

**LAW OFFICE OF JAMISON M. MARK**

403 King George Road  
Suite 202  
Basking Ridge, New Jersey 07920  
(908) 626 -1001  
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MAR 24 2008

Attorney for Plaintiff, Tyrone Hamilton

TYRONE HAMILTON, :  
 :  
 :  
 Plaintiff. :  
 :  
 :

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY

vs. :  
 :  
 :

DOCKET NO. UNN-L-00874-08

COUNTY OF UNION, a corporate :  
And body politic of the State of New :  
Jersey, JANE & JONES DOES :  
fictitious company) :  
 :  
 :

SUMMONS

Defendants. :  
 :  
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**THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT:**

**COUNTY OF UNION**

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.

An individual who is unable to obtain an attorney may communicate with the New Jersey State Bar Association by calling toll free 800 792-8315 (within New Jersey). You may also communicate with the Essex County Bar Association Lawyer referral service or if you cannot afford to pay an attorney, you may communicate with the Essex County Legal Services Corp.

**From The State of New Jersey To The Defendant(s) Named Above:**

Dated: March 21, 2008

*/s/ Theodore J. Fetter*  
Theodore J. Fetter  
Acting Clerk of the Superior Court

<b>Name of Defendant</b>	<b>County of Union</b>
<b>Address Where to Serve:</b>	<b>County Administration Building 10 Elizabethtown Plaza Elizabetht, New Jersey 07207</b>

**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  
Case Processing Section, Room 119  
Justice Center, 10 Main St.  
Hackensack, NJ 07601-0769  
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  
(609) 261-1088

**CAMDEN COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Processing Office  
1st Fl., Hall of Records  
101 S. Fifth St.  
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  
Box DN-209  
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  
Broad & Fayette Sts., P.O. Box 615  
Bridgeton, NJ 08302  
LAWYER REFERRAL  
(856) 692-6207  
LEGAL SERVICES  
(856) 451-0003

**ESSEX COUNTY:**  
Deputy Clerk of the Superior Court  
50 West Market Street  
Room 131  
Newark, NJ 07102  
LAWYER REFERRAL  
(973) 622-6207  
LEGAL SERVICES  
(973) 624-4300

**GLOUCESTER COUNTY:**  
Deputy Clerk of the Superior Court

Civil Case Management Office  
Attn: Intake  
First Fl., Court House  
1 North Broad Street, P.O. Box 129  
Woodbury, NJ 08096  
LAWYER REFERRAL  
(856) 848-4389  
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  
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**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  
173 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  
Administration Building  
Third Floor  
1 Kennedy Sq., 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  
71 Monument Park  
P.O. Box 1269  
Freehold, NJ 07728-1269  
LAWYER REFERRAL  
(732) 431-5544  
LEGAL SERVICES  
(732) 866-0020

**MORRIS COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division  
30 Schuyler Pl., P.O. Box 910  
Morristown, NJ 07960-0910  
LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 285-6911

**OCEAN COUNTY:**  
Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754  
LAWYER REFERRAL  
(732) 240-3666  
LEGAL SERVICES  
(732) 341-2727

**PASSAIC COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton St.  
Paterson, NJ 07505  
LAWYER REFERRAL  
(973) 278-9223  
LEGAL SERVICES  
(973) 345-7171

**SALEM COUNTY:**  
Deputy Clerk of the Superior Court  
92 Market St., P.O. Box 18  
Salem, NJ 08079  
LAWYER REFERRAL  
(856) 935-5628  
LEGAL SERVICES  
(856) 451-0003  
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**SOMERSET COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division Office  
New Court House, 3rd Fl.  
P.O. Box 3000  
Somerville, NJ 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  
(908) 267-5882  
LEGAL SERVICES  
(908) 475-2010

LAW OFFICE OF JAMISON M. MARK  
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Attorney for Plaintiff, Tyrone Hamilton  
TYRONE HAMILTON,

Plaintiff.

vs.

COUNTY OF UNION, a corporate  
And body politic of the State of New  
Jersey, JANE & JONES DOES  
fictitious company)

Defendants.

Plaintiff, Tyrone Hamilton by and through is attorneys, The Law Offices of  
Jamison M. Mark, Esq., who resides *Home address redacted per OPRA.* does by  
way of Complaint against Defendants, hereby say:

PARTIES

1. Plaintiff, Tyrone Hamilton ("Hamilton" or "Plaintiff") is a resident of the  
United States, and State of New Jersey and is entitled to all the rights, privileges and  
immunities secured by the Constitution of the United States and State of New Jersey.

2. COUNTY of UNION ("Union County") is a governmental entity and  
corporation of the State of New Jersey, has its principal place of business Union County  
Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey 07207

RECEIVED / FILED  
Superior Court of New Jersey

MAR 11 2008

CIVIL CASE MANAGEMENT  
UNION COUNTY

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY

DOCKET NO.

UNN-L-0874-08

CIVIL ACTION

COMPLAINT, JURY DEMAND  
DESIGNATION OF TRIAL COUNSEL  
DEMAND FOR INSURANCE  
FORMATION, and CERTIFICATION

## JURISDICTION

1. Venue is proper within this County pursuant to R. 4:3-2(a), because the unlawful actions complained of herein occurred within the County of Union, State of New Jersey.

2. The causes of actions alleged herein seek to redress the deprivation, under the color of state law, policy, practice and custom, of rights including but not limited to rights secured by the United States Constitution and the New Jersey Constitution, and to recover damages, costs, attorney fees and equitable relief pursuant to New Jersey Law Against Discrimination "LAD", N.J.S.A. 10:5-1, et seq, the New Jersey Civil Rights Act, "NJ CRA" N.J.S.A. 10:6-1, et seq., and the Conscientious Employee Protection Act (Whistleblower Act).

3. The actions (and inactions) alleged herein were committed by the individual Defendants were taken by the individual Defendants as officials, agents and/or employees of the County of Union, pursuant to governmental policy, practice, and/or custom and under color of law.

## VENUE

4. Venue properly lies in Union County, Superior Court Law Division pursuant to R. 4:3-2(a), because the cause of action arose and Plaintiff resides in Union County.

## FACTS

5. Tyrone Hamilton ("Hamilton") was employed with the County of Union for almost 12 years, well respected and performed above all expectations as an officer.

6. Mr. Hamilton was often given very high reviews in which he was given a 3.0 and 4.0 rank. His evaluations often represented he was "outstanding" and "beyond exceptional" by superior officers.

7. Between 1995 through April 2007, Mr. Hamilton was a Juvenile Detention Officer, but often trusted with the responsibilities of a Senior Detention Facility Officer with the Union County, Department of Corrections.

8. In January 21, 2003, Mr. Hamilton suffered an injury to his knee while detaining a resident.

9. In January 7, 2004, Mr. Hamilton was admitted for right knee operative arthroscopy, underwent extensive physical therapy, and returned to work on light duty in April 2004, returning full duty on April 23, 2004.

10. Shortly thereafter, Mr. Hamilton filed a workers compensation claim with the New Jersey Department of Labor and Workforce.

11. Subsequently, on May 10, 2003, Mr. Hamilton witnessed the suicide of a teenaged resident. This event left Mr. Hamilton psychologically scarred, and required extensive psychological care.

12. During this event, Mr. Hamilton entered the cell, loosened a sheet that had been tied around the teen's neck, lowered the boy, removed the noose from around his neck, and immediately reported the incident and requested assistance for the resident as there was no onsite medical staff.

13. Mr. Hamilton reported to the shift commander, Senior officer Louis Gray, that the room where the youth resident was being held was dangerous because it was a

"suicide threat," but because the facility was over crowded, the County disregarded safety protocol.

14. In fact, the youth's parent's sued the County as a result of this incident and recovered monies for the Facilities wrongdoing.

15. This event left Mr. Hamilton nervous, depressed, anxious and unable to sleep.

16. As a result, Mr. Hamilton was seen by Dr. Jacob H. Jacoby diagnosed Mr. Hamilton with an adjustment disorder, with mixed anxiety and depressed mood, as well as posttraumatic stress disorder.

17. During this time, Mr. Hamilton was retaliated against and written up because he was unable to come into work on time, despite the County knowing of Mr. Hamilton's condition.

18. Mr. Hamilton was unable to work in the conditions set forth by the Union, and therefore asked for a shift change from 7:00 AM to 3:00 PM to 3:00 PM to 11:00 PM.

19. The working environment became hostile and abusive and due to the work environment and the witnessing of the suicide, Mr. Hamilton took a leave of absence.

20. As of June 21, 2003 Mr. Hamilton was required to take a leave of absence for 10 ½ months due to a suicide incident and the hostile working environment.

21. From this point and due to his depression, Mr. Hamilton was given medication, Zyprexa, which altered his sleeping habits causing great difficulty in waking up, of which is a diagnosed side effect.

22. Mr. Hamilton was unjustly scrutinized in his job performance, and despite notifying the Department of his depression and the side effects of his medication, the Department harassed Mr. Hamilton daily on his job performance and failed to provide any accommodation.

23. From hereon, Mr. Hamilton was given poor yearly evaluations based upon his "dependability" and Mr. Rodriguez asked Mr. Hamilton if he wanted the Senior Officer position and if he could handle it. Mr. Hamilton said that he could perform the job, but that the resident's suicide took a piece of him as he had a special bond with the youth.

24. Mr. Hamilton was denied any promotion, and told that "they decided to go in another direction" and the position was given to Daryl Bouldin and Annette Rodriguez.

25. Mr. Hamilton was under the care of a physician who also notified to the County that one of the side affect of Mr. Hamilton's medication was that he had difficulties waking up.

26. Despite Mr. Hamilton's request that he be afforded some type of flexible reporting time, he was denied, and repeatedly written up for his lateness.

27. Mr. Hamilton was evaluated by the County's doctor and was permitted to return to duty with no restrictions.

28. When Mr. Hamilton returned from his 10 ½ month leave of absence, he was placed back on the 7:00 AM to 3:00 PM shift, however due to his depression, and the medication he was taking, he had great difficulties making the 7:00 AM shift.

29. At this point, the County issued Mr. Hamilton a notice of discipline for "lateness."



30. Mr. Hamilton advised the County that despite the County's doctor's release to duty, he was still unable to report at the 7:00 AM start time.

31. In fact, Mr. Hamilton was seeing Dr. Quintana, his personal doctor, who notified the County that Mr. Hamilton required a shift change, and that his depression medication was causing the lateness.

32. Mr. Hamilton had never been written up for excessive lateness in his career until after her returned from his 10 ½ month leave of absence.

33. While Mr. Hamilton was having troubles arriving to work by 7:00 AM, the County had posted an available shift of the 3:00 to 11:00 shift, which would have easily and conveniently accommodated Mr. Hamilton's disability.

34. Mr. Hamilton again requested for a shift change, and formally applied for said shift change, but was again denied.

35. The retaliation continued.

36. In 2006, after Mr. Hamilton returned to duty, and during said time, he witnessed and an incident which involved a sexual relationship between a guard, Danora Santelli, and a youth resident which comprised of a daily fraternization and even sex.

37. Based upon a search of the youth's room, Mr. Hamilton found handwritten letters that had lipstick and perfume, as well as typed written letters from Santelli.

38. Mr. Hamilton submitted a report detailing his findings to Senior Officer Brian Koon.

39. Mr. Hamilton's accurate report detailed the sexual relationship, which was also corroborated by other guards as well as evidence found in the youth's room.

40. Of no coincidence, the shift supervisor for Santelli was Humberto Gonzalez, who was dating Carmen Nieto, who is Chief Supervisor Alberto Rodriguez's cousin.

41. The acts of Santelli were clearly illegal and of serious public importance, and were being swept under the rug because of her close relationship with Rodriguez, Gonzalez and Nieto.

42. Santelli of no coincidence was a close friend of Chief Juvenile Detention Officer Alberto Rodriguez, who is a high ranked County official.

43. The allegations of the sexual affair resulted in an investigation which found that Mr. Hamilton's allegations were accurate.

44. Thereafter, Santelli appeared at the Youth House with an attorney and resigned, and permitted to do so in "good standing."

45. After the vents, Rodriguez approached Mr. Hamilton and threatened him by stating: "You are lucky I still like you."

46. Though Santelli was permitted to resign in lieu of termination, Mr. Hamilton endured great retaliation, ultimately leading to his termination in March 13, 2007.

47. Interestingly, Mr. Hamilton was not notified of his termination until January 26, 2008 by Finale Notice - Personnel Action Form in the mail, and was not permitted to resign but was subjected termination.

48. The retaliation was under no uncertain terms a direct order from the County officials involved with incident in which Mr. Hamilton reported the sexual incident between Santelli and the juvenile.

49. Due to Mr. Hamilton's complaints of unlawful sexual acts by members of the County, Mr. Hamilton was scrutinized, treated unfairly, and was not given the same consideration as other employees.

50. Mr. Hamilton became the target of unjustified and illegal discipline and daily harassment.

51. In fact, prior to Mr. Hamilton's injury, report of the illegal housing for the suicide youth, and report of the unlawful sexual affair, he was an exemplary employee with no disciplinary history.

52. Mr. Hamilton did the right thing at all times, and now has been terminated because of his

53. In fact, when Mr. Hamilton returned to work in 2006, he was the senior juvenile officer, and had put in for a job change into the Adult Corrections facility.

54. Mr. Hamilton was to report and take a psychological exam despite just having taken an exam and being permitted to return by the County's doctors.

55. Mr. Hamilton was denied the promotion, despite being qualified.

56. Mr. Hamilton was never offered any additional training that other officers were given, which would have assisted in his request for a promotion.

57. Other officers in the meantime who had the favor of management were promoted such as Tasha Sherrod, and Michelle Nascimento.

58. Mr. Hamilton was passed over in his promotion by less experienced employees, Annette Rodriguez who had resigned her position, and then returned as provision when she was appointed.

59. Other employees with much greater offenses and violations were not terminated for their actions, such as Juvenile Detention Supervisor Armando Burgos, Officer Leonard Spiers, Officer Coletta Wright, Officer Brian Koon, and Officer Allen Spicer.

60. The County acknowledged and were fully aware of Mr. Hamilton's situations, yet did wrongfully terminate, harass, retaliate and discriminate against Mr. Hamilton.

61. Additionally, Mr. Hamilton notified the County of unlawful occurrences by other employees and became the subject of additional retaliation and ultimately was terminated.

62. Plaintiff was never afforded the protections of other employees who did not suffer from a disabling knee injury, depression or who rightfully reported illegalities occurring within the County.

63. The County has not implemented an effective anti-harassment/discrimination policy which identifies the illegality of discriminating against persons of disability.

64. The County has failed to adequately train its employees, supervisors and department heads effective anti-harassment and retaliation policies and control.

65. The County has not provided to its employees training, seminars or instruction on anti-Discrimination of persons of disability, or anti-retaliation policies.

66. The County has not designated an anti-discrimination and/or retaliation administrator to implement and monitor discrimination and/or retaliation in the work place.

67. The County has not designated an anti-harassment/discrimination administrator for employees who are victims of unlawful discrimination to report such acts so that the employee is afforded remedial protections from re-occurring harassment and/or retaliation.

68. As a result of the unlawful actions of Defendant, Plaintiff demand monetary compensation, as well as a return to his position in the County.

### CLAIMS FOR RELIEF

#### COUNT ONE

(New Jersey Law Against Discrimination – Disability)

69. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

70. By reasons of the facts and circumstances asserted above, Plaintiff was discriminated, harassed and retaliated against because of his disabilities.

71. The discrimination and retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

72. Although the Defendant knew or should have known of the discrimination and retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendant failed to take any corrective measures to stop the harassment, discrimination and retaliation in violation of the Law Against Discrimination.

73. These illegal actions were committed by Plaintiff's supervisors, and as a direct result of his disabilities. The conducted complained of would not have occurred but for Plaintiff being disabled.

74. The foregoing actions on the part of Defendants constituted unlawful discrimination based upon Plaintiff's disabilities.

75. The foregoing actions were knowing, willful, and deliberate with a total lack of regard to Plaintiff and in complete disregard to the sensibilities and an abuse of authority against Plaintiff.

76. Defendant has engaged in behavior that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et al. and have thereby irreparably injured Plaintiff.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

COUNT TWO

(VIOLATION OF N.J.S.A. 34:15-39.1.)

77. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

78. By reasons of the facts and circumstances asserted above, Plaintiff was discriminated against, harassed, and retaliated against because of his filing of a workers compensation claim and or notifying his employer ("the County") of such claim.

79. The discrimination, harassment, and retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

80. Although the Defendant knew or should have known of the discrimination, harassment and retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendant failed to take any corrective measures to stop the discrimination, harassment and retaliation in violation of the N.J.S.A. 34:15-39.1.

81. Defendant unlawfully harassed Plaintiff in retaliation for, and directly and causally related to, Plaintiff's making or initiating claims for workers compensation benefits and for the purpose of intimidation and harassment of Plaintiff.

82. Defendant's act of retaliatory discrimination and termination was in violation of N.J.S.A. 34:15-39.1.

83. As a result of Defendant's retaliatory discrimination and termination of Plaintiff, he has suffered damages, including lost income, fringe benefits, emotional distress, and physical illness and discomfort caused or aggravated by the emotional distress.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

### COUNT THREE

(Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al)

84. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

85. The retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

86. Although the Defendants knew or should have known of the retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendants failed to take any corrective measures to stop the retaliation in violation of the Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al.

87. New Jersey's Conscientious Employee Protection Act ("CEPA"), NJSA 39:19-3, prohibits, among other things, retaliation against an employee who discloses an "activity, policy or practice of the employer...that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to a law."

88. The conducted complained of would not have occurred by for Plaintiff notifying Defendant of his refusal to "cover up" the sexual relationship.

89. These illegal actions were committed by Plaintiff's supervisors, and as a direct result of reporting the illegal activities of other employees who were closing aligned, friends or had a special relationship with County supervisors.

90. The foregoing actions on the part of Defendants constituted unlawful retaliation based upon Plaintiff's disclosure and refusal to perform unlawful activities.

91. Clearly the actions reported by Plaintiff were of great public importance and resulted in concerns with the County to the point Plaintiff was terminated under pretextual reasons.

92. The foregoing actions were knowing, willful, and deliberate with a total lack of regard to Plaintiff and in complete disregard to the sensibilities and an abuse of authority of Plaintiff.



93. Defendants have engaged in behavior that violates the Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al, and have thereby irreparably injured Plaintiff.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

#### COUNT FOUR

##### (VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT "NJCRA")

94. Plaintiff repeats and realleges each and every allegation set forth above, as if set forth at length herein.

95. Defendants' conduct as set forth herein constitutes discrimination, harassment and retaliation in violation of the New Jersey Civil Rights Act.

96. The illegal, unconstitutional and discriminatory acts of the Defendants constituted acts of a *de facto* policy to discriminate, harass, and retaliate against Plaintiff. The actions of the Defendants aforesaid also represent a *de facto* policy to deny Plaintiff his rights to equal protection, employment. All of these violations contravene Plaintiff's constitutional rights under the New Jersey State Constitution including, but not limited to, Article I, Section 1; Article I, Section 5 - denial of rights; and Article I, Section 7 and the New Jersey Civil Rights Act (N.J.S.A. 10:6-2).

97. Each individual Defendant was acting at all relevant times in furtherance of his/her employer to further the following actions, which are not all inclusive, but provide an example:

- (a) Plaintiff was forced to undergo a sham hearing for his employment, and was ultimately terminated due to a finding of "excessive lateness."
- (b) Plaintiff was denied continued employment opportunity.
- (c) Plaintiff was denied hiring as an adult corrections officer.

98. Plaintiff's employment, reputation, livelihood and relationships have been taken from him.

99. As a result of the aforesaid conduct, Plaintiff has been damaged, including violation of his civil rights, loss of income, and has suffered severe emotional pain and suffering.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

COUNT FIVE

(FICTITIOUS DEFENDANTS)

100. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

101. John Does 1-5 are liable for the acts or omission of some or all of the Defendant's actions, as well as its employees.

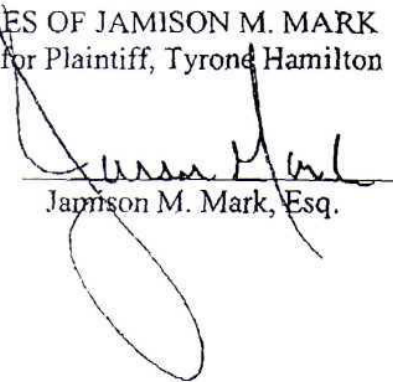
102. To the extent that Defendant is found liable, in whole or in part, with regard to the matters alleged herein, or any other relief is granted as to them, John Does 1-5 shall also be liable, and such relief should also be afforded against them, to the extent that they are reasonable for the acts or omissions of one or more of those Defendants.

103. Plaintiff is unaware of who the actual person(s) of upper management were who made the ultimate determination to harass, retaliation and discrimination against Plaintiff, other than those identified herein.

WHEREFORE, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

RESPECTFULLY SUBMITTED,

LAW OFFICES OF JAMISON M. MARK  
Attorney for Plaintiff, Tyrone Hamilton



Jamison M. Mark, Esq.

Dated:

**LAW OFFICE OF JAMISON M. MARK**

403 King George Road  
Suite 202  
Basking Ridge, New Jersey 07920  
(908) 626 -1001  
(908) 626 -1003 - Facsimile

MAR 24 2008

Attorney for Plaintiff, Tyrone Hamilton

TYRONE HAMILTON, :

Plaintiff. :

vs. :

COUNTY OF UNION, a corporate :

And body politic of the State of New :

Jersey, JANE & JONES DOES :

fictitious company) :

Defendants. :

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY

DOCKET NO. UNN-L-00874-08

SUMMONS

**THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT:**

**COUNTY OF UNION**

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.

An individual who is unable to obtain an attorney may communicate with the New Jersey State Bar Association by calling toll free 800 792-8315 (within New Jersey). You may also communicate with the Essex County Bar Association Lawyer referral service or if you cannot afford to pay an attorney, you may communicate with the Essex County Legal Services Corp.

**From The State of New Jersey To The Defendant(s) Named Above:**

Dated: March 21, 2008

/s/ Theodore J. Fetter  
Theodore J. Fetter  
Acting Clerk of the Superior Court

Name of Defendant	County of Union
Address Where to Serve:	County Administration Building 10 Elizabethtown Plaza Elizabetht, New Jersey 07207

**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  
Case Processing Section, Room 119  
Justice Center, 10 Main St.  
Hackensack, NJ 07601-0769  
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  
(609) 261-1088

**CAMDEN COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Processing Office  
1st Fl., Hall of Records  
101 S. Fifth St.  
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  
Box DN-209  
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  
Broad & Fayette Sts., P.O. Box 615  
Bridgeton, NJ 08302  
LAWYER REFERRAL  
(856) 692-6207  
LEGAL SERVICES  
(856) 451-0003

**ESSEX COUNTY:**  
Deputy Clerk of the Superior Court  
50 West Market Street  
Room 131  
Newark, NJ 07102  
LAWYER REFERRAL  
(973) 622-6207  
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, P.O. Box 129  
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.  
Bremen Court House--1st Floor  
583 Newark Ave.  
Jersey City, NJ 07306  
LAWYER REFERRAL  
(201) 798-2727  
LEGAL SERVICES  
(201) 792-6363  
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**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  
Administration Building  
Third Floor  
1 Kennedy Sq., 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  
71 Monument Park  
P.O. Box 1269  
Freehold, NJ 07728-1269  
LAWYER REFERRAL  
(732) 431-5544  
LEGAL SERVICES  
(732) 866-0020

**MORRIS COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division  
30 Schuyler Pl., P.O. Box 910  
Morristown, NJ 07960-0910  
LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 285-6911

**OCEAN COUNTY:**  
Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754  
LAWYER REFERRAL  
(732) 240-3666  
LEGAL SERVICES  
(732) 341-2727

**PASSAIC COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton St.  
Paterson, NJ 07505  
LAWYER REFERRAL  
(973) 278-9223  
LEGAL SERVICES  
(973) 345-7171

**SALEM COUNTY:**  
Deputy Clerk of the Superior Court  
92 Market St., P.O. Box 18  
Salem, NJ 08079  
LAWYER REFERRAL  
(856) 935-5628  
LEGAL SERVICES  
(856) 451-0003  
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**SOMERSET COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Division Office  
New Court House, 3rd Fl.  
P.O. Box 3000  
Somerville, NJ 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  
(908) 267-5882  
LEGAL SERVICES  
(908) 475-2010

LAW OFFICE OF JAMISON M. MARK  
403 King George Road  
Suite 202  
Basking Ridge, New Jersey 07920  
(908) 626 -1001  
(908) 626 -1003 - Facsimile  
Attorney for Plaintiff, Tyrone Hamilton  
TYRONE HAMILTON,

Plaintiff.

vs.

COUNTY OF UNION, a corporate  
And body politic of the State of New  
Jersey, JANE & JONES DOES  
fictitious company)

Defendants.

Plaintiff, Tyrone Hamilton by and through his attorneys, The Law Offices of  
Jamison M. Mark, Esq., who resides *Home address redacted per OPRA.* does by  
way of Complaint against Defendants, hereby say:

PARTIES

1. Plaintiff, Tyrone Hamilton ("Hamilton" or "Plaintiff") is a resident of the  
United States, and State of New Jersey and is entitled to all the rights, privileges and  
immunities secured by the Constitution of the United States and State of New Jersey.

2. COUNTY of UNION ("Union County") is a governmental entity and  
corporation of the State of New Jersey, has its principal place of business Union County  
Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey 07207

RECEIVED / FILED  
Superior Court of New Jersey

MAR 11 2008

CIVIL CASE MANAGEMENT  
UNION COUNTY

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY

DOCKET NO.

UNN-L-0874-08

CIVIL ACTION

COMPLAINT, JURY DEMAND  
DESIGNATION OF TRIAL COUNSEL  
DEMAND FOR INSURANCE  
FORMATION, and CERTIFICATION

## JURISDICTION

1. Venue is proper within this County pursuant to R. 4:3-2(a), because the unlawful actions complained of herein occurred within the County of Union, State of New Jersey.

2. The causes of actions alleged herein seek to redress the deprivation, under the color of state law, policy, practice and custom, of rights including but not limited to rights secured by the United States Constitution and the New Jersey Constitution, and to recover damages, costs, attorney fees and equitable relief pursuant to New Jersey Law Against Discrimination "LAD", N.J.S.A. 10:5-1, et seq, the New Jersey Civil Rights Act, "NJ CRA" N.J.S.A. 10:6-1, et seq., and the Conscientious Employee Protection Act (Whistleblower Act) .

3. The actions (and inactions) alleged herein were committed by the individual Defendants were taken by the individual Defendants as officials, agents and/or employees of the County of Union, pursuant to governmental policy, practice, and/or custom and under color of law.

## VENUE

4. Venue properly lies in Union County, Superior Court Law Division pursuant to R. 4:3-2(a), because the cause of action arose and Plaintiff resides in Union County.

## FACTS

5. Tyrone Hamilton ("Hamilton") was employed with the County of Union for almost 12 years, well respected and performed above all expectations as an officer.



6. Mr. Hamilton was often given very high reviews in which he was given a 3.0 and 4.0 rank. His evaluations often represented he was "outstanding" and "beyond exceptional" by superior officers.

7. Between 1995 through April 2007, Mr. Hamilton was a Juvenile Detention Officer, but often trusted with the responsibilities of a Senior Detention Facility Officer with the Union County, Department of Corrections.

8. In January 21, 2003, Mr. Hamilton suffered an injury to his knee while detaining a resident.

9. In January 7, 2004, Mr. Hamilton was admitted for right knee operative arthroscopy, underwent extensive physical therapy, and returned to work on light duty in April 2004, returning full duty on April 23, 2004.

10. Shortly thereafter, Mr. Hamilton filed a workers compensation claim with the New Jersey Department of Labor and Workforce.

11. Subsequently, on May 10, 2003, Mr. Hamilton witnessed the suicide of a teenaged resident. This event left Mr. Hamilton psychologically scarred, and required extensive psychological care.

12. During this event, Mr. Hamilton entered the cell, loosened a sheet that had been tied around the teen's neck, lowered the boy, removed the noose from around his neck, and immediately reported the incident and requested assistance for the resident as there was no onsite medical staff.

13. Mr. Hamilton reported to the shift commander, Senior officer Louis Gray, that the room where the youth resident was being held was dangerous because it was a

"suicide threat," but because the facility was over crowded, the County disregarded safety protocol.

14. In fact, the youth's parent's sued the County as a result of this incident and recovered monies for the Facility's wrongdoing.

15. This event left Mr. Hamilton nervous, depressed, anxious and unable to sleep.

16. As a result, Mr. Hamilton was seen by Dr. Jacob H. Jacoby diagnosed Mr. Hamilton with an adjustment disorder, with mixed anxiety and depressed mood, as well as posttraumatic stress disorder.

17. During this time, Mr. Hamilton was retaliated against and written up because he was unable to come into work on time, despite the County knowing of Mr. Hamilton's condition.

18. Mr. Hamilton was unable to work in the conditions set forth by the Union, and therefore asked for a shift change from 7:00 AM to 3:00 PM to 3:00 PM to 11:00 PM.

19. The working environment became hostile and abusive and due to the work environment and the witnessing of the suicide, Mr. Hamilton took a leave of absence.

20. As of June 21, 2003 Mr. Hamilton was required to take a leave of absence for 10 ½ months due to a suicide incident and the hostile working environment.

21. From this point and due to his depression, Mr. Hamilton was given medication, Zyprexa, which altered his sleeping habits causing great difficulty in waking up, of which is a diagnosed side effect.

22. Mr. Hamilton was unjustly scrutinized in his job performance, and despite notifying the Department of his depression and the side effects of his medication, the Department harassed Mr. Hamilton daily on his job performance and failed to provide any accommodation.

23. From hereon, Mr. Hamilton was given poor yearly evaluations based upon his "dependability" and Mr. Rodriguez asked Mr. Hamilton if he wanted the Senior Officer position and if he could handle it. Mr. Hamilton said that he could perform the job, but that the resident's suicide took a piece of him as he had a special bond with the youth.

24. Mr. Hamilton was denied any promotion, and told that "they decided to go in another direction" and the position was given to Daryl Bouldin and Annette Rodriguez.

25. Mr. Hamilton was under the care of a physician who also notified to the County that one of the side affect of Mr. Hamilton's medication was that he had difficulties waking up.

26. Despite Mr. Hamilton's request that he be afforded some type of flexible reporting time, he was denied, and repeatedly written up for his lateness.

27. Mr. Hamilton was evaluated by the County's doctor and was permitted to return to duty with no restrictions.

28. When Mr. Hamilton returned from his 10 ½ month leave of absence, he was placed back on the 7:00 AM to 3:00 PM shift, however due to his depression, and the medication he was taking, he had great difficulties making the 7:00 AM shift.

29. At this point, the County issued Mr. Hamilton a notice of discipline for "lateness."

30. Mr. Hamilton advised the County that despite the County's doctor's release to duty, he was still unable to report at the 7:00 AM start time.

31. In fact, Mr. Hamilton was seeing Dr. Quintana, his personal doctor, who notified the County that Mr. Hamilton required a shift change, and that his depression medication was causing the lateness.

32. Mr. Hamilton had never been written up for excessive lateness in his career until after her returned from his 10 ½ month leave of absence.

33. While Mr. Hamilton was having troubles arriving to work by 7:00 AM, the County had posted an available shift of the 3:00 to 11:00 shift, which would have easily and conveniently accommodated Mr. Hamilton's disability.

34. Mr. Hamilton again requested for a shift change, and formally applied for said shift change, but was again denied.

35. The retaliation continued.

36. In 2006, after Mr. Hamilton returned to duty, and during said time, he witnessed and an incident which involved a sexual relationship between a guard, Danora Santelli, and a youth resident which comprised of a daily fraternization and even sex.

37. Based upon a search of the youth's room, Mr. Hamilton found handwritten letters that had lipstick and perfume, as well as typed written letters from Santelli.

38. Mr. Hamilton submitted a report detailing his findings to Senior Officer Brian Koon.

39. Mr. Hamilton's accurate report detailed the sexual relationship, which was also corroborated by other guards as well as evidence found in the youth's room.

40. Of no coincidence, the shift supervisor for Santelli was Humberto Gonzalez, who was dating Carmen Nieto, who is Chief Supervisor Alberto Rodriquez's cousin.

41. The acts of Santelli were clearly illegal and of serious public importance, and were being swept under the rug because of her close relationship with Rodriquez, Gonzalez and Nieto.

42. Santelli of no coincidence was a close friend of Chief Juvenile Detention Officer Alberto Rodriguez, who is a high ranked County official.

43. The allegations of the sexual affair resulted in an investigation which found that Mr. Hamilton's allegations were accurate.

44. Thereafter, Santelli appeared at the Youth House with an attorney and resigned, and permitted to do so in "good standing."

45. After the vents, Rodriquez approached Mr. Hamilton and threatened him by stating: "You are lucky I still like you."

46. Though Santelli was permitted to resign in lieu of termination, Mr. Hamilton endured great retaliation, ultimately leading to his termination in March 13, 2007.

47. Interestingly, Mr. Hamilton was not notified of his termination until January 26, 2008 by Finale Notice - Personnel Action Form in the mail, and was not permitted to resign but was subjected termination.

48. The retaliation was under no uncertain terms a direct order from the County officials involved with incident in which Mr. Hamilton reported the sexual incident between Santelli and the juvenile.

49. Due to Mr. Hamilton's complaints of unlawful sexual acts by members of the County, Mr. Hamilton was scrutinized, treated unfairly, and was not given the same consideration as other employees.

50. Mr. Hamilton became the target of unjustified and illegal discipline and daily harassment.

51. In fact, prior to Mr. Hamilton's injury, report of the illegal housing for the suicide youth, and report of the unlawful sexual affair, he was an exemplary employee with no disciplinary history.

52. Mr. Hamilton did the right thing at all times, and now has been terminated because of his

53. In fact, when Mr. Hamilton returned to work in 2006, he was the senior juvenile officer, and had put in for a job change into the Adult Corrections facility.

54. Mr. Hamilton was to report and take a psychological exam despite just having taken an exam and being permitted to return by the County's doctors.

55. Mr. Hamilton was denied the promotion, despite being qualified.

56. Mr. Hamilton was never offered any additional training that other officers were given, which would have assisted in his request for a promotion.

57. Other officers in the meantime who had the favor of management were promoted such as Tasha Sherrod, and Michelle Nascimento.

58. Mr. Hamilton was passed over in his promotion by less experienced employees, Annette Rodriguez who had resigned her position, and then returned as provision when she was appointed.

59. Other employees with much greater offenses and violations were not terminated for their actions, such as Juvenile Detention Supervisor Armando Burgos, Officer Leonard Spiers, Officer Coletta Wright, Officer Brian Koon, and Officer Allen Spicer.

60. The County acknowledged and were fully aware of Mr. Hamilton's situations, yet did wrongfully terminate, harass, retaliate and discriminate against Mr. Hamilton.

61. Additionally, Mr. Hamilton notified the County of unlawful occurrences by other employees and became the subject of additional retaliation and ultimately was terminated.

62. Plaintiff was never afforded the protections of other employees who did not suffer from a disabling knee injury, depression or who rightfully reported illegalities occurring within the County.

63. The County has not implemented an effective anti-harassment/discrimination policy which identifies the illegality of discriminating against persons of disability.

64. The County has failed to adequately train its employees, supervisors and department heads effective anti-harassment and retaliation policies and control.

65. The County has not provided to its employees training, seminars or instruction on anti-Discrimination of persons of disability, or anti-retaliation policies.

66. The County has not designated an anti-discrimination and/or retaliation administrator to implement and monitor discrimination and/or retaliation in the work place.

67. The County has not designated an anti-harassment/discrimination administrator for employees who are victims of unlawful discrimination to report such acts so that the employee is afforded remedial protections from re-occurring harassment and/or retaliation.

68. As a result of the unlawful actions of Defendant, Plaintiff demand monetary compensation, as well as a return to his position in the County.

### CLAIMS FOR RELIEF

#### COUNT ONE

(New Jersey Law Against Discrimination – Disability)

69. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

70. By reasons of the facts and circumstances asserted above, Plaintiff was discriminated, harassed and retaliated against because of his disabilities.

71. The discrimination and retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

72. Although the Defendant knew or should have known of the discrimination and retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendant failed to take any corrective measures to stop the harassment, discrimination and retaliation in violation of the Law Against Discrimination.

73. These illegal actions were committed by Plaintiff's supervisors, and as a direct result of his disabilities. The conducted complained of would not have occurred but for Plaintiff being disabled.



74. The foregoing actions on the part of Defendants constituted unlawful discrimination based upon Plaintiff's disabilities.

75. The foregoing actions were knowing, willful, and deliberate with a total lack of regard to Plaintiff and in complete disregard to the sensibilities and an abuse of authority against Plaintiff.

76. Defendant has engaged in behavior that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et al. and have thereby irreparably injured Plaintiff.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

COUNT TWO

(VIOLATION OF N.J.S.A. 34:15-39.1.)

77. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

78. By reasons of the facts and circumstances asserted above, Plaintiff was discriminated against, harassed, and retaliated against because of his filing of a workers compensation claim and or notifying his employer ("the County") of such claim.

79. The discrimination, harassment, and retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

80. Although the Defendant knew or should have known of the discrimination, harassment and retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendant failed to take any corrective measures to stop the discrimination, harassment and retaliation in violation of the N.J.S.A. 34:15-39.1.

81. Defendant unlawfully harassed Plaintiff in retaliation for, and directly and causally related to, Plaintiff's making or initiating claims for workers compensation benefits and for the purpose of intimidation and harassment of Plaintiff.

82. Defendant's act of retaliatory discrimination and termination was in violation of N.J.S.A. 34:15-39.1.

83. As a result of Defendant's retaliatory discrimination and termination of Plaintiff, he has suffered damages, including lost income, fringe benefits, emotional distress, and physical illness and discomfort caused or aggravated by the emotional distress.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

### COUNT THREE

(Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al)

84. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

85. The retaliation were so severe and pervasive that any reasonable person in Plaintiff's position would have found the working environment to be hostile and abusive.

86. Although the Defendants knew or should have known of the retaliation suffered by Plaintiff, the abusive and hostile work environment continued, and Defendants failed to take any corrective measures to stop the retaliation in violation of the Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al.

87. New Jersey's Conscientious Employee Protection Act ("CEPA"), NJSA 39:19-3, prohibits, among other things, retaliation against an employee who discloses an "activity, policy or practice of the employer...that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to a law."

88. The conducted complained of would not have occurred by for Plaintiff notifying Defendant of his refusal to "cover up" the sexual relationship.

89. These illegal actions were committed by Plaintiff's supervisors, and as a direct result of reporting the illegal activities of other employees who were closing aligned, friends or had a special relationship with County supervisors.

90. The foregoing actions on the part of Defendants constituted unlawful retaliation based upon Plaintiff's disclosure and refusal to perform unlawful activities.

91. Clearly the actions reported by Plaintiff were of great public importance and resulted in concerns with the County to the point Plaintiff was terminated under pretextual reasons.

92. The foregoing actions were knowing, willful, and deliberate with a total lack of regard to Plaintiff and in complete disregard to the sensibilities and an abuse of authority of Plaintiff.

93. Defendants have engaged in behavior that violates the Conscientious Employee Protection Act, N.J.S.A. 39:19-1, et al, and have thereby irreparably injured Plaintiff.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

#### COUNT FOUR

(VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT "NJCR")

94. Plaintiff repeats and realleges each and every allegation set forth above, as if set forth at length herein.

95. Defendants' conduct as set forth herein constitutes discrimination, harassment and retaliation in violation of the New Jersey Civil Rights Act.

96. The illegal, unconstitutional and discriminatory acts of the Defendants constituted acts of a *de facto* policy to discriminate, harass, and retaliate against Plaintiff. The actions of the Defendants aforesaid also represent a *de facto* policy to deny Plaintiff his rights to equal protection, employment. All of these violations contravene Plaintiff's constitutional rights under the New Jersey State Constitution including, but not limited to, Article I, Section 1; Article I, Section 5 - denial of rights; and Article I, Section 7 and the New Jersey Civil Rights Act (N.J.S.A. 10:6-2).

97. Each individual Defendant was acting at all relevant times in furtherance of his/her employer to further the following actions, which are not all inclusive, but provide an example:

(a) Plaintiff was forced to undergo a sham hearing for his employment, and was ultimately terminated due to a finding of "excessive lateness."

(b) Plaintiff was denied continued employment opportunity.

(c) Plaintiff was denied hiring as an adult corrections officer.

98. Plaintiff's employment, reputation, livelihood and relationships have been taken from him.

99. As a result of the aforesaid conduct, Plaintiff has been damaged, including violation of his civil rights, loss of income, and has suffered severe emotional pain and suffering.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

COUNT FIVE

(FICTITIOUS DEFENDANTS)

100. Plaintiff repeats and reasserts all allegations above as if fully set forth at length herein.

101. John Does 1-5 are liable for the acts or omission of some or all of the Defendant's actions, as well as its employees.

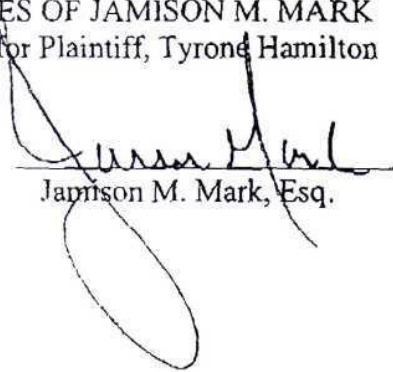
102. To the extent that Defendant is found liable, in whole or in part, with regard to the matters alleged herein, or any other relief is granted as to them, John Does 1-5 shall also be liable, and such relief should also be afforded against them, to the extent that they are reasonable for the acts or omissions of one or more of those Defendants.

103. Plaintiff is unaware of who the actual person(s) of upper management were who made the ultimate determination to harass, retaliation and discrimination against Plaintiff, other than those identified herein.

**WHEREFORE**, Plaintiff demands judgment against all Defendants, for Compensatory Damages, for the violation of rights, for emotional distress, for pain and suffering; Punitive Damages; Other such Equitable relief; Pre and Post Judgment Interest; and Attorney's Fees and Costs.

RESPECTFULLY SUBMITTED,

LAW OFFICES OF JAMISON M. MARK  
Attorney for Plaintiff, Tyrone Hamilton

  
Jamison M. Mark, Esq.

Dated: