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<p>TRACY ZISA, DIANA GONZALEZ, KRISTINE COSTELLO, GINA BENNETT, JESSICA SUAREZ, JOSEHLYN OYOLA, AUTUMN GOLDBECK, & KAITLYN GATENS, Plaintiffs, vs. WINTER ENTERPRISES, P.C., SUPERIOR SMILES PLUS, LLC, SIGNATURE SMILES, LLC, NEW JERSEY DENTAL GROUP, P.C., BLACKFORD DENTAL MANAGEMENT, LLC, BLACKFORD DENTAL MANAGEMENT HOLDINGS, LLC, SCOTT BRUGGEWORTH, DMD, ANNIKA BRUGGEWORTH, MILT HALLOCK, VAUGHN CLEMENS, DDS, DARLENE MANDER, SHAYNA HOWARDELL, and JOHN DOES 1-5 (fictitious names of unidentified individuals) Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION CAMDEN COUNTY DOCKET NO.: 000168-16 <u>Civil Action</u> THIRD AMENDED COMPLAINT & DEMAND FOR TRIAL BY JURY</p>
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Plaintiff Tracy Zisa (“Plaintiff Zisa”), Plaintiff Diana Gonzalez (“Plaintiff Gonzalez”),
Plaintiff Kristine Costello (“Plaintiff Costello”), Plaintiff Gina Bennett (“Plaintiff Bennett”),

Plaintiff Jessica Suarez (“Plaintiff Suarez”), Plaintiff Josehlyn Oyola (“Plaintiff Oyola”), Plaintiff Autumn Goldbeck (“Plaintiff Goldbeck”), Plaintiff Kaitlyn Gatens (“Plaintiff Gatens”), (collectively “Plaintiffs”), by way of Complaint against Defendant Winter Enterprises, P.C. (“Defendant Winter Enterprises”), Defendant Superior Smiles Plus, LLC (“Defendant Superior Smiles”), Defendant Signature Smiles, LLC (“Defendant Signature Smiles”), Defendant Blackford Dental Management, LLC (“Blackford Dental Management”), Defendant Blackford Dental Management Holdings, LLC (“Defendant Blackford Holdings”), Defendant New Jersey Dental Group, P.C. (“Defendant NJ Dental”), (collectively “Corporate Defendants”), Defendant Scott Bruggeworth, DDS (“Defendant S. Bruggeworth”), Defendant Annika Bruggeworth (“Defendant A. Bruggeworth”), Defendant Milt Hallock (“Defendant Hallock”), Defendant Vaughn Clemens, DDS (“Defendant Clemens”), Defendant Darlene Mander (“Defendant Mander”), and Shayna Howardell (“Defendant Howardell”), (collectively “Individual Defendants”), (collectively “Defendants”), allege as follows¹:

INTRODUCTION

1. For years Corporate Defendants’ various dental offices have functioned as Defendant Hallock’s and Defendant Clemens’s sexual harassment playground. Among other things, Defendant Hallock and Defendant Clemens regularly subjected numerous current and former female employees working at multiple office locations to unwelcome sexual advances and flirting, grotesque and crude sexual comments, and unwanted touching and groping of their breasts and buttocks. Defendant Hallock and Defendant Clemens also required certain female employees

¹Defendant NJ Dental Group, Defendant Blackford Consultants, Defendant Blackford Commodities Company, Defendant Blackford Development, Defendant Blackford Development II, Defendant Blackford Equity Fund, Defendant Blackford Holdings, Defendant Blackford Real Estate, Defendant Blackford North Pointe, Blackford Specialists LLC, Blackford Ventures LLC shall be referred to as “Corporate Defendants” and Defendant S. Bruggeworth, Defendant A. Bruggeworth, Defendant Hallock, Defendant Clemens, and Defendant Mander shall be referred to as “Individual Defendants.”

to submit to sexual advances and flirting as a condition of employment. In fact, Defendant Hallock and Defendant Clemens often requested sexual favors from female employees in exchange for favorable scheduling and cash “tips,” while ignoring or punishing those female employees who refused their advances.

2. Perhaps more appalling, Defendant S. Bruggeworth and Defendant A. Bruggeworth not only were well aware of the ongoing, egregious sexual harassment that occurred openly in the workplace and involved numerous female employees, they intentionally subjected Plaintiffs to (i) increased animus, scrutiny, disparate treatment and retaliation, and (ii) adverse employment action and termination for complaining of a workplace rife with sexual promiscuity. Fortunately, New Jersey’s Law Against Discrimination provides redress for women subjected to such treatment in the workplace. Plaintiffs accordingly bring this lawsuit.

PARTIES

3. Plaintiff Zisa is an individual residing at 208 B Dorset Avenue, Ventnor, NJ 08406 and at all times relevant hereto was employed by Corporate Defendants as a Supervisor at Corporate Defendants’ Atlantic City, New Jersey facility.

4. Plaintiff Gonzalez is an individual residing at 5814 Burk Avenue, Ventnor City, NJ 08406 and at all times relevant hereto was employed by Corporate Defendants as a Dental Assistant at Corporate Defendants’ Atlantic City, New Jersey facility.

5. Plaintiff Costello is an individual residing at 323 Pine Avenue Egg Harbor Township, NJ 08234 and at all times relevant hereto was employed by Corporate Defendants as the Comptroller for Corporate Defendants’ various dental facilities.

6. Plaintiff Bennett an individual residing at 656 Barretts Run Road, Bridgeton, NJ 08302 and at all times relevant hereto was employed by Corporate Defendants as a Dental

Assistant at Corporate Defendants' Atlantic City, New Jersey facility.

7. Plaintiff Suarez is an individual residing at 1333 Mediterranean Avenue Atlantic City, NJ 08401 and at all times relevant hereto was employed by Corporate Defendants as a Technician at Corporate Defendants' Atlantic City, New Jersey facility.

8. Plaintiff Oyola is an individual residing at 15 N. Rhode Island Avenue, Apt. A Atlantic City, New Jersey 08401 and at all times relevant hereto was employed by Corporate Defendants as a Dental Assistant at Corporate Defendants' Atlantic City, New Jersey facility.

9. Plaintiff Goldbeck is an individual residing at 1324 West North Street, Egg Harbor City, New Jersey 08215 and at all times relevant hereto was employed by Corporate Defendants as a Dental Assistant at Corporate Defendants' Vineland, New Jersey and Atlantic City, New Jersey facilities.

10. Plaintiff Gatens is an individual residing at 971 Karls Road Vineland, New Jersey 08361 and at all times relevant hereto was employed by Corporate Defendants as a Dental Assistant at Corporate Defendants' various dental offices.

11. Defendant New Jersey Dental Group, P.C. is a professional corporation organized and existing under the laws of the State of New Jersey with a principal place of business located at 120 North Pointe Blvd, Suite 300, Lancaster, Pennsylvania 17601.

12. Defendant Winter Enterprises is a professional corporation organized and existing under the laws of the State of New Jersey with a principal place of business located at 337 Clarkstown Road, Mays Landing, New Jersey, 08330.

13. Defendant Superior Smiles is a limited liability company organized and existing under the laws of the State of New Jersey with a principal place of business located at 337 Clarkstown Road, Mays Landing, New Jersey, 08330.

14. Defendant Signature Smiles is a limited liability company organized and existing under the laws of the State of New Jersey with a principal place of business located at 616 Washington Street, Toms River, New Jersey 08753.

15. Defendant Blackford Dental Management, LLC is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at 101 N. Pointe Blvd #202, Lancaster, Pennsylvania 17601.

16. Defendant Blackford Dental Management Holdings, LLC is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at 101 N. Pointe Blvd #202, Lancaster, Pennsylvania 17601.

17. Defendant S. Bruggeworth is an owner and principal of Corporate Defendants. This claim is brought against Defendant S. Bruggeworth in his individual capacity and/or as an agent of Corporate Defendants acting during the course of his employment.

18. Defendant A. Bruggeworth is an owner and principal of Corporate Defendants. This claim is brought against Defendant A. Bruggeworth in her individual capacity and/or as an agent of Corporate Defendants acting during the course of her employment.

19. Defendant Hallock is the Regional Manager of Corporate Defendants. This claim is brought against Defendant Hallock in his individual capacity and/or as an agent or servant of Corporate Defendants acting during the course of his employment.

20. Defendant Clemens is an Endodontist employed by Corporate Defendants. This claim is brought against Defendant Clemens in his individual capacity and/or as an agent of Corporate Defendants acting during the course of his employment.

21. Defendant Mander is a supervisor employed by Corporate Defendants. This claim is brought against Defendant Mander in her individual capacity and/or as an agent of Corporate

Defendants acting during the course of her employment.

22. Defendant Howardell is a supervisor employed by Corporate Defendants. This claim is brought against Defendant Howardell in her individual capacity and/or as an agent of Corporate Defendants acting during the course of her employment.

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

FACTS COMMON TO ALL CLAIMS

24. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

25. Corporate Defendants are a Multi-Specialty Dental Group Practice doing business as "Signature Smiles" with locations throughout New Jersey. At all relevant times hereto, Individuals Defendants were the supervisors and/or managers of Plaintiffs.

26. During the course of their employment at Corporate Defendants, Individual Defendants subjected Plaintiffs to repeated, pervasive, severe, and continuing instances of sexual harassment, discrimination, and retaliation.

27. Defendant Hallock and Defendant Clemens, in particular, regularly demeaned, objectified, touched, groped, sexually assaulted, and sexually harassed Plaintiffs and other women employed at Corporate Defendants.

28. With respect to Plaintiff Zisa, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Zisa includes, but is not limited to, the following:

- a. Defendant Hallock gropes, touches, and massages women working at Corporate Defendants' various offices, including but not limited to Plaintiff Zisa. This conduct occurs openly in the workplace.
- b. On one (1) occasion, after luring Plaintiff Zisa into his office, Defendant Hallock placed his hand near Plaintiff Zisa's vagina and caressed her inner thigh. On another occasion, Defendant Hallock grabbed Plaintiff Zisa's waist in a sexual manner and pulled her into his body and onto his lap. Defendant Hallock has, on numerous occasions, purposefully and in a sexual manner, rubbed his torso against the bodies of female employees and rubbed his genitals against the bodies of female employees.
- c. Defendant Hallock has made a number of sexist and misogynistic comments about Plaintiff Zisa, female employees, and female patients. Defendant Hallock frequently discusses sex in the workplace and shows female employees sexually provocative pictures and text messages on his phone, including a picture of a person inserting an abnormally large penis into another person. On other occasions, Defendant Hallock showed female employees and patients pornographic pictures and drawings.
- d. Defendant Hallock also discusses and comments on female employees' "knockers," "tits," and "boobs" openly in the workplace. Defendant Hallock refers to females as "bitches" and brags about having prior sexual harassment complaints filed against him without repercussion.
- e. In addition, it is widely known by Corporate Defendants that Defendant Hallock has had physical, sexual relationships with a number of female

employees and that he has sexually harassed other current and former female employees. Defendant Hallock has made it an express or implicit part of certain female employees' job responsibilities to submit to his sexual advances and requests for sexual favors.

- f. Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Zisa's gender.

29. With respect to Plaintiff Gonzalez, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Gonzalez includes, but is not limited to, the following:

- a) Defendant Clemens gropes and touches women working at Corporate Defendants, including but not limited to Plaintiff Gonzalez. This conduct occurs openly in the workplace. On several occasions, Defendant Clemens grabbed Plaintiff Gonzalez's breasts and buttocks; he did so in front of Plaintiffs' co-workers.
- b) On another occasion, while sitting in a chair, Defendant Clemens cornered Plaintiff Gonzalez in an exam room. Defendant Clemens then spread his legs so Plaintiff Gonzalez was forced to step over Defendant Clemens to avoid him and to otherwise allow Defendant Clemens to rub against Plaintiff Gonzalez when she attempted to do so.
- c) On another occasion, Defendant Clemens asked Plaintiff Gonzalez for her phone number. Defendant Clemens also has made a number of sexist and misogynistic comments about Plaintiff Gonzalez, female employees, and female patients. Defendant Clemens frequently discusses sex and told Plaintiff Gonzalez that he enjoys a sexual fetish called Sadism and

Masochism, that he prefers submissive women, and that he “wants a submissive girl.”

- d) On several occasions, Defendant Clemens attempted to lure and solicit Plaintiff Gonzalez into having a sexual encounter at work and in her car. On one (1) occasion, Defendant Clemens said to Plaintiff Gonzalez, “Want to meet with me upstairs in the garage or car?” and told Plaintiff Gonzalez that her car is “big enough for us.” When Plaintiff Gonzalez asked what he meant with respect to the size of the car, Defendant Clemens said with a smirk, “oh you’ll find out.”
- e) On another occasion, Defendant Clemens said to Plaintiff Gonzalez, “oh the things I would do to you” in a sexual manner. On other occasions, after numbing a patient, Defendant Clemens said to Plaintiff Gonzalez in a sexual manner, and in front of female assistants, “you’re the kind of girl who would like a little pain in the mix.”
- f) In addition, it is widely known that Defendant Clemens has had sexual relationship with a number of female employees, including Plaintiff Zisa, and that he has sexually harassed other current and former female employees. Defendant Clemens has made it an express or implicit part of certain female employees’ job responsibilities to submit to his sexual advances and requests for sexual favors. Defendant Clemens tends to prey on single working mothers who need financial assistance. In fact, at the end of the work day, Defendant Clemens often tips the female employees he

sexually harasses to keep them quiet, including Plaintiff Gonzalez and Plaintiff Zisa.

- g) Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Gonzalez's gender.

30. With respect to Plaintiff Bennett, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Bennett includes, but is not limited to, the following:

- a) Beginning in or around 2012, and despite Plaintiff Bennett's protest, Defendant Hallock repeatedly sexually harassed Plaintiff Bennett. Upon his arrival at Defendants' Vineland facility, Defendant Hallock asked Plaintiff Bennett, "can I have a hug today?" Defendant Hallock also leered at Plaintiff Bennett's body and attempted to flirt with Plaintiff Bennett. Defendant Hallock stated to Plaintiff Bennett on a number of occasions, "you look cute," "I like those scrubs on you," "you are so hot, you know you are hot."
- b) Over time, Defendant Hallock became more sexually aggressive toward Plaintiff Bennett. On several occasions, Defendant Hallock placed his hands on Plaintiff Bennett's hips from behind and stated, "let me see what kind of underwear you have on." Defendant Hallock also purchased Plaintiff Bennett underwear and lingerie, placed his arms around Plaintiff Bennett, and asked Plaintiff Bennett for kisses. On one (1) occasion, Defendant Hallock pulled down Plaintiff Bennett's scrub pants to see what kind of underwear Plaintiff Bennett was wearing that day. On another

occasion, Defendant Hallock pulled Plaintiff Bennett's scrub top to the side to see Plaintiff's Bennet's tan lines.

- c) In addition, Defendant Hallock has made it an express or implicit part of certain female employees' job responsibilities to submit to his sexual advances and requests for sexual favors. For example, Defendant Hallock frequently asked Plaintiff Bennett for sexual favors and nude photos. Defendant Hallock also exposed his genitals to Plaintiff Bennett and showed Plaintiff Bennett cell phone pictures of his genitals.
- d) Further, if Plaintiff Bennett requested a day off or an adjustment to her work schedule, Defendant Hallock requested that Plaintiff Bennett (and others) "send a picture" of Plaintiff Bennett dressed in lingerie, in her bra, and/or naked. Upon information and belief, Defendant Hallock has numerous pictures of Corporate Defendants' female employees stored on his phone.
- e) Defendant Hallock repeatedly asked Plaintiff Bennett to "come over" to his personal residence. When Plaintiff Bennett refused, Defendant Hallock purposefully asked Plaintiff Bennett to pick supplies or drop-off work related materials at Defendant Hallock's residence. Upon arrival, Defendant Hallock made sexual advances toward Plaintiff Bennett and pressured her to submit to his sexual advances. As a result of Defendant Hallock's constant harassment, pressure, and manipulation, Plaintiff Bennett eventually succumbed to his advances.
- f) Defendant Clemens also sexually harassed Plaintiff Bennett when he traveled to Defendants' Vineland facility. Despite Plaintiff Bennett's

protests, Defendant Clemens groped and touched Plaintiff Bennett. On several occasions, Defendant Clemens grabbed Plaintiff Bennett's buttocks and breasts and asked Plaintiff Bennett for hugs and kisses.

- g) In addition, Defendant Clemens has made it an express or implicit part of certain female employees' job responsibilities to submit to his sexual advances and requests for sexual favors. Defendant Clemens exerted dominance and control over Plaintiff Bennett by verbally abusing and embarrassing Plaintiff Bennett and threatening to terminate Plaintiff Bennett's employment. If Plaintiff Bennett submitted to Defendant Clemens's sexual advances, however, Defendant Clemens (i) became caring and sympathetic toward Plaintiff, (ii) tipped Plaintiff Bennett, and (iii) paid for Plaintiff Bennett's personal expenses.
- h) Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Bennett's gender.

31. With respect to Plaintiff Suarez, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Suarez includes, but is not limited to, the following:

- a. While in the workplace, Defendant Clemens flirted with Plaintiff Suarez, leered at her body and dress, and Plaintiff's Suarez's body up and down. Defendant Clemens is obsessed with Plaintiff Suarez's hair. On several occasions, Defendant Clemens told Plaintiff Suarez, "I like your hair," "your hair is really nice," and the "color is nice." Plaintiff was warned by other female employees that Defendant Clemens will "start" by flirting and leering at female employees, but "eventually he will grab you sexually."

- b. In July 2015, Defendant Clemens, in a flirtatious and sexual manner, approached Plaintiff Suarez from behind in a supply room and caressed Plaintiff Suarez's hair while exhaling a deep breath onto Plaintiff Suarez's neck. Plaintiff Suarez left the room crying.
- c. Plaintiff Suarez also has observed Defendant Clemens touch and flirt with other women at the Atlantic City facility. Plaintiff Suarez also witnessed Defendant Clemens grope Plaintiff Gonzalez's breasts.
- d. Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Suarez's gender.

32. With respect to Plaintiff Oyola, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Oyola includes, but is not limited to, the following:

- a. Plaintiff Oyola has witnessed Defendant Hallock inappropriately touch women working at Corporate Defendants, including but not limited to Plaintiff Goldbeck. This conduct occurs openly in the workplace. On one (1) occasion, Plaintiff Oyola witnessed Defendant Hallock approach Plaintiff Goldbeck from behind, witnessed Defendant Hallock massage Plaintiff Goldbeck's neck, and witnessed Defendant Hallock attempt to kiss Plaintiff Goldbeck on the cheek.
- b. While in the workplace, Defendant Clemens flirted with Plaintiff Oyola and leered at her body and dress. In addition, Defendant Clemens is obsessed with female employees' hair, including Plaintiff Oyola's. On several occasions, Defendant Clemens stroked Plaintiff Oyola's hair, ran his fingers through Plaintiff Oyola's hair, and pulled Plaintiff Oyola's hair.

- c. Furthermore, Defendant Clemens objectified Plaintiff Oyola and even referred to her as “cutie.” Defendant Clemens also explained to female employees that he has a “paddle” in the trunk of his car if anyone wanted a “spanking.” Defendant Clemens openly discussed sex in the office and made sexual comments in the office. Defendant Clemens even made such comments to and in front of Corporate Defendants’ interns and patients.
- d. Defendant Clemens also touched Plaintiff Oyola in a flirtatious and sexual manner. On numerous occasions, Defendant Clemens told Plaintiff Oyola that he loves “20 second hugs.” Plaintiff Oyola witnessed Defendant Clemens hug other female employees and, on numerous occasions, Defendant Clemens hugged Plaintiff Oyola despite her protest. In fact, when Plaintiff Oyola attempted to escape Defendant Clemens’ forceful grip, Defendant Clemens pulled Plaintiff Oyola even closer and gripped her even tighter.
- e. Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Oyola’s gender.

33. With respect to Plaintiff Goldbeck, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Goldbeck includes, but is not limited to, the following:

- a. Beginning in or around 2011, and despite Plaintiff Goldbeck’s protest, Defendant Hallock repeatedly sexually harassed Plaintiff Goldbeck. Defendant Hallock first attempted to engage Plaintiff Goldbeck in sexual conversation and flirted with Plaintiff Goldbeck. Over time, however, Defendant Hallock became more sexually aggressive toward Plaintiff Goldbeck and other female employees.

- b. For example, Defendant Hallock grabbed Plaintiff Goldbeck's hips and repeatedly attempted to kiss Plaintiff Goldbeck in the workplace. On one (1) occasion, Defendant Hallock aggressively grabbed Plaintiff Goldbeck and kissed on her the cheek forcefully, so much so that Defendant Hallock's beard left a red abrasion on Plaintiff Goldbeck's cheek.
- c. In addition, if Plaintiff Goldbeck dropped an instrument or went to pick something up off of the floor, Defendant Hallock rubbed up against Plaintiff Goldbeck and positioned his torso behind Plaintiff Goldbeck's buttocks in a sexual manner and while Plaintiff Goldbeck was bent over at the hip.
- d. Defendant Clemens also sexually harassed Plaintiff Goldbeck. Despite Plaintiff Goldbeck's protests, Defendant Clemens groped and touched Plaintiff Goldbeck. On several occasions, Defendant Clemens grabbed Plaintiff Goldbeck from behind and hugged Plaintiff Goldbeck. When Plaintiff Goldbeck attempted to push Defendant Clemens away, Defendant Clemens gripped Plaintiff Goldbeck even harder and more forcefully. On another occasion, Defendant Clemens aggressively attempted to sexually assault Plaintiff Goldbeck in an exam room, using such force that he knocked Plaintiff Goldbeck into an x-ray machine.
- e. Defendant Clemens deliberately attempted to approach Plaintiff in circumstances where she was alone to further sexually harass Plaintiff. On numerous occasions, Defendant Clemens sent Plaintiff Goldbeck text messages stating "come up to my car," where Defendant Clemens often lied in wait until after Plaintiff Goldbeck (and other female employees) finished their shift.

- f. On one occasion, Defendant Clemens approached Plaintiff Goldbeck from behind when Plaintiff Goldbeck attempted to get in her car to leave work. Defendant Clemens then grabbed Plaintiff Goldbeck and stated to her, “you know you want me,” a phrase he often used inside the dental office and with other female employees. Defendant Clemens eventually backed way, but only after Plaintiff Goldbeck threatened to scream for help. Plaintiff Goldbeck also was present when Defendant Clemens sexually assaulted Plaintiff Gonzalez (described above).
- g. In addition, Defendant Clemens, on numerous occasions, rubbed his hands down Plaintiff’s Goldbeck’s leg and ran his fingers through Plaintiff Goldbeck’s hair. Defendant Clemens also purchased Plaintiff Goldbeck a pair of cowboy boots and asked Plaintiff Goldbeck to send him pictures wearing the boots. Defendant Clemens also stated to Plaintiff Goldbeck (and other female employees) that he had a “paddle” in the trunk of his car and said “I know you want a spanking.” Defendant Clemens also has asked Plaintiff Goldbeck if she could show Defendant Clemens her breasts.
- h. Male employees were never treated in such a manner. The above-described conduct would not have occurred but for Plaintiff Goldbeck’s gender.

34. With respect to Plaintiff Gatens, the pattern of harassment, disparate treatment, and retaliation directed at Plaintiff Gatens includes, but is not limited to, the following:

- a. Defendant Hallock often leered at Plaintiff Gatens’s body and dress, and he looked Plaintiff Gatens up and down. Defendant Hallock also requested via text message that Plaintiff Gatens send Defendant Hallock pictures of herself.

- b. Defendant Hallock often attempted to flirt with Plaintiff Gatens (and other female employees) and he stood intentionally close to Plaintiff Gatens, so much so that Plaintiff Gatens could feel Defendant Hallock breathing on her neck and body. Defendant Hallock also referred to Plaintiff Gatens (and other female employees) as one of his “Charlie’s Angels.”
- c. On one (1) particular occasion at Corporate Defendants’ Atlantic City office, while Plaintiff Gatens stood in a confined space, Defendant Hallock approached Plaintiff Gatens from behind, placed his hands on Plaintiff Gatens’s hips, and squeezed Plaintiff Gatens’s hip in a sexual manner. Defendant Hallock also used his torso to firmly brush up against Plaintiff Gatens’s buttocks.

35. Plaintiffs repeatedly complained to their supervisors and directly to Defendant S. Bruggeworth, Defendant A. Bruggeworth, and Defendant Mander regarding the above-described conduct, but the harassment and abuse did not stop.²

36. In September 2014, Plaintiff Zisa complained directly to Defendant A. Bruggeworth regarding Defendant Hallock’s conduct. Plaintiff Zisa was advised to do so by Plaintiff Costello, who was Defendant A. Bruggeworth’s “right-hand” employee and who had learned of numerous prior incidents regarding Defendant Hallock’s sexual transgressions in the workplace.

37. Plaintiff Costello advised Defendant A. Bruggeworth that the allegations are serious and that “we have to address it.” Defendant A. Bruggeworth advised Plaintiff Costello to stay out of the matter and explained that she will “take care of it” herself.

² The above-described conduct is confirmed by an audio recording wherein several of Corporate Defendants’ employees discuss the above discriminatory and retaliatory behavior.

38. Although Plaintiff Zisa complained of the harassment, neither Corporate Defendants nor A. Bruggeworth conducted a proper investigation and/or took appropriate remedial action to stop the harassment and prevent retaliation.

39. To the contrary, despite the serious nature of Defendant Hallock's conduct, Defendant Hallock merely received a "talking to" – a proverbial slap on the wrist. Defendant A. Bruggeworth otherwise swept Defendant Hallock's conduct under the rug because, as she told Plaintiff Costello, "who else is going to do [Defendant Hallock's] job?"

40. Instead, Defendant A. Bruggeworth actively and intentionally retaliated against Plaintiff Zisa with the objective of forcing Plaintiff Zisa to quit. Defendant A. Bruggeworth openly discussed with Plaintiff Costello her plan to retaliate against Plaintiff Zisa.

41. In addition, Plaintiff Zisa also advised Defendant A. Bruggeworth that Defendant Hallock harassed other female employees, including but not limited to Plaintiff Goldbeck and Plaintiff Gatens. Rather than investigate or take appropriate remedial action, Defendant A. Bruggeworth called Plaintiff Goldbeck to dissuade her from complaining about Defendant Hallock's conduct.

42. For example, Defendant A. Bruggeworth explained to Plaintiff Goldbeck: "Milt is a good worker and good friend. Tracy is a good worker but I should have fired her a long time ago." Defendant A. Bruggeworth also called Plaintiff Gatens regarding the above-described harassment. Plaintiff Gatens explained that Defendant Hallock "should not be working in office full of women." Plaintiff Gatens further explained that Defendant A. Bruggeworth needed to do address the matter. However, Defendant A. Bruggeworth dismissed Plaintiff Gatens's complaints and instead displayed animosity toward Plaintiff Gatens for complaining.

43. In turn, since complaining in September 2014, Plaintiff Zisa has, among other things, been written-up numerous times and subjected to false complaints and false inquiries by Defendant Mander and Defendant A. Bruggeworth. Plaintiff Zisa also been demoted and experienced a reduction in pay and work hours. In addition, Defendant A. Bruggeworth and Defendant Mander asked Plaintiff Goldbeck to make false accusations about Plaintiff Zisa and to support dubious write-ups of Plaintiff Zisa.

44. Because of Defendant A. Bruggeworth's reaction to Plaintiff Zisa's complaint and because she assisted Plaintiff Zisa with the internal logging of that complaint, Plaintiff Costello feared for her own job. As a result, Plaintiff Costello began logging, among other things, the illegal, discriminatory, and retaliatory behavior in her personal journal.

45. In February 2015, Defendant A. Bruggeworth located Plaintiff Costello's journal in Plaintiff Costello's desk. Defendant A. Bruggeworth confronted Plaintiff Costello regarding the journal and stated "what were you going to do, sue me?" Defendant A. Bruggeworth then terminated Plaintiff Costello on the spot and confiscated Plaintiff Costello's journal.

46. Likewise, after Plaintiff Gonzalez complained of the harassment to her direct supervisors, Corporate Defendants failed to conduct a proper investigation and/or take appropriate remedial action to stop the harassment and prevent retaliation. In fact, after complaining, Plaintiff Gonzalez was inexplicably designated as Defendant Clemens's permanent assistant. As such, Defendant Clemens continued harassing and sexually assaulting Plaintiff Gonzalez.

47. Worse, Defendant Clemens eventually learned of Plaintiff Gonzalez's complaints through office gossip and confronted Plaintiff Gonzalez about her complaints in a threatening manner. Even after Plaintiff Gonzalez retained counsel, who sent two (2) letters regarding the

lewd and unlawful behavior occurring at Corporate Defendants, the harassment and retaliation continued.³

48. On Tuesday August 4, 2015, Defendant Clemens, upon arrival at the office, took his first opportunity to once again sexually assault Plaintiff Gonzalez in the workplace. Defendant Clemens groped Plaintiff Gonzalez in an exam room and in the hallway in front of Plaintiffs' co-workers.

49. Plaintiff Gonzalez immediately complained to her supervisors and called the police. Plaintiff Gonzalez followed-up with another complaint in writing that details the harassment and retaliation not only against her, but against Plaintiff Zisa:

I am emailing you directly because something has to be done about my work situation. Dr. Clemens sexually harasses me and sexually assaults me. He gropes me. He touches my breasts, my butt, and body and no one does anything about it!!!!!! He even tries to lure me into his car and take advantage of me. He thinks by tipping me 20 bucks here and there that I will give into him and keep quiet. That is just the tip of the iceberg. I have complained about this numerous times before and he does this almost every time he comes to the office. I am sure he does it to others too. Doctor Clemens even knows that I have complained in the past. Today I said enough is enough. He groped me in the office in front of my co-workers and Because nobody did anything about my complaints, I had no choice but to go to the police.

This morning I came into work as usual and scheduled to work with Clemens. As I was setting up, he walked in the room I was in and he sexually harassed me by feeling up on my boobs, ass, and body from behind while I wasn't facing his way. I removed his hands off of me and said "your crazy, stop!" I was startled and then he came back two minutes later and started groping on my body again but this time we were in the hall way in front of two other employees that witnessed everything. I pushed him away and said "stop touching me! I'm tired of you always touching me and I'm no

³ Corporate Defendants received a litigation hold from Plaintiffs' counsel on Friday July 31, 2015. Plaintiffs' counsel also faxed a letter on August 4, 2014 demanding that Corporate Defendants address the above-described conduct given that Plaintiff Gonzalez was sexually assaulted earlier that morning.

longer going to let this happen anymore!" I have been dealing with this harassment for months now and I'm so tired of it. He treats me like his sexual object. He is disgusting and a predator. After Clemens sexually assaulted me I ran to both supervisors there today and told them what happened and they said I had to wait for the manager Darlene to get there so that we can take the correct steps. So I thought. When Darlene arrived she pulled me in the office but I brought Jessica as a witness so that I wouldn't be alone. I explained everything that happened to her and Jessica told her what she saw and heard. I told Darlene that I had complained previous months ago about his behavior to our supervisor Shawenette and that it had been brought to her attention but still nothing was done and instead I was made his new permanent assistant.

After saying this she began to bad mouth Tracy another dental assistant for no apparent reason. She said "I noticed you've become good friends with Tracy and you should really not let her bring you down with her" I told her that Tracy had nothing to do with the situation, so she stopped slandering Tracy's name. Dr. Clemens was the last one she called into the office by himself. After Darlene spoke to Clemens she brought me back in the office and I asked for Jessica to come in again as a witness. She told me that Dr. Clemens had told her that me and him made a previous verbal agreement that he was allowed to touch me while and when I worked with him. I told her that there was never such an agreement and I felt very disrespected by both of them because I would never let a man touch me for no apparent reason. She made me feel like she believed him and this lie because she then asked me if she should bring him back to confront me about what he said about this agreement. I said "in the agreement what did I get in exchange to him touching me, money?" And she said "uh yea" I was a shocked and appalled by her response because that is suggesting prostitution and in any form that is illegal in the state of New Jersey. I told her I did not want to speak nor see him ever again. She said not to worry because her husband is a police officer so she would investigate the situation very well. Despite my prior complaints and everyone's knowing what's been going on, somehow I was still scheduled every week as Clemens assistant. I can't believe Signature Smiles has and is allowing this to occur. Because he is known to be with previous employers, like for example his former girlfriend Jocelyn which use to be his assistant. I know because He brought her to our office a few times

and she was neither in uniform or on the clock. She acted like his assistant but also like his lover all those days until we complained because that is a HIPPA violation to go into patients charts without working for the practice. But then again everyone knows that sexual harassment is swept under the rug here. I don't know what is going to happen but I am so distraught about this that I am literally shaking. I have so much anxiety and depression built up because I know I have to be at work everyday under these conditions.
Diana Gonzalez

50. The next day, Plaintiff Gonzalez was called into Defendant Mander's office, who advised Plaintiff Gonzalez that she needed to sign a formal complaint. Upon information and belief, two (2) other female employees witnessed Defendant Clemens's sexual assault of Plaintiff Gonzalez and they too submitted complaints.

51. Defendant Mander also warned Plaintiff Gonzalez that Defendant Clemens "is an independent contractor," in order to deflect responsibility of Corporate Defendants.

52. In addition, because Plaintiff Suarez supported Plaintiff Gonzalez's complaints of sexual harassment, Defendant Mander began to retaliate against Plaintiff Suarez. On August 24, 2015, Plaintiff Suarez sent the following complaint into Defendant S. Bruggeworth.

I am writing this complaint because of what has been going on at work lately. Darlene has it out for me ever since I gave a statement about Dr. Clemens sexually harassing Diana. She is making work very stressful for me. I was there when it happened and when Darlene spoke to Diana about it. Darlene also said some things in that meeting that aren't right, and it's obvious that she has it out for Tracy she brings her name out in situations that she has nothing to do with all the time. Darlene has been rude, and just threatened to fire me and will not allow me to take a day off to take care of my child who has a tumor that needs to be removed immediately. At first Darlene let me have the day off then she said no. I feel as though She is taking it out on me because I did the right thing and spoke up about the sexual harassment by Dr. Clemens. I also wanted you to know that Dr. Clemens also touched me inappropriately a week before I witnessed what he did to Diana. Thank you.

Jessica

53. The next day, Plaintiff Suarez was summoned to Defendant Mander's office. Defendant Mander told Plaintiff Suarez that Plaintiff Suarez "lied in the email to Dr. B."

54. Despite all of this, Corporate Defendants have still failed to conduct a proper investigation and/or take appropriate remedial action to stop the harassment and prevent retaliation. To the contrary, Individual Defendants continued to engage in numerous acts of retaliation directed at Plaintiffs as a result of their complaints.⁴

55. Since the filing of the First Amended Complaint, several Plaintiffs have been subjected to ongoing harassment and retaliation by Defendant Mander and proposed Defendant Howardell.

56. Defendant Howardell is Plaintiff Zisa's and Plaintiff Gonzalez's direct supervisor. Defendant Howardell has subjected Plaintiff Zisa and Plaintiff Gonzalez to increased scrutiny, increased hostility, false write-ups, and disparate treatment, all in an effort to constructively or actually terminate their employment in retaliation for complaining about sexual harassment or bringing the instant lawsuit.

57. Upon information and belief, Defendant Annika Bruggeworth. Who has a personal relationship and previously engaged in illicit activity with Defendant Howardell, has conspired with Defendant Howardell to retaliate against Plaintiffs.

COUNT ONE

NJLAD – DISPARATE TREATMENT, SEXUAL HARRASSMENT, AND HOSTILE WORK ENVIRONMENT DISCRIMINATION DUE TO GENDER

58. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

⁴ Because of the ongoing harassment and retaliation that went unaddressed, Plaintiff Suarez was constructively discharged from her employment.

59. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiffs is outlined above.

60. Plaintiffs were subjected to repeated, pervasive, severe, and continuing instances of disparate treatment and sexual harassment by Defendants based on their gender.

61. The above-described conduct would not have occurred but for Plaintiffs' gender.

62. 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.

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

64. 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.

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

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

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

68. Defendants did not have a commitment from the highest levels of management that harassment will not be tolerated; in fact, the highest levels of management deliberately and actively discriminated against Plaintiffs and retaliated against them for complaining about such conduct.

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

70. As the employer and/or supervisor of Plaintiffs, Corporate Defendants are vicariously, strictly, and/or directly liable to Plaintiffs pursuant to the New Jersey Law Against Discrimination (“NJLAD”), *N.J.S.A. 10:5-1, et seq.*, in that the affirmative acts of harassment, discrimination, and retaliation committed by Individual Defendants that occurred within the scope of their employment; the creation of the hostile work environment was aided by the 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.

71. Corporate Defendants and Individual 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 NJLAD by committing affirmatively harassing, discriminatory, and retaliatory acts towards 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)*.

72. Individual Defendants and the managers and/or supervisors of Plaintiffs, aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Corporate Defendants to commit acts and omissions that were in violation of the NJLAD 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 all Defendants individually and collectively liable to Plaintiff pursuant to *N.J.S.A. 10:5-12(e)*.

73. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under NJLAD, 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 TWO

NJLAD – QUID PRO QUO SEXUAL HARASSMENT AND DISCRIMINATION

74. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

75. Plaintiffs were subjected to unwelcome sexual harassment in the form of sexual advances or requests for sexual favors from Defendant Hallock and Defendant Clemens.

76. If Plaintiffs did not accede to their sexual demands, Defendant Hallock and Defendant Clemens threatened Plaintiffs and/or instilled fear in Plaintiffs they would lose their jobs, receive unfavorable performance reviews, be passed over for promotions, or suffer other adverse employment consequences.

77. Defendants had knowledge of such conduct.

78. Plaintiff was retaliated against on a number of occasions as a result thereof.

79. As a direct result of Plaintiffs raising complaints regarding Defendants' conduct, Defendants took retaliatory action against Plaintiffs, which is outlined above.

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

81. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained emotional and pecuniary damages.

WHEREFORE, Plaintiffs demand judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under NJLAD, 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 THREE

NJLAD – RETALIATION/IMPROPER REPRISAL

82. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

83. At all relevant times hereto, Defendants directly controlled or exerted control over Plaintiffs, including but not limited to control over the workplace, operations, promotion, demotion, and/or evaluation of Plaintiff.

84. Plaintiffs repeatedly complained and/or protested against the continuing course of harassing, discriminatory, and retaliatory conduct set forth at length above.

85. Defendants had knowledge about those complaints and/or protests.

86. Plaintiff was retaliated against on a number of occasions as a result thereof.

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

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

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

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

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

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

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

94. As a direct result of Plaintiffs raising complaints regarding Defendants' conduct, Defendants took retaliatory action against Plaintiffs, which is outlined above.

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

96. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained emotional and pecuniary damages.

WHEREFORE, Plaintiffs demand judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under NJLAD, 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 FOUR

**RETALIATION IN VIOLATION OF NEW JERSEY
CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")
(against Corporate Defendants, Defendant A. Bruggeworth, and
Defendant Howerdell only)**

97. Plaintiffs repeat each and every averment contained in the preceding paragraphs as if set forth herein.

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

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

WHEREFORE, by reason of the foregoing, Plaintiff Costello demands judgment in her favor and against Corporate Defendants, Defendant A. Bruggeworth, Defendant Howerdell on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre-judgment and post-judgment interest, attorneys' fees and costs of suit, and for such further relief that the Court deems equitable and just.

COUNT FIVE

**WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY
(against Corporate Defendants and Defendant A. Bruggeworth only)**

100. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

101. The acts of Corporate Defendants and Defendant A. Bruggeworth constitute a wrongful discharge in violation of public policy by which Plaintiff Costello has been damaged and will continue to suffer damages.

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

COUNT SIX

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

102. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

103. Defendants, through the course of conduct set forth above, intentionally or recklessly committed acts or omissions producing emotional distress for Plaintiffs.

104. The conduct of Defendants set forth at length above is extreme and outrageous in that it goes beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized society.

105. As a proximate result of said conduct, Plaintiffs suffered emotional distress so severe that no reasonable person could be expected to endure same.

106. Defendants, despite having actual or constructive notice of the conduct of harassing conduct, were deliberately indifferent and acquiesced to same, proximately causing damages to Plaintiffs.

107. On account of the conduct of Defendants, Plaintiffs have been injured.

WHEREFORE, Plaintiffs demand judgment in her 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 SEVEN

ASSAULT

108. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

109. By intentionally touching Plaintiffs, particularly by touching Plaintiffs in a sexual manner, Defendant Hallock and Defendant Clemens intended to cause and did cause Plaintiffs to suffer apprehension of an immediate harmful contact.

110. Defendant Hallock and Defendant Clemens touched Plaintiffs knowingly, willfully, and with malicious intent, and Plaintiffs are entitled to punitive damages.

111. Defendant Hallock and Defendant Clemens were employees of Corporate Defendants when they committed the acts intended to cause and causing Plaintiffs to suffer apprehension of an immediate harmful contact.

112. Defendants, despite having actual or constructive notice of the conduct of the Defendant Hallock and Defendant Clemens, was deliberately indifferent and acquiesced to same, proximately causing damages to the Plaintiffs.

113. On account of the conduct of Defendants, Plaintiffs have been injured.

WHEREFORE, Plaintiffs demand judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, punitive damages, pre-and post-judgment

interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

COUNT EIGHT

BATTERY

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

115. By intentionally touching Plaintiffs, Defendant Hallock and Defendant Clemens intended to cause and did cause immediate harmful and offensive contact with Plaintiffs.

116. Defendant Hallock and Defendant Clemens touched Plaintiffs knowingly, willfully, and with malicious intent, and Plaintiffs are entitled to punitive damages.

117. Defendant Hallock and Defendant Clemens were employees of Corporate Defendants when they committed the intentional touching of Plaintiffs.

118. Defendants, despite having actual or constructive notice of the conduct of Defendant Hallock and Defendant Clemens, were deliberately indifferent and acquiesced to same, proximately causing damages to the Plaintiffs.

119. On account of the conduct of Defendants, Plaintiffs have been injured.

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

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

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

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

DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury on all issues.

McOMBER McOMBER & LUBER P.C.
Attorneys for Plaintiffs

By: **Matthew A. Luber, Esq.**

Dated: 6/11/2020

DESIGNATION OF TRIAL COUNSEL

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

CERTIFICATION

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

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

McOMBER McOMBER & LUBER P.C.
Attorneys for Plaintiffs

By: **Matthew A. Luber, Esq.**

Dated: 6/11/2020