what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;

- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

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

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

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

48. For any position held by Mr. Manzoli 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.

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

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

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

51. State whether Mr. Manzoli was ever demoted while employed by any Defendant(s).

For each demotion, state the following:

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

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

53. 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.

54. 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.

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

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

57. 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.

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

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

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

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

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

61. 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.

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

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

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

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

66. 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.

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

68. 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).

69. 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).

70. 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.

71. 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).

72. 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.

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

74. 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.

75. 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.

76. 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.

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

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

78. 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.

79. 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.

80. 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.

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

82. 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).

83. 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.

84. 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.

85. 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.

86. 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?

87. 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).

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

89. 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.

90. 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.

91. 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.

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

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

93. Set forth in detail all notices and warnings Defendant(s) 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.

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

95. 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.

96. 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.

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

98. 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.

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

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

101. 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.

102. 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.

103. 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.
104. Identify each email account each Individual Defendant utilized as an employee of Defendant(s) in the last three years.
105. Identify and describe in full detail Defendant(s)' policy relating to an employee's complaint of discrimination, harassment, hostile work environment, and/or retaliation.
106. Identify and describe in full detail the facts and circumstances surrounding Plaintiff's complaints of discrimination, harassment, and/or retaliation to any of the Defendant(s).
107. Identify and describe in full detail all communications between Defendants concerning Plaintiff.
108. 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.

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

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

111. 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).

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

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

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

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

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

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

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

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

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

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

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

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

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. State whether any civil or criminal actions have ever been filed charging Defendant(s) with Equal Pay Act violations 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.

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

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

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 to Defendant(s) and/or any employee of 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 employee of Defendant(s). 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. 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)' claims/defenses/affirmative defenses state:

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

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

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

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

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

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

DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES

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

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

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

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

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

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

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

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

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

CERTIFICATION

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

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

Dated: _____, 2020

By: _____

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, whether written or oral, are unknown to me and, if such become later known or available, I shall serve them promptly on the propounding party.

I certify that the foregoing answers to the Interrogatories made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: _____, 2020

By:_____

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff, Kevin Marshall, through his undersigned counsel, will take the deposition upon oral examination of Defendant Rodd **commencing on November 24, 2020, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

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

McOMBER, McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff, Kevin Marshall, through his undersigned counsel, will take the deposition upon oral examination of Defendant Doyle **commencing on November 29, 2020, at 10:00 AM**, at the law offices of McOmber, McOmber & Lubner, P.C.

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

McOMBER, McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff, Kevin Marshall, through his undersigned counsel, will take the deposition upon oral examination of Defendant Kahlbaum **commencing on November 30, 2020, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

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

McOMBER, McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff, Kevin Marshall, through his undersigned counsel, will take the deposition upon oral examination of Defendant Krogman **commencing on December 1, 2020, at 10:00 AM**, at the law offices of McOmber, McOmber & Luber, P.C.

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

McOMBER, McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Kevin Marshall

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

Dated: July 13, 2020

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-001629-20

Case Caption: MARSHALL KEVIN VS NATIONWIDE
VEHICLE A SSURANCE

Case Initiation Date: 07/13/2020

Attorney Name: PETER DOUGLAS VALENZANO

Firm Name: MCOMBER MCOMBER & LUBER, PC

Address: 54 SHREWSBURY AVE

RED BANK NJ 07701

Phone: 7328426500

Name of Party: PLAINTIFF : Marshall, Kevin

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

Are sexual abuse claims alleged by: Kevin Marshall? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

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

07/13/2020

Dated

/s/ PETER DOUGLAS VALENZANO

Signed