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<p>ERIC HIBBS, Ph.D.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BOARD OF EDUCATION OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF GLOUCESTER; JULIE KOZEMPEL; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals);</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: GLOUCESTER 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, Eric Hibbs, Ph.D. (“Plaintiff”), by way of Complaint against Defendant Board of Education of the Township of Washington, in the County of Gloucester (“Defendant WBOE”), Defendants ABC Corporations 1-5 (fictitious names describing presently unidentified business entities) (along with “Defendant WBOE,” collectively referred to as the “Corporate Defendants” or “WBOE Defendants”), Defendant Julie Kozempel (“Defendant Kozempel”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (collectively referred to as the “Individual Defendants”) (all collectively “Defendants”), alleges as follows:

INTRODUCTION

Plaintiff, who has served as the Superintendent of Schools in the Washington Township School District since May 2023, was unlawfully placed on administrative leave from said position after he raised objections to the WBOE Defendants' conduct that he believed to be both unlawful and unethical. Following Plaintiff's multiple complaints in that regard, he was subjected to blatant retaliation in violation of New Jersey's Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq. (hereinafter referred to as "CEPA"), which culminated in his being placed on indefinite administrative leave. At its core, this case underscores the essential role of whistleblowers, as Plaintiff's protected conduct embodies the vital role that whistleblowers play in upholding accountability and ethics in the workplace.

The facts in this case are clear and irrefutable. The WBOE Defendants, under the leadership of Defendant WBOE's Board President, Defendant Kozempel, selected Insurance Consulting Service ("ICS") to serve as its consultant for employee health benefits. After investigating same, Plaintiff found that the WBOE Defendants' selection process in hiring ICS was procedurally flawed. Plaintiff, in turn, reported his concerns to multiple oversight bodies, including the Office of Public Integrity and Accountability, the Gloucester County Prosecutor's Office, and Deputy Attorneys General Michael Grillo and Amandi Nini. Specifically, Plaintiff complained about both the WBOE Defendants' decision-making process as to the selection of ICS and the selection of ICS itself, noting that: (1) ICS had submitted the lowest-rated proposal; and (2) the proposal submitted by ICS was materially defective.

Rather than appropriately address Plaintiff's concerns, however, the WBOE Defendants disregarded said complaints and instead subjected Plaintiff to a calculated campaign of targeted retaliation. By way of example, but not limitation, Steven Serrano ("Mr. Serrano"), then-Defendant

WBOE Board Member who is now elevated to Defendant WBOE's Board Vice President, called on the WBOE Defendants' then-Board President, Ralph Ross ("Mr. Ross"), to initiate an investigation into Plaintiff and hired a personal attorney to observe Plaintiff without any prior notice or explanation. Despite facing retaliation, Plaintiff dutifully continued to lodge complaints regarding the WBOE Defendants' conduct — explicitly outlining his concerns as to Defendants' unlawful and unethical conduct. Said concerns raised by Plaintiff included, but were not limited to, the following: (1) the exclusion of certain Board Members of the WBOE Defendants from discussions related to negotiations with support staff; (2) Defendant Kozempel's refusal to allow Plaintiff to provide personnel recommendations; and (3) false accusations by Defendants that Plaintiff was intentionally sending emails to shift blame onto the WBOE Defendants.

In response, Defendants began to micromanage and take over key responsibilities Plaintiff possessed as Superintendent and orchestrated the filing of a fraudulent ethics complaint against him. Left with no recourse, and no longer able to endure the retaliation of the WBOE Defendants, Plaintiff filed a six-count ethics complaint with the New Jersey School Ethics Commission ("SEC") against Defendant Kozempel detailing the retaliation he was facing as a whistleblower. Then, without providing any explanation as to why, and in a malicious act of further retaliation, the WBOE Defendants fraudulently invoked the Doctrine of Necessity ("DON") to place Plaintiff on administrative leave and, adding to Defendants' transparent pretext, weaponized the DON to further their agenda of conducting baseless investigations into Plaintiff.¹

¹ There are three prerequisites necessary for a Board to invoke the DON: a) The Board must be unable to act without the members in conflict taking part; b) There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and c) There can be no alternative forum that can grant the same relief. See Allen v. Toms River Regional Board of Education, 233 N.J. Super 651 (1989); https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/1849922/0163_-_Quorum.pdf (last visited May 15, 2025).

Whistleblowers like Plaintiff serve as the first line of defense against unsafe, unethical, and unlawful practices. In New Jersey, employees are protected by law from retaliation for speaking out against unlawful conduct. Plaintiff's lawsuit is a direct challenge to Defendants' unlawful and unethical conduct and a platform for his exercising of his right to speak up without fear of retribution. By filing this action, Plaintiff seeks to hold Defendants accountable and affirm the importance of protecting employees who expose wrongdoing.

PARTIES

1. Plaintiff is a domiciliary of the State of New Jersey presently residing in Mickleton, New Jersey and, at all times relevant hereto, was employed by the WBOE Defendants as Superintendent of Schools.

2. Defendant WBOE is a body politic of the State of New Jersey which operates the Washington Township School District, located at 206 E Holly Ave, Sewell, New Jersey 08080. At all times relevant hereto, Defendant WBOE is an "employer" as defined under the CEPA.

3. Defendant Kozempel is a domiciliary of the State of New Jersey and was, at all times relevant hereto, employed by Corporate Defendants as Board President. This claim is brought against Defendant Kozempel in her individual capacity and as an agent of Corporate Defendants. Defendant Kozempel is named as a Defendant in this litigation because of her role in aiding, abetting, and inciting Corporate Defendants' retaliation against Plaintiff. At all times relevant hereto, Defendant Kozempel is an "employer" as defined under the CEPA.

4. Defendants ABC Corporations 1-5 are currently unidentified business entities that have acted in concert with Corporate Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of anti-retaliation policies of Corporate

Defendants, and/or currently unidentified business entities that have liability for the damages suffered by Plaintiff under any theory advanced therein.

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

6. 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 retaliation.

7. 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 and procedures requiring an employee who believes he or she was the victim of retaliation to report the harassment to supervisory and management staff of Corporate Defendants.

8. 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 and procedures whereby they would engage in a timely and effective investigation of complaints of retaliation brought to their attention by employees of Corporate Defendants.

9. 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 and procedures committing them to undertake prompt and effective remedial measures to put a stop to any retaliation that they found to exist at Corporate Defendants.

10. Plaintiff began his employment as Superintendent of Schools (“Superintendent”) with the WBOE Defendants on May 1, 2023. Throughout his tenure, Plaintiff has consistently demonstrated dedication and strong work ethic. Indeed, at all times throughout his employment with Defendant WBOE, Plaintiff performed his job responsibilities competently and diligently, loyally dedicated to Defendants and the students and families which they serve.

11. Despite Plaintiff’s demonstrated ability to consistently perform at the highest level, he became the target of retaliation after uncovering an unlawful scheme orchestrated by Defendants in the selection process for an insurance consultant — one whose proposal was materially defective and ranked the lowest among all submissions by Washington Township School District administration. The selection ultimately harmed the employees of Defendant WBOE.

12. Plaintiff’s principled objections, made in the interest of the employees of Defendant WBOE, were met with retaliation instead of the respect and protection he rightfully deserved.

A. Plaintiff Objects to the Unlawful and Unethical Conduct of the WBOE Defendants.

13. On or about August 20, 2024, Plaintiff voiced concerns to the WBOE Defendants regarding their hiring of a particular insurance consulting service.

14. By way of background, in or around June 29, 2021, and under the leadership of Defendant Kozempel, the WBOE Defendants selected ICS to serve as its consultant for employee health benefits.

15. Following multiple Open Public Records Act (“OPRA”) request(s) by various community members, Plaintiff conducted a review of the WBOE Defendants’ selection process in hiring ICS. Based on his investigation, aided by Janine Wechter (“Ms. Wechter”), Business Administrator for the WBOE Defendants, Plaintiff concluded that the Request for Proposal process utilized by the WBOE Defendants in 2021 was procedurally flawed.

16. In turn, Plaintiff lodged a complaint regarding both the WBOE Defendants' decision-making process as to the selection of ICS and the selection of ICS itself, noting that: (1) ICS had submitted the lowest-rated proposal; and (2) the proposal submitted by ICS was materially defective.

B. Following Plaintiff's Aforementioned Complaint, Defendants Retaliate Against Plaintiff.

17. Rather than appropriately address Plaintiff's concerns, the WBOE Defendants disregarded said complaints and instead subjected Plaintiff to a campaign of targeted retaliation.

18. By way of example but not limitation, on September 5, 2024, following said complaint by Plaintiff, Mr. Serrano issued a scathing rebuke of same and requested that Plaintiff's decision to raise his concerns be "looked into" by acting Board President Mr. Ross, even copying all members of the WBOE Defendants in doing so:

In closing, my formal request to you, President Ross, is that you have qualified legal counsel look into the decisions made to share this information, and send the questions and information presented in this statement to them for review. Being a candidate for this upcoming election myself, the presentation of this information is unsettling.

19. Later that day, at a Board meeting, the WBOE Defendants vindicated Plaintiff in terms of his raising of the aforementioned concerns to the WBOE Defendants.

20. Then, on September 6, 2024, Mr. Serrano, in an email addressed to the Board Members of the WBOE Defendants, referred to Plaintiff as a "butt hurt snowflake."

21. In response, Plaintiff promptly dispatched an email to the WBOE Defendants objecting to the retaliatory conduct he was being subjected to at the hands of Mr. Serrano:

Dear Board Members,

I am forwarding two correspondences below for your review. While I request that you do not reply to all, it is important that each of you is aware of the manner in which I have been addressed by a sitting member of the Board of Education. This behavior is, quite frankly, unacceptable.

For the second time this week, I am formally requesting an investigation into concerning conduct by a board member. I believe it is necessary to document my concerns regarding the lack of professionalism, respect, and support demonstrated by Mr. Steve Serrano. The tone and content of the emails are both disrespectful and hostile.

As Superintendent, I expect this behavior to cease immediately and believe that a formal apology is warranted. Additionally, the repetitive nature of this conduct has fostered an intimidating, hostile, and uncomfortable environment that requires urgent attention.

Along with requesting a formal investigation into my treatment by Mr. Serrano, I would also like to ask that you, Ari, provide counsel to Mr. Serrano to ensure he fully understands the potential consequences of his actions.

President Ross, this marks the second issue of this nature within the same week. In the first incident, Mrs. Baker acted inappropriately toward our Business Administrator. I request that Mrs. Baker not be involved in the Business Committee to safeguard our Business Administrator's well-being. Please confirm if this will be implemented.

Additionally, I ask that you take appropriate action regarding Mr. Serrano. I look forward to hearing how you will address both situations and to your continued support and protection of our employees, including myself.

Sincerely,
Dr. Eric M. Hibbs
Superintendent

22. Thereafter, on September 9, 2024, Plaintiff filed a detailed complaint with the Office of Public Integrity and Accountability (“OPIA”) (the “OPIA Complaint”) regarding the issues detailed above.

23. In or around September 16, 2024, Mr. Serrano was permitted to hire a personal attorney to observe Plaintiff, without any prior notice or explanation, at a Human Resources (“HR”) committee meeting.

24. In response, Plaintiff immediately lodged a complaint to the members of the WBOE Defendants’ Board, as follows:

- I am deeply concerned that I was expected to attend a committee meeting with an attorney present to observe me without being given prior notice. It is a matter of courtesy to inform all parties involved well in advance so that they can choose to bring their own legal counsel. Unfortunately, I was not afforded this opportunity. The board attorney and HR Committee members were aware of the possibility of such a situation, yet I was never notified and given the right to secure my own legal representation. I was only informed at approximately 4 PM that Mr. Serrano would be accompanied by an attorney, leaving me with insufficient time to obtain legal counsel.

- I believe the reason why Mr. Serrano brought a lawyer to this meeting was my documentation of him using the language “snowflakes” and a “butt hurt snow flakes.” in two separate emails. (I used the spelling of Mr. Serrano regarding the word snowflake.) The emails in question are not unsubstantiated claims but rather documented communications that clearly outline my concerns. In today’s meeting, I am again, and repeatedly, pointing out the language used by Mr. Serrano, which is not acceptable or professional. In learning that others objected to his desire to bring legal counsel, his response was “there’s the door.” This is not appropriate, professional, and does not support a healthy workplace environment.

25. On September 17, 2024, Plaintiff reiterated his concerns to the Board Members of the WBOE Defendants that he was being retaliated against for raising objections to the process and decision-making behind the hiring of ICS and requested that an investigation and remedial action be taken with respect to same:

Additionally, I am concerned about the introduction of an outside person, who was never introduced by name, into a committee meeting where we share personal and confidential information. This raises questions about the confidentiality of our discussions and the potential for conflicts of interest.

I am also concerned that I am now being targeted for bringing concerns to the Board of Education regarding past RFP processes. This type of retaliation is unacceptable and undermines the Board’s commitment to transparency and accountability.

This incident highlights a significant communication breakdown within our organization. I urge the Board to take immediate steps to address this issue and ensure that all members are kept informed of important developments in a timely manner.

26. On September 24, 2024, Plaintiff again raised concerns about the appointment of ICS during a Board meeting of the WBOE Defendants.

27. On September 25, 2024, Plaintiff supplemented his OPIA complaint regarding his continuing concerns and the retaliation he was facing:

**Washington Township
Public Schools**



September 25, 2024

Detailed Summary of Concerns:

During the September 24, 2024 Board of Education Meeting, I raised significant concerns regarding the appointment process of ICS as our Insurance Consulting Service for Health Benefits. This issue came to light following recent OPRA requests, which prompted both myself and Business Administrator, Janine, to review the process and uncover troubling details. You can view the meeting [HERE](#). I begin my explanation of my concerns at the 2:33:16 mark.

The RFP #22-014 for Insurance Consulting Services For Health Benefits was due on June 3, 2021. Typically, RFPs are evaluated based on set criteria. ICS was the lowest-scoring submission, as rated by two district employees. Despite being the lowest-rated proposal, ICS was selected, which is highly unusual in standard procurement processes.

28. On September 27, 2024, Plaintiff shared a summary of his OPIA complaint with the WBOE Defendants and also forwarded his concerns to the Gloucester County Prosecutor's Office.

29. Shortly thereafter, on October 7, 2024, and in direct response to Plaintiff's whistleblowing, Defendant Kozempel sought to silence him by falsely accusing him of engaging in "illegal" and "unethical" conduct.

30. Further evidencing that Plaintiff's complaints were meritorious, Defendant Kozempel subsequently requested legal representation from the WBOE Defendants, stating that she needed protection from Plaintiff.

31. Subsequently, on December 10, 2024, during a meeting of the WBOE Defendants' Board, Plaintiff again articulated the aforementioned actions of the WBOE Defendants that he believed to be unlawful and his ongoing concerns as to the WBOE Defendants' failure to adhere to appropriate ethical standards.

32. In response, however, Plaintiff was met with immediate backlash. For example, during said December 10, 2024 meeting of Defendant WBOE, Plaintiff was questioned by various Board Members of the WBOE Defendants, including Mr. Serrano and Connie Baker (“Ms. Baker”), as to why he even brought his concerns to light in the first place. Following said meeting, Plaintiff dispatched an email to Defendant WBOE (1) highlighting the repeated questioning directed towards him concerning his complaints as to Defendant WBOE’s unlawful and unethical conduct and (2) articulating that he felt unsupported by the WBOE Defendants.

33. On December 17, 2024, Plaintiff communicated his concerns regarding the appointment of ICS to Deputy Attorney Generals Michael Grillo and Amanda Nini.

34. Subsequently, on January 20, 2025, Plaintiff dispatched another detailed email to the WBOE Defendants explicitly outlining his concerns as to Defendants’ unlawful and unethical conduct. Said concerns raised by Plaintiff included, but were not limited to, the following: (1) the exclusion of certain Board Members from discussions related to negotiations with support staff; (2) Defendant Kozempel’s refusal to allow Plaintiff to provide personnel recommendations; and (3) false accusations by WBOE Defendants’ Board Members that Plaintiff was intentionally sending emails to shift blame onto the WBOE Defendants.

35. In addition, Plaintiff highlighted further troubling behavior by Defendants, including, but not limited to, the following: 1) the WBOE Defendants’ Board Members publicly stating that they lacked sufficient information to vote when adequate materials had been provided; 2) the WBOE Defendants’ Board Members failing to disclose personal conflicts of interest and abstain from related votes; 3) the leaking of confidential information; and 4) Plaintiff being questioned as to why he raised whistleblower concerns.

36. Plaintiff made clear that the foregoing actions were undertaken by Defendants in direct retaliation for his complaints regarding the unlawful and unethical conduct of the WBOE Defendants.

37. In clear retaliation against Plaintiff, and in a calculated effort to distance him from any dealings with the WBOE Defendants, Defendant Kozempel intentionally became directly involved in responsibilities that were functions of Plaintiff's position as the Superintendent of Schools.

38. Defendant Kozempel also disregarded Plaintiff's directives not to communicate directly with Defendant WBOE staff members and baselessly objected to and/or ignored Plaintiff's personnel recommendations. Defendant Kozempel even falsely accused Plaintiff of deliberate collusion with community members to make OPRA requests regarding the WBOE Defendants and went so far as to chastise Plaintiff for utilizing the OPRA process himself, despite it being a lawful and transparent means of obtaining public information.

39. No longer able to endure Defendant Kozempel's ongoing campaign of retaliation, Plaintiff filed a six-count ethics complaint with the SEC against her on February 14, 2025.

C. Defendants Further Retaliate Against Plaintiff by Placing Him on Administrative Leave with No Formal Explanation Regarding the Basis for Same.

40. Thereafter, on March 17, 2025, Plaintiff was advised that an ethics complaint was filed against him by Union leaders Gerard Tarashi and Robert Scardino. As part of same, it is falsely alleged Plaintiff had fraudulently changed the grade of Board Member Carol Chila's ("Ms. Chila") daughter so that she could be admitted into the National Honor Society.

41. The very next day, on March 18, 2025, a Board meeting of the WBOE Defendants was held to discuss the aforementioned ethics complaint made against Plaintiff.

42. In an obvious effort to further their retaliatory agenda towards Plaintiff, the WBOE Defendants deliberately and fraudulently invoked the DON at said March 18, 2025 Board Meeting, which allows for the discussion regarding the employment status of Superintendents to occur without a full quorum of the Board — a tactic that would bar certain Board Members from participating and voting in said discussions due to alleged “conflicts.”

43. At the aforementioned March 18, 2025 Board Meeting, the WBOE Defendants violated quorum requirements. This action was further compounded by the WBOE Defendants’ failure to provide public notice or disclose the invocation during its open session, effectively concealing the use of the DON. In doing so, Defendant WBOE not only violated its own policies, but also, breached the New Jersey Open Public Meetings Act (“OPMA”), which requires transparency, adequate notice, and public participation in such decisions.

44. To ensure immediate removal of Plaintiff, the WBOE Defendants fabricated alleged conflicts between Plaintiff and Board Members, who would have voted against Plaintiff’s removal.

45. Ms. Chila and Elayne Clancy (“Ms. Clancy”), both Board Members of the WBOE Defendants, were both explicitly informed by the WBOE Defendants’ legal counsel, Ari D. Schneider, Esq. (“Mr. Schneider”), that they had conflicts, despite there being no legitimate basis for such determinations.

46. Both Ms. Chila and Ms. Clancy objected at the meeting to the claim that any such conflict existed between them and Plaintiff. Despite their objections, Mr. Schneider formally and falsely declared both members conflicted, thereby enabling the invocation of the DON to manipulate the outcome of the above-referenced further retaliation against Plaintiff.

47. Critically, these alleged conflicts were later determined to be false by the SEC, further showcasing the calculated malice of the WBOE Defendants towards Plaintiff due to his

complaints as to the WBOE Defendants' fraudulent and unethical conduct. Specifically, the SEC confirmed that no ethical conflicts existed between Ms. Chila and Plaintiff and/or Ms. Clancy and Plaintiff. As a result, any action taken by Defendant WBOE pursuant to the invocation of the DON—particularly the placement of Plaintiff on administrative leave and the hiring of conflict counsel to investigate him—was procedurally and legally improper.

48. As a result of Defendant WBOE's March 18, 2025 Board Meeting, Plaintiff was placed on indefinite administrative leave — despite Ms. Chila's caution as to the liability of such a decision:²

MOTION

Moved by Mr. Serrano, seconded by Mrs. Baker to suspend the superintendent with pay pending further action of the board.

Ms. Kozempel asked Mr. Serrano to revise his motion and read what he had in front of him. Mr. Serrano stated the board resolves to place Dr. Hibbs on administrative leave pending further board action.

Discussion:

Mrs. Chila addressed the board members with the liabilities the vote may cause in the future.

49. Notably, the quick removal of Plaintiff was questioned by attendees of Defendant WBOE's March 18, 2025, Board Meeting:

Terri Schechter: Washington Township - No idea about the doctrine being invoked, would like clarification of what happened for this to take place, and what would make the board place the superintendent on leave, why so quickly, what a reduction of co-curricular means. The passing out of the devices what happens to the incoming 5th graders.

² Board Members of the WBOE Defendants with alleged "conflicts" were allowed to be present for and engage in discussions concerning the employment status of Plaintiff which, in addition to it being fraudulently invoked, violates the DON.

Randy Ford: Washington Township - Wants to understand the process of the suspension of Dr. Hibbs. Was the doctrine of necessity invoked, and reads an article from Busch Law Group. What is the cost to the district to have Mrs. Gerber as an interim superintendent. Three committee reports, there is no negotiations meeting. Asked why there are no negotiations being reported out.

50. Of note, at that time, Plaintiff was never formally served with an official ethics complaint; very much to the contrary, he was placed on leave based solely on the dissemination of the ethics complaint via email from the New Jersey Education Association to Defendant Kozempel who, in turn, forwarded same to Mr. Serrano.³

51. On April 29, 2025, the WBOE Defendants gathered for a meeting, and Ms. Chila, whose alleged conflict had been cleared by the SEC, asserted that the invocation of the DON was deliberately used to remove Plaintiff from his position. Ms. Chila also made clear that, during Defendant WBOE's March 18, 2025 Board Meeting, she explicitly stated she was not conflicted from participating in matters related to the employment of Plaintiff. Further, Ms. Clancy reiterated her previous stance that she was not conflicted from participating in matters related to the employment of Plaintiff.

52. In response, Mr. Schneider brazenly asserted that the SEC's findings that Ms. Chila did not have a conflict with Plaintiff were wrong and reiterated the existence of a conflict.

53. In an alarmingly misguided attempt to cover up the use of the DON to sideline Plaintiff, Defendant Kozempel then theatrically stated that "conflicts should not be used as tools"—despite the WBOE Defendants' glaring use of fabricated conflicts as such.

54. In response, Ms. Chila again reiterated that the "conflict" the WBOE Defendants had unlawfully fabricated between herself and Plaintiff had excluded her from voting on Plaintiff's

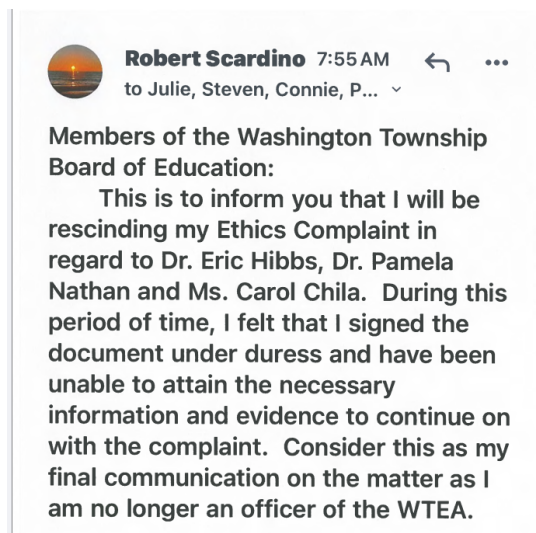
³ Mr. Serrano later forwarded same to the full Board of the WBOE Defendants as well.

employment status — a tactic deliberately concocted by the WBOE Defendants to block anyone from defending Plaintiff against the WBOE Defendants’ blatant retaliation.

55. During Defendant WBOE’s April 29, 2025 Board Meeting, Defendant Kozempel openly admitted that Ms. Chila and Ms. Clancy were cleared of the alleged conflicts only after the vote regarding Plaintiff’s employment status had occurred. Despite this acknowledgment—and despite the SEC having confirmed that no conflicts existed—the WBOE Defendants made no attempt to rectify the improper invocation of the DON.

56. To date, the WBOE Defendants have failed to take any corrective action to reverse or nullify the procedurally defective and retaliatory decision to place Plaintiff on administrative leave.

57. Exemplifying the WBOE Defendants’ unlawful conduct, on May 6, 2025, Robert Scardino (“Mr. Scardino”) *revoked* the ethics complaint he had previously filed against Plaintiff with Gerard Tarashi, stating in an email to the WBOE Defendants as follows:



58. In addition, Mr. Scardino informed Plaintiff in a text message that he was made to sign the aforementioned ethics complaint under duress:



59. Further, on May 6, 2025, Thomas Baldosaro (“Mr. Baldosaro”), a concerned citizen and taxpayer of the Township of Washington, filed a Petition of Appeal to New Jersey’s Commissioner of Education concerning Defendants’ unlawful conduct with respect to Plaintiff, stating as follows:

Emergency Request for Relief Under *Crowe v. DeGioia*

Petitioner respectfully submits this emergency application pursuant to *Crowe v. DeGioia*, 90 N.J. 126 (1982) and N.J.A.C. 6A:3-1.6, seeking immediate relief from the unlawful and procedurally defective suspension of Superintendent Dr. Eric Hibbs by the Washington Township Board of Education on March 18, 2025. The action was based on a fraudulent invocation of the Doctrine of Necessity (DON) (Exhibit A) and violated both the Open Public Meetings Act (OPMA) and Board Policy 0163.

1. Irreparable Harm

The improper suspension of a sitting Superintendent has caused severe administrative instability and public mistrust. The District is now operating without executive leadership, and the process by which Dr. Hibbs was removed undermines foundational principles of open governance and ethical oversight. The invocation of the DON was based on **fabricated conflicts** that were later disproven by official advisory opinions from the School Ethics Commission (SEC). Allowing this action to stand will cause permanent reputational and organizational harm.

60. On May 13, 2025, the WBOE Defendants met for a Board meeting and voted on reinstating Plaintiff as Superintendent. Despite Ms. Chila and Ms. Clancy—who had previously

been wrongfully and unethically barred from voting on Plaintiff's employment status—voting in favor of reinstatement, the WBOE Defendants struck down the motion. This marked the third failed attempt to reinstate Plaintiff, following similar failed motions on April 14, 2025 and May 7, 2025, further illustrating Defendants' retaliatory animus towards Plaintiff.

61. During the May 13, 2025 Board Meeting of the WBOE Defendants, Mr. Scardino reiterated that he had made the aforementioned ethics complaint against Plaintiff under duress, as he faced mounting pressure from the WBOE Defendants, and even issued a public apology.

62. Further, Defendant Kozempel, throughout the meeting, continued to question Plaintiff's employment status — lobbying for further retaliation against Plaintiff in the form of tenure charges.

63. It is plainly evident that the WBOE Defendants elected to blindly rely upon false allegations as pretext to hide their retaliatory animus against Plaintiff for his aforementioned complaints of unlawful conduct by Defendants.

64. As a direct result of the joint and several acts and omissions of the Corporate Defendants, Individual Defendants, John Does (1-5), and ABC Corporations (1-5), Plaintiff has, and continues to, suffer non-economic damages in the form of humiliation, stress, and anxiety, causing him mental and emotional anguish and dysfunction and physical manifestations of same, including but not limited to, nightmares, inability to sleep, weight loss, headaches, panic attacks, 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 objected to Defendants' unlawful and unethical conduct.

69. Plaintiff is a person protected under CEPA, as the acts he 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 his disclosures, Plaintiff was subject to retaliation as outlined above.

71. Based on their treatment of Plaintiff, Defendants, jointly or severally, violated New Jersey's CEPA statute.

72. Defendants, by their collective and/or individual acts and omissions, are liable to Plaintiff for any and all damages, economic and non-economic, he 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 him 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 he 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 his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre- and post-judgment interest, attorneys' fees and costs of suit, and for such other relief 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

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

69. As set forth herein, Plaintiff reported and complained about Defendants' unlawful conduct. Corporate Defendants had knowledge of Plaintiff's protests and placed him on administrative leave as a result thereof.

70. As a direct result of Plaintiff disclosing, raising complaints, and/or threatening to disclose/raise complaints, Defendants took retaliatory action against Plaintiff as set forth at length above by wrongfully placing Plaintiff on administrative leave.

71. As a result of Plaintiff's reports and complaints about the unlawful activities of the Defendants, Plaintiff was placed on administrative leave in violation of the law and public policy.

WHEREFORE, Plaintiff demands judgment in his 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**CIVIL CONSPIRACY**

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

73. During the course of his employment, Plaintiff reported, opposed, and complained about Defendants' unlawful behavior. Defendants had knowledge of Plaintiff's protests and altered his employment status and/or work environment as a result thereof.

74. Defendants agreed and conspired to retaliate against Plaintiff and to place Plaintiff on administrative leave.

75. The acts of Defendants constitute an unlawful conspiracy from which Plaintiff has been damaged and will continue to suffer damages.

WHEREFORE, Plaintiff demands judgment in his 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, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including but not limited to any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Eric Hibbs, Ph.D.

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

Dated: May 28, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, R. ARMEN McOMBER, ESQ., is hereby designated as trial counsel for Plaintiff.

CERTIFICATION

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

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

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Eric Hibbs, Ph.D.

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

Dated: May 28, 2025

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<p>ERIC HIBBS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BOARD OF EDUCATION OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF GLOUCESTER; JULIE KOZEMPEL; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: GLOUCESTER COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">PLAINTIFF’S FIRST DEMAND FOR PRODUCTION OF DOCUMENTS, FIRST SET OF INTERROGATORIES, AND FIRST DEPOSITION NOTICES TO ALL DEFENDANTS</p>
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**PLAINTIFF’S FIRST SET OF DOCUMENT DEMANDS, INTERROGATORIES,
 PUNITIVE DAMAGES REQUESTS, AND DEPOSITION NOTICES TO
 DEFENDANT(S)**

PLEASE TAKE NOTICE that, McOmber McOmber & Luber, P.C., attorneys for Plaintiff, Eric Hibbs (“Plaintiff”), by way of Complaint against Defendant Board of Education of the Township of Washington, in the County of Gloucester (“Defendant WBOE,” “Corporate Defendants,” or “WBOE Defendants”) and Defendant Julie Kozempel (“Defendant Kozempel” or “Individual Defendants”), (collectively, “Defendants”) produce true and complete copies of

Documents responsive to the following Document Requests and answer, under oath, the following Interrogatories pursuant to the New Jersey Rules of Court.

DEFINITIONS

1. The term “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. The phrase “Defendant WBOE” shall mean Defendant Board of Education of the Township of Washington, in the County of Gloucester, 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. The phrase “Defendant Kozempel” shall mean Defendant Julie Kozempel, Defendant in the above-captioned action.

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

5. The phrase “Corporate Defendant(s)” shall individually and collectively mean 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.

6. The phrase “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.

7. The terms “You,” “Your,” or “Yours” shall mean the party answering these interrogatory questions.

8. The term “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.

9. The term “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.

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

11. The term “Complaint” shall mean the Complaint filed by Plaintiff in this Action.

12. 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.

13. 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.

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

15. The terms “Document” and “Documents” are defined in accordance with R. 4:18-1 and includes the original and all drafts 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, schedules, lists, letter (sent or received), telephone Messages (including but not limited to reports of telephone conversations and conferences), transcripts of telephone conversations and any other retrievable data, magazines, booklets, circulars, bulletins, questionnaires, assignments, orders, checks, vouchers, notebooks, acknowledgments, instructions, records, stories, index, disc, data sheet or data processing card, notes, minutes, records, photographs, computer programs, correspondence, telegraphs, telegrams, diaries, bookkeeping entries, specifications, source code, object code, flow charts, financial statements, charts, studies, reports, tables, analyses, graphs, statements, notebooks, handwritten notes, application, feasibility studies, papers, books, pamphlets, periodicals, appointment calendars, calendar entries, diary entries, 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, bills of lading, work papers, or any other written, recorded, transcribed, punched, taped, filmed, photographed, videotaped or graphic matter, however produced or reproduced, 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.

16. 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.

17. The term “Message” shall mean text messages, short messaging service (SMS), multimedia messaging service (MMS), iMessages, instant messages (IM) platform (such as Telegram, Skype, Zoom, Facebook Messenger, Instagram Messenger, LinkedIn, Google Meet/Chat, Discord, Signal, Slack, WhatsApp, Teams, and Salesforce Chatter), and other intranet Message platforms.

18. The “Relevant Time Period” is May 1, 2023, until present.

19. The term “concerning” is construed in the broadest possible sense to include 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.

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

21. The terms “including” and “include” shall be construed in the broadest possible sense to include “including without limitation.”

INSTRUCTIONS

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

23. The terms “and,” “or,” and “and/or” as used herein shall be construed conjunctively or disjunctively to bring within the scope of these topics and requests any and all information which might otherwise be construed as outside their scope.

24. In addition to the specific instructions contained herein, these Document Requests and Interrogatories shall be subject to the New Jersey Rules of Court.

25. 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.

26. Interrogatory answers shall be typed beneath the questions and the original shall be returned in accordance with R. 4:17-4(c).

27. 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 R. 4:17-7.

28. 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.

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

30. 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.

31. If You cannot respond to any of these Document Requests and 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.

32. When a Document Request or Interrogatory asks for You to identify a date, state the exact day, month, and year, if ascertainable, or, if not, the best approximation thereof.

33. 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.

34. 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.

35. 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.

36. For each Discovery Request to which Defendant(s) are producing Documents, Defendant(s) shall identify in its written response the Bates range of Documents produced which are responsive to that request.

37. 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(s) to use such information.

38. In the event that any oral Communication, statement, 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 with in a privilege log which includes: (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; (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. Whenever a claim of privilege concerns any oral Communication or statement, identify the participants to the Communication and the Person giving and receiving the statement, set forth the date and place of the Communication or statement, state the general subject matter thereof, and state the basis for the claim of privilege.

39. 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, the reason for destruction or discard, the Person(s) who authorized 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.

40. 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 or Interrogatory for which no objection or claim of privilege is made.

41. If a refusal to answer a Document Request or Interrogatory is based on the grounds that the request is overly burdensome, identify the number and nature of Documents that need to be searched.

42. The Punitive Damages 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 Chem. 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." McDonough v. Jorda, 214 N.J. Super. 338, 349 (App. Div. 1986) (citing Restatement (Second) of Torts 908 cmt. d (1977)), cert. denied, 110 N.J. 302 (1988) cert. denied, 489 U.S. 1065 (1989).

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

DOCUMENT REQUESTS
(DIRECTED TO ALL DEFENDANTS)

1. Any and 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 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 and all Individual Defendant(s), 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) complaints lodged against any Individual Defendant; and (c) investigations into any Individual Defendant.

4. Please produce all documents, including, but not limited to, emails, letters, text messages, memos, or other correspondence, related to Plaintiff's complaints regarding Insurance Consulting Service ("ICS"), improper conduct, retaliation, and Individual Defendants, and include the dates of the complaints, communications regarding the complaints, and any response from Defendants regarding the complaints.

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

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

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

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

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

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

11. All statements, documents, or communications pertaining to any and all investigations Defendants conducted pertaining to Plaintiff, including any findings.

12. All statements, documents, or communications pertaining to any and all investigations Defendants conducted pertaining to Carol Chila, including any findings.

13. All statements, documents, or communications pertaining to any and all investigations Defendants conducted pertaining to Elayne Clancy, including any findings.

14. All statements, documents, or communications pertaining to any and all investigations Defendants conducted pertaining to Steven Serrano, including any findings.

15. All statements, documents, or communications pertaining to any and all investigations the WBOE Defendants conducted pertaining to Defendant Kozempel, including any findings.

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

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

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

19. 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.

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

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

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

23. All statements, documents, or communications between the Plaintiff and Steven Serrano that relate to this Action.

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

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

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

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

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

29. 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.

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

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

32. 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.

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

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

35. 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.

36. A written job description for each position that Plaintiff held during Plaintiff's employment with the WBOE Defendants.

37. 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 the WBOE Defendants.

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

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

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

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

42. 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).

43. 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.

44. 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.

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

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

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

48. Please produce all documents, policies, procedures, and internal communications that detail Defendants' practices, procedures, and protocols used in selecting ICS.

49. Please produce all documents, policies, procedures, and internal communications that detail Defendants' practices, procedures, and protocols used in invoking the DON.

50. Please produce all documents, policies, procedures, and internal communications that detail Defendants' practices, procedures, and protocols used in placing employees on administrative leave.

51. Please produce all documents reflecting any internal audits, evaluations, or reviews conducted by or for Defendants to assess compliance practices, policies, and procedures associated

with selecting ICS, invoking the DON, and/or placing employees on administrative leave, including any findings of non-compliance and steps taken to address such findings.

52. Produce all documents relating to Plaintiff's job responsibilities with the Defendants.

53. Produce all documents related to any investigations or actions taken by the Defendants in response to Plaintiff's complaints.

54. Produce a copy of Defendant(s)' policies, practices, and/or procedures concerning retaliation in connection with Plaintiff's alleged protected conduct under CEPA during the Relevant Time Period.

55. Any and all Documents concerning any and all internal complaints, lawsuits, and Grievances at Corporate Defendants for the past ten (10) years concerning harassment, discrimination, hostile work environment, retaliation, or alleged violation of federal law, state law, CEPA, or NJLAD.

56. Any and all Documents concerning any lawsuits, claims, charges, arbitrations, and/or proceedings – previously or currently before state court, federal court, administrative agency, U.S. Equal Employment Opportunity Commission, the NJ Department of Labor, civil rights agency, commission, board, or department – against Defendant(s) for the past ten (10) years concerning harassment, discrimination, hostile work environment, retaliation, or alleged violation of federal law, state law, CEPA, or NJLAD.

57. Any and all Documents or logs relating to phone calls between the Plaintiff and Defendants, including cell phones, traditional phones, and softphones.

58. Any and all statements, Documents, or Communications concerning teleconference and videoconference (such as Zoom and Teams) related to this matter.

59. Any and all Documents identified or referenced in Defendant(s)' Answers to Plaintiff's First Set of Interrogatories to Defendant(s).

60. Any and all Documents Defendant(s) relied upon when drafting their Answer.

INTERROGATORIES

(DIRECTED TO ALL DEFENDANTS)

1. State with specificity each and every legitimate, non-retaliatory reason for why Defendants placed Plaintiff on administrative leave, and the factual basis for the same.

2. Identity each and every individual who was involved in the decision to place Plaintiff on administrative leave, and describe each individual's role and input in the decision.

3. Identity the date, time, and location of any meetings where the decision regarding whether to place Plaintiff on administrative leave 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 he was placed on administrative leave.

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 for each Individual Defendant.

8. State the name, last known address, and last known telephone number for Elayne Clancy.

9. State the name, last known address, and last known telephone number for Carol Chila.

10. State the name, last known address, and last known telephone number for Steven Serrano.

11. 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.

12. State all of the reasons why the Defendants investigated Plaintiff.

13. Describe, in detail, the findings of any investigation into Plaintiff.

14. 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.

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

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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

22. 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.

23. 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.

24. 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.

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

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

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

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

34. 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.

35. 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.

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

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

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

39. 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).

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

41. 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.

42. 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; and
- 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.

43. 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.

44. 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.

45. 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 R. 4:10-2(b).

46. 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.

47. 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.

48. 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.

49. 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.

50. 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 same 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.

51. 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.

52. 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.

53. 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.

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

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

56. 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.

57. 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).

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

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

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

INTERROGATORIES TO INDIVIDUAL DEFENDANT(S)

(DIRECTED TO INDIVIDUAL DEFENDANTS)

1. Identify each and every 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. For each and every 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 any and all email addresses You have used during the past five (5) years.

3. Identify any and all cell phone numbers You have used during the past five (5) years and identify the carrier and current location of each and every cell phone. For any cell phone that is no longer in Your possession, identify the name and address of the Person's whose possession, custody, or control they are in.

4. Have You ever been convicted of a criminal offense? If so, for each and every conviction, identify and set forth in detail:

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

5. State whether You are a supervisor. If so, (1) state all of Your supervisory responsibilities; (2) identify which department and which employees You supervise in any capacity; (3) identify employees who You directly supervise; and (4) state whether You supervised Plaintiff and in what capacity.

PUNITIVE DAMAGES DOCUMENT REQUESTS

(DIRECTED TO CORPORATE DEFENDANTS)

1. Any and all financial statements prepared for the prior 10 years, up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).

2. Any and all tax returns filed by the Corporate Defendant(s) for each of the last ten (10) tax years.

3. Any and all Documents evidencing assets of the Corporate Defendant(s).

4. Any and all Documents evidencing the Corporate Defendant(s)' interest in any real estate.

5. Any and all Documents evidencing the financial obligations of the Corporate Defendant(s).

6. Any and all Documents evidencing any judgment against the Corporate Defendant(s) during the past ten (10) years and the amount of such judgment(s).

7. Any and all Documents evidencing bank accounts held by the Corporate Defendant(s) during the past ten (10) years, the location of those accounts, account numbers, and balances of those accounts.

8. Any and all Documents evidencing or setting forth accounts receivable and/or obligations owed by others to the Corporate Defendant(s) during the past ten (10) years.

9. Any and all Documents evidencing payments made by the Corporate Defendant(s) to creditors during the past ten (10) years.

10. Any and all corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s) during the past ten (10) years.

11. Any and all inventories taken by the Corporate Defendant(s) of its property at any time during the past ten (10) years.

INTERROGATORIES RELATED TO PUNITIVE DAMAGES

(DIRECTED TO CORPORATE DEFENDANTS)

1. For each and every Corporate Defendant, set forth:

- a. The full name of the Corporate Defendant;
- b. The date of formation;
- c. The state of formation;
- d. All states in which the Corporate Defendant conducts its business;
- e. All states in which the Corporate Defendants has registered to do business; and
- f. The full name and residential address of any Person who has been a shareholder, member, or partner of Corporate Defendant during any part of the last two years.

2. For each and every Person identified in response to subsection (f) above, state the

Person's ownership interest in Corporate Defendant:

- a. The full name and residential address of any Person who has served as a director of Corporate Defendant during any part of the last two years, along with the specific period during which such Person served as director;
- b. The full name and addresses of all any Person who served as an officer of the corporation during any part of the past two years, along with the title and specific period during which such Person served as an officer;
- c. All trade or fictitious names under which Corporate Defendant has conducted business during any part of the past two years;
- d. The complete street address of all locations where Corporate Defendant has conducted its business during any part of the past two years, along with the specific period during which it conducted such business at each location; and
- e. The full name and address of the Person who has custody of this corporation's books and records.

3. Is a majority of the ownership interest in Corporate Defendant held by any single individual or Entity? If so, state for the individual or Entity:

- a. The full name and address;
- b. The state of formation, if applicable;
- c. The state(s) in which such individual or Entity does business;
- d. The address of each business office;
- e. The name and address of each current officer or director; and
- f. The nature of the business in which such individual or Entity is engaged.

4. For all real property owned by Corporate Defendant(s), state:

- a. The physical address (the "Location");
- b. The nature of the business conducted at the Location;
- c. The dates during which Corporate Defendant has owned the Location; and
- d. The number of individuals presently employed at the Location.

5. State the name, address, and telephone number of each and every Entity in which any individual identified in response to Interrogatory related to Punitive Damage No. 1(f) now has an interest, and set forth the nature of such interest.

6. For each and every bank account of Corporate Defendant, list the name of the bank, the bank's address, the account number, and the name in which the account is held.

7. State the present location of any and all books and records of Corporate Defendant,

including financial records.

8. State the name and address of each and every Person/Entity who/that prepares, maintains, and/or controls the business records and checkbooks of Corporate Defendant.

9. List each and every physical asset of Corporate Defendant. For each and every physical asset identified, state the location of the physical asset and, if such asset is subject to a lien, state the amount of the lien and the name and address of the lienholder.

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 and every 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; and
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

12. List any and all vehicles, equipment, and/or 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; and
- 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 any and all accounts receivable due to the Defendant(s), stating the name, address, and amount due on each receivable.

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

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

- c. Name and address of the Person or Entity to whom the asset was transferred;
- d. The consideration paid for the asset and the form in which it was paid, e.g., check, cash; and
- e. Explain in detail what happened to the consideration paid for the asset.

15. Set forth any and 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; and
- e. Docket number.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Eric Hibbs, Ph.D.

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

Dated: May 28, 2025

CERTIFICATION

I hereby certify (or aver) 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 (or aver) 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: _____

By: _____

CERTIFICATION

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: _____

By: _____

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

PLEASE TAKE NOTICE that pursuant to Rule 4:14-2(c) of the New Jersey Rules of Court, Plaintiff, Eric Hibbs, through his undersigned counsel, will take the deposition upon oral examination of the corporate representative of Defendant WBOE, **commencing on October 20, 2025, at 10:00 a.m.** at the law offices of McOmber McOmber & Luber, P.C. Defendant WBOE 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, Eric Hibbs, Ph.D.

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

Dated: May 28, 2025

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff, through his undersigned counsel, will take the deposition upon oral examination of Defendant Julie Kozempel, **commencing on October 21, 2025, at 10:00 a.m.** 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, Eric Hibbs, Ph.D.

By: /s/ Austin B. Tobin

AUSTIN B. TOBIN, ESQ.

Dated: May 28, 2025

Civil Case Information Statement

Case Details: GLOUCESTER | Civil Part Docket# L-000714-25

Case Caption: HIBBS ERIC VS WASHINGTON BOARD OF EDUCATION

Case Initiation Date: 05/28/2025

Attorney Name: AUSTIN B TOBIN

Firm Name: MCOMBER MCOMBER & LUBER, PC

Address: 54 SHREWSBURY AVE

RED BANK NJ 07701

Phone: 7328426500

Name of Party: PLAINTIFF : Hibbs, Eric

Name of Defendant's Primary Insurance Company
(if known): None

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

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

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

Are sexual abuse claims alleged by: Eric Hibbs? 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 Medical Debt Claim? NO

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

05/28/2025

Dated

/s/ AUSTIN B TOBIN

Signed

