

Christian V. McOmber, Esq. – NJ ID #012292010
 cvm@njlegal.com
 Peter D. Valenzano, Esq. – NJ ID #037892010
 pdv@njlegal.com
 Lauren M. Hill, Esq. – NJ ID #304102019
 lmh@njlegal.com
 McOMBER McOMBER & LUBER, P.C.
 54 Shrewsbury Avenue
 Red Bank, New Jersey 07701
 (732) 842-6500 Phone
Attorneys for Plaintiff, R.N.

<p>R.N.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SURFBBQ LICENSE LLC d/b/a SURF BBQ; ROBERT RALLO; MAX RALLO; ANDREW BOUTHILLETTEW; MONTANA PEREZ; DANIEL BOSWELL; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MONMOUTH COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT & DEMAND FOR TRIAL BY JURY; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff R.N.¹ (“Plaintiff”), by way of Complaint against Defendant SurfBBQ License LLC d/b/a Surf BBQ (“Defendant Surf BBQ”), Defendants ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with “Defendant Surf BBQ,” collectively referred to as the “Corporate Defendants”), Defendant Max Rallo (“Defendant M. Rallo”), Defendant Robert Rallo (“Defendant R. Rallo”), Defendant Andrew Bouthillettew

¹ Plaintiff’s initials are provided in lieu of her full name to protect Plaintiff’s identity pursuant to *Rule* 1:38-3, as this matter concerns claims that Plaintiff was a victim of a sexual offense.

(“Defendant Bouthillette”), Defendant Montana Perez (“Defendant Perez”), Defendant Daniel Boswell (“Defendant Boswell”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Boswell,” “Defendant M. Rallo,” “Defendant R. Rallo,” “Defendant Bouthillette,” and “Defendant Perez,” collectively referred to as “Individual Defendants”) allege as follows:

PRELIMINARY STATEMENT

Plaintiff R.N., a nineteen (19) year old female, was subjected to a brazen sexual assault at the hands of a much older patron, Defendant Boswell, while bartending at Defendant Surf BBQ, a restaurant owned by celebrity chef Victor Rallo, who works as the restaurant’s Managing Partner. When the Surf BBQ Defendants learned of this serious and disturbing assault, they failed to take any remedial action. Defendants’ conduct was nothing short of a recipe for disaster. Perhaps they thought making a scene would be bad for business. Perhaps they did not want to offend Defendant Boswell, a regular customer. Or, worse, maybe their permissive approach to sexual harassment is simply part of their corporate culture. Whatever the case may be, the Surf BBQ Defendants violated clear mandates of New Jersey law when they permitted their young and impressionable teenage employee to suffer the crushing indignity of being groped by a man more than twice her age. The facts are short but compelling.

On October 28, 2022, Plaintiff was working a shift at Defendant Surf BBQ when Defendant Boswell, a regular customer known to the ownership of the business, came into the restaurant. Defendant Boswell regularly visited the restaurant and consumed copious amounts of alcohol. Indeed, on many occasions, Defendant Boswell drank with Defendant R. Rallo, an owner of Defendant Surf BBQ, to the point of intoxication. This visit was no different. Defendant Boswell consumed a significant amount of alcohol in a short period of time, chatting with Defendant R. Rallo, who was seated at the bar, and taking shots with Defendant Perez, a manager. After several

hours of drinking, Defendant Boswell snuck behind Plaintiff when her back was turned and forcefully *groped her breasts with both hands*.

Shocked and appalled at Defendant Boswell's conduct, Plaintiff immediately reported the incident to Defendant Perez, Defendant M. Rallo and Defendant Bouthillette. Rather than address her concerns, they turned a blind eye to Defendant Boswell's gross invasion of Plaintiff's bodily autonomy. Worse, the Surf BBQ Defendants indifferently permitted Defendant Boswell to remain on the premises for several hours thereafter, despite Plaintiff's repeated pleas to eject him. As a result of the Surf BBQ Defendants' refusal to take any corrective action whatsoever in response to Plaintiff's legitimate complaints of sexual harassment and assault, she was constructively terminated from her employment.

Fortunately, New Jersey law provides redress for employees subjected to such treatment in the workplace. Accordingly, Plaintiff brings this lawsuit to assert her right to work in an environment free from such invidious sexual harassment, discrimination, and retaliation.

PARTIES

1. Plaintiff is a nineteen-year-old female currently residing in Middletown, New Jersey, and at all times relevant hereto was employed by Defendant Surf BBQ as a bartender.

2. Defendant Surf BBQ is a limited liability corporation organized and existing under the laws of the State of New Jersey. Defendant Surf BBQ maintains a principal place of business located at 132 E River Road, Rumson, NJ 07760. At all times relevant hereto, Defendant Surf BBQ is an "employer" as defined under the LAD.

3. Defendant Boswell, at all times relevant hereto, is a domiciliary of New Jersey and, at all times relevant hereto, is an individual and customer at Defendant Surf BBQ. This claim is brought against Defendant Boswell in his individual capacity.

4. Defendant R. Rallo, at all times relevant hereto, owned and was employed at Defendant Surf BBQ as a Manager. This claim is brought against Defendant R. Rallo in his individual capacity and as an agent of Defendant Surf BBQ who aided and abetted in the discrimination and retaliation alleged herein. At all times relevant hereto, Defendant R. Rallo is an “employer” as defined under the LAD.

5. Defendant M. Rallo, at all times relevant hereto, was employed at Defendant Surf BBQ as a Manager. This claim is brought against Defendant M. Rallo in his individual capacity and as an agent of Defendant Surf BBQ who aided and abetted in the discrimination and retaliation alleged herein. At all times relevant hereto, Defendant M. Rallo is an “employer” as defined under the LAD.

6. Defendant Bouthillettew, at all times relevant hereto, was employed at Defendant Surf BBQ as a Manager. This claim is brought against Defendant Bouthillettew in his individual capacity and as an agent of Defendant Surf BBQ who aided and abetted in the discrimination and retaliation alleged herein. At all times relevant hereto, Defendant Bouthillettew is an “employer” as defined under the LAD.

7. Defendant Perez, at all times relevant hereto, was employed at Defendant Surf BBQ as a Manager. This claim is brought against Defendant Perez in her individual capacity and as an agent of Defendant Surf BBQ who aided and abetted in the discrimination and retaliation alleged herein. At all times relevant hereto, Defendant Perez is an “employer” as defined under the LAD.

8. Defendants ABC Corporations 1-5 are currently unidentified business entities that have acted in concert with Defendant Surf BBQ, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-discrimination policies

of Defendant Surf BBQ, and/or currently unidentified business entities that have liability for the damages suffered by Plaintiff under any theory advanced herein.

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

FACTS COMMON TO ALL CLAIMS

10. Defendant Surf BBQ claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey specific policies prohibiting sexual harassment and gender-based discrimination.

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

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

13. Defendant Surf BBQ claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures whereby it would engage in a timely and effective investigation of complaints of sexual harassment or gender-based discrimination brought to its attention by employees.

14. Defendant Surf BBQ claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies and procedures committing to

engage in a timely and effective investigation of complaints of sexual harassment brought to its attention by employees.

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

16. Plaintiff is a nineteen (19) year old female.

17. In or about July 2022, Plaintiff began working for Defendant Surf BBQ as a bartender. Throughout the course of her employment, Plaintiff performed her job responsibilities competently and diligently, loyally committed to Defendant Surf BBQ and the customers which it serves.

18. Despite her demonstrated ability to maintain the very highest level of job performance, Plaintiff was soon subjected to an intolerably hostile work environment, rife with sexual harassment and assault. Although Defendant Surf BBQ's uppermost levels of management were aware of, and even present for, the pernicious discriminatory conduct Plaintiff was forced to endure, they failed to take any corrective action whatsoever.

A. **Plaintiff is Sexually Assaulted by Defendant Boswell While Working for Defendant Surf BBQ.**

19. On or about October 28, 2022, Plaintiff was working an evening shift at the bar at Defendant Surf BBQ.

20. During her shift, Defendant Boswell, a regular at the restaurant, sat at the bar and started ordering alcoholic beverages.

21. Upon information and belief, Defendant Boswell is a married man in his fifties.

22. Defendant Boswell was friends with Defendant Bouthillette, Plaintiff's direct

supervisor, and regularly came to Defendant Surf BBQ to drink copious amounts of alcohol. Indeed, it was not unusual for Defendant Boswell to consume four double servings of alcohol in a twenty-minute period.

23. Although Defendant Surf BBQ's management had actual knowledge that Defendant Boswell drank alcohol to the point of intoxication each time he visited the restaurant, they never intervened, asked him to stop, directed the bartenders to stop serving him alcohol, or asked him to leave the premises.

24. In fact, Defendant Surf BBQ's management ratified Defendant Boswell's conduct by continuing to serve him alcoholic beverages.

25. When Defendant Boswell entered Defendant Surf BBQ's premises on October 28, 2022, Plaintiff took absolutely no pleasure in being in his presence or serving him alcohol. However, Defendants had made it clear that Defendant Boswell should be served regardless of his level of intoxication. Therefore, she abided by her supervisors' wishes.

26. That night, much like every other time Defendant Boswell visited Defendant Surf BBQ, Defendant Boswell became increasingly intoxicated.

27. Although Defendant R. Rallo was seated at Defendant Surf BBQ's bar, chatting with Defendant Boswell and personally observing his level of intoxication, he did absolutely nothing to remediate the situation. Defendant R. Rallo did not ask Defendant Boswell to leave. Nor did he instruct Plaintiff or any other bartender to stop serving him.

28. Instead, Defendant R. Rallo sat at the bar drinking alcoholic beverages to the point of intoxication himself. This was not an unusual occurrence at Defendant Surf BBQ. All the while, he sat idly by while Defendant Boswell became increasingly rowdy and familiar with Plaintiff.

29. Notably, Plaintiff was not the only bartender serving alcohol to Defendant Boswell

that evening. In fact, another bartender, Defendant Perez, served Defendant Boswell alcohol and even took shots of alcohol with him while serving him. Defendant Perez was also a manager in the restaurant but was working as a bartender that evening.

30. Therefore, Defendant Surf BBQ's management not only had actual knowledge of Defendant Boswell's level of intoxication, but also personally served him alcohol despite this knowledge.

31. Moreover, although Defendant R. Rallo and Defendant M. Rallo saw Ms. Perez taking shots with an intoxicated Defendant Boswell at Defendant Surf BBQ's bar, they failed to intervene.

32. Plaintiff's coworkers also noticed that as Defendant Boswell was becoming increasingly intoxicated, his inhibitions were lowered, and he was becoming more personal with Plaintiff. Defendant Bouthillette and Melanie Tencza ("Ms. Tencza"), an employee at Defendant Surf BBQ, both noticed and commented upon same. However, Defendants still did nothing to deescalate the situation.

33. After Defendant Boswell had been at the bar for several hours, Plaintiff announced that the kitchen would be closing, and asked patrons if they had any final orders for food.

34. Defendant Boswell ordered a burger for takeout. When his order was complete, Plaintiff went to the takeout window to retrieve his food.

35. While Plaintiff stood at the takeout window with her back to Defendant Surf BBQ's restaurant, entirely unsuspecting, Defendant Boswell crept up behind her without her knowledge, reached around her body with both hands, and *intentionally groped both of her breasts*.

36. Needless to say, Plaintiff absolutely did not invite Defendant Boswell's sexual assault in no way whatsoever. In fact, she was utterly shocked and distraught that a much older,

married patron would have the audacity to invade her bodily autonomy in such an egregious manner.

37. As soon as Defendant Boswell released Plaintiff, she gave him his food and fled as quickly as she could.

38. Notably, Defendant M. Rallo and Defendant Bouthillette were seated at a table directly next to the takeout window for the entirety of Defendant Boswell's assault. However, neither took any remedial action whatsoever. Instead, they permitted Plaintiff to be violated without any recourse.

B. The Surf BBQ Defendants Fail to Remove Defendant Boswell from the Restaurant's Premises, Despite the Fact That He Had Sexually Assaulted Plaintiff.

39. Plaintiff immediately reported Defendant Boswell's conduct to Defendant Perez. More specifically, Plaintiff frantically informed Defendant Perez that Defendant Boswell had groped her breasts without her consent, and asked Defendant Perez what she should do. However, Defendant Perez indifferently stated she did not know what Plaintiff should do and failed to intervene.

40. Then, Plaintiff reported Defendant Boswell's sexual assault to Defendant Bouthillette and Defendant M. Rallo. Again, Plaintiff specifically informed Defendant Bouthillette and Defendant M. Rallo that Defendant Boswell had groped her breasts without her consent.

41. However, rather than act to remediate Plaintiff's extremely hostile work environment in any way whatsoever, Defendant Bouthillette indifferently responded, "Cut him off, I guess."

42. Defendant Bouthillette and Defendant M. Rallo did not eject Defendant Boswell from the premises. Instead, they permitted Defendant Boswell to remain at the restaurant after he

sexually assaulted Plaintiff. Likely because they did not want to offend a regular customer and risk losing future sales.

43. Thereafter, Plaintiff was forced to approach Defendant Surf BBQ's responsible management multiple times over the next few hours to request that they eject Defendant Boswell from the business, as she was deeply upset and uncomfortable with his presence at the restaurant.

44. However, Defendants failed to do so. Indeed, Defendant R. Rallo, Defendant M. Rallo, Defendant Perez and Defendant Bouthillette failed to eject Defendant Boswell from the premises, despite Plaintiff's repeated requests. Instead, they came up with excuses for his behavior, stopped serving him alcohol, and minimized Plaintiff's traumatic experience, utterly failing to prioritize her safety and well-being.

45. Defendant Boswell remained at Defendant Surf BBQ for several hours after the assault and left of his own accord later that evening, despite Plaintiff's repeated requests to have him ejected from the restaurant. No employee of Defendant Surf BBQ ever asked Defendant Boswell to leave the restaurant at any point.

46. A few hours after Defendant Boswell left Defendant Surf BBQ, another employee found him passed out in the parking lot where he was waiting for Plaintiff next to her car.

47. Defendant Bouthillette went outside to call Defendant Boswell an Uber, and Plaintiff had to be escorted to her vehicle by another coworker.

48. Still, Defendant Surf BBQ did not take action to ban Defendant Boswell from the restaurant's premises.

49. In fact, Defendants took significantly more action to protect Defendant Boswell by ordering him an Uber and looking after him while he was passed out drunk in their parking lot than they did for Plaintiff.

50. Defendants did absolutely nothing to protect her in the wake of her sexual assault.

C. Plaintiff is Constructively Terminated From Her Job With Defendant Surf BBQ.

51. The following day, Plaintiff texted Defendant Bouthillette to complain about Defendant Surf BBQ's failure to remediate her hostile work environment the night prior.

52. Plaintiff expressed her disbelief that Defendant Surf BBQ's uppermost levels of management not only permitted Defendant Boswell to become increasingly intoxicated over the evening, but also that they refused to remove him from the restaurant's premises after he groped her breasts without her consent.

53. Plaintiff likewise informed Defendant Bouthillette she felt extremely unsafe returning to Defendant Surf BBQ's premises, as the restaurant's responsible management had failed to protect her in the wake of Defendant Boswell's sexual assault.

54. It was only after Plaintiff's written complaint that Defendant Bouthillette finally saw fit to escalate Defendant Boswell's conduct to Victor Rallo ("Mr. Rallo"), Defendant Surf BBQ's owner.

55. However, given Defendant R. Rallo, Defendant M. Rallo, Defendant Perez and Defendant Bouthillette's gross indifference the evening prior, Plaintiff knew the restaurant was not a safe place for her, and she could not return. Accordingly, Plaintiff was constructively terminated from her employment with Defendant Surf BBQ.

56. Plaintiff so violated by the assault that she reported same to the Rumson Police Department. Upon information and belief, an investigation into her allegations is currently ongoing, and the Monmouth County Prosecutor's Office has decided to press charges against Defendant Boswell for his conduct.

COUNT ONE

**NJLAD – SEXUAL HARASSMENT, GENDER DISCRIMINATION & HOSTILE
WORK ENVIRONMENT**

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

58. The pattern and practice of discrimination, harassment, and retaliation directed at Plaintiff is outlined above.

59. Plaintiff was subjected to repeated, pervasive, severe, and continuing instances of disparate treatment, harassment, and sexual assault based on his gender/sex.

60. The above-described conduct would not have occurred but for Plaintiff's gender/sex.

61. 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.

62. As the employer and/or supervisor of Plaintiff, Defendants are vicariously, strictly, and/or directly liable to Plaintiff pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq., in that the affirmative acts of harassment, discrimination, and retaliation committed by Individual Defendants occurred within the scope of their employment; the creation of a hostile work environment was aided by Defendant Surf BBQ in delegating power to Individual Defendants to control the day-to-day working environment; and/or Defendant Surf BBQ was deliberately indifferent, reckless, negligent, and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or 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.

63. Defendants aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, 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 toward Plaintiff in violation of the supervisory duty to halt or prevent harassment, retaliation, and discrimination, rendering all Defendants individually and collectively liable to Plaintiff pursuant to N.J.S.A. 10:5-12(e).

64. Individual Defendants and/or the supervisors of Plaintiff aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants to commit acts and omissions that were in violation of the 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 Defendants individually and collectively liable to Plaintiff pursuant to N.J.S.A. 10:5-2(e).

65. 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 the law, punitive damages, emotional distress damages, pre- and post-judgment interest, and attorneys' fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;

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

COUNT TWO

BATTERY
(As To Defendant Boswell)

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

67. By intentionally touching Plaintiff, Defendant Boswell intended to cause and did cause immediate harmful and offensive contact with Plaintiff.

68. Defendant Boswell touched Plaintiff knowingly, willfully, and with malicious intent, and Plaintiff is entitled to punitive damages.

69. Defendants, despite having actual or constructive notice of the conduct of Defendant Boswell, were deliberately indifferent and acquiesced to same, proximately causing damages to the Plaintiff.

70. On account of the conduct of Defendant Boswell, Plaintiff has 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, attorneys' fees and costs of suit, and for such other relief that the Court deems equitable and just.

COUNT THREE

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(As To Defendant Boswell)

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

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

66. 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.

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

68. On account of the conduct of Defendants, Plaintiff has been injured.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant 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 FOUR

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS **(As To Defendant Boswell)**

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

65. Defendant Boswell carelessly and/or negligently groped Plaintiff's breasts without her consent.

66. Although Defendants Surf BBQ, M. Rallo, R. Rallo, Perez and Bouthilletew had actual knowledge of Defendant Boswell's conduct, they carelessly and/or recklessly failed to take any remedial action and instead permitted him to remain on Defendant Surf BBQ's premises for several hours thereafter.

67. Said negligent conduct was the proximate cause of Plaintiff substantial emotional distress, which was so severe that no reasonable person could be expected to endure it.

68. As a result, Plaintiff was caused to sustain and did sustain serious and permanent injuries requiring the care and treatment of physicians, hospitalization, and/or medication, and has been and will in the future be required to seek treatment and medication and will continue to be hampered in her daily routine.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant 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 FIVE

NEGLIGENCE
(As to Defendant Boswell)

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

72. Based on the conduct described above, Defendant Boswell owed a reasonable duty of care to Plaintiff.

73. Based on the conduct described above, Defendant Boswell breached that duty of care to Plaintiff.

74. As a direct and proximate result of the carelessness, negligence, and/or recklessness of Defendant Boswell, as aforesaid, Plaintiff suffered damages and will, in the future, so suffer.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant Boswell 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

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, R.N.

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

Dated: March 29, 2023

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, R.N.

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

Dated: March 29, 2023