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| <p>NICHOLE PITTMAN,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF PEMBERTON, JACK K. TOMPKINS, DANIEL HORNICKEL, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: right;">Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT & DEMAND FOR TRIAL BY JURY</p> |
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Plaintiff Nichole Pittman (“Plaintiff”), by way of Complaint against Township of Pemberton (“Defendant Pemberton” and/or “Corporate Defendant”), Jack K. Tompkins, (“Defendant Tompkins”), and Daniel Hornickel (“Defendant Hornickel”) (“Individual Defendants”) (collectively, “Defendants”) alleges as follows:

PARTIES

1. Plaintiff is an individual residing in Browns Mills, New Jersey. At all times relevant hereto, Plaintiff was employed by Defendant Pemberton as the Director of Parks and Recreation and Senior Services.

2. Defendant Pemberton is a township in Burlington County organized and existing under the laws of the State of New Jersey, with its principal place of business located at 500 Pemberton-Browns Mills Road, Pemberton, New Jersey 08068. At all times relevant hereto, Defendant Pemberton is an "employer" as defined under the New Jersey Law Against Discrimination ("NJLAD"), N.J.S.A. 10:5-1, et seq ("NJLAD") and directly employed Plaintiff.

3. Defendant Tompkins resides in New Jersey and is the Mayor of Defendant Pemberton. Defendant Tompkins is Plaintiff's direct supervisor, and this claim is brought against Defendant Tompkins in his individual capacity and/or as an agent or servant of Defendant Pemberton during the course of his employment.

4. Defendant Hornickel at all times relevant hereto, is the Business Administrator ("BA") at Defendant Pemberton. Defendant Hornickel is Plaintiff's supervisor, and this claim is brought against Defendant Hornickel in his individual capacity and/or as an agent or servant of Defendant Pemberton during the course of his employment.

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

6. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of anti-discrimination, harassment, and/or retaliation policies for

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

INTRODUCTION

Plaintiff – a loyal public servant to Defendant Pemberton for seventeen years – was subjected to persistent discrimination and retaliation at the hands of Defendant Pemberton’s Mayor, Defendant Tompkins. Defendant Tompkins’ conduct culminated in Plaintiff’s wrongful termination just days after she initiated the process of filing a formal complaint of discrimination. Although Plaintiff appealed her wrongful termination, resulting in her reinstatement, Defendant Pemberton has failed to take any remedial or disciplinary action against Defendant Tompkins’, allowing his brutal discrimination and retaliation against Plaintiff (and other employees) to continue. Accordingly, Plaintiff brings this lawsuit to hold Defendants accountable and assert her right to work in an environment free from sexual harassment, discrimination, and retaliation.

FACTS COMMON TO ALL CLAIMS

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

8. In or around 2006, Plaintiff was hired by Defendant Pemberton as a temporary employee for the Recreation department.

9. By all accounts, Plaintiff was an outstanding and valuable employee. Over the years, Plaintiff was promoted several times by the former Mayor of Defendant Pemberton.

10. Most recently, in November 2021, Plaintiff was promoted to Director of Parks and Recreation and Senior Services.

11. In this role, Plaintiff led a team of township employees. Plaintiff’s department was devoted to helping the community. Plaintiff and her team put on many successful community

events throughout the years—many of which have been steadily increasing in size each year due to their level of success which was undoubtedly a reflection of Plaintiff’s leadership.

I. Defendant Tompkins is Elected to Mayor and Immediately Begins Discriminating Against Plaintiff Because She is a Woman.

12. On or around January 1, 2023, Defendant Tompkins took office as Mayor of Defendant Pemberton.

13. Despite Plaintiff’s longstanding success in her role as Director of Parks and Recreation and Senior Services, it was immediately clear upon Defendant Tompkins’ arrival that her success was immaterial merely because she is a woman.

14. Indeed, almost immediately upon his arrival, Defendant Tompkins began to berate, harass, and humiliate Plaintiff because of her gender.

15. By way of example but not limitation, in January 2023, during Defendant Tompkins first visit to Defendant Pemberton’s Senior Center, Defendant Tompkins announced in front of a room full of Senior Center residents that he had just given Plaintiff a “pink slip.”¹

16. Plaintiff was confused by Defendant Tompkins’s attack because Plaintiff was unaware of any “pink slip” issued to her.

17. A few days later, Defendant Tompkins stopped by Plaintiff’s office and told her that her one and only job was to make Kenny Willitts (“Mr. Willitts”) extremely happy in his position and to do “everything and anything” to do so. This exemplifies Defendant Tomkins animus towards females and the stereotypical gender norms of females serving males.

18. In or around February 2023, Defendant Tompkins made a habit out of stopping by Plaintiff’s office unannounced multiple times a day for the sole purpose of saying ***“no pink slip for you today, but there is always tomorrow.”***

¹ Defendant Pemberton uses “pink slips” to fire employees.

19. Defendant Tompkins was threatening Plaintiff's job multiple times a day for weeks and reminding her of his direct superiority over her.

20. Defendant Tompkins never raised any legitimate issues with Plaintiff's performance. Defendant Tompkins merely wanted others to believe her performance was deficient to diminish her role and contributions.

21. All the while, Plaintiff continued to perform her job exceptionally and tried to work alongside Defendant Tompkins in a professional manner for the benefit of the community she serves. Unfortunately, Defendant Tompkins actively worked against Plaintiff's efforts at every turn.

22. For example, in or around March 2023, Plaintiff asked Defendant Tompkins about the details of Defendant Pemberton's Spring Lake Beach Playground project.

23. Rather than having a respectful professional discussion with Plaintiff to address the details, Defendant Tompkins cursed at Plaintiff and stormed out of her office. Plaintiff's questions went unanswered.

24. By way of further example, in May of 2023 when Plaintiff and Defendant Tompkins were discussing new projects and budgeting, Defendant Tompkins told Plaintiff – who has served Defendant Pemberton for over 17 years – ***“you are nobody here and your opinions mean nothing to the Township.”***

25. Defendant Tompkins also told Plaintiff that a male grounds supervisor was the future, instructed her to “lay off” of him and stop making him work so hard because Defendant Tompkins needs him, not Plaintiff. Defendant Tompkins then told Plaintiff that ***she is replaceable, but the [male grounds supervisor] is not.***

26. At her wits end, in July 2023, Plaintiff formally reported Defendant Tompkins's behavior to Defendant Hornickel. Plaintiff hoped Defendant Hornickel would help remediate Plaintiff's complaints but the exact opposite occurred. Indeed, Defendant Hornickel recommended that Plaintiff remediate her own concerns by asking Defendant Tompkins to meet with her regularly about projects.

27. Plaintiff was fearful of Defendant Tompkins's reaction knowing his complete disdain for her this far, but nonetheless, Plaintiff asked Defendant Tompkins if he would be open to scheduling regular meetings with her to help them communicate better.

28. In response, Defendant Tompkins aggressively told Plaintiff ***"I already have to look at you enough. The last thing I want to do is have to see more of you than I already do."***

29. Defendant Tompkins does not treat male employees in this manner. Rather, Defendant Tompkins puts male employees on a pedestal while intentionally minimizing the female employees' roles and contributions to Defendant Pemberton.

II. Defendant Tompkins' Pervasive Misogynistic and Overtly Sexual Behavior is Ignored by Defendant Pemberton and Defendant Hornickel.

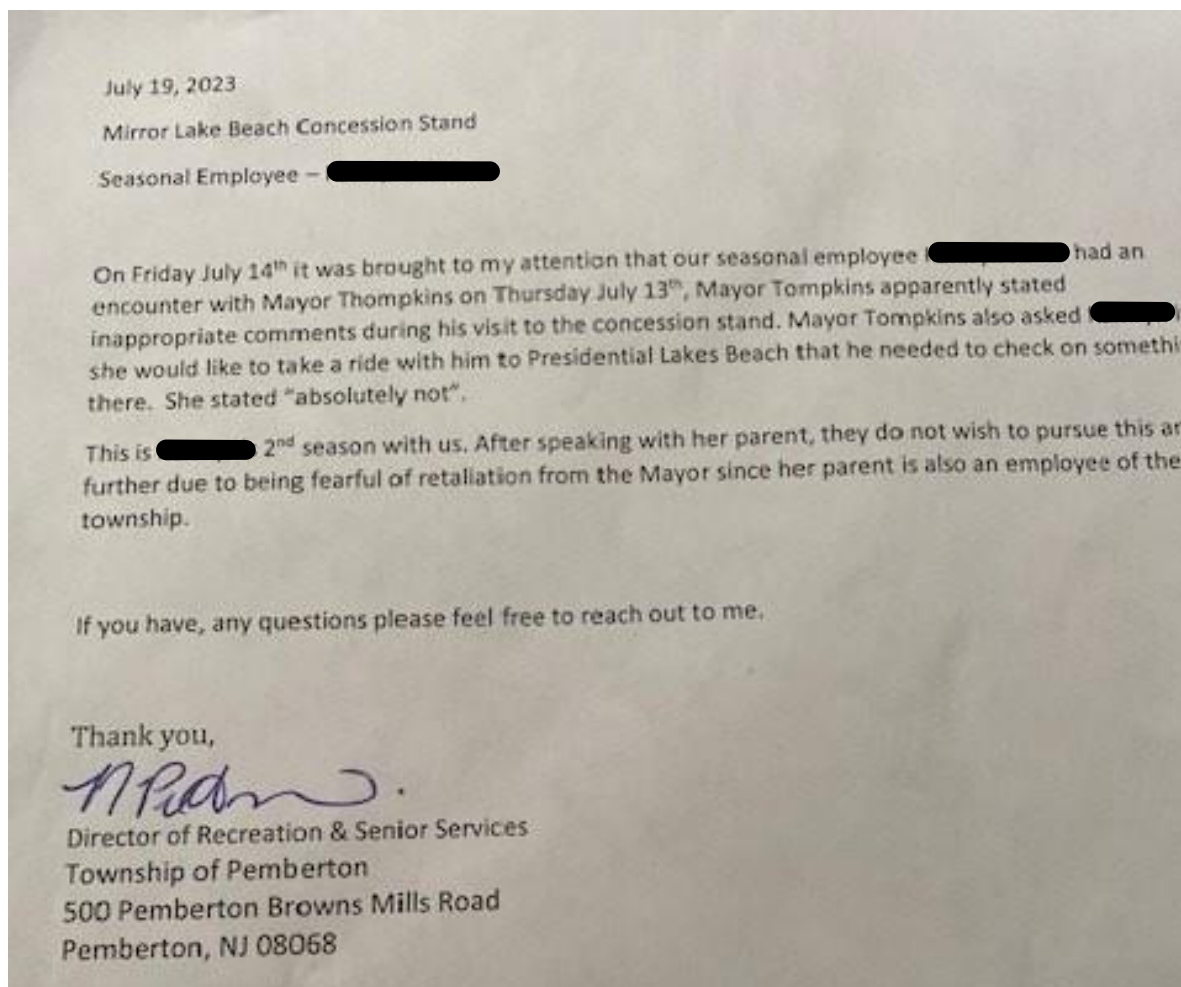
31. On or around July 4, 2023, Defendant Tompkins' conduct towards Plaintiff escalated when he made a sexual advance towards her at Defendant Pemberton's Fourth of July Parade.

32. Specifically, when Plaintiff and Defendant Tompkins paths crossed, she asked why he was not wearing red, white, or blue. Instead of responding with an ordinary answer to a very simple question, Defendant Tompkins responded with an overt sexual innuendo – ***"you don't know what I'm wearing under my clothes"*** (referring to the colors of his underwear). Plaintiff was visibly disturbed and stood there befuddled.

33. Plaintiff's concerns regarding Defendant Tompkins's sexual harassment were not an outlier. In fact, at least three other female employees from three separate departments have reported Defendant Tompkins's misogynistic behavior to Defendant Pemberton. Those complaints have gone unaddressed.

34. One complaint was reported directly to Plaintiff by an employee on behalf of her minor daughter, who was also an employee of Defendant Pemberton's concession stand.

35. The mother reported that Defendant Tompkins made inappropriate sexual advances to her minor daughter and asked her to take a ride with him to a private beach to be alone.



36. Plaintiff reported Defendant Tompkins's egregious and terrifying conduct to Defendant Pemberton's Human Resources department and Defendant Hornickel. Plaintiff expected Defendant to immediately investigate and remediate the very serious complaint.

37. To Plaintiff's disappointment, no action was taken. This permitted Defendant Tompkins' conduct to go unchecked, leaving other female employees (minor and adult) susceptible to his salacious conduct.

III. Defendant Tompkins Ceaseless Campaign of Retaliation Against Plaintiff.

38. Defendant Tompkins' retaliation ensued merely days after the Fourth of July parade at Defendant Pemberton's annual Water Carnival.

39. Plaintiff and her team had meticulously planned the Water Carnival for months. Part of those plans was to keep the vendors organized to allow the event to run smoothly for the community.

40. Unfortunately, a thunderstorm caused a shelter in place order, delaying the event. In turn, Defendant Tompkins seized the event planning from Plaintiff and attempted to relocate vendors, disrupting the set-up of the event.

41. Plaintiff attempted to explain why the original plan for the Water Carnival should be followed, but Defendant Tompkins gave her thoughts no deference. Instead, he responded by yelling and cursing at Plaintiff in front of the public.

42. Plaintiff respectfully asked Defendant Tompkins to stop speaking to her in this manner because it was wildly inappropriate and unprofessional.

43. Again, Defendant Tompkins ignored Plaintiff and merely continued his tirade, stating *"your ass will be mine on Monday . . . this is far from over."*

44. Defendant Tompkins was brazenly telling Plaintiff his retaliation was far from over. Defendant Tompkins' retaliation continued throughout the remainder of the Water Carnival.

45. By way of example, a few hours after Defendant Tompkins berated Plaintiff, a vendor attempted to leave the carnival early. Plaintiff explained to the vendor that this was impossible because the road was barricaded for public safety reasons, and she was unable to move the barricades unless there was an emergency.

46. The vendor understood and took no issue with Plaintiff's denial of their request. However, Defendant Tompkins took issue with it for no legitimate reason and used it as an opportunity to flaunt his superiority over Plaintiff. Defendant Tompkins told the vendor they could leave and proceeded to yell at Plaintiff. Defendant Tompkins told Plaintiff *he was the Mayor and he could do whatever he wanted*.

47. Plaintiff attempted to explain that the situation was already handled before his involvement, but Defendant Tompkins only continued to publicly degrade Plaintiff by yelling and cursing at her. Plaintiff walked away from Defendant Tompkins to de-escalate the situation as Defendant Tompkins' tirade had no end in sight.

48. Defendant Tompkins later defended and justified his treatment of Plaintiff as "freedom of speech" in a Pine Barrens Tribute article.²

IV. Plaintiff Attempts to File a Formal Grievance Against Defendant Tompkins and is Swiftly Fired in Retaliation. Meanwhile, Defendants' Retaliation Against Plaintiff Intensifies.

49. At her wits end, on or around July 10, 2023 Plaintiff reported Defendant Tompkins' conduct towards her at the Water Carnival to Defendant Hornickel.

² See https://pinebarrenstribune.com/special-pemberton-meeting-for-employee-discipline-matter-scheduled-as-so-p5262-165.htm?fbclid=IwAR0bhQQo8DUzxEMpT0HYXhS9O5xzJHdPPLBP8IUJzDMdI5E2F7-PYazuVH4_aem_AY1wcOpKVg-86m6ggg1rGciMx6Rr_lbd99jpS4VD_MIZII03oyemPqqIEL0Gwsmrq_4&mibextid=Zxz2cZ.

50. To Plaintiff’s surprise, when she inquired about the steps to file a formal grievance against Defendant Tompkins, Defendant Hornickel directed Plaintiff to the employee handbook while warning that *there may be a different set of rules when it comes to Defendant Tompkins.*

51. Three days later, on or around July 13, 2023, Plaintiff – a 17-year employee of Defendant Pemberton with no record of discipline – received a termination letter from Defendant Tompkins.



July 13, 2023

Nichole Pittman

[Redacted]

Re: Relieved of duties as Director of Recreation & Senior Services

Nichole:

Based upon a series of events over the past couple of months culminating with your behavior on Saturday, July 8, 2023, prior to the Water Carnival, I am hereby relieving you of your position as Director of Recreation & Senior Services. You will be returning to your Civil Service title of Recreation Coordinator.

Pursuant to the Faulkner Act, this will constitute the 20 day notice to you and Township Council. You have 20 days from the date of this letter to appeal your removal as Director to Township Council. In order to overturn my decision, a resolution passed by a 2/3 vote is required.

If you wish to appeal to Township Council, you will need to notify Amy Cosnoski prior to the August 2, 2023 Township Council meeting. You will also need to inform her whether you wish to have the matter discussed in public session. Otherwise, pursuant to the Rice decision, the matter will be discussed in closed session.

Yours truly,


Jack K. Tompkins, Mayor

cc: Township Council Members
Amy Cosnoski, Township Clerk
Daniel Hornickel, Business Administrator

52. While Plaintiff was terminated from her Director position, she was permitted to return to her Civil Service position of Recreation Coordinator. This position was a lower rank and accompanied by significantly lower compensation.

53. Plaintiff vehemently disagreed with her termination and thus, she grieved it through an appeal with Defendant Pemberton.

54. Defendant Pemberton was informed of Plaintiff's appeal and that she retained legal counsel.

55. Once word of Plaintiff's termination spread through Defendant Pemberton's community, dozens of Defendant Pemberton citizens rallied around Plaintiff. Many wrote letters to Defendant Pemberton's council members expressing their unwavering support of Plaintiff and commending her contributions to the community.

56. In response to community members supporting Plaintiff, Defendant Tompkins selectively gathered his own statements based on the events of the Water Carnival. True to form, Defendant Tompkins only gathered statements from male employees who would support his agenda—Plaintiff's termination.

57. The outpouring of support for Plaintiff only enraged Defendant Tompkins more and he continued to retaliate against her by taking away the Recreation Department's longstanding programs and activities.

58. By way of example but not limitation, on or around July 25, 2023, Defendant Tompkins cancelled Defendant Pemberton's Fall Festival, which was attended by over 1,800 families in the past. The Fall Festival was one of Plaintiff's monumental projects wherein she dedicated months of time, effort and resources.

59. Likewise, the next day, Defendant Tompkins cancelled the Recreation Department's annual Winter Festival, which was attended by over 1,200 families in the past.

60. Notably, these events had already been scheduled and budgeted for. It was obvious Defendant Tompkins was punishing the Recreation department and the community in pure retaliation for Plaintiff's complaints about him and appeal of her termination.

61. Defendant Pemberton fast-tracked the timeline for Plaintiff's appeal and scheduled a special meeting on July 31, 2023 to address Plaintiff's termination.

62. Nearly a hundred community members showed up to support Plaintiff at the meeting—a significant increase in attendance compared to the normal meetings.

63. While the meeting consisted of an open and closed session, it concluded with a unanimous 5-0 decision in favor of Plaintiff. Plaintiff's termination was overturned, and she was restored to her Director position.

64. Defendant Tompkins was in attendance and was noticeably infuriated as the decision was announced.

65. The public cheered loudly, applauding for the restoration of Plaintiff—a loyal, dedicated public servant.

66. Unfortunately, since Plaintiff returned to her position, Defendant Tompkins' only continued his retaliation against her and even enlisted his subordinates to carry out his retaliation for him.

67. By way of example, on or around August 3, 2023, Defendant Hornickel told Plaintiff that she and her staff must acknowledge and praise Defendant Tompkins each time they see him.

68. Plaintiff, albeit reluctantly, relayed Defendant Hornickel's message to her staff but made clear that she cannot force her staff to speak or acknowledge Defendant Tompkins as that is their decision, not hers.

69. While Plaintiff's staff has made an effort to go out of their way to greet Defendant Tompkins, Defendant Tompkins refuses to respond to any of the employees in Plaintiff's department when they greet him.

V. Defendant Tompkins Admits His Conduct Towards Plaintiff to the Media.

70. Plaintiff's wrongful termination garnered media attention resulting in a few published articles.

71. In one particular article, Defendant Tompkins (who thrives on the media attention for better or worse) provided a comment wherein he admits his vulgar conduct towards Plaintiff, although couching his harassment as "freedom of speech."³

Those sources have also described to this newspaper that the mayor used an untoward word (having reportedly dropped the F-bomb in the process of the exchange with the employee), and after being pressed by this newspaper about the allegations, the mayor replied "there may have been a word used," going on to vehemently defend his use of the word, pointing to his military background and saying that there is nothing in the U.S. Constitution or First Amendment that disallows him from saying it. Using it, he said, amounts to "freedom of speech," something he fought for while serving in the military.

72. Another Pine Barrens Tribute article discussing Defendant Tompkins' cancellation of the Fall Festival and Winter Festival, mentions sources who believe the events were cancelled to retaliate against Plaintiff.⁴

³ <https://pinebarrenstribune.com/special-pemberton-meeting-for-employee-discipline-matter-scheduled-as-so-p5262-165.htm>

⁴ See <https://pinebarrenstribune.com/cancelation-of-pair-of-pemberton-events-held-at-historic-whitesbog-village-p5315-165.htm>

73. During this time, on a public Facebook group, community members sought confirmation on the cancellation of the events. Plaintiff responded that the events were indeed cancelled.

74. However, Defendant Hornickel and Defendant Tompkins used this as an opportunity to reprimand Plaintiff despite Plaintiff accurately communicating Defendant Tompkins's cancellation of the Fall and Winter Festivals.

75. Defendant Hornickel argued that "it is my contention that the comments ascribed to you are inconsistent with [Defendant Pemberton's computer use and social media] policies and as such, I need an explanation from you about the remarks."

76. Plaintiff explained that she did not violate Defendant Pemberton's policy by honestly and accurately responding to a question. Plaintiff also highlighted the endless retaliation she was facing:

I don't know why this is being brought up to me when I did nothing wrong. To my knowledge, other employees say far worse about the Township and the Mayor on social media and do not get called into a meeting with you and asked to do what you're asking me to do here. I think this is nothing but the Mayor's way to use you and the township to discipline me because he is unhappy, I got my termination overturned. Since I got back it has been nothing but retaliation. I have been told I need to greet the Mayor whenever I see him. I have also been told I need to make my employees greet him. I have also been intentionally left out of community events of which are my job to be a part of. I am no longer consulted on decisions and even projects that are directly in my purview. All I want is to work and support my community. That is all I am trying to do.

77. In response, Defendant Hornickel sent Plaintiff a two-page single-spaced memorandum about her two-sentence statement regarding the cancellation of events.

78. In further retaliation, Defendant Tompkins intentionally excluded Plaintiff from discussions that concerned the Recreation Department's parks and playgrounds, which Plaintiff is directly responsible for managing.

79. As a result, Plaintiff was finding out about important changes to parks and playgrounds from her subordinate employees. This made Plaintiff's job significantly more challenging and undermined her authority as Defendant Pemberton's Director of Parks and Recreation.

80. By way of further example, Defendant Tompkins now requires Plaintiff to prepare monthly reports for Defendant Hornickel to allegedly share at Council meetings.

81. These reports require Plaintiff to detail every step of the planning process for events and require Defendant Hornickel's approval of the plans before Plaintiff and her team can move forward.

82. Defendant Hornickel often approves Plaintiff's plans but once Plaintiff executes them, Defendant Hornickel tells Plaintiff that Defendant Tompkins does not approve and wants the plans changed. This has wasted countless hours Plaintiff and her team's time and resources.

83. Inexplicably, Defendant Hornickel has yet to share a single report at a single Council meeting.

84. Plaintiff was never required to prepare such reports or obtain such approval prior to her termination in July 2023.

85. Plaintiff is the only Director at Defendant Pemberton who is required to prepare such reports or obtain such approval.

VI. Defendant Tompkins Tells Defendant Pemberton Employees He Intends to Retaliate Against Plaintiff.

86. Unfortunately, Defendant Tompkins' ceaseless retaliation and inappropriate conduct continues to date and has since expanded to targeting Plaintiff's subordinate employees.

87. For example, at Defendant Pemberton's Night of Terror on October 28, 2023, Defendant Tompkins baselessly accused Jennifer Deeds ("Ms. Deeds"), one of Plaintiff's

subordinate employees, of inappropriately touching a vendor while Ms. Deeds was picking up trash.

88. Ms. Deeds was confused and distraught that Defendant Tompkins would accuse her of inappropriately touching a vendor.

89. On or around October 30, 2023, Ms. Deeds complained and provided a written statement to Defendant Hornickel and Defendant Pemberton's Human Resources Department.

90. While Defendant Pemberton did ultimately look into her matter, nothing was done about Defendant Tompkins' baseless allegations against her. Indeed, they were swept under the rug.

91. Despite Plaintiff's termination being unanimously reversed by Defendant Pemberton's Council, Plaintiff's employment remains effected as none of her complaints against Defendant Tompkins have been investigated or remediated.

92. It is abundantly clear to Plaintiff that Defendant Tompkins will do anything to remove Plaintiff from her role.

93. Defendant Tompkins admits as much as he told Candice Pennewell ("Ms. Pennewell"), Defendant Pemberton's Chief Financial Officer that he was and has been working on getting Plaintiff fired.

94. Defendant Tompkins also told Ms. Pennewell that he will be cutting Plaintiff's department's budget for the 2024 year.

95. Defendant Tompkins remains employed and has not been subjected to any discipline as a result of his conduct, including the retaliatory termination of Plaintiff as a result of her complaints and because she is a woman.

COUNT ONE

NJLAD – DISPARATE TREATMENT DUE TO GENDER/SEX

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

97. The sexual harassment, discrimination, and retaliation directed at Plaintiff is outlined above.

98. Throughout Plaintiff's employment, she has been subjected to continuing instances of disparate treatment and sexual harassment based on gender/sex. The male employees and Directors are not treated in such a manner.

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

100. As the employer, employee, and/or supervisor of Plaintiff, Defendants are vicariously, strictly, and/or directly liable to Plaintiff pursuant to the NJLAD, in that the affirmative acts of harassment, discrimination, and retaliation committed by Individual Defendants occurred within the scope of their employment; and/or Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination, hostile work environment, and/or retaliation; and/or Defendants failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of harassment, discrimination, and retaliation in the workplace; and/or by having actual knowledge of the harassment, discrimination, and retaliation of Plaintiff and failing to promptly and effectively act to stop it.

101. Individual Defendants had the "authority to hire, fire, discipline, control employees' wages or control [Plaintiff's] schedule[]." *Herman v. Coastal Corp.*, 348 N.J. Super. 1, 28 (Super. Ct. App. Div. 2002). Individual Defendants' unlawful conduct, irrespective of their

supervisory role, imposes liability on themselves and Corporate Defendant under the NJLAD. *See* N.J.S.A. 10:5-12(e) (unlawful for “[f]or any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.”); *Cicchetti v. Morris Cnty. Sheriff’s Office*, 194 N.J. 563, 568 (2008) (holding that individual liability is limited to “acts that constitute aiding or abetting,” without requiring that the individual also qualify as a supervisor); *Raber v. Express Scripts Hold. Co.*, No. 18-cv-8639, 2019 U.S. Dist. LEXIS 34444 (D.N.J. Mar. 5, 2019); *Stouch & Bodnar v. Dep’t of Child Prot. & Permanency*, Docket No. BUR-L-151-19 (Law Div. May 12, 2020).

102. As discussed above, the Individual Defendants had direct involvement in the discrimination and retaliation against Plaintiff. Individual Defendants aided in conduct that caused injury to Plaintiff, Individual Defendants were generally aware of their role in the unlawful conduct, and Individual Defendants knowingly and substantially assisted in the unlawful conduct.

103. Individual Defendants aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce each other and/or Corporate Defendant to commit acts and omissions that were in violation of the NJLAD by committing affirmatively retaliatory acts toward Plaintiff, rendering them individually and collectively liable to Plaintiff pursuant to N.J.S.A. 10:5-12(e).

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

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

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

- A. Compensatory damages;
- B. Consequential damages;
- C. Punitive damages;
- D. Prejudgment interest and enhancements to off-set negative tax consequences;
- E. 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);
- F. Such other relief as may be available pursuant to the NJLAD and which the Court deems just and equitable;
- G. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- H. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- I. Ordering Defendants to undergo anti-discrimination training;
- J. Ordering Defendants to undergo anti-retaliation training;
- K. Ordering Defendants to undergo anti-harassment training;
- L. Ordering Defendants to undergo workplace civility training;
- M. Ordering Defendants to undergo bystander intervention training;
- N. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- O. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- P. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- Q. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- S. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- T. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- U. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- V. Such other relief as may be available and which the Court deems just and equitable.

COUNT TWO

NJLAD – RETALIATION/IMPROPER REPRISAL

105. Plaintiff incorporates each and every allegation set forth above as if repeated fully herein at length.

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

107. As a direct result, Defendants took retaliatory action against Plaintiff, including but not limited to (i) changing her job duties; (ii) making her job more difficult to complete; (iii) cancelling her projects; (iv) limiting her budget; and (v) terminating her employment.

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

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

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

- A. Compensatory damages;
- B. Consequential damages;
- C. Punitive damages;
- D. Prejudgment interest and enhancements to off-set negative tax consequences;
- E. 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);

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

By: /s/ Matthew A. Luber
Matthew A. Luber Esq.

Dated: November 22, 2023

DESIGNATION OF TRIAL COUNSEL

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

CERTIFICATION

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Nichole Pittman

By: /s/ Matthew A. Luber
Matthew A. Luber, Esq.

Dated: November 22, 2023

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| <p>NICHOLE PITTMAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF PEMBERTON, JACK K. TOMPKINS, DANIEL HORNICKEL, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><u>FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, PUNITIVE DAMAGES, AND DEPOSITION NOTICES TO DEFENDANT(S)</u></p> |
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PLEASE TAKE NOTICE that, McOmber McOmber & Lubber, P.C., attorneys for Plaintiff Nichole Pittman (“Plaintiff”) demand that Defendants Township of Pemberton (“Defendant Pemberton” and/or “Corporate Defendant”), Jack K. Tompkins, (“Defendant Tompkins”), and Daniel Hornickel (“Defendant Hornickel”) (“Individual Defendants”) (collectively, “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with *Rule 4:17-4(c)* and, if at any time prior to trial, you obtain information which

renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to *Rule 4:17-7*. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

DEFINITIONS

1. “Plaintiff” shall mean, 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 Pemberton” shall mean Township of Pemberton 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 Tompkins” shall mean Jack K. Tompkins Defendant in the above-captioned action.

4. “Defendant Hornickel” shall mean Daniel Hornickel Defendant in the above-captioned action.

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

6. 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.

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

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

9. “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.

10. “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.

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

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

13. 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.

14. 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.

15. 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.

16. “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.

17. 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.

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

19. 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.

20. 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.

21. 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.

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

23. 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 obtain additional information.

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

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

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

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

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

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

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

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

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

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

15. If any document was, but is no longer, in Defendant(s)' possession, or subject to Defendant(s)' control, or in existence, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding any such disposition,

including the authorization of the disposition, the date of destruction or discard, the manner of destruction or discard and reason for destruction or discard, the persons who authored and carried out such destruction or discard, whether any copies of the document presently exist, and, if so, the name of the custodian of each copy.

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

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

18. Punitive Requests relate to Corporate Defendant(s)' financial condition for purposes of punitive damages. "Case law recognizes the Defendant's financial condition as a relevant factor in all punitive-damage awards." *Herman v. Sunshine Chemical Specialties, Inc.*, 133 N.J. 329, 339, (1993). In order to properly determine the appropriate punitive damage award amount, the trier of fact "must consider evidence of the Defendant's financial condition." *Id.* at 342. "The degree of punishment resulting from a judgment must be, to some extent, in proportion to the means of the guilty person. *Restatement (Second) of Torts* 908 comment d (1977)." *McDonough v. Jorda*, 214 N.J. Super. 338, 349 (1986), *certif. denied*, 110 N.J. 302,(1988) *cert. denied*, 489 U.S. 1065 (1989).

DOCUMENT REQUESTS TO DEFENDANT(S)

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

2. 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 of Plaintiff.

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

7. All statements, documents, or communications between Defendants regarding Plaintiff's complaints.

8. All statements, documents, or communications between Individual Defendants regarding Plaintiff's complaints.

9. All statements, documents, or communications between any former or current Defendant Pemberton employee and Individual Defendants regarding Plaintiff's complaints.

10. All statements, documents, or communications between Individual Defendants regarding Plaintiff's termination.

11. All statements, documents, or communications between any former or current Defendant Pemberton employee and Individual Defendants regarding Plaintiff's termination.

12. All statements, documents, or communications between Individual Defendants regarding Plaintiff's reinstatement.

13. All statements, documents, or communications between any former or current Defendant Pemberton employee and Individual Defendants regarding Plaintiff's reinstatement.

14. All statements, documents, or communications between Individual Defendants regarding Plaintiff's complaints.

15. All documents reflecting any disciplinary action to Defendant Tompkins during the scope of his employment.

16. All documents reflecting any disciplinary action to Defendant Hornickel during the scope of his employment.

17. All documents reflecting any disciplinary action issued by Defendant Tompkins to Defendant Pemberton employees during the scope of his employment.

18. All documents and notes in Defendant Pemberton possession reflecting any meeting with Plaintiff regarding her complaints.

19. All documents and notes in Defendant Pemberton's possession reflecting any meeting or call in which Plaintiff's complaints were discussed.

20. All documents and notes in Defendant Pemberton's possession reflecting any meeting or call in which Plaintiff's termination was discussed.

21. All documents and notes in Defendant Pemberton's possession reflecting any meeting or call in which Plaintiff's reinstatement was discussed.

22. All statements, documents, or communications relating to statements of witnesses provided to Defendant(s) that relate to this Action.

23. All statements, documents or communications relating to the cancellation of the 2023 Fall Festival.

24. All statements, documents or communications relating to the cancellation of the 2023 Winter Festival.

25. All statements, documents or communications to the State of New Jersey relating to Plaintiff's employment.

26. All statements, documents or communications in Defendant Pemberton's possession reflecting any complaints by former or current Defendant Pemberton employees regarding Defendant Tompkins.

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

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

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

30. Produce a copy of Defendant(s)' written policy concerning progressive discipline.

31. All statements, documents, or communications relating to anti-harassment, anti-discrimination, and/or anti-retaliation training or education completed by Defendant(s).

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

33. 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.

34. 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.

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

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

37. 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.

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

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

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

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

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

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

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

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

46. 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.

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

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

49. 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.

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

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

52. 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.

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

54. 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).

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

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

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

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

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

60. 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.

61. 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.

62. 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).

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

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

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. Identify 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. Identify 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/her 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 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/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.

16. State whether the Plaintiff was/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.

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) 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 matter, 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 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.

INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY

1. Identify every paper, writing, memorandum or document of every kind and description of which Individual Defendant(s) has knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Individual Defendant(s) in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Individual Defendant(s)'s answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)'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 2013 through 2023 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 2013 through 2023, 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 2013 through 2023, up to and including the present.
7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.
8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2013 through 2023, 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 2013 through 2023, 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 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 Nichole Pittman

By: /s/ Matthew A. Luber, ESQ.

Dated: November 22, 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: _____

Matthew A. Lubber, Esq. – NJ ID # 017302010
 mal@njlegal.com
 R. Armen McOmber, Esq. – NJ ID # 018251998
 ram@njlegal.com
 Meghan A. Pazmino, Esq. – NJ ID # 306642019
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 Marlton, New Jersey 08053
 (856) 985-9800 Phone
 (732) 530-8545 Fax
Attorneys for Plaintiff, Nichole Pittman

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|---|--|
| <p>NICHOLE PITTMAN,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF PEMBERTON, JACK K. TOMPKINS, DANIEL HORNICKEL, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: right;">Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><u>NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION OF CORPORATE REPRESENTATIVE OF CORPORATE DEFENDANT TOWNSHIP OF PEMBERTON</u></p> |
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PLEASE TAKE NOTICE that pursuant to *Rule 4:14-2(c)* of the New Jersey Rules of Court, Plaintiff Township of Pemberton through his/her undersigned counsel, will take the deposition upon oral examination of the corporate representative of Corporate Defendants(s) **commencing on February 12, 2024 at 10:00 AM**, at the law offices of McOmber McOmber & Lubber, 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 Nichole Pittman

By: /s/ Matthew A. Luber, ESQ.

Dated: November 22, 2023

Matthew A. Luber, Esq. – NJ ID # 017302010
 mal@njlegal.com
 R. Armen McOmber, Esq. – NJ ID # 018251998
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 (856) 985-9800 Phone
 (732) 530-8545 Fax
Attorneys for Plaintiff, Nichole Pittman

| | |
|---|---|
| <p>NICHOLE PITTMAN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF PEMBERTON, JACK K. TOMPKINS, DANIEL HORNICKEL, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><u>NOTICE OF R. 4:14-2 AND R. 4:14-9</u> <u>VIDEO DEPOSITION TO JACK K. TOMPKINS</u></p> |
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PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff through her undersigned counsel, will take the deposition upon oral examination of **Defendant Jack K. Tompkins commencing on February 22, 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 Nichole Pittman

By: /s/ Matthew A. Luber, ESQ.

Dated: November 22, 2023

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Attorneys for Plaintiff, Nichole Pittman

| | |
|---|--|
| <p>NICHOLE PITTMAN,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF PEMBERTON, JACK K. TOMPKINS, DANIEL HORNICKEL, ABC COMPANIES 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names of presently unidentified individuals),</p> <p style="text-align: right;">Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BURLINGTON COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><u>NOTICE OF R. 4:14-2 AND R. 4:14-9</u> <u>VIDEO DEPOSITION TO DANIEL</u> <u>HORNICKEL</u></p> |
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PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff through her undersigned counsel, will take the deposition upon oral examination of **Defendant Daniel Hornickel commencing on February 29, 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 Nichole Pittman

By: /s/ Matthew A. Luber, ESQ.

Dated: November 22, 2023

Civil Case Information Statement

Case Details: BURLINGTON | Civil Part Docket# L-002234-23

Case Caption: PITTMAN NICHOLE VS TOWNSHIP OF PEMBERTON

Case Initiation Date: 11/22/2023

Attorney Name: MATTHEW ALLEN LUBER

Firm Name: MCOMBER MCOMBER & LUBER, PC

Address: 54 SHREWSBURY AVE

RED BANK NJ 07701

Phone: 7328426500

Name of Party: PLAINTIFF : PITTMAN, NICHOLE

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

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

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

Are sexual abuse claims alleged by: NICHOLE PITTMAN? 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)

11/22/2023

Dated

/s/ MATTHEW ALLEN LUBER

Signed

