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*Attorneys for Plaintiff, Anthony Smith*

<p>ANTHONY SMITH,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COUNTY OF HUDSON; MARIO FERNANDEZ; PAUL MORALES; BECKY SCOTT; 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              HUDSON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p><b>COMPLAINT &amp; DEMAND FOR TRIAL              BY JURY; FIRST DEMAND FOR              PRODUCTION OF DOCUMENTS AND              FIRST SET OF INTERROGATORIES              DIRECTED TO ALL DEFENDANTS</b></p>
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Plaintiff, Anthony Smith (“Plaintiff”), by way of Complaint against Defendants Hudson County Department of Corrections (“Defendant Hudson County”), Defendants ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with “Defendant Hudson County,” collectively referred to as the “Corporate Defendants”), Defendant Mario Fernandez (“Defendant Fernandez”), Defendant Paul Morales (“Defendant Morales”), Defendant Becky Scott (“Defendant Scott”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Fernandez,” “Defendant Morales,” and “Defendant Scott,” collectively referred to as the “Individual Defendants”), alleges as follows:

## **INTRODUCTION**

By all accounts, Plaintiff Anthony Smith is precisely the type of employee Defendant Hudson County should be proud to employ. Throughout Plaintiff's twenty-year-long career with Defendant Hudson County as a Corrections Officer, he strived to achieve excellence and bridge the gap between the community and law enforcement. As a testament to his commitment, Plaintiff was promoted to the position of Community Outreach Officer, where he dedicated himself to mentoring members of the community. Unfortunately, Plaintiff's loyalty was not reciprocated, and the Hudson County Defendants unleashed a torrent of reprisal towards Plaintiff in retaliation for his complaints regarding what he reasonably believed to be violations of law, rule, and regulation committed by the Hudson County Defendants.


More specifically, Plaintiff complained that Defendant Fernandez, a Sergeant who is notorious for aggression towards inmates and coworkers alike, choked an inmate who was being processed into the county's jail.

**COUNTY OF HUDSON  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
30 Hackensack Avenue  
Kearny, NJ 07032  
201-395-5600



### Offender Processing - Pedigree Form

Today's Date: 8/26/22 6:20



Full Name: [REDACTED]  
Commit #: [REDACTED]

**Booking Information**

Birth Date:	[REDACTED]	Date/Time:	[REDACTED]
Age At Booking:	[REDACTED]	Transported By:	[REDACTED]
Current Age:	[REDACTED]	Shift:	[REDACTED]
Sex:	[REDACTED]	Officer Name:	[REDACTED]
Race:	[REDACTED]	Officer ID #:	[REDACTED]
Marital Status:	[REDACTED]	Admission Type:	[REDACTED]
SSN:	[REDACTED]	County Code:	[REDACTED]
Permanent ID:	[REDACTED]	Committed By:	[REDACTED]
TID Number:	[REDACTED]	State ID #:	[REDACTED]
CID Number:	[REDACTED]	FBI #:	[REDACTED]

**Physical Information**

Height:	[REDACTED]	Eye Color:	[REDACTED]
Hair Length:	[REDACTED]	Complexion:	[REDACTED]
Weight:	[REDACTED]	Hair Color:	[REDACTED]
Face Hair:	[REDACTED]	Build:	[REDACTED]

**Affiliations Information**

Citizen Of:	[REDACTED]	Religion:	[REDACTED]
Place Of Birth:	[REDACTED]	Gang Affiliation:	[REDACTED]
Country Of Birth:	[REDACTED]	Drivers License State:	[REDACTED]
County Of Residence:	[REDACTED]		

**Offender Address** **Phone Number**  
[REDACTED]

**Emergency Contact** **Family Address** **Phone Number**  
[REDACTED]

**Case Management**  
[REDACTED]

Although Defendant Fernandez was ultimately suspended for his conduct, Plaintiff found himself in the center of a bastion of retaliation because he had the courage to report this abusive and torturous behavior.

Consequently, Plaintiff was stripped of his title as Community Outreach Officer and effectively demoted. Not only did this retaliatory demotion negatively impact Plaintiff, but also the community at large. Moreover, Plaintiff has been subjected to an outrageously hostile work environment, including demeaning commentary and undesirable job assignments. Plaintiff's complaints regarding the retaliation he has faced have largely been ignored. Indeed, although Defendant Hudson County purported to engage in an "investigation" regarding same, Plaintiff's retaliatory hostile work environment has merely intensified. 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 his right to work in an environment free from harassment.

### **PARTIES**

1. Plaintiff resides in Somerset, New Jersey, and at all times relevant hereto was employed by Defendant Hudson County as a Corrections Officer.

2. Defendant Hudson County is a political subdivision and public entity organized under the laws of the State of New Jersey. Defendant Hudson County operates, maintains, and controls the Hudson County Department of Corrections, which operates a correctional facility located at 30-35 South Hackensack Avenue, Kearny, NJ 07032. At all times relevant hereto, Defendant Hudson County is an "employer" as defined under CEPA.

3. Defendant Fernandez was, at all times relevant herein, a Corrections Officer with the rank of Sergeant at Defendant Hudson County. Accordingly, this claim is brought by Plaintiff against Defendant Fernandez in his individual capacity and/or as an agent or servant of Defendant Hudson County acting during the course of his employment who aided and abetted the retaliation referenced herein. At all times relevant hereto, Defendant Fernandez is an "employer" as defined under CEPA.

4. Defendant Morales was, at all times relevant herein, a Corrections Officer with the rank of Captain at Defendant Hudson County. Accordingly, this claim is brought by Plaintiff against Defendant Morales in his individual capacity and/or as an agent or servant of Defendant Hudson County acting during the course of his employment who aided and abetted the retaliation referenced herein. At all times relevant hereto, Defendant Morales is an “employer” as defined under CEPA.

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

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

7. 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 Defendant Hudson County and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

**FACTS COMMON TO ALL CLAIMS**

8. Defendant Hudson County claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey and elsewhere specific policies prohibiting workplace retaliation.

9. Defendant Hudson County claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey and elsewhere a zero-tolerance policy when it comes to workplace retaliation.

10. Defendant Hudson County claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey and elsewhere policies and procedures requiring employees who believe they were the victim of retaliation to report the behavior to supervisory and management staff.

11. Defendant Hudson County claims, at all times relevant hereto, that it had in effect at its 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.

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

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

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

15. Defendant Hudson County claims, at all times relevant hereto, that it had in effect at its facilities and locations within the State of New Jersey policies prohibiting an employee from suffering retaliation for disclosing to supervisors or managers of Corporate Defendants any conduct engaged in by the company or a coworker which an employee reasonably believes is or was unethical or unsafe.

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

17. In or about 2003, Plaintiff commenced his employment with Defendant Hudson County as a Corrections Officer for the Hudson County Department of Corrections. At all times throughout his employment, Plaintiff performed his job responsibilities competently and diligently, loyally dedicated to Defendant Hudson County and the residents which they serve.

18. Plaintiff consistently served as an asset to Defendant Hudson County and worked for the betterment of his community. By way of example, but no means limitation, in or about 2008, Plaintiff founded the Blacks and Law Enforcement Servicing the Community Organization ("BLSEC"). BLSEC aims to bridge the gap between the community at large and Defendant Hudson County's law enforcement officers. It provides mentorship programs for adults and youth,

engages in community outreach services, gang awareness seminars, anti-bullying seminars, domestic violence seminars, weapons awareness programs, and other programs to build trust and strengthen the relationship between the Hudson County Community and its law enforcement officers.

19. Plaintiff's outstanding work with Defendant Hudson County and BLSEC did not go unnoticed. To be sure, in or about 2020, Director Ron Edwards promoted Plaintiff to the position of Community Relations Officer due to his positive relationships within the community and hard work with BLSEC.

20. In Plaintiff's Community Relations Officer Position, Plaintiff would travel to schools throughout Hudson County to foster positive relationships with students, visit students' homes when they did not attend school, attend court proceedings with juveniles, and mentor students.

21. By all accounts, Plaintiff was an outstanding employee of Defendant Hudson County. However, Plaintiff began experiencing an unbearably hostile work environment and retaliation after he blew the whistle on unlawful conduct within the workplace. Indeed, Plaintiff began facing an onslaught of retaliation calculated to force him from his employment with Defendant Hudson County.

**A. Plaintiff Complains About Unlawful Conduct in Defendant Hudson County's Hudson County Corrections Facility.**

22. On August 26, 2022, Plaintiff received a text message from one of his coworkers at Defendant Hudson County with a photograph of Defendant Fernandez choking an inmate who was being processed in the Department's receiving area.

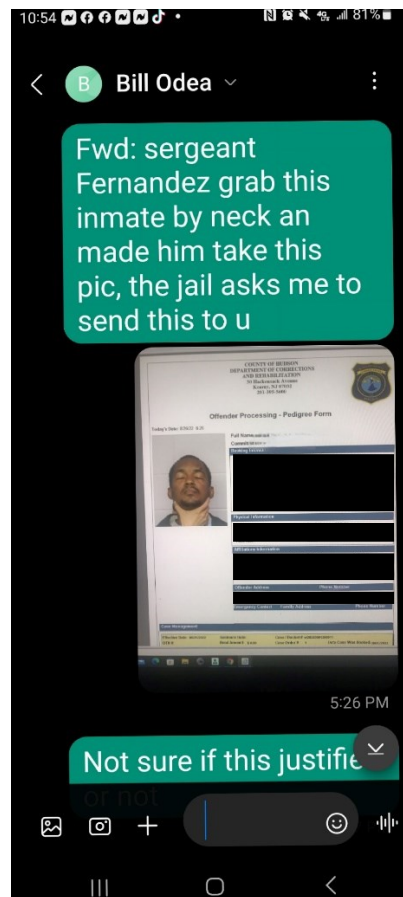
23. Needless to say, Defendant Hudson County's protocols and New Jersey law strictly prohibit Corrections Officers from choking inmates.



24. Defendant Fernandez was notorious in Defendant Hudson County's Hudson County Corrections Facility for being aggressive with inmates and coworkers alike. To be sure, numerous inmates throughout the years lodged complaints about Defendant Fernandez being unnecessarily aggressive with them.

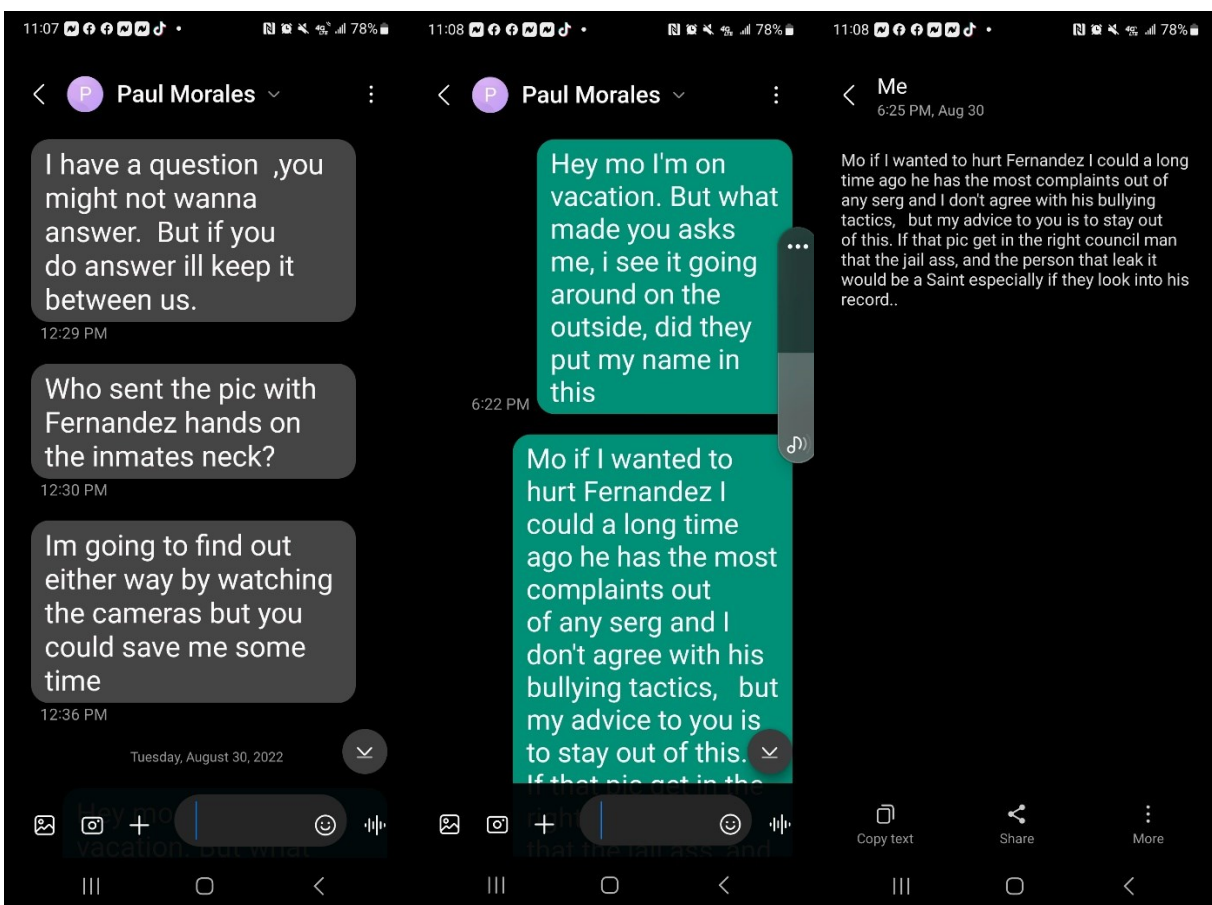
25. On one occasion, Defendant Fernandez even got into a physical altercation with another officer inside the facility.

26. Plaintiff immediately reported Defendant Fernandez's conduct to William O'Dea ("Mr. O'Dea"), the Deputy Executive Director of the Board of County Commissioners. In turn, Mr. O'Dea informed Plaintiff he would escalate the issue and launch an investigation.



27. However, rather than take proper remedial action, Defendants broadcasted Plaintiff's complaint throughout the corrections facility.

28. On August 29, 2022, Defendant Morales sent Plaintiff a series of text messages demanding to know who sent Plaintiff the photograph of Defendant Fernandez choking the inmate. The obvious implication was that Defendant Morales wanted to expose the whistleblower and subject them to retaliation for their complaints.



29. Plaintiff refused to disclose the employee's identity.

30. Shortly thereafter, Defendant Morales called to speak with Plaintiff regarding the identity of the coworker who reported Defendant Fernandez's conduct.

31. Again, Plaintiff informed Defendant Morales, in no uncertain terms, that he would not reveal the identity of the coworker who informed him about Defendant Fernandez's misconduct. Plaintiff likewise told Defendant Morales he should not involve himself in the matter, as it concerned "whistleblowing."

32. Ultimately, Defendant Fernandez was suspended for forty-five (45) days for his conduct.

33. Several weeks later, Defendant Morales explicitly informed Plaintiff he was upset Plaintiff had exposed Defendant Fernandez's misconduct. Specifically, Defendant Morales told Plaintiff, **"You know, that's not right. That shouldn't be happening to my supervisors. I don't know how this got out."**

34. Thereafter, Defendant Morales commenced a brutal campaign of retaliation against Plaintiff because he had the temerity to lodge a complaint regarding Defendant Fernandez's conduct.

**B. Plaintiff Is Subjected to Retaliation for Objecting to Unlawful Conduct in the Workplace.**

35. On December 28, 2022, Edward Nestor ("Mr. Nestor"), the Deputy Director of the Hudson County Department of Corrections, called Plaintiff to inform him he was being demoted from his Community Relations Officer position by Defendant Scott. Mr. Nestor told Plaintiff to report back to Defendant Hudson County's Hudson County Corrections Facility for work on January 01, 2023.

36. As justification, Defendants claimed Defendant Hudson County was "short manpower" in the Hudson County Corrections Facility. However, this explanation was nothing more than pretext.

37. Throughout the height of the COVID-19 pandemic, when Defendant Hudson County was extremely short on manpower, Plaintiff was not brought back to work at the Hudson County Corrections Facility and was instead permitted to continue working in his Community Relations Officer role. However, shortly after Plaintiff objected to unlawful conduct in the workplace, he was swiftly demoted from his highly esteemed position.

38. Notably, the Hudson County community was outraged at Plaintiff's sudden and unwarranted demotion. In fact, members of the community scheduled no less than three (3) separate rallies advocating for Plaintiff's return to his position as Community Outreach Officer. Students, community leaders, and the Kearny, New Jersey Mayor alike have all vocally called for Plaintiff's return to his former position.

39. Plaintiff likewise objected to his demotion, having three (3) separate meetings with Defendant Scott to complain about his retaliatory demotion. However, Defendant Scott insisted Plaintiff would not be returned to his Community Outreach position.

40. Moreover, Plaintiff has suffered an incredibly hostile work environment in retaliation for his complaints. By way of example, but no means limitation, Plaintiff's coworkers began treating him in an extremely disrespectful manner and isolating Plaintiff within the workplace.

41. On several occasions, Plaintiff's coworkers have approached Plaintiff and expressed how sorry they felt for Defendant Fernandez and that they did not believe he should have been suspended. In other words, Plaintiff's coworkers tacitly admitted they were treating Plaintiff poorly because he complained about Defendant Fernandez.

42. Defendants have likewise begun intentionally providing Plaintiff job assignments that are not desirable, and constantly moving Plaintiff to different job assignments throughout the jail.

43. Despite Plaintiff's twenty (20) years of tenure, he has been assigned to posts which are typically reserved for new employees.

44. Defendant Hudson County's Corrections Facility provides Corrections Officers job assignments pursuant to their "Unit" assignment. As Plaintiff has twenty (20) years of tenure with Defendant Hudson County, he was assigned to Unit One, the most desirable Unit.

45. Unit One job assignments are typically outside of Defendant Hudson County's Corrections Facility, and employees assigned to Unit One are typically given the same assignments on a regular basis.

46. After Plaintiff complained about Defendant Fernandez's unlawful conduct, he was no longer assigned to Unit One jobs. Instead, Plaintiff was consistently assigned to Unit Three jobs on a federal detail, where Plaintiff worked with federal and maximum-security inmates. These inmates were notoriously the most difficult and dangerous inmates to deal with.

47. Needless to say, Plaintiff was only assigned to these jobs because he complained about unlawful activity in the workplace.

48. Plaintiff's job assignments are so strange, that his coworkers often comment upon same and ask, "Why are you here?"

49. Additionally, Defendant Fernandez and Plaintiff have been assigned to work the same unit. As a result, Plaintiff is forced to interact with Defendant Fernandez on a daily basis. Each such interaction is negative, with Defendant Fernandez treating Plaintiff in a demeaning and degrading manner.

50. On March 15, 2023, Plaintiff sent Defendant Scott and other employees of Defendant Hudson County a complaint letter outlining the retaliation he suffered in the workplace.

Same stated:

I'm writing this letter because I, Officer Anthony C. Smith, Hudson County Corrections Police Officer # 977, believe that I am being retaliated against because I reported illegal activities at work. On August 26, 2022 at approximately 10:00 am I received a picture of a superior officer, Sgt. Mario Fernandez, with his hand around an inmate's neck, choking him. I was obviously shocked to see such a blatant violation of the inmate's rights captured in a photograph like this. I knew I had to do the right thing and report Sgt. Fernandez's conduct to the Commissioner.

On August 28, 2022, I reported the incident to Commissioner William O'Dea. I told him Sgt. Fernandez grabbed an inmate by his neck, choked him, and made him take a picture. Ever since I complained about Sgt. Fernandez choking the inmate, I've been retaliated against at work.

For instance, my position as Community Relations Officer has been taken away from me and I am reporting back to the jail as of January 1, 2023. This occurred at the direction of Oscar Aviles, the Acting Director, and continues under the current Director Becky Scott. The community wrote letters, made phone calls and I have met with the current Director Becky Scott and still to no avail, I am reporting back to the jail.

The excuse that I have been given for being stripped of my former role is that there is a manpower shortage. I started as Community Relations Officer on July 15, 2021. It makes no sense that there was not a manpower shortage in 2021, during the height of the COVID pandemic when 4 coworkers had passed away from the virus, but there is now that I complained about something illegal occurring at work. Also, there are still officers out on loan who haven't reported back to the jail even though there's a supposed manpower shortage. I'm the only one who's been recalled. It just goes to show that the transfer wasn't legitimate and is just retaliation for my complaints.

My transfer isn't the only way I've been retaliated against since I complained. One of my responsibilities as Community Relations Officers was to represent the Department in recruiting

new officers. Due to my being retaliated against I was not allowed to be involved in the recruitment of potential new officers. But officers with less seniority are being used in the department's recruitment efforts. I wouldn't be treated this way if I hadn't complained.

In addition, within the past three years there have been at least 15 promotions of officers to the rank of Sergeant or higher. Not to mention, officers with less seniority than me have been given a permanent post in the front lobby, while I am disbursed throughout the building including the max tier. In other words, I'm given worse work assignments than people junior to me. The only explanation for this is because I complained about a sergeant choking an inmate at work.

This entire situation has been very disheartening to me. I was an excellent Community Relations Officer, and I did a lot of good for our community. But when push came to shove and I saw evidence of gross misconduct by an officer towards an inmate in the jail and I did the right thing and reported it, I've faced constant retaliation at every single step. My work environment has become so hostile, it's hard to come to work every day. I can't believe I'm being treated so poorly because I did the right thing and reported illegal activity at work.

I need the department to step in and bring an end to this retaliatory treatment I've been facing. I'm afraid if nobody stops it, it will just keep escalating until I'm either forced out of my job or fired for no good reason. I would also like to be returned to my Community Outreach position. It was very important to me personally, and I did a lot of good things for the community. It's disheartening that I'm not the only person who's being punished by the retaliation I've been facing. The community, and the children in the community, are suffering too. Please let me know what the department intends to do to fix this.

Thanking you in advance for your time and attention in this matter.

51. Defendants commenced a halfhearted investigation into Plaintiff's complaint letter.

However, same is not legitimate, and is merely a means of checking a box to appear as though Defendants are complying with their obligations under New Jersey law. To be sure, throughout

the pendency of the investigation, Plaintiff has continued to face an extremely hostile work environment and retaliation for his complaint.

# **COUNT ONE**

## **CEPA – RETALIATION**

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

53. 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. 34:19-2(a).

54. Throughout the course of his employment, Plaintiff reported and complained of Defendants’ unlawful behavior.

55. Defendants had knowledge of Plaintiff’s complaints and/or protests.

56. 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.

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

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

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre- and post-judgment interest, attorneys’ fees and costs of suit, and for such



other relief that the Court deems equitable and just. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of CEPA as follows:

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

### **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, Anthony Smith*

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

Dated: May 05, 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 and/or 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, Anthony Smith*

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

Dated: May 05, 2023

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*Attorneys for Plaintiff, Anthony Smith*

<p>ANTHONY SMITH,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COUNTY OF HUDSON; MARIO FERNANDEZ; PAUL MORALES; BECKY SCOTT; 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              HUDSON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><b>FIRST SET OF DOCUMENT              REQUESTS, INTERROGATORIES,              PUNITIVE DAMAGES REQUESTS,              AND DEPOSITION NOTICES TO              DEFENDANTS</b></p>
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**FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, PUNITIVE  
 DAMAGES, AND DEPOSITION NOTICES TO DEFENDANT(S)**

**PLEASE TAKE NOTICE** that, McOmber McOmber & Luber, P.C., attorneys for Plaintiff, Anthony Smith (“Plaintiff”), demand that Defendants, County of Hudson, Mario Fernandez, Paul Morales, and Becky Scott (collectively “Defendants”), produce true and complete copies of the following Document Requests and answer, under oath, the following Interrogatories pursuant to the Rules of Court. Interrogatory answers shall be typed beneath the questions and the original shall be returned in accordance with Rule 4:17-4(c) and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended

answers shall be served pursuant to Rule 4:17-7. Both the Document Requests and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

### **DEFINITIONS**

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

2. “Defendant Hudson County” shall mean County of Hudson and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Fernandez” shall mean Mario Fernandez, Defendant in the above-captioned action.

4. “Defendant Morales” shall mean Paul Morales, Defendant in the above-captioned action.

5. “Defendant Scott” shall mean Becky Scott Defendant in the above-captioned action.

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

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

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

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

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

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

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

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

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

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

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

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

18. The term “communication” means any conversation, correspondence, discussion, meeting, message, record of phone calls, or other occurrence in which data, conclusions,

information, opinions, or thoughts are exchanged between two or more persons, whether it be written, oral, or electronically transmitted.

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

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

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

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

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

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



### **INSTRUCTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Whenever a claim of privilege concerns any oral communication or statement, identify the participants to the communication and the person giving and receiving the statement,

set forth the date and place of the communication or statement, state the general subject matter thereof, and state the basis for the claim of privilege.

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

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

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

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

McDonough v. Jorda, 214 N.J. Super. 338, 349 (1986), certif. denied, 110 N.J. 302,(1988) cert. denied, 489 U.S. 1065 (1989).

### **DOCUMENT REQUESTS TO DEFENDANT(S)**

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

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

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

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

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

6. All statements, documents, or communications relating to any complaints made by the Plaintiff.

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

8. Produce a copy of Defendant(s)' written policy concerning retaliation.
9. Produce a copy of Defendant(s)' written policy concerning discrimination.
10. Produce a copy of Defendant(s)' written policy concerning progressive discipline.
11. All statements, documents, or communications relating to anti-harassment, anti-discrimination, and/or anti-retaliation training or education completed by Defendant(s).
12. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.
13. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2012, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in improper retaliation and/or reprisal in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.
14. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2012, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in improper retaliation and/or reprisal in violation of New Jersey's Conscientious Employee Protection Act. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

15. All statements, documents, or communications concerning or made by any person that relate to the allegations asserted in the Complaint.

16. All statements, documents, or communications relating to statements of witnesses provided to and/or obtained by Defendant(s) that relate to this Action.

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

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

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

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

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

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

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

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

25. All statements, documents, or communications relating to any Grievance made by any non-party to this action concerning Defendant(s).

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

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

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

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

30. All documents concerning any employee Grievances against Defendant(s) for the past ten (10) years.

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

32. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Defendant(s)' agents, servants, or representatives referring and/or relating to the subject matter of this litigation.

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

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

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

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

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

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

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

40. All documents or electronic data relating, reflecting, or referring to Defendant(s)' policy or policies concerning employees' use of desktops and/or laptops (whether in office or remote locations) and management, preservation, and/or deletion of data on such laptops.

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

42. All statements, documents, or communications concerning any investigation concerning discrimination, harassment, hostile work environment, and unfair favoritism complaints by employees and/or clients of Defendant(s) that relates to Defendant(s).

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

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

45. A copy of any and all documents referring and/or relating to Defendant Hudson County's policy regarding use of force against inmates in the Hudson County Corrections Facility.



46. A copy of any and all documents referring and/or relating to any complaints regarding Defendant Fernandez being aggressive and/or using physical force against inmates and/or employees of Defendant Hudson County's Hudson County Corrections Facility.

47. A copy of any and all documents referring and/or relating to any investigation into Defendant Fernandez being aggressive and/or using physical force against inmates and/or employees of Defendant Hudson County's Hudson County Corrections Facility.

48. A copy of any and all documents referring and/or relating to any response to Plaintiff's complaint regarding Defendant Fernandez choking an inmate at Defendant Hudson County's Hudson County Corrections Facility.

49. A copy of any and all disciplinary actions taken against Defendant Fernandez for being aggressive and/or using physical force against inmates and/or employees of Defendant Hudson County's Hudson County Corrections Facility.

50. A copy of any and all disciplinary actions taken against Defendant Fernandez as a result of Plaintiff's complaint regarding Defendant Fernandez choking an inmate.

51. A copy of any and all documents referring and/or relating to Plaintiff's performance as Defendant Hudson County's Community Relations Officer.

52. A copy of any and all documents referring and/or relating to Plaintiff's performance with Blacks and Law Enforcement Servicing the Community Organization.

53. A copy of any and all documents referring and/or relating to any requests by members of the Hudson County Community to return Plaintiff to his Community Relations Officer position, including, but not limited to any letters, complaints, documents pertaining to any rallies, minutes from any meetings.

54. A copy of any and all documents referring and/or relating to Plaintiff being transferred from his Community Relations Officer position to the Hudson County Corrections Facility.

55. A copy of any policies and/or procedures discussing the manner in which employees are assigned jobs within the Hudson County Corrections Facility.

### **INTERROGATORIES TO DEFENDANT(S)**

1. State with specificity each and every legitimate, non-discriminatory reason for why Defendants terminated Plaintiff's employment and the factual basis for the same.

2. Identity each and every individual who was involved in the decision to terminate Plaintiff's employment and describe each individual's role and input in the decision.

3. Identity the date, time, and location of any meetings where the decision regarding whether to terminate Plaintiff's employment was discussed and identify each and every individual present at the meeting.

4. Identify each individual(s) who performed any of Plaintiff's job duties and/or responsibilities after his termination of employment from Defendants.

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

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

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

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

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

- a. field of expertise;
- b. educational background;
- c. the names of any and all books, periodicals, or other writings that he or she has written or to which he or she has contributed;
- d. the date, time, and place at which any oral opinion was rendered, specifying to whom that opinion was rendered and describing the content of that opinion;
- e. true and accurate copies of any and all written reports or opinions, including drafts;
- f. the name, last known address, last known telephone number, job title, and current employer of each person with whom the expert has met in connection with formulating his or her opinion or preparing his or her report(s);
- g. true and accurate copies of any and all documents that the expert created, obtained, or reviewed in connection with the formulation of his or her opinion or the preparation of his or her report(s);
- h. all tangible things upon which your expert(s) may rely as an exhibit at trial and identify the name and address of the person in whose custody the above identified tangible things are at the present time and;
- i. if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories.

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

11. Identify the names and addresses of any persons other than those named in the preceding three (3) Interrogatories, who have been retained, specifically employed, or consulted by Defendant(s) in anticipation of litigation or preparation for trial and who may not be called as witnesses at trial, and as to each:

- a. state the subject matter on which he/she was consulted;
- b. state his/her field of expertise;

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

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

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

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

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

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

16. State whether the Plaintiff was ever demoted while employed by any Defendant(s).

For each demotion, state the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

45. Set forth in detail, to your knowledge, all notices and warnings received by the Defendant(s) over the past five (5) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline your operations, and/or your employees.

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

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

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

49. Identify each Individual with knowledge of:

- a. The type and location of all hardware used as terminals for email, including servers, personal computers, laptops, PDAs, etc. at Corporate Defendant(s) between January 1, 2009 and the present;
- b. Computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 1, 2009 and the present;
- c. All email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 1, 2009 and the present;
- d. The email file naming conventions and standards;
- e. The back-up and rotation schedules for all email generated or received by Corporate Defendant(s)' employees between January 1, 2009 and the present;
- f. Electronic data retention, preservation and destruction policies;
- g. Diskette, CD, DVD and other removable media labeling standards;
- h. Structure and organization of all information and technology departments and/or information technology support vendors involved with the computer systems at Corporate Defendant(s);
- i. The location of the email produced in response to the Plaintiff in this matter's First Request for Production;
- j. The method of search for the documents and electronic data requested in the Plaintiff in this matter's First Request for Production; and
- k. The date and time of destruction of any electronic data requested in the Plaintiff in this matter's First Request for Production.

50. Identify each email account each Defendant(s) utilized as an employee of Defendant(s) in the last three (3) years.

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

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

53. Identify and describe the facts and details of each instance concerning any of the Defendant(s) receiving any sensitivity training or any training regarding appropriate workplace language and conduct.

54. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) reprimanded or disciplined Plaintiff while employed at Defendant(s).

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

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

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

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

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

60. Identify the last known address, email address, and telephone number for Defendant Fernandez.

61. Identify the last known address, email address, and telephone number for Defendant Morales.

62. Identify the last known address, email address, and telephone number for Defendant Scott.

63. State whether any inmate and/or corrections officer has ever lodged a complaint regarding Defendant Fernandez being aggressive and/or using force which was not justified in the workplace. If yes, describe the factual basis of any such complaint.

64. State whether any investigation has ever been conducted into Defendant Fernandez being aggressive and/or using force which was not justified in the workplace. If yes, describe the investigation in detail, including the results of any such investigation.

65. State whether Defendant Fernandez has ever been disciplined for being aggressive and/or using force which was not justified in the workplace. If yes, describe the nature of any such disciplinary action, and the reasons any such disciplinary action was imposed.

66. Describe, in detail, Defendant(s)' response to Plaintiff's complaint regarding Defendant Fernandez choking an inmate.

67. State the reasons Defendant(s) transferred Plaintiff from his Community Relations position back to the Hudson County Corrections Facility.

68. Describe, in detail, Defendants' response to Plaintiff's March 15, 2023, complaint letter.

#### **INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY**

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

document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)'s claims/defenses/affirmative defenses, state:

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

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

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

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

- a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
- b. the date of each such conviction;
- c. the courts in which Individual Defendant(s) was convicted;
- d. the facts surrounding and underlying each such conviction; and
- e. the punishment or sentence received.

#### **DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES**

1. All financial statements prepared for the years 2011 through 2021 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).

2. All tax returns filed by the Corporate Defendant(s) for the years 2011 through 2021, up to and including the present.

3. All documents evidencing assets of the Corporate Defendant(s).
4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.
5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.
6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2011 through 2021, up to and including the present.
7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.
8. All documents evidencing or setting forth accounts receivable and/or obligations owed by others to the Corporate Defendant(s) for the years 2011 through 2021, up to and including the present.
9. All documents evidencing payments made by the Corporate Defendant(s) to creditors.
10. All corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s).
11. All copies of inventories taken by the Corporate Defendant(s) of its property at any time during the years 2011 through 2021, up to and including the present.

**INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)**

1. If the Defendant(s) is a corporation, set forth as to each:
  - a. The full name of the corporation;
  - b. Date of incorporation;
  - c. State of incorporation;
  - d. All States in which the Defendant(s) conducts its business;
  - e. All States in which the Defendants has registered to do business;
  - f. The full and correct names and residential address of all stockholders for the last two (2) years;

- g. The number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
- h. Number of shares issued to each of said stockholders;
- i. The full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
- j. All trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
- k. The complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location;
- l. The name and address of the person who has custody of this corporation's books and records.

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

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

- a. Name and address;
- b. State of incorporation;
- c. The state in which doing business;
- d. Address of each business office;
- e. The name and address of each current officer or director;
- f. The nature of the business in which engaged.

4. For each facility owned or maintained by the Defendant(s), please state:

- a. The business address;
- b. The names and addresses of all current officers of the facility;
- c. The nature of the business conducted at the facility;
- d. The dates during which the facility has been owned or maintained by the Defendants' employer;
- e. The number of individuals presently employed at the facility.

5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest and set forth the nature of the interest.

6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.



7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.

8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).

9. List all the physical assets of the Defendant(s) and their location. If any asset is subject to a lien, then state the name and address of the lienholder and the amount due.

10. Does the Defendant(s) own any real estate?

11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:

- a. Name(s) in which property is owned;
- b. Address of property;
- c. Date property was purchased;
- d. Purchase price;
- e. Name and address of mortgage holder, if any;
- f. Balance due on mortgage, if any;
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

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

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

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

14. For any transfer of business assets that has occurred within six (6) months from the date of these Interrogatories, specifically identify:

- a. The nature of the asset;
- b. The date of the transfer;

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

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

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

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Anthony Smith*

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

Dated: May 05, 2023

**CERTIFICATION**

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

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

Dated: \_\_\_\_\_, 2023

By: \_\_\_\_\_

**CERTIFICATION**

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

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

Dated: \_\_\_\_\_, 2023

By: \_\_\_\_\_

**NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION OF CORPORATE DEFENDANT(S)**

**PLEASE TAKE NOTICE** that pursuant to Rule 4:14-2(c) of the New Jersey Rules of Court, Plaintiff Anthony Smith through his undersigned counsel, will take the deposition upon oral examination of the corporate representative of Corporate Defendants(s) **commencing on January 15, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C. Corporate Defendant(s) is required to designate and produce for deposition a person or persons to testify on its behalf.

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

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Anthony Smith*

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

Dated: May 05, 2023

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff, Anthony Smith, through his undersigned counsel, will take the deposition upon oral examination of Defendant Mario Fernandez **commencing on January 16, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C.

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

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Anthony Smith*

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

Dated: May 05, 2023

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff, Anthony Smith, through his undersigned counsel, will take the deposition upon oral examination of Defendant Paul Morales **commencing on January 17, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C.

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

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Anthony Smith*

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

Dated: May 05, 2023

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

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiff, Anthony Smith, through his undersigned counsel, will take the deposition upon oral examination of Defendant Becky Scott **commencing on January 18, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C.

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

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff, Anthony Smith*

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

Dated: May 05, 2023



# Civil Case Information Statement

## Case Details: HUDSON | Civil Part Docket# L-001581-23

**Case Caption:** SMITH ANTHONY VS COUNTY OF HUDSON

**Case Initiation Date:** 05/05/2023

**Attorney Name:** PETER DOUGLAS VALENZANO

**Firm Name:** MCOMBER MCOMBER & LUBER, PC

**Address:** 54 SHREWSBURY AVE  
RED BANK NJ 07701

**Phone:** 7328426500

**Name of Party:** PLAINTIFF : Smith, Anthony

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

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

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

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

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by:** Anthony Smith? NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

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

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

**If yes, is that relationship:** Employer/Employee

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

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

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

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

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

05/05/2023  
Dated

/s/ PETER DOUGLAS VALENZANO  
Signed