

UNION COUNTY COUNSEL
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BARBARA SANDARGUS	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: UNION COUNTY
Plaintiff.	:	DOCKET NO.: UNN-L-3815-12
	:	
v.	:	
	:	Civil Action
COUNTY OF UNION, ANGEL	:	
LONDONO, BETSY SCHEIDEGGER,	:	
JOHN DOE 1 THROUGH 10	:	SUMMONS
(fictitious names) AND PUBLIC	:	
ENTITY 1 through 10 (fictitious public	:	
entities)	:	
	:	
Defendants.	:	

From the State of New Jersey:
To the Defendant(s) named above: **County of Union**
Union County Administration Building
10 Elizabethtown Plaza
Elizabeth, NJ 07207

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

/s/ Jennifer M. Perez _____
Jennifer M. Perez
Clerk of the Superior Court

Dated: November 16, 2012

Name of Defendant to be served:

County of Union

Address of the Defendant to be served:

Union County Administration Building
10 Elizabethtown Plaza
Elizabeth, NJ 07207

**Directory of Superior Court Deputy Clerk's Offices
County Lawyer Referral and Legal Services Offices**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(908) 475-2010

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Attorney for Plaintiff

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Superior Court of New Jersey
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CIVIL CASE MANAGEMENT
UNION COUNTY

BARBARA SANDARGUS

Plaintiff,

v.

COUNTY OF UNION, ANGEL
LONDONO, BETSY SCHEIDEGGER,
JOHN DOE 1 THROUGH 10
(fictitious names) AND PUBLIC
ENTITY 1 through 10 (fictitious public
entities)

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: UNION COUNTY
: DOCKET NO.:

Civil Action

3815 12

**COMPLAINT AND
JURY DEMAND**

Plaintiff, Barbara Sandargus, by way of Complaint against the defendants, says:

I. PRELIMINARY STATEMENT

1. Plaintiff, Barbara Sandargus, brings this civil rights action under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (NJLAD) to remedy harassment and retaliation against her on account of her sex (female). Plaintiff alleges that her employer, the County of Union, through its representatives and agents, subjected her to sexual harassment and discrimination and subjected her to retaliation after she filed internal complaints of harassment and discrimination with defendants' Affirmative Action Officer and the EEOC.

II. JURISDICTION AND VENUE

2. Plaintiff resides in the municipality of Mountainside in the County of Union. Upon information and belief, all defendants reside in the County of Union.

III. PARTIES

3. Plaintiff resides at 244 Central Avenue, Mountainside, New Jersey 07092. Plaintiff is a resident of the County of Union.

4. Plaintiff is employed as a Human Services Specialist 2 [HSS 2] at the County of Union, Division of Social Services.

5. At all times relevant hereto, the County of Union is the public entity responsible for county's governmental functions, with main offices in Elizabeth, New Jersey.

6. At all times relevant hereto, Betsy Scheidegger (Scheidegger) is employed as a Human Services Specialist 4 [HSS4]. At all relevant times, Scheidegger maintained supervisory authority over the plaintiff.

7. At all times relevant hereto, Angel Londono (Londono) is a Sheriff's Officer of the County of Union and was stationed at the metal detector location at the front of the field office at 200 W. 2nd Street, Plainfield, NJ, 07060. At all relevant times, Londono was a co-employee of the plaintiff.

8. At all times relevant hereto, the public entity defendant was plaintiff's employer and through their employees, agents and servants engaged in a matter and practice of unlawful harassment and retaliation in violation of the NJLAD.

9. Defendants, John Doe 1-10, their names being unknown to plaintiff at this time, are individuals who conspired or acted in concert with the named defendants to

harm the plaintiff as set forth below, or who acting on their own, harmed the plaintiff as set forth below. These defendants may include, but are not limited to, agents of the named defendants, or employees of any of the named defendants. They are being sued herein individually and in whatever official capacity they may serve or have served.

10. Defendants Public Entities 1-10, are those public entities whose identities are unknown to plaintiff at this time, are entities that conspired or acted in concert with the named defendants to harm the plaintiff as set forth below, or who acting on their own, harmed the plaintiff as set forth below. These defendants may include, but are not limited to, agents of the named defendants, or employees of any of the named defendants. They are being sued herein individually and in whatever official capacity they may serve or have served.

IV. FACTUAL ALLEGATIONS

11. Plaintiff was hired as a Human Services Specialist 1 on or about October 2007.

12. Plaintiff was promoted to her current position of HSS 2 on or about October 2009.

13. At all times relevant to this action, plaintiff's work performance was at least satisfactory.

14. On or about April of 2011, plaintiff was subjected to a serious and shocking sexual assault committed by co-employee, Union County Sheriff's Officer, Londono. For purposes of the NJLAD, this aggravated sexual assault constitutes actionable sexual harassment.

15. Prior to the sexual assault, plaintiff and Londono were not in a dating relationship. The sexual assault of April of 2011 was not consensual.

16. Plaintiff asserts that on April 18, 2011, she was on her way to work. She was walking quickly through the lobby just before 8:30 a.m. Officer Angel Londono was in the rear of the lobby near the desk. Londono's job was to screen the public for weapons and contraband as they came into the government office where plaintiff worked. Londono was talking to an African American Sheriff's Officer. Both officers acknowledged plaintiff as she walked through the employee entrance.

17. As plaintiff noticed Londono following her through the glass doors, he asked her to accompany him into the Sheriff's Officer's lunch room. Next Londono unlocked the door to the lunch room and turned on the light. Once they were both inside, the door was shut. At this point, Londono said nothing, but he looked plaintiff in the eyes as he placed his right hand on his service weapon, which was in his holster, and immediately afterwards, with his left hand he shut off the light. Instantly, they were in complete darkness, as there were no windows in the officer's lunch room.

18. Plaintiff felt shocked, terrified and disoriented. She continued to be in total darkness, as there was no light at all which would have allowed her eyes to adjust to the darkness. She felt trapped, imprisoned and helpless because she could not see her way to the door. She also felt powerless because Londono pointedly and deliberately had placed his hand on his gun holster, while he was watching her, immediately prior to shutting off the lights.

19. At this point, plaintiff was in fear that Londono was going to sexually assault or rape her.

20. Plaintiff next felt Londono reach out and grope her right breast. Based on her recollection of where he had been standing before he turned off the light, plaintiff believed that Londono was right in front of her and between her and the door. After he touched her right breast, he started to fondle and squeeze it. Then he moved his hand off her breast and slowly moved his arm down along the side of her right arm.

21. Londono next reached forward, grabbed and squeezed plaintiff's right buttock. He then released his hold on her right buttock, hesitated, then backed away and then turned on the lights.

22. Plaintiff immediately started hyperventilating. Londono then said: "What's wrong with you?" Plaintiff looked at him and said: "I can't catch my breath." Plaintiff, attaining a degree of composure, then stated in a raised voice, "What's wrong with you?" Londono responded: "You liked it, didn't you?" Plaintiff responded: "No. I disliked it." He then opened the door, shut off the lights and said, "I'm going to leave first and you wait. After I'm gone, you can leave. I don't want to be seen with you."

23. Plaintiff did not report this act of sexual assault to her employer until May 27, 2011. Plaintiff was in fear of her safety and felt violated and humiliated. On or about April 20, 2011, Londono spoke to plaintiff at the parking garage for their shared place of business. He said that he was going to come to her house on Good Friday (April 22, 2011). On Good Friday, Londono called plaintiff and told her that he had to work and that as a result, he would not be coming over to her house. Plaintiff responded by stating: "what is it with you that you always say that you are coming to my house, but you never show up." He said: "I need to know that I can come over to your house whenever I want to." At this point, plaintiff felt afraid and felt that she had to submit to his will. Plaintiff

felt that if she did anything to anger or disrespect him, then he would arrest or assault her again. He had told plaintiff in the past that other officers had arrested female clients for being disrespectful.

24. During the month of May, plaintiff took a few weeks off from work for vacation. While she was on vacation she felt better, but before she returned to work, she experienced a realization that shocked her out of her recovery. That realization was that she would have to face Officer Londono for the rest of her working career and this caused her a great deal of fear and anxiety. At this point, she was also greatly concerned that he would sexually assault and/or harass her again.

25. On May 27, 2011, plaintiff reported the sexual assault incident to her supervisor, Mrs. Betsy Scheidegger. While she was reading the statement, Scheidegger leaned over her desk, to the point that her face almost touched her desk. When Scheidegger was done reading, she fell back into her chair and slumped her shoulders. Her response seemed very exaggerated and dramatic. She appeared to be very upset. Plaintiff felt obligated to console her. Plaintiff also began to wonder if Scheidegger had a personal relationship with the officer. Later plaintiff learned that one of Scheidegger's family members was a police officer.

26. On May 30, 2011, plaintiff was off for the Memorial Day Holiday.

27. Upon information and belief, Scheidegger and co-employee Mr. Elic attended a fair hearing on May 31, 2011. Both of them were out of the office for the morning and plaintiff did not interact with Scheidegger in the afternoon. It was on this date that plaintiff noticed that co-employee ceased all non-work function communications with her.

28. On June 1, 2011, plaintiff noticed that Mr. Elie was still not speaking to her. She told Scheidegger that Mr. Elie had not been speaking to her since the day before.

29. Scheidegger responded by telling plaintiff that she did not tell Mr. Elie about plaintiff's complaint of sexual harassment. Plaintiff did not believe her. In the past Scheidegger had revealed confidential information to her about another worker. Specifically, Scheidegger told plaintiff that she told another worker to go to grief counseling because he lost his mother and his grandmother. Later, after plaintiff had been suspended and removal charges were pending against her, another employee told her that Scheidegger talked to her about the details of plaintiff's discipline.

30. On June 3, 2011, personnel director, Michelle Miller, called plaintiff to tell her the date she would be making her statement to the County Sheriff's Department. She asked plaintiff how she was and plaintiff stated that she was fine, given the circumstance. Ms. Miller recommended that she go to the County of Union's Employee Assistance Program (EAP), to undergo mental health counseling.

31. On June 6, 2011, plaintiff informed her supervisor, Scheidegger that she had to give her statement to the County Sheriff's Department on June 7, 2012. Scheidegger's response was that plaintiff should go to EAP.

32. On June 7, 2011, plaintiff gave her statement as part of the criminal investigation against Londono. A sexual harassment complaint investigation was not conducted at this time. As this was a criminal investigation, upon information and belief, the standard that was applied was the criminal standard of "beyond a reasonable doubt", not the civil standard of "by a preponderance of the evidence."

33. On June 9, 2011, plaintiff was interviewed for the position of IISS3. Plaintiff had previously scored well on the exam for that position.

34. On June 16, 2011, Mr. Boles, the Affirmative Action Officer for The County of Union, confirmed he received her sexual harassment complaint form. Receipt of the complaint was made within the sixty day time frame to report an incident of sexual harassment for it to be considered current by the County. Mr. Boles advised plaintiff verbally that he would not be conducting an investigation, but that the County Sheriff's Department would. Plaintiff contends that an essential criterion for having an effective and efficient investigation process is to have the investigator be familiar with and trained in sexual harassment investigations. And yet, defendant, County of Union's Affirmative Action Officer did not conduct the sexual harassment investigation and instead had Lt. McGuire, a Law Enforcement Officer, who worked in the same department as the harasser, conduct the investigation.

35. On or about June 16, 2011, Lt. McGuire, the officer who conducted the investigation, left plaintiff a voicemail at around 7:30 PM to call him.

36. On June 17, 2011, plaintiff called Lt. McGuire back and left a message that she was returning his call. Lt. McGuire did not call plaintiff back until June 27, 2011. Plaintiff was later informed that Lt. McGuire completed his investigation on June 17, 2012.

37. On June 17, 2012, Lt. McGuire issued his investigation report concluding that Londono would not be charged criminally. On the same date, Scheidegger began keeping notes about plaintiff.

38. Plaintiff asserts that the reason why Scheidegger began taking notes on June 17, 2012, was because defendants directed her to take notes on that date, or one or more defendants formulated intent to retaliate against plaintiff from that date going forward.

39. On or about June 17, 2011, plaintiff requested to take vacation from June 20, 2011 to June 24, 2011. When asked why she needed to take off that time, plaintiff simply told Scheidegger, "I cannot be here" without going into further detail. Scheidegger then recommended EAP to plaintiff. Plaintiff's boyfriend was experiencing a medical problem that plaintiff did not care to discuss with Scheidegger. Thereafter, Scheidegger repeatedly recommend her to EAP.

40. On subsequent occasions, Scheidegger cited plaintiff's request for vacation and then rescinding her request as the reason for mandating her to EAP on June 29, 2011, when asked as to the reason why she ordered plaintiff to undergo mental health counseling.

41. On June 27, 2011, Lt. McGuire called plaintiff to inform her that the Union County Prosecutor's Office would not be taking any action against Londono and that Internal Affairs would be conducting a separate investigation.

42. On June 28, 2011, plaintiff called Lt. McGuire and asked him a few questions. He told her that the surveillance tapes were only kept for thirty days.

43. Thereafter, plaintiff shared with Scheidegger the fact that the Prosecutor's Office would not be prosecuting the officer and that nothing would happen to him. Scheidegger became enraged and yelled at plaintiff, telling her that the officer would have a permanent mark on his record. Plaintiff asked her how she knew that the officer

would have a permanent mark on his record and she did not respond. Plaintiff then started to walk out of Scheidegger's office, but she called her back and insisted that plaintiff needed EAP.

44. On June 29, 2011, Scheidegger asked plaintiff to come to her office. She closed the door and served plaintiff with a directive for mandatory EAP. The directive stated that plaintiff could be facing disciplinary action if she did not comply. Scheidegger simply said, "Sign this." Plaintiff read it and asked Scheidegger what "behavior" she was talking about. Scheidegger stated that plaintiff asked for a week off and didn't take it. Then she started saying how plaintiff should get used to being passed over for promotion. Then she told plaintiff about how she and others were passed over for promotions in the past. Plaintiff never brought up the subject of her being eligible for promotion. Plaintiff promptly left her office.

45. Upon information and belief, the County of Union has no protocol in place for mandatory EAP. Plaintiff submits that she did not commit any actions which warranted a mandatory EAP referral. Instead, plaintiff contends that the mandatory referral to EAP was a direct act of retaliation for raising her sexual harassment complaint. Moreover, this was an unlawful invasion of plaintiff's privacy rights.

46. On July 1, 2011, plaintiff wrote a letter responding to Scheidegger's mandatory EAP letter of June 29, 2011. Plaintiff inquired as to the specific behavior which lead Scheidegger to issue a mandatory referral to EAP. Plaintiff also documented recent conversations between Scheidegger and herself, including the fact that she was not going to get a promotion to the position of HSS3.

47. On July 6, 2012, County personnel manager, Michele Miller issued a memo advising plaintiff that she was not selected for a promotion for the position of HSS 3. Plaintiff alleges that her being bypassed for a promotion was a direct act of retaliation for filing her sexual harassment complaint.

48. On July 7, 2011, plaintiff contends that Scheidegger increased the level of the hostility towards her. She wrote in a memo that day that she would not be communicating with plaintiff except for work related items. From that date to the present, Scheidegger no longer discussed anything other than business and she has repeatedly shown some hostility and anger towards plaintiff. Indeed, sometimes she also refuses to discuss work related matters with plaintiff. This is an ongoing act of retaliation.

49. In her memo of July 7, 2011, Scheidegger accused plaintiff of leveling "false accusations" against her. This memo was placed in plaintiff's personnel file and is an additional act of retaliation for filing a complaint of sexual harassment.

50. On July 8, 2011, plaintiff received written confirmation that she was bypassed for a promotion to Human Service Specialist 3 [HSS 3]. Plaintiff scored fifth on the exam and yet, approximately eight people who scored lower on the exam than plaintiff did, all received a promotion to HSS 3. Plaintiff was informed of the denial of her promotion approximately five weeks after she engaged in the protected activity of providing her sexual harassment complaint. The denial of this promotion has adversely affected plaintiff economically. She would have received approximately \$2,000.00 more if she had not been bypassed for this promotion. This act of retaliation also affects plaintiff's benefits including her pension and eligibility to be promoted in the future to an HSS 4 position.

51. On July 11, 2011, plaintiff wrote a letter to John Boles, the County Affirmative Action Officer requesting that he conduct a sexual harassment investigation. Up to this point, the only investigation that was conducted was a criminal investigation. Plaintiff also specifically asserted that she was being retaliated against. Within a week of making this demand, plaintiff received the first discipline since she started working for the County approximately four years earlier. Within six weeks, she would receive a major discipline where the County would suspend her without pay and seek to remove her from employment.

52. On July 14, 2011, plaintiff was given a directive by Scheidegger to "complete a spousal waiver." Plaintiff contends Scheidegger willfully neglected to inform plaintiff of new contact information at this time and shared new contact information on August 22, 2012 once plaintiff was slated for removal.

53. On July 19, 2011, plaintiff was called into Scheidegger's supervisor, Gail Werthwein's office with her union representative. Upon arriving, Werthwein verbally reprimanded plaintiff for being "uncommunicative" for emailing plaintiff's supervisor a work related question and for leaving a memo addressed to Mr. Elic in a case file. Later, in January 2012, during plaintiff's annual performance review, Scheidegger told plaintiff that she was graded "needs improvement" because of this reprimand and that she wrote the comment "Ms. Sandargus needs to improve her work relationship with her supervisor and peers" because of the email and memo. Plaintiff contends that this was actually a further act of retaliation.

54. On July 19, 2011, plaintiff received a letter from Mr. Boles in response to her letter of July 2011, requesting that a sexual harassment investigation be conducted

and notifying him of subsequent acts of retaliation. Mr. Boles advised plaintiff that he would not be conducting a sexual harassment complaint. He also dismissed plaintiff's complaint of retaliation by stating that Scheidegger was merely acting out of "genuine concern".

55. On July 22, 2011, Scheidegger verbally reprimanded plaintiff for not scheduling a client soon enough for an appointment. Plaintiff responded that since Scheidegger never questioned the scheduling of appointments before, plaintiff regarded this verbal reprimand as retaliation. Plaintiff added that she had been at her attorney's office the previous day filing a formal complaint with the EEOC. Scheidegger then looked plaintiff in the eyes and stated to her: "you are taking this too far."

56. On August 5, 2011, plaintiff received a short letter from the Union County Sheriff's office regarding their Internal Affairs investigation. Captain Michael Frank of the Sheriff's Office provided in his letter that his investigation failed to disclose sufficient evidence to clearly prove or disprove plaintiff's allegations. Plaintiff submits that this investigation was not an investigation of sexual harassment and that the County has yet to conduct an efficient and effective investigation of her claims of sexual assault, harassment and retaliation.

57. On or about August 18, 2011, Union County was informed by the EEOC that plaintiff filed with the Equal Employment Opportunity Commission "EEOC".

58. On August 25, 2011, plaintiff was suspended for allegedly intentionally forging her supervisor's name on a document. The County filed major disciplinary charges against plaintiff, suspended her without pay and sought "removal" which means that they sought to terminate her employment. In the removal documents defendants

asserted that plaintiff was “unfit for duty and is a hazard if permitted to remain on the job and an immediate suspension is necessary to protect the safety, health, order and effective direction of public service.”

59. On September 1, 2011, a Loudermill hearing was held regarding whether the facts demonstrated that plaintiff should be suspended without pay pending final resolution of the disciplinary charges. Assistant County Counsel, Carolyn M. Sullivan, determined that Union County did not sustain its burden in establishing why plaintiff should remain suspended without pay pending the fully hearing on the merits. Thereafter a disciplinary hearing was held on the claims that plaintiff had committed forgery. Plaintiff was not informed about the Loudermill hearing decision until September 21, 2011.

60. Thereafter, a hearing was held regarding the removal charges against plaintiff. On December 2, 2011, Union County Departmental Hearing Officer, Carolyn M. Sullivan, Esquire, authored a memorandum regarding the pending removal charges of plaintiff. Ms. Sullivan concluded that no act of fraud or forgery had occurred. She did find that an error had occurred on the part of the plaintiff but that it was not an egregious violation warranting termination. As a result, plaintiff received a six day suspension - a major discipline vs. minor discipline had it been a five day or less suspension.

61. Plaintiff contends that false accusations of defendants that she had intentionally committed fraud or forgery were acts of retaliation for her raising her sexual harassment complaint. Defendants took an inconsequential error and tried to use it as a vehicle to punish plaintiff and terminate her employment due to intentional misconduct. Moreover, Scheidegger, testified with open animosity and hostility directed towards

plaintiff. She repeatedly testified that she found plaintiff to have a deceitful character and that plaintiff had intentionally committed forgery for which she should be punished by having her employment terminated.

62. To date, defendants have failed to appropriately investigate plaintiff's complaints of unlawful sexual harassment and retaliation.

63. To date, Londono has not been disciplined for unlawful sexual assault and harassment.

64. To date, no investigation of any kind was undertaken in response to plaintiff's complaint of unlawful retaliation.

65. Defendants joined with Londono in creating a hostile environment, by failing to take corrective action in the face of blatant and egregious sexual harassment and retaliatory behavior.

FIRST COUNT: VIOLATION OF THE LAD BASED UPON SEX

66. By and through the actions described above, defendants have engaged in a continual course of conduct harassing plaintiff on the basis of her sex, thus violating the New Jersey Law Against Discrimination ["NJLAD"] N.J.S.A. 10:5-1 et seq.

67. Plaintiff is female. As such, she is a member of a protected class under the NJLAD.

68. Plaintiff was subjected to unwelcome sexual harassment to which others of the opposite sex were not.

69. The harassment complained of in the above allegations was based on sex.

70. Defendant Londono's conduct, as described above, constituted quid pro

quo sexual harassment of plaintiff on the basis of her sex, thus violating the NJLAD.

71. As a result of defendant's actions, plaintiff has suffered harm to her career, harm to her reputation, emotional distress, and physical stress.

72. Defendants are strictly liable for any and all equitable relief that plaintiff may seek.

73. Defendants are directly liable for any and all compensatory damages that plaintiff may seek, because management knew or should have known of the unlawful harassment of plaintiff and failed to take prompt and effective measures to stop the harassment.

74. Defendants are vicariously liable for any and all compensatory damages that plaintiff may seek, because management had actual or constructive knowledge of defendants' harassment of plaintiff and failed to take prompt and effective measures to stop the harassment.

75. Defendants are liable for punitive damages because it demonstrated willful indifference to the unlawful harassment of plaintiff.

76. By and through the actions described above, defendants have engaged in a continual course of conduct discriminating against plaintiff, and harassing plaintiff on the basis of her sex, violating the New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et seq.

WHEREFORE, cause having been shown, plaintiff demands judgment against defendants and seeks the following relief:

(a) compensatory damages, including promotion to HSS3, back pay, front pay, and damages for emotional distress, physical stress, harm to career, and harm to reputation.

(b) punitive damages;

(c) attorney's fees, costs of suit, and pre and post judgment interest;

(d) injunctive relief requiring defendants to stop unlawful harassment and retaliation;

(e) such other relief as the Court may deem equitable and just.

SECOND COUNT: VIOLATION OF THE LAD BASED UPON

RETALIATION

77. Plaintiff repeats the facts and allegations contained in all previous sections as though contained herein and set forth at length.

78. By and through the actions described above, defendants, retaliated against plaintiff for her complaints of sexual harassment, thus violating the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.

79. As a direct and proximate result of the aforesaid retaliatory actions on the part of defendants; the plaintiff suffered severe personal injuries including but not limited to psychological and emotional trauma, with physical manifestations, causing her to seek medical treatment and/or medication and which will cause her to seek medical treatment and/or medication again in the future, and which has resulted in psychological problems that she is experiencing and will continue to experience in the future.

WHEREFORE, cause having been shown, plaintiff demands judgment against defendants and seeks the following relief:

(a) compensatory damages, including promotion to HSS3, back pay, front pay, and damages for emotional distress, physical stress, harm to career, and harm to reputation.

(b) punitive damages;

(c) attorney's fees, costs of suit, and pre and post judgment interest;

(d) injunctive relief requiring defendants to stop unlawful harassment and retaliation;

(e) such other relief as the Court may deem equitable and just.

THIRD COUNT: NJLAD SEXUAL HARASSMENT – AIDING AND ABETTING

80. Plaintiff repeats the facts and allegations contained in all previous sections as though contained herein and set forth at length.

81. By and through the actions described above, defendant, Betsy Scheidegger aided and abetted Londono in violating the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.

82. As a direct and proximate result of the aforesaid retaliatory actions on the part of defendants, the plaintiff suffered severe personal injuries including but not limited to psychological and emotional trauma, with physical manifestations, causing her to seek medical treatment and/or medication and which will cause her to seek medical treatment

and/or medication again in the future, and which has resulted in psychological problems that she is experiencing and will continue to experience in the future.

WHEREFORE, cause having been shown, plaintiff demands judgment against defendants and seeks the following relief:

(a) compensatory damages, including promotion to HSS3, back pay, front pay, and damages for emotional distress, physical stress, harm to career, and harm to reputation.

(b) punitive damages;

(c) attorney's fees, costs of suit, and pre and post judgment interest;

(d) injunctive relief requiring defendants to stop unlawful harassment and retaliation;

(e) such other relief as the Court may deem equitable and just.

JURY DEMAND

Plaintiff demands trial by jury as to all of the triable issues of this complaint, pursuant to R. 1:8-2(b) and R. 4:351(a).

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4, the Court is advised that Fred Shahrooz Scampato, Esquire, is hereby designated as trial counsel.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to Rule 4:5-1, it is stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or

arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

LAW OFFICE OF FRED SHAHROOZ SCAMPATO
Attorney for Plaintiff

By: 

Fred Shahrooz Scampato

Dated: September 26, 2012

Appendix XII-B1



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule 4:5-1*
Pleading will be rejected for filing, under *Rule 1:5-6(c)*,
if information above the black bar is not completed
or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA
CHG/CK NO.
AMOUNT
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME FRED SHAHROOZ SCAMPATO	TELEPHONE NUMBER 908-301-9095	COUNTY OF VENUE UNION
FIRM NAME (if applicable) FRED SHAHROOZ SCAMPATO, P.C.	DOCKET NUMBER (when available) 015 12	
OFFICE ADDRESS 445 EAST BROAD STREET, 2ND FLOOR WESTFIELD, NEW JERSEY 07090	DOCUMENT TYPE COMPLAINT	
NAME OF PARTY (e.g., John Doe, Plaintiff) BARBARA SANDARGUS	CAPTION BARBARA SANDARGUS VS. COUNTY OF UNION, ANGEL LONDONO, BETSY SCHEIDEGGER	
CASE TYPE NUMBER (See reverse side for listing) 618	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	

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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER (explain)
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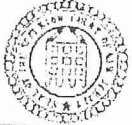
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? YES NO

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?

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)*.

ATTORNEY SIGNATURE:



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- | | |
|----------------------------------|--|
| 280 ZELNORM | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 285 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNE-CARE |
| 288 PRUDENTIAL TORT LITIGATION | 292 PELVIC MESH/BAIRD |
| 289 REGLAN | 293 DEPUY ASR HIP IMPLANT LITIGATION |

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCUTANE/ISOTRETINOIN | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 278 ZOMETHA/AREDDIA | 287 YAZ/YASMIN/OCELLA |
| 279 GADOLINIUM | 601 ASBESTOS |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

11-13-12

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[Faint text, possibly a signature or date]