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<p>PAMELA STEELE,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF WYCKOFF; ROBERT SHANNON; RUDOLF E. BOONSTRA; MATTHEW CAVALLO; MARK DiGENNARO; THOMAS MADIGAN; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-10 (fictitious names describing presently unidentified individuals);</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION BERGEN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p>COMPLAINT & DEMAND FOR TRIAL BY JURY; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff Pamela Steele (“Plaintiff”), by way of Complaint against Defendant Township of Wyckoff (“Defendant Wyckoff”), Defendants ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with “Defendant Wyckoff,” collectively referred to as “Corporate Defendants”), Defendant Robert Shannon (“Defendant Shannon”), Defendant Rudolf E. Boonstra (“Defendant Boonstra”), Defendant Matthew Cavallo (“Defendant Cavallo”), Defendant Mark DiGennaro (“Defendant DiGennaro”), Defendant Thomas Madigan (“Defendant Madigan”), and Defendants John Does 1-10 (fictitious names describing presently unidentified

individuals) (along with “Defendant Shannon,” “Defendant Boonstra,” “Defendant Cavallo,” “Defendant DiGennaro,” and “Defendant Madigan,” collectively referred to as “Individual Defendants”) (all collectively referred to as the “Wyckoff Defendants” or “Defendants”), alleges as follows:

INTRODUCTION

Plaintiff, the longstanding Municipal Tax Assessor for Defendant Wyckoff, was unlawfully suspended without pay on December 10, 2024, in violation of New Jersey’s broad and liberally construed Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq. (hereinafter referred to as “CEPA”) and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (hereinafter referred to as the “NJLAD”). The facts of this case conclusively demonstrate that the Wyckoff Defendants subjected Plaintiff to clear retaliation after Plaintiff (1) complained about Defendants’ failure to provide her with raises to which she was statutorily entitled and (2) requested to continue working remotely as an accommodation for her serious medical condition.

Plaintiff was appointed as Defendant Wyckoff’s Municipal Tax Assessor in 1994 and achieved tenure in 1998. Under N.J.S.A. § 40A:9-165, Plaintiff was entitled to raises and/or salary increases commensurate with certain other municipal employees. However, despite Plaintiff’s repeated complaints regarding same, the Wyckoff Defendants failed to address the salary issues raised by Plaintiff. Further, throughout the COVID-19 pandemic, and after Plaintiff was diagnosed with lung cancer in December 2021, Plaintiff worked remotely without issue. On August 2, 2024, however, Defendants demanded that Plaintiff return to in-office work. Thereafter, despite Plaintiff providing Defendants with medical documentation indicating that she had to continue to work from home due to her ongoing battle with lung cancer and other health issues, Defendants ignored the directives of Plaintiff’s physicians and instead demanded that she return to in-office work.

On December 10, 2024, and despite a clear lack of legal authority to do so, Defendant Wyckoff suspended Plaintiff without pay. On December 13, 2024, and in further retaliation for Plaintiff's complaints regarding her compensation and her requests to work from home, Defendant Wyckoff filed a petition with the New Jersey Division of Taxation to remove Plaintiff as its municipal tax assessor. On December 23, 2024, the Department of the Treasury, Division of Taxation dispatched correspondence to Defendant Wyckoff specifically advising that Defendant Wyckoff **did not have authority** to suspend Plaintiff without pay and terminate her medical benefits and, as such, requested that Defendant Wyckoff rescind its decision in that regard. On December 31, 2024, however, Defendant Wyckoff advised they would not rescind the decision.

Fortunately, New Jersey law provides redress for employees like Plaintiff subjected to such invidious discriminatory and retaliatory treatment. Accordingly, Plaintiff brings this lawsuit under CEPA and the NJLAD to assert her right, and the rights of others, to work in an environment free from discrimination, harassment, and retaliation.

PARTIES

1. Plaintiff is domiciliary of the State of New Jersey currently residing in Paramus, New Jersey who is, at all times relevant hereto, employed by Defendant Wyckoff as the Municipal Tax Assessor.

2. Defendant Wyckoff is a governmental municipality within the State of New Jersey with an address at 340 Franklin Avenue, Scott Plaza, Wyckoff, NJ 07481-19074. At all times relevant hereto, Defendant Wyckoff is an "employer" as defined under CEPA and the NJLAD.

3. Defendant Shannon, at all times relevant hereto, is a Township Administrator for Defendant Wyckoff and a domiciliary of the State of New Jersey. This claim is brought against Defendant Shannon in his individual capacity and as an agent of Defendant Wyckoff. Defendant Shannon is named as a Defendant in this litigation because of his role in aiding, abetting, and

inciting Defendants' harassment, discrimination, and retaliation against Plaintiff. At all times relevant hereto, Defendant Shannon is an "employer" as defined under CEPA and the NJLAD.

4. Defendant Boonstra, at all times relevant hereto, was a Township Committee Member for Defendant Wyckoff who currently serves as the Mayor of Defendant Wyckoff and a domiciliary of the State of New Jersey. This claim is brought against Defendant Boonstra in his individual capacity and as an agent of Defendant Wyckoff. Defendant Boonstra is named as a Defendant in this litigation because of his role in aiding, abetting, and inciting Defendants' harassment, discrimination, and retaliation against Plaintiff. At all times relevant hereto, Defendant Boonstra is an "employer" as defined under CEPA and the NJLAD.

5. Defendant Cavallo, at all times relevant hereto, is a Township Administrator for Defendant Wyckoff and a domiciliary of the State of New Jersey. This claim is brought against Defendant Cavallo in his individual capacity and as an agent of Defendant Wyckoff. Defendant Cavallo is named as a Defendant in this litigation because of his role in aiding, abetting, and inciting Defendants' harassment, discrimination, and retaliation against Plaintiff. At all times relevant hereto, Defendant Cavallo is an "employer" as defined under CEPA and the NJLAD.

6. Defendant DiGennaro, at all times relevant hereto, is a Township Engineer for Defendant Wyckoff and a domiciliary of the State of New Jersey. This claim is brought against Defendant DiGennaro in his individual capacity and as an agent of Defendant Wyckoff. Defendant DiGennaro is named as a Defendant in this litigation because of his role in aiding, abetting, and inciting Defendants' harassment, discrimination, and retaliation against Plaintiff. At all times relevant hereto, Defendant DiGennaro is an "employer" as defined under CEPA and the NJLAD.

7. Defendant Madigan, at all times relevant hereto, was employed by Defendant Wyckoff as Mayor and a domiciliary of the State of New Jersey. Accordingly, this claim is brought

against Defendant Madigan in his individual capacity and as an agent of Defendant Wyckoff. At all times relevant hereto, Defendant Madigan is an “employer” as defined under CEPA and the NJLAD.

8. Defendants ABC Corporations 1-5 are currently unidentified business entities that have acted in concert with the Corporate Defendants, and/or currently unidentified business entities that may have liability for the damages suffered by Plaintiff under any theory advanced herein.

9. Defendants John Does 1-10 are currently unidentified individuals who acted in concert with Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

FACTS COMMON TO ALL CLAIMS

10. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies encouraging employees to disclose to supervisors or managers of the company any conduct engaged in by the company or a co-worker which an employee reasonably believed violated state or federal law.

11. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies prohibiting retaliation against an employee who discloses to a supervisor or manager any conduct engaged in by the company or a co-worker which the employee reasonably believes is or was a violation of laws, rules, or regulations.

12. Corporate Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies prohibiting retaliation against an employee who discloses to a supervisor or manager any conduct engaged in by the company or a co-worker which the employee reasonably believes is or was unethical.

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

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

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

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

17. On June 21, 1994, Plaintiff was appointed as Defendant Wyckoff's Municipal Tax Assessor.

18. After serving an initial four-year term, Plaintiff achieved tenure as a result of her reappointment to the position, effective July 1, 1998. At all relevant times, Plaintiff is an employee of Defendants as defined under both CEPA and the NJLAD.

19. At all times throughout her employment, Plaintiff performed her job responsibilities in an exemplary fashion, loyally committed to Defendant Wyckoff and the residents which it serves.

20. In return for Plaintiff's loyalty and dedicated service, however, Defendant Wyckoff, by and through its responsible management, retaliated against Plaintiff when (1) she complained about Defendants' failure to provide her with statutorily mandated salary raises and (2) after Plaintiff requested to continue working remotely due to her lung cancer diagnosis. Ultimately, Defendants unlawfully suspended Plaintiff without pay on December 10, 2024, and then filed a petition for Plaintiff's removal with the New Jersey Division of Taxation on December 13, 2024, with no legal basis whatsoever to do so, in blatant acts of retaliation targeted towards Plaintiff.

A. In 2020, Plaintiff Begins Working Remotely and Complains About Defendants' Failure to Provide Statutorily Mandated Raises.

21. In 2020, following the onset of the COVID-19 pandemic, Plaintiff began working remotely in her role as the Municipal Tax Assessor for Defendant Wyckoff. Although Plaintiff had not yet been diagnosed with lung cancer, she was already dealing with various lung and heart issues and was (and remains) an asthmatic, making her markedly high-risk if she were to contract COVID-19.

22. The part-time inspector and full-time secretary in the tax department working with Plaintiff were not working at that time and, as such, Plaintiff worked alone.

23. Notably, Plaintiff was able to complete all of the required aspects of her position while working remotely.

24. N.J.S.A. § 40A:9-165 provides that the governing body of a municipality should fix the salaries, wages, or compensation paid to all employees, and that no ordinance should deny without good cause an increase in salary given to all other municipal employees to any tax assessor.

25. Despite same, Defendant Wyckoff has repeatedly failed to provide Plaintiff with the required raises.

26. Throughout 2021, Plaintiff held several conversations and meetings with Defendant Shannon wherein she complained to Defendant Shannon, former Township Administrator for Defendant Wyckoff, about Defendants' failure to abide by the relevant statute and provide her with the mandated pay raises.

27. During the latter months of 2021, Defendant Shannon began refusing to take Plaintiff's calls regarding the issue, often stating that he was too busy to speak to Plaintiff same. However, upon information and belief, and evidencing Defendants' discriminatory and retaliatory animus towards Plaintiff, Defendant Shannon resolved numerous other staffing and salary issues over the years for other employees.

28. Indeed, Defendant Wyckoff refused to provide Plaintiff with the mandated raises even after Plaintiff provided Defendants with the relevant statute and legal authority from Assn. of Municipal Assessors of New Jersey v. Mullica Twp. 225 N.J. Super. 475 (1998), which clearly articulates Defendant Wyckoff's legal responsibility to provide Plaintiff with said salary raises.

29. In December 2021, Plaintiff was formally diagnosed with lung cancer.

30. In or around April 2022, Plaintiff underwent surgery to remove a portion of her right lung. Plaintiff continued to work remotely before the surgery and throughout her recovery thereafter.

31. In or around October 2022, Defendant Wyckoff finally hired a part-time assistant tax assessor to assist Plaintiff in her duties. Plaintiff was charged with training the new hire in addition to completing the responsibilities of the vacant positions in addition to her own duties. All of Plaintiff's work was, in turn, completed remotely in 2022 without issue.

32. Although Plaintiff continued to raise the issue regarding Defendants' failure to provide her with the statutorily mandated raises, Defendants failed to take any remedial action whatsoever with respect to same.

33. Subsequently, in or around April 2023, Defendant Boonstra and fellow committee member Scott Fisher ("Mr. Fisher") came to Plaintiff's residence to discuss the salary issues raised by Plaintiff.

34. In or around June 2023, Defendant Boonstra and Mr. Fisher returned to Plaintiff's residence to again discuss the salary issues Plaintiff had raised.

35. During said June 2023 meeting, Defendant Boonstra simply read from a script, informed Plaintiff that the mandated salary increase was "too much money" and told her that Defendant Wyckoff was "just not doing it."

B. Defendants Retaliate Against Plaintiff for Her Repeated Complaints and Her Requests to Work from Home as an Accommodation for Her Disability.

36. In June 2023, Plaintiff participated in a phone conference with Mr. Fisher and Defendant Boonstra wherein she again raised the aforementioned salary raises issue, and Defendants again refused to remedy same.

37. Shortly thereafter, on June 27, 2023, Defendants issued Plaintiff a retaliatory Rice Notice issued to address Plaintiff's "position as the Tax Assessor" and Plaintiff's performance.

38. Despite repeated requests to allow Plaintiff to attend the Rice Notice hearing virtually, Defendants refused to allow Plaintiff to attend same remotely and forced Plaintiff to

come in-person. However, the Town Council did not have a quorum and, as such, no decision was made.

39. On July 7, 2023, Plaintiff dispatched a written complaint to legal counsel for Defendant Wyckoff, Raymond Wiss, Esq. (“Mr. Wiss”), explaining how Plaintiff believed said Rice Notice to be unlawful. On July 13, 2023, Mr. Wiss acknowledged receipt of the letter but otherwise provided no formal response to same.

40. On July 12, 2023, Robert Layton (“Mr. Layton”), the Tax Administrator for the Bergen County Board of Taxation, dispatched correspondence to the then-Mayor of Defendant Wyckoff, Defendant Madigan, advising him that Defendant Wyckoff lacked the legal authority to discipline Plaintiff or review her job performance.

41. Despite instructions from the Board of Taxation that Defendant Wyckoff lacked the legal authority to discipline Plaintiff, Defendant Cavallo conducted an investigation into Plaintiff’s job performance and engaged the assistance of Frances Piskadlo (“Ms. Piskadlo”), Confidential Executive Assistant to the Chief Financial Officer, to compile information from her work with Plaintiff in 2021 and 2022.

42. Upon information and belief, Ms. Piskadlo advised Defendant Cavallo that Defendants were prohibited by law from investigating and interfering with the tax assessor’s office and indicated that she did not want to participate in said investigation. However, Defendants still forced Ms. Piskadlo to participate, and Ms. Piskadlo, in turn, advised there were no issues with Plaintiff’s performance and that any alleged problems laid elsewhere in Town Hall.

43. Despite Ms. Piskadlo’s findings in that regard, Defendant Cavallo continued his investigation and provided false and/or misleading data to the Town Council in an effort to have Plaintiff removed as Defendant Wyckoff’s Tax Assessor.

44. On August 2, 2024, Mr. Wiss dispatched correspondence to Plaintiff demanding that she return to the office for in-person work starting the week of September 3, 2024 or, otherwise, requested updated medical documentation from Plaintiff's physicians.

45. Thereafter, on August 23, 2024, Plaintiff provided her updated medical documentation to Mr. Wiss's office by private messenger.

46. On August 29, 2024, Mr. Wiss dispatched correspondence to Plaintiff claiming that he found the medical professional's signature was illegible and requested updated documents by September 6, 2024.

47. On September 5, 2024, Plaintiff provided Mr. Wiss with the name of her physician and his contact information and advised that her next appointment with her physician was scheduled for October 30, 2024, at which time she would have updated information that she could provide.

48. Plaintiff further advised Mr. Wiss at that time that her medical condition had not improved to the point where she could return to the office, as falsely implied by Defendants, and that September and October were extremely busy months for Plaintiff's office.

49. On September 12, 2024, Mr. Wiss dispatched correspondence to Plaintiff indicating that Defendant Wyckoff "does not agree that your medical condition requires you to work from home" and concluding, with no explanation, that the Township could accommodate Plaintiff's requirements within the Town Hall workplace.

50. However, the Township provided no such accommodations and has still not done so to date. Indeed, throughout 2024, Plaintiff completed all of her responsibilities while working remotely, and her work was sent to, and approved by, the Bergen County Board of Taxation.

51. On November 4, 2024, Plaintiff provided updated medical documentation, as required, to Defendant Wyckoff.

52. On December 4, 2024, Mr. Wiss dispatched to Plaintiff another Rice Notice advising Plaintiff there would be a Special Meeting on December 10, 2024 to discuss matters pertaining to Plaintiff's employment with Defendant Wyckoff.

53. On December 7, 2024, Plaintiff dispatched correspondence to Mr. Wiss requesting information as to the topics to be discussed at the upcoming meeting on December 10, 2024. Notably, Plaintiff again complained about the Wyckoff Defendants' repeated refusals to provide her with the statutorily mandated raises in said correspondence to Mr. Wiss.

54. Plaintiff further advised Mr. Wiss that she saw a notice on Defendant Wyckoff's website indicating that a disciplinary action for Plaintiff's removal would also take place on December 10, 2024.

55. On December 9, 2024, Mr. Layton again dispatched correspondence to Defendant Wyckoff advising that Defendant Wyckoff had no legal authority to discipline Plaintiff in her position as the Municipal Tax Assessor or to suspend her without pay.

56. Further, on December 9, 2024, Peter Zipp, Esq. ("Mr. Zipp"), legal counsel for the Association of Municipal Assessors of New Jersey, also dispatched correspondence to Defendant Wyckoff informing Defendant Wyckoff that they lacked the authority to suspend Plaintiff, citing relevant case law and statutes with respect to same.

57. Despite the clear lack of legal authority to do so, on December 10, 2024, Defendant Wyckoff formally suspended Plaintiff without pay.

58. On December 13, 2024, Defendant Wyckoff filed a Petition to Remove Plaintiff directly to the Division of Taxation, thereby unlawfully bypassing the procedure requiring them

to first submit same to the Bergen County Board of Taxation. The Wyckoff Defendants served the petition on Plaintiff through the Sheriff's Department.

59. It is manifestly clear that Defendants suspended Plaintiff's employment in retaliation for her repeated complaints regarding Defendants' refusal to provide her with statutorily mandated raises and her requests to continue working remotely due to her ongoing battle with lung cancer.

60. On December 23, 2024, the Department of the Treasury, Division of Taxation, dispatched correspondence to Defendant Wyckoff (1) advising that Defendant Wyckoff did not have the authority to suspend Plaintiff without pay and terminate her medical benefits and (2) requesting that Defendant Wyckoff rescind the decision to suspend Plaintiff and terminate her medical benefits.

61. The Wyckoff Defendants, however, refused the Department of the Treasury, Division of Taxation's request in that regard.

62. On January 23, 2025, the Attorney General of New Jersey, Director, Division of Taxation, Matthew J. Platkin, filed a Complaint in the Superior Court of Mercer County asserting that Defendant Wyckoff's decision to suspend Plaintiff and terminate her medical benefits violates statutory law.

63. As a direct result of the joint and several acts and omissions of the Corporate Defendants, Individual Defendants, John Does (1-10), and ABC Corporations (1-5), Plaintiff has been, and continues to, suffer economic losses and pecuniary damage in the form of lost income and benefits past, present, and future.

64. As a direct result of the joint and several acts and omissions of the Corporate Defendants, Individual Defendants, John Does (1-10), and ABC Corporations (1-5), Plaintiff has

been, and continues to, suffer non-economic damages in the form of humiliation, stress, and anxiety, causing her mental and emotional anguish and dysfunction and physical manifestations of same, including but not limited to, nightmares, inability to sleep, weight loss, headaches, high blood pressure, chest pains, shortness of breath, crying, negative thoughts, nervousness, anxiousness, anxiety attacks, upset stomach, and stomach pains, all or some of which may be permanent.

COUNT ONE

RETALIATION IN VIOLATION OF NEW JERSEY'S CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")

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

66. New Jersey's CEPA Law, N.J.S.A. 34:19-1 et seq., provides in pertinent part that:

An employer shall not take retaliatory action against an employee because the employee does any of the following:

- c. objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy or practice concerning the public health, safety, welfare or protection of the environment;

67. An employee who in good faith complains about a prohibited practice is protected under CEPA, even if the employer or the Court ultimately determines the alleged violation did not occur.

68. Plaintiff communicated to Defendants her reasonable belief that Defendants were engaging in activities which were in violation of law, regulations, and public policy, including, but not limited to, Defendants' failure to provide statutorily mandated raises.

69. Plaintiff is a person protected under CEPA, as the acts she complained of are violations of law and regulations and rules related thereto and/or violations of clear mandates of public policy.

70. Shortly after making her disclosures, Plaintiff was subject to retaliation in the form of a hostile work environment and a suspension without pay.

71. Based on their treatment of Plaintiff, Defendants, jointly or severally, violated CEPA.

72. Defendants, by their collective and/or individual acts and omissions, are liable to Plaintiff for any and all damages, economic and non-economic, she has and continues to sustain as a result of their joint or several unlawful conduct.

73. Defendants, individually and/or by and through their respective officials, administrators, managers, supervisors, and/or employees, unlawfully conspired with each other in order to subject Plaintiff to unlawful retaliatory conduct in violation of CEPA.

74. A person subject to unlawful retaliation is afforded the remedy of *punitive damages*. See N.J.S.A. 34:19-1 et seq. As such, Plaintiff is entitled to an award of punitive damages against defendants, jointly or severally.

75. As a result of the unlawful retaliatory actions undertaken by Defendants, jointly or severally, Plaintiff has been, and continues to, suffer economic losses and pecuniary damage in the form of lost income and benefits past, present and future, as well as consequential damages flowing therefrom.

76. As a result of the retaliatory acts and omissions of Defendants, jointly or severally, Plaintiff has been, and continues to, suffer non-economic damages in the form of humiliation, stress, and anxiety, causing her mental and emotional anguish and dysfunction, and physical manifestations of same, including, but not limited to, nervousness, anxiousness, sleeplessness, loss of appetite, anxiety attacks, upset stomach, and stomach pains, all or some of which may be permanent.

77. Plaintiff has been compelled to retain counsel in order to file this lawsuit and seek an adjudicated remedy to the damages she has suffered as a result of Defendants' unlawful conduct. The legislature has determined a prevailing party may be awarded reasonable counsel fees. N.J.S.A. 34:19-1 et seq. As such, Plaintiff is entitled to an award of reasonable attorney fees against any and all named defendants.

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

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including but not limited to court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);

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

COUNT TWO

RETALIATION IN VIOLATION OF PUBLIC POLICY

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

79. As set forth herein, Plaintiff reported and complained about Defendants' unlawful behavior. Corporate Defendants had knowledge of Plaintiff's protests and terminated her as a result thereof.

80. As a direct result of Plaintiff disclosing, raising complaints, and/or threatening to disclose raising complaints, Defendants took retaliatory action against Plaintiff as set forth at length above.

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

COUNT THREE

**NJLAD – DISPARATE TREATMENT, HOSTILE WORK ENVIRONMENT AND
UNLAWFUL TERMINATION DUE TO DISABILITY**

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

82. The treatment received from Individual Defendants, Corporate Defendants, ABC Corporations 1-5, and John Does 1-10, jointly or severally, violates the NJLAD, which prohibits unlawful employment discrimination against any person because of race, religion, age, gender, **handicap, disability**, marital status, national origin, sexual orientation, etc.

83. Plaintiff's medical condition(s) fit the definition of handicap and disability under the NJLAD.

84. The above-described conduct would not have occurred but for Plaintiff's handicap and disability.

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

86. Defendants did not maintain useful formal and information complaint structures for victims of discrimination, harassment, or retaliation.

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

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

89. Defendants did not have a commitment from the highest levels of management that discrimination and harassment will not be tolerated.

90. As a result of the above harassing and discriminatory conduct, Plaintiff experiences ongoing and debilitating emotional distress and experiences significant economic damages.

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

92. It is unlawful discrimination “[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.” N.J.S.A. 10:5-12(e). The NJLAD imposes liability on Individual Defendants irrespective of their supervisory role. 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); and

Stouch & Bodnar v. Dep't of Child Prot. & Permanency, Docket No. BUR-L-151-19 (Law Div. May 12, 2020).

93. Defendant Wyckoff aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, compel, and/or coerce the Individual Defendants to commit acts and omissions that were in direct violation of the NJLAD by committing affirmatively discriminatory and retaliatory acts towards Plaintiff in clear violation of its supervisory duties to halt or prevent harassment, subjecting Defendant Wyckoff to liability to Plaintiff pursuant to N.J.S.A. 10:5-12(e).

94. Individual Defendants aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, compel, and/or coerce the Defendants to commit acts and omissions that were in direct violation of the NJLAD by committing affirmatively discriminatory and retaliatory acts towards Plaintiff in clear violation of their supervisory duties to halt or prevent harassment, subjecting Individual Defendants to liability to Plaintiff pursuant to N.J.S.A. 10:5-12(e).

95. Individual Defendants had authority to affect the terms and conditions of Plaintiff's employment.

96. Plaintiff reasonably perceived that the Individual Defendants had the power to impact Plaintiff's conditions of employment and Plaintiff's work environment.

97. Individual Defendants have direct involvement in Plaintiff's discrimination and retaliation. 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.

98. Individual Defendants were unresponsive to Plaintiff's complaints, failed to adequately investigate Plaintiff's complaints, and failed to take proper remedial action of

Plaintiff's complaints. Such conduct is substantial assistance, deliberate indifference, and/or affirmatively harassing acts that violate Individual Defendants' "duty to act against harassment." Hurley v. Atl. City Police Dep't, 174 F.3d 95, 126 (3d Cir. 1999); see also E.E.O.C. v. Foodcrafters Distrib. Co., No. 03-2796, 2006 U.S. Dist. LEXIS 11426, 2006 WL 489718, at *7 (D.N.J. Feb. 24, 2006).

99. As Plaintiff's supervisor, Individual Defendants' unlawful conduct imposes liability on themselves and Corporate Defendants under the NJLAD. See Hurley v. Atl. City Police Dep't, 174 F.3d 95, 126 (3d Cir. 1999) (When a supervisor engages in "affirmatively harassing acts", he "flouts [his] duty" and "subjects himself and his employer to liability."); Fasano v. Fed. Reserve Bank of N.Y., 457 F.3d 274, 289 (3d Cir. 2006) ("The [NJ]LAD permits the imposition of individual liability on an employee who has aided or abetted barred acts."); Rowan v. Hartford Plaza Ltd, LP, 2013 N.J. Super. Unpub. LEXIS 766, at *18-19 (Super. Ct. App. Div. Apr. 5, 2013); Yobe v. Renaissance Elec., Inc., No. 15-3121, 2016 U.S. Dist. LEXIS 18227, at *12 (D.N.J. Feb. 16, 2016); Dickerson v. N.J. Inst. of Tech., No. 19-8344, 2022 U.S. Dist. LEXIS 5074, (D.N.J. Jan. 10, 2022).

100. Individual Defendants' unlawful conduct, irrespective of their supervisory role, imposes liability on themselves and Corporate Defendants 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 County 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); and Stouch & Bodnar v. Dep't of Child Protection and Permanency, Docket No. BUR-L-151-19 (Law Div. May 12, 2020).

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

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

- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

COUNT FOUR

NJLAD – DISABILITY DISCRIMINATION: FAILURE TO ACCOMMODATE AND FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS

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

103. The conduct of Defendants as detailed above constitutes disability discrimination; specifically, the failure to reasonably accommodate disabled persons, and the failure to engage in the interactive process required by New Jersey law.

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 the 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. Reinstatement of employment and all benefits;

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

COUNT FIVE

NJLAD – RETALIATION/IMPROPER REPRISAL

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

106. Defendants took retaliatory action against Plaintiff by subjecting Plaintiff to hostility and a further increased workload after she requested a reasonable accommodation for her disabilities.

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

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

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the 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. Reinstatement of employment and all benefits;
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- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);

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

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, Pamela Steele

By: /s/ Austin B. Tobin
AUSTIN B. TOBIN, ESQ.

Dated: February 4, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, R. ARMEN McOMBER, 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 parties that need to be joined at this time; however, there are two other relevant civil actions involving the Township of Wyckoff that are pending; namely, a Verified Complaint filed in the matter of Department of the Treasury, Division of Taxation v. Township of Wyckoff, Docket No. MER-L-162-25; and a Complaint in Lieu of Prerogative Writs filed in the matter of Association of Municipal Assessors of New Jersey v. Township of Wyckoff, Docket No. BER-L-462-25. Both of the aforementioned matters involve claims that are separate and distinct from those being litigated by Plaintiff as part of the instant lawsuit.

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, Pamela Steele

By: /s/ Austin B. Tobin
AUSTIN B. TOBIN, ESQ.

Dated: February 4, 2025