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<p>QUINCIDY BOSTON,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CHIPOTLE MEXICAN GRILL, INC.; CHIPOTLE SERVICES, LLC; JULIA BURKE; HILDA QUEZADA; ANTHONY RENTAS; 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 UNION COUNTY DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT AND DEMAND FOR JURY TRIAL; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff Quincidy Boston (“Plaintiff”), by way of Complaint against Defendant Chipotle Mexican Grill, Inc. (“Defendant CMG”), Defendant Chipotle Services, LLC (“Defendant Chipotle Services”)(collectively “Defendant Chipotle”), Defendants ABC Corporations 1-5 (fictious names describing presently unknown business entities) (along with “Defendant CMG,” and “Defendant Chipotle Services” collectively referred to as the “Corporate Defendants”), Defendant Julia Burke (“Defendant Burke”), Defendant Hilda Quezada (“Defendant Quezada”), Defendant Anthony

Rentas (“Defendant Rentas”) and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with Defendant Burke, Defendant Quezada and Defendant Rentas, collectively referred to as the “Individual Defendants”), alleges as follows:

INTRODUCTION

Plaintiff Quincidy Boston, a whistleblower, was terminated from her position as an Assistant Manager with Corporate Defendants after objecting to what she reasonably believed to be gross and egregious violations of law, rule, and regulation. Indeed, Plaintiff’s direct supervisor, Defendant Burke, often instructed Plaintiff to forego necessary and legally required food safety checks throughout her shifts, and to forge the store’s “Black Book” to indicate that these checks had been completed when in fact they had not. Similarly, Corporate Defendants failed to properly monitor its employees for the COVID-19 virus, instead forging the employees’ COVID-19 questionnaires each shift. Not to mention, on or about April 07, 2022, when a customer vomited in the restaurant, Defendant Burke instructed an employee to clean the bodily fluids without proper PPE or a spill kit. Then, once the clean up was complete, Defendant Burke and other management instructed the employee to return to the line, where they continued cooking and serving food to unsuspecting guests.

Almost needless to say, these transparent violations of law deeply concerned the Plaintiff. Many times Plaintiff objected. But her objections fell on deaf ears. Fearing that Corporate Defendants’ negligent and/or reckless approach to food safety would result in a customer or employee falling gravely ill, Plaintiff requested a demotion from her management position, citing Defendants’ unlawful and unsafe conduct as the reason. However, Defendants refused to permit Plaintiff to take a demotion. When Plaintiff escalated the issue to Corporate Defendants’ Corporate Ethics Portal, she was swiftly terminated.

Fortunately, New Jersey provides redress for people subjected to such treatment in the workplace. Accordingly, Plaintiff brings this lawsuit under the Conscientious Employee Protection Act (“CEPA”) to assert her right, and the rights of others throughout the State, to work in an environment free from harassment.

PARTIES

1. Plaintiff is a twenty (20) year old woman residing in Elizabeth, New Jersey, and at all times relevant hereto was employed by Corporate Defendants as a Service Manager and Crew Member.

2. Defendant CMG is a quick service Mexican-style restaurant chain headquartered in Newport Beach, California. Defendant CMG operates a restaurant located at 697 Morris Turnpike, Springfield, New Jersey 07081. At all times relevant hereto, Defendant CMG is an “employer” as defined under the CEPA.

3. Defendant Chipotle Services is a foreign limited liability corporation with a restaurant located at 697 Morris Turnpike, Springfield, New Jersey 07081. At all times relevant hereto, Defendant Chipotle Services is an “employer” as defined under CEPA.

4. Defendant Burke was, at all times relevant herein, a General Manager at Corporate Defendants. Accordingly, this claim is brought by Plaintiff against Defendant Burke in her individual capacity and/or as an agent or servant of Corporate Defendants acting during the course of her employment who aided and abetted the retaliation referenced herein. At all times relevant hereto, Defendant Burke is an “employer” as defined under the CEPA.

5. Defendant Quezada was, at all times relevant herein, a Field Leader at Corporate Defendants. Accordingly, this claim is brought by Plaintiff against Defendant Quezada in her individual capacity and/or as an agent or servant of Corporate Defendants acting during the course

of her employment who aided and abetted the retaliation referenced herein. At all times relevant hereto, Defendant Quezada is an “employer” as defined under the CEPA.

6. Defendant Rentas was, at all times relevant herein, a People Experience Analyst for the Northeast/Central North Regions at Corporate Defendants. Accordingly, this claim is brought by Plaintiff against Defendant Rentas in his individual capacity and/or as an agent or servant of Corporate Defendants acting during the course of his employment who aided and abetted the retaliation referenced herein. At all times relevant hereto, Defendant Rentas is an “employer” as defined under the CEPA.

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

8. Upon information and belief, Defendants John Does 1-5 are currently unidentified individuals who have acted in concert, aided and abetted, were complicit in, engaged in and/or encouraged conduct with regard to the instant matter and/or were responsible for the creation and/or implementation of anti-retaliation policies of Corporate Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

9. At all relevant times, Defendant CMG and Defendant Chipotle Services have been single and joint employers of Plaintiff within the meaning of CEPA. Upon information and belief, Defendant CMG and Defendant Chipotle Services’ operations are interrelated and unified, and they share common management, centralized control of labor relations, common ownership,

common control, common business purposes, and interrelated business goals. In addition, they jointly determine and manage the pay practices, rates of employee pay and method of payment, maintenance of employee records and personnel policies, practices and decisions with respect to the employees.

FACTS COMMON TO ALL CLAIMS

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

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

12. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey and elsewhere policies and procedures requiring employees who believe he or she was the victim of retaliation to report the behavior to supervisory and management staff.

13. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey and elsewhere policies and procedures committing them to engage in a timely and effective investigation of complaints of retaliation brought to their attention by employees.

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

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

16. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies 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 or unsafe.

17. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies prohibiting an employee from suffering retaliation for disclosing to supervisors or managers of Corporate Defendants any conduct engaged in by the company or a co-worker which an employee reasonably believes is or was unethical or unsafe.

18. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies prohibiting an employee from suffering retaliation for disclosing to supervisors or managers of Corporate Defendants any conduct engaged in by the company or a co-worker which an employee reasonably believes is or was a violation of Corporate Defendants' company policies.

19. In or around March 2018, Plaintiff was hired as a Crew Member for Corporate Defendants.

20. At all times throughout her employment with Corporate Defendants, Plaintiff performed her job responsibilities competently and diligently, loyally dedicated to Defendants and

the customers which they serve. In fact, Plaintiff was such an outstanding employee, that she was ultimately promoted to the Service Manager position at the Morris Turnpike location in Springfield, New Jersey.

21. Despite Plaintiff's demonstrated ability to maintain the very highest level of job performance, Plaintiff found herself in the midst of a corporate environment rife with flagrant disregard for the health and safety of customers and employees alike, and retaliation for complaints regarding same. This brutally hostile work environment caused Plaintiff significant emotional distress, which impacts her life to this day.

A. Corporate Defendants' Management Failed to Conduct Required Health and Temperature Checks and Falsified "Black Book" Records.

22. On or around March 07, 2022, Plaintiff became the Service Manager of Defendants' Morris Turnpike location. There, Plaintiff witnessed a number of health and safety standard violations that placed Defendants' employees and customers at serious risk of severe illness.

23. For instance, Corporate Defendants and their responsible managers encouraged Plaintiff and other managers to forego necessary and critical food safety inspections, and to fraudulently indicate that such inspections had occurred in the store's "Black Book."

24. Plaintiff and other management personnel at Corporate Defendants were required to conduct and log various health and safety checks on the food that was prepared in the store's "Black Book." The checks included the "Chipotle Wellness Check" and food temperature checks to ensure that food was being prepared and stored to safety standards.¹

¹ According to Corporate Defendants, "In order to prevent employees from working while sick, the Food Safety Leader conducts a Chipotle Wellness Check at the time any team member intends to enter the kitchen, or clocks in for work. The Food Safety Leader ensures that the Chipotle Wellness Check is documented and that each employee has stated that they are healthy to work and free of symptoms such as vomiting, diarrhea, and nausea, consistent with FDA

25. Corporate Defendants’ “Black Book” is a United States Food and Drug Administration (FDA) Hazard Analysis and Critical Control Points (HACCP) compliance record through which Corporate Defendants identify “food safety risks in the system and implement[s] corrective actions when needed.”²

26. The New Jersey Department of Health relies upon a restaurant’s accurate keeping of health and safety records, such as Corporate Defendants’ Black Book, to ensure that legally required health and safety measures are being satisfied. Pursuant to N.J.A.C. 8:24-8.3, the New Jersey Department of Health has the authority “to examine the health and sanitary records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used[.]”

27. Pursuant to N.J.A.C. 8:24-2.1(c)(3)(iii), “The person in charge shall ensure. . . [t]hrough daily oversight of the employees’ routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated, that employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats. . .”

28. Furthermore, N.J.A.C. 8:24-2.1(c)(3)(iv) states that, “The person in charge shall ensure. . . [t]hat employees. . . [t]hrough daily oversight of the employees’ routine monitoring of food temperatures during cooling, that employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours. . .”

guidelines. . .” Corporate Defendants identify the “potential for contamination of food through employee illness” as its “most critical control point.” <https://www.chipotle.com/foodsafety>.

² See <https://www.chipotle.com/foodsafety>.

29. N.J.A.C. 10:47-8.5(d)(2) requires that, for all refrigeration units, “. . . product storage temperature should not exceed 40 degrees Fahrenheit.”

30. N.J.A.C. 8:24-3.4 further prescribes comprehensive time-to-temperature guidelines for food preparation and food storage.

31. Despite the paramount importance of these health and safety measures, especially amid COVID-19 continuing to pose a threat to public health, Corporate Defendants’ management team frequently encouraged Plaintiff to forego temperature checks and falsify Black Book records to indicate that the checks had been completed.

32. Corporate Defendants’ management even went so far as to falsify Black Book records themselves. More specifically, Defendant Burke would personally write false information in the Black Book by indicating that certain safety checks were performed when they were not.

33. To cover up her brazen actions, Defendant Burke often filled out the Black Book under Plaintiff’s name, under the guise of assisting Plaintiff while she was too busy to otherwise object.

34. This practice of falsifying Black Book records occurred almost daily.

35. Moreover, Plaintiff was directed to falsify Corporate Defendants’ daily COVID-19 checks. More specifically, Defendants asked Plaintiff to mark employees as having no symptoms of COVID-19, without actually surveying the employees to ensure this was accurate.

36. Beyond being uncomfortable with these practices because they violated the bounds of New Jersey law, Corporate Defendants’ company policy, and basic human decency, Plaintiff also knew that her store was subject to random audits by EcoSure, a third-party company that provides food safety audits and inspections. EcoSure had previously audited Corporate Defendants and docked “points” from them for food safety violations. As a diligent manager, Plaintiff was

concerned that these poor practices would negatively affect her location and make customers and employees sick.

B. Corporate Defendants' Management Allowed a Crew Member to Handle Food After Cleaning Up a Biohazard.

37. On April 07, 2022, a customer vomited in the Springfield, New Jersey Defendant Chipotle restaurant.

38. Plaintiff immediately took the customer aside to check on her and complete a report recording the incident. In speaking with the customer, Plaintiff learned that the customer's workplace recently suffered a COVID-19 outbreak. The customer expressed that she did not believe she had contracted COVID-19. However, upon observing that the customer threw up, Plaintiff was alarmed and suspected that the customer may have been exposed to and contracted COVID-19.

39. As Plaintiff was gathering this information from the customer, Defendant Burke directed another employee to clean up the mess.

40. Corporate Defendants implement strict cleaning and precautionary procedures for cleaning up any bodily fluid "spills" that occur on premises as a means of ensuring that Corporate Defendants' food, which it serves to customers, is not contaminated.

41. The procedure requires employees to use a special spill kit and to wear certain personal protective equipment ("PPE") when cleaning the bodily fluid. Then, after an employee cleans up a bodily fluid spill, Corporate Defendants' policy is to send the employee home for the rest of their shift so as to not contaminate the food in the restaurant.

42. However, the employee cleaning the bodily fluids on April 9, 2022 did so without the proper PPE and spill kit. Then, once the spill was cleaned, Defendant Burke instructed the

employee to return to the line to complete their shift. Defendant Burke did not permit the employee to go home.

43. Upon discovering that the employee who cleaned up the spill did so without wearing PPE or using the spill kit, Plaintiff immediately complained to Defendant Burke. Specifically, Plaintiff expressed that allowing the employee to continue working was against corporate protocol and a food safety violation, and that other customers could get sick as a result.

44. Rather than immediately act to correct this issue, Defendant Burke said she did not know if sending the employee home was the proper course of action. Defendant Burke checked with Defendant Quezada, and who ultimately agreed that the employee should not be sent home, in contravention of Corporate Defendants' policy.

45. No doubt, Defendant Burke and Defendant Quezada's flagrant disregard for Corporate Defendants' critical food safety procedures was due to the restaurant being understaffed for the day.

46. Accordingly, Plaintiff filed a report documenting this incident with Corporate Defendants' corporate office. Therein, Plaintiff complained that the failure to abide by Corporate Defendants' clear safety protocols exposed countless customers and employees to illness.

47. One day after this incident, Plaintiff and her daughter fell ill. Plaintiff discovered she was sick when she herself vomited at work. Upon information and belief, Plaintiff contracted the illness after having contact with the sick customer the day prior. Plaintiff reported her illness to Corporate Defendants' corporate office and was forced to remain out of work for five (5) days.

C. **As a Result of the Egregious Noncompliance in the Workplace, Plaintiff Requested a Demotion to Crew Member and Reported Defendants' Misconduct.**

48. Plaintiff was disturbed by Defendants' *laissez-faire* attitude towards health and safety protocols. She feared disciplinary action for the fraudulent entries Defendant Burke was pressuring to make in the Black Book.

49. Consequently, during the week of April 25, 2022, Plaintiff informed Defendant Burke that she no longer wanted to be a Service Manager and requested a demotion. In doing so, Plaintiff explicitly informed Defendant Burke she was requesting the demotion because she was uncomfortable with forging the Black Book and foregoing necessary health and safety inspections, and that she believed such conduct could expose her and Corporate Defendants to liability.

50. On April 28, 2022, Plaintiff received notice that Defendant Quezada wanted Plaintiff's request for a demotion in writing. Plaintiff obliged and sent an email to Defendant Quezada that read, in relevant part:

Good afternoon [Defendant Quezada],

Starting the week of May 9th, I [Plaintiff] would like to demote myself to the crew member position to alleviate some of the stresses and concerns that I had being a service manager in the patch.

51. For two weeks, Plaintiff did not receive any response from Defendant Quezada. Plaintiff reached out to Defendant Quezada via telephone to inquire about the status of her demotion, to no avail.

52. On May 7, 2022, Plaintiff turned in her manager's key and sent Defendant Burke a picture of her doing so. In turn, Defendant Burke instructed Plaintiff that she would not be demoted until Defendant Burke provided her with further notice.

53. Plaintiff felt immense stress and discomfort about the lack of responsiveness surrounding her demotion request and complaints. Plaintiff could not stand idly by while

Defendants Burke and Quezada forced Corporate Defendants' managers to forego necessary and legally required food safety protocols.

54. Accordingly, on May 8, 2022, Plaintiff filed an Improper Conduct ethics report regarding Defendant Burke's and Defendant Quezada's conduct via Corporate Defendants' only portal. The complaint stated, in part:

During the week of April 25, 2022, Quincidy requested a demotion because of the hostile workplace environment that she has been experiencing in the store. [Defendant Burke] has been encouraging the employees (names and job titles withheld) to sign a document related to the temperature of the employees, but not taking the actual temperature of them as it is stated by Chipotle standards. That situation can lead to a full safety violation. In addition, the employees of the store are forced to stay after the end of the shift. The employees are forced to be overworked because the store is short of staff. The employees are working approximately 9 to 10 hours, even it is out of the norm. There are cameras in the facility that probably recorded the situation. [Defendant Quezada] requested Quincidy email her about Quincidy's request for a demotion, but [Defendant Quezada] never responded.

On May 8, Quincidy was informed that her request for the demotion was denied. Quincidy did not receive any reason or explanation for it.

Quincidy asks Chipotle to review and investigate this matter.

D. Plaintiff Was Subjected to Retaliation As a Result of Her Complaints to Corporate Defendants, Defendant Burke, and Defendant Quezada.

55. On May 9, 2022, Defendant Burke and Defendant Quezada called Plaintiff into a meeting. Therein, Defendants Burke and Quezada confronted Plaintiff in a hostile manner and asked her why she was seeking a demotion.

56. Plaintiff began to articulate her concerns that Defendant Burke and Defendant Quezada had been pressuring her and other Corporate Defendants employees to forego necessary and legally required health and safety protocols in the workplace. However, in a contemporaneous

act of retaliation, Defendant Burke told Plaintiff, “If you do not like the way we are handling things in this patch, there is an open-door policy and you could go.”

57. Defendant Burke and Defendant Quezada then informed Plaintiff that she could receive her demotion, but that she was no longer welcome to work at the Morris Turnpike Chipotle any longer. They informed Plaintiff she had one week to transfer to a different location, or her employment with Corporate Defendants would be terminated.

58. As justification, Defendants Burke and Quezada claimed Plaintiff’s availability as a Crew Member did not suit their needs. However, as the store was desperately understaffed, this was nothing more than pretext for Defendants’ true, retaliatory motive.

59. Plaintiff immediately complained, expressing that one week would not be enough time to find another store to transfer to. Defendants Burke and Quezada agreed to provide Plaintiff with an additional week to another work location, but Plaintiff was faced with an ultimatum: if Plaintiff could not find a new store within two weeks, Individual Defendants would no longer schedule Plaintiff for any shifts in the Morris Turnpike location.

60. In other words, if Plaintiff could not transfer to another location by Defendant Burke and Defendant Quezada’s deadline, her employment with Defendants would be terminated.

61. On May 10, 2022, Plaintiff was officially demoted to the level of Crew Member, but she was not scheduled for even a single shift at the Morris Turnpike location.

62. Sensing that she was being retaliated against for her complaints, Plaintiff used Corporate Defendants’ ethics portal to express her concerns for a second time. Plaintiff wrote:

Quincidy requests for the report to not been seen by [Defendant Quezada] and [Defendant Burke]. Quincidy felt that she was retaliated against by [Defendant Quezada] and [Defendant Burke] within regards to Quincidy’s first report. [Defendant Quezada] and [Defendant Burke] retaliated against Quincidy by giving Quincidy

two weeks to transfer out of the restaurant. Quincidy did not report the issue to anyone.

63. Defendants failed to contact Plaintiff regarding her complaint.

64. Then, on May 20, 2022, another update was posted to the EthicsPoint portal report stating, “The investigation of this matter has been completed, and appropriate action has been taken. Due to the confidential nature of any investigation, findings must remain confidential and cannot be shared. Thank you for filing your report.”

65. Upon information and belief, the purported “appropriate action” did not include any disciplinary action for Defendants Burke or Quezada, or food safety training in Corporate Defendants’ Morris Turnpike location. In other words, Corporate Defendants did nothing to remediate the rampant food safety violations or retaliation Plaintiff had suffered in the workplace.

66. On May 23, 2022, at the end of the two-week period allotted to Plaintiff to find new work, Plaintiff had yet to find a Chipotle location that would accept her transfer. Consequently, Plaintiff was terminated from her employment with Corporate Defendants.

67. On June 13, 2022, Plaintiff sent an email to Corporate Defendants’ Human Resources Department documenting her serious concerns about food safety violations and retaliation. The email is reproduced below in full:

Good afternoon my name is Quincidy Boston

I’m writing this letter because I think I’m being retaliated against at work since I reported very serious food safety violations any my Chipotle location. On March 7th, 2022, I was set to start at my new location - Chipotle Springfield NJ store number 3052. Although I was excited to start as a new Service Manager, that feeling had quickly faded when I began to notice that food safety was nonexistent in the restaurant. By my second day I decided that I absolutely could not eat at this location due to the lack of cleanliness of dishes, equipment, and facilities. I began to make comments to General Manager (Julia Burke) pointing out some of the unsanitary conditions that I noticed but was often told that it was her manager’s

job to notice and fix violations. Julia made it clear that she wasn't going to do anything to make sure that the food safety guidelines were followed, and that the food we were serving to customers was safe and sanitary.

One of the first things I noticed was that when our dirty dish area was full, dishes would be left on the floor and on garbage cans in the back of the house. When I addressed this matter to her, she brushed me off and didn't do anything to fix it. Other violations that I made aware to her was the fact that I has saw managers forging our Black Book, which is legal document that records temperatures of our food. She showed me our past two ecosure audits and told me that these were repeated violations that hurt our score. As time went on I soon began to understand why they were doing this.

From there I made sure that when I encountered repeated violations that had been a part of the culture of the restaurant, I addressed it to her. I constantly complained about the employee's failure to meet the very clear standards. I even spoke to my Field Leader Hilda Quezada and let her know that this restaurant's food safety standards were low and that I wouldn't eat here.

When I became the Manager on duty in our understaffed restaurant, I realized that with the store severely understaffed, meaning myself and 3 other people opening the store on a \$ 8,000 day, it felt impossible to fully complete the Black Book at the times designated. I brought this concern to Julia and asked for help, but she told me that because we are short, I would just need to forge the book. I was shocked, because Julia was telling me to put food safety second, and to forge a legally required document showing that we were following the law. But I was afraid if I complained I would be retaliated against. So, at first, I did what she said, but I began to feel uncomfortable doing this because I knew someone could get seriously hurt because the restaurant wasn't following the law and keeping to our required food safety guidelines.

This continued for some time. Julia would ask me if I was able to complete the Black Book, and if I hadn't, she would forge the book under my name. This made me very uncomfortable. Other times, I would see Julia washing produce like avocados in our dirty back of the house dish sinks. I didn't want to serve the customers this food because I was afraid they would get sick, since these sinks weren't sanitary.

Another major concern of mine was when Chipotle's protocols were not followed when a customer vomited in our dining room. On May

7th a guest notified me that her daughter had vomited. Both Julia and Hilda were in the building. I took a customer Incident report with Julia by my side and Julia had then ordered another manager to clean up the vomit, which is a bodily fluid. I reminded Julia that procedures state that we would have to send this person home after the cleanup. She said that she will ask Hilda the FL.

They sent this manager to clean up the vomit without the cleanup kit and proper attire and then did not send her home because we were short. Instead, she was sent to return her to duties on the grill and serving guests all while putting them and the rest of the team at risk. Julia and Hilda let this employee serve customers food after she came into contact with a biohazard and she did not have the appropriate protective equipment to do so. I then became sick from this incident and was out for 5 days.

Because of all of these events made me feel uncomfortable, I decided that I would not like to be a manager in this restaurant. I couldn't stand by while Julia put food safety on the back burner. The week of April 25, I notified Julia that I would like a demotion because I wasn't comfortable with ignoring food safety standards and forging the Black Book. I told her that I would respect the posted schedules and would wait until May 9th to take the demotion and she agreed.

On the 28th of April, I was notified that Hilda would like me to send her an email stating when I would like the demotion, the reason, and my new availability. I emailed Hilda and told her the same thing I told Julia, I wasn't comfortable working as a manager in a store where food safety wasn't a priority and my signature was being forged in the Black Book. After I sent this email I did not hear from her despite trying to call. It seemed like my managers didn't care about my complaints about food safety at work.

On May 8th after turning in my Key at the end of my shift I received a text from Julia saying that Hilda has not demoted me and that I will be a Service Manager in this restaurant until further notice. In the text she made it very clear that I was not a crew member. This made me feel very stressed and uncomfortable so I called Chipotle's Experience Hotline and made a complaint. I told Corporate that the restaurant wasn't meeting food safety guidelines, and that Julia was forcing people to forge the food temperatures in the Black Book without actually doing the necessary checks.

This complaint was then sent to Hilda. The next day Hilda and Julia called a mandatory meeting where they both ganged up on me and

spoke to me in a hostile manner. They treated me as a child and told me that “If I do not like the way they are handling things in this patch there is an open-door policy and I could go”. They also then told me that because this restaurant is short and I do not have an open availability I would have to leave and find another restaurant outside of Hilda’s area after I finished the schedule that was posted. I told them that one week was not enough time and they agreed to give me two weeks to find a store. But if I couldn’t find a store in that two week timeframe I wouldn’t be scheduled for any more shifts with Chipotle. So, Hilda and Julia yelled at me because I complained to Chipotle about their food safety violations, and basically fired me. This was obviously retaliation for my complaints.

This situation has caused me a lot of stress and anxiety. I am upset that customers at the store are being fed food that is potentially dangerous and could make them sick. I’m also really upset that I was basically fired because I complained. I can’t believe that something like this would happen just because I am trying to do the right thing. Today, I am left without a store and have been taken off of my restaurant’s schedule in retaliation for my complaints. I’m a good employee, and I love my job. I did everything right, but I’m the one being punished while Julia and Hilda continue to put food safety second. Please let me know what you’re going to do to fix this situation.

68. Defendants failed to respond to Plaintiff’s complaint.
69. Accordingly, on June 29, 2022, Plaintiff sent another complaint email. Same stated:

Good Afternoon,

I am writing this follow-up email in regard to my previous attempt to seek help with my ongoing situation at store number 3052 Springfield New Jersey. In that message, I reported the various food safety violations that were happening at the store, and how my complaints to General Manager Julia Burke and Field Leader Hilda Quezada were being ignored. I explained that Julia and Hilda wanted me to forge the Black Book and say that I had completed food safety checks when I had not. I also explained that the store was unsanitary and that guidelines weren’t being followed and people were getting sick. I also explained that because I complained to Julia and Hilda I was being retaliated against and that I was removed from the schedule as of May 19th, meaning I was fired from my job with Chipotle because of my complaints.

I wrote my initial email in hopes to seek guidance and gain answers as Chipotle advertises with our back-of-the-house posters and employee hotline but today I am left feeling not only hopeless but also concerned that employee and customer safety are not Chipotle's top priorities. I can't believe that my complaints about unsafe and unsanitary conditions in the kitchen are being ignored, and that food safety is not a concern. I feel that I have been put on the back burner for so long by a company that I have loved and put so much of my time and effort into and that the company's failure to investigate my complaints is also retaliatory. It seems like Chipotle just wants to rid itself of an employee who will make complaints about unsafe conditions at work, and it's not right. I need to know that my concerns are being taken seriously, and that customer and employee health and safety are a priority for Chipotle. Let me know what the company is doing about this situation.

70. At last, on June 30, 2022, seventeen (17) days from the date Plaintiff sent her initial email, Plaintiff received a response. Anthony Rentas ("Mr. Rentas"), a People Experience Analyst for the Northeast/Central North Regions, responded:

Hello Quincidy – Thank you for the email. I am apart of the HR team and I am working closely with Field Leadership and Food Safety to look into your concerns. I would love to learn more about your experience in the restaurant. When would be a good time over the next few days to chat with you about this?

71. This delayed, lackluster response encapsulates the utter disregard for customer safety and employee dignity harbored by Defendants. Plaintiff knew that Corporate Defendants would not take action to correct their grievous health and safety violations. Nor would Corporate Defendants bring an end to the brutal campaign of retaliation she was suffering within the workplace.

72. On July 1, 2022, Plaintiff responded to Mr. Rentas and complained the inadequacy of his delayed response. Plaintiff's response is reproduced in full below:

Good afternoon Anthony,

Your email is too little too late at this point. I do not feel comfortable meeting up in a restaurant to talk about what has taken place when

I've already been fired from the company for a month and a half. Especially when I haven't been rehired or put back on the schedule. I couldn't force myself return to a workplace where I was retaliated against because I complained about serious food safety issues, and where my complaints about that retaliation were ignored. Even thinking about it makes me really stressed and upset.

As I have stated in my previous emails my intentions were to seek guidance and understanding of what is being done to turn this situation around not only for the safety of food for guests and employees but to understand how the retaliatory actions of my managers were being handled. Rather than address my more serious complaints, I was asked only how I felt about the outcome of my recent demotion which entirely disregarded the severity of this situation. It just shows that this is all too little too late, and that Chipotle doesn't take food safety seriously. You didn't protect me when I needed help, and you didn't care about keeping customers and employees safe.

73. The retaliation Plaintiff was subjected to as a result of her diligent reporting has caused her to suffer from extreme emotional distress, which continues unabated to this day.

COUNT ONE

CEPA – RETALIATION

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

75. Defendants are “employers” of Plaintiff in accordance with the CEPA, defined as “any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly on behalf of or in the interest of an employer with the employer's consent.” N.J.S.A. 39:19-2(a).

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

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

78. As a direct result of Plaintiff raising complaints and/or threatening to disclose raising complaints, Defendants took retaliatory action against Plaintiff, which is outlined above.

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

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

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre- and post-judgment interest, 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 TWO

WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY

1. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.
2. During the course of her employment, Plaintiff reported and complained about Defendants' unlawful behavior. Defendants had knowledge of Plaintiff's protests and altered her employment status and/or work environment and/or terminated her as a result thereof.
3. The acts of Defendants constitute a wrongful discharge in violation of public policy by which Plaintiff has been damaged and will continue to suffer damages.

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

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

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

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Quincidy Boston

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

Dated: September 14, 2022

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, Quincidy Boston

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

Dated: September 14, 2022