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<p>JOY TOZZI,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF ROBBINSVILLE; DAVID L. FRIED; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals);</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT & DEMAND FOR TRIAL BY JURY; FIRST DEMAND FOR PRODUCTION OF DOCUMENTS AND FIRST SET OF INTERROGATORIES DIRECTED TO ALL DEFENDANTS</p>
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Plaintiff Joy Tozzi (“Plaintiff”), by way of Complaint against Defendant Township of Robbinsville (“Defendant Robbinsville” or “the Township”), and Defendants ABC Corporations 1-5 (fictitious names describing presently unidentified business entities) (along with “Defendant Robbinsville,” collectively referred to as “Corporate Defendants” or “the Township Defendants”), Defendant Mayor David L. Fried (“Defendant Fried”), and Defendants John Does 1-5 (fictitious names describing presently unidentified individuals) (along with “Defendant Fried,” collectively referred to as “Individual Defendants”) (all collectively “Defendants”), alleges as follows:

INTRODUCTION

Plaintiff, a whistleblower, was terminated from her position with the Township Defendants in brazen violation of New Jersey’s broad and liberally construed Conscientious Employee

Protection Act, N.J.S.A. 34:19-1, et seq. (hereinafter referred to as the “CEPA”). Prior to her unlawful termination, Plaintiff was in the employ of the Township for over fifteen (15) years, during which time she demonstrated exemplary levels of performance. She rose through the ranks from a Constituent Relations Specialist to a Human Resources Generalist and then Assistant Township Administrator and Township Administrator. However, after Plaintiff complained about numerous instances of unlawful conduct, Defendants subjected her to severe instances of retaliation in blatant violation of CEPA. Specifically, Plaintiff objected to (1) sexual harassment by Councilperson Ron Witt (“Mr. Witt”) towards Plaintiff and other employees, and (2) unlawful hiring practices implemented by Defendant Fried. Defendants, in turn, subjected Plaintiff to severe and pervasive instances of retaliation, culminating in her unlawful termination on October 23, 2023.

By way of example but not limitation, Plaintiff was (1) subjected to accusations of “mental instability”; (2) threatened with termination of her employment; (3) targeted by Defendant Fried; (4) expelled from the premises and threatened with criminal charges; (5) deprived of pay she was entitled to; and (6) terminated. Defendants outrageously ousted Plaintiff without providing so much as non-retaliatory pretext, in clear violation of CEPA, all because she complained about conduct she reasonably believed to be unlawful. Such conduct is reprehensible, particularly towards a longtime Township employee such as Plaintiff who demonstrated exemplary work performance and earned numerous promotions over the course of her employment with Defendants.

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

PARTIES

1. Plaintiff is a fifty-three (53) year-old individual and domiciliary of the State of New Jersey presently residing in Hamilton, New Jersey. At all times relevant hereto, Plaintiff was employed by Defendant Robbinsville as Township Administrator of the Township of Robbinsville.

2. Defendant Robbinsville is a body politic of the State of New Jersey, and has its principal office located at 2298 Route 33, Robbinsville, NJ, 08691. At all times relevant hereto, Defendant Robbinsville is a single and/or joint “employer” as defined under the CEPA and directly employed Plaintiff and Individual Defendants.

3. Defendant Fried, at all times relevant hereto, is the Mayor of the Township of Robbinsville employed by the Township Defendants and a domiciliary of the State of New Jersey. This claim is brought against Defendant Fried in his individual capacity and as an agent of Corporate Defendants. Defendant Fried is named as a Defendant in this litigation because of his role in aiding, abetting, and inciting Defendants’ retaliation against Plaintiff. At all times relevant hereto, Defendant Fried is an “employer” as defined under CEPA.

4. Upon information and belief, Defendants ABC Corporations 1-5 are currently unidentified business entities that acted in concert with the Township Defendants and/or currently unidentified business entities responsible for the creation and/or implementation of anti-retaliation policies of the Township Defendants, and/or currently unidentified business entities that may have liability for the damages suffered by Plaintiff under any theory advanced herein.

5. Upon information and belief, Defendants John Does 1-5 are currently unidentified individuals who have acted in concert, aided and abetted, were complicit in, engaged in, and/or encouraged conduct with regard to the instant matter and/or were responsible for the creation and/or implementation of anti-retaliation policies of the Township Defendants and are currently

unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

FACTS COMMON TO ALL CLAIMS

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

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

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

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

10. The Township Defendants claim, at all times relevant hereto, that they had in effect at their facilities and locations within the State of New Jersey policies prohibiting an employee from suffering retaliation for disclosing to supervisors or managers of Township Defendants any

conduct engaged in by the company or a co-worker which an employee reasonably believes is or was a violation of the Township Defendants' company policies.

11. In or about February 2008, Plaintiff commenced employment with Defendants as a Constituent Relations Specialist at the Township. Plaintiff performed her job in an exemplary fashion. As a result, she rose through the ranks throughout her years of employment, ultimately being promoted to Township Administrator in 2013.

12. Throughout her employment, Plaintiff performed her job responsibilities competently and diligently, loyally dedicated to Township Defendants and the members they serve.

13. Unfortunately, after Plaintiff began reporting impropriety such as brazen sexual harassment and unlawful hiring practices, she was met with stark and forceful retaliation.

A. Plaintiff Reports Mr. Witt's Excessive Drinking And Sexual Harassment.

14. In or around November 2021, multiple Defendant Robbinsville staff members reported Mr. Witt's inappropriate behavior in the workplace; namely, his excessive drinking and sexual harassment of both female and male employees. As a result of their concern in that regard, staff members had discussions with Defendant Fried through at least February 2022 at which time they complained about Mr. Witt's drinking problem and sexual conduct in the workplace.

15. To be clear, Plaintiff was among many victims subjected to Mr. Witt's campaign of egregiously unlawful conduct.

16. Indeed, on numerous occasions, Mr. Witt referred to Plaintiff as "DG," short for "Diamond Girl," alluding to the supposed shape of a woman's private area. Mr. Witt himself had the audacity to explain this demeaning insult to Plaintiff.

17. Furthermore, and outrageously, Mr. Witt used the police force as his personal taxi service during his many episodes of intoxication.

18. Upon being subjected to harassment herself and learning of these various reports about Mr. Witt's intolerable conduct, Plaintiff reported same to the Mayor, Defendant Fried, and to various Council members. Specifically, she insisted in a text message to Defendant Fried that they discuss Mr. Witt on or about November 3, 2021, and also complained to various Council members thereafter as well.

19. Additionally, Plaintiff advised Defendant Fried as to Mr. Witt's refusal to take responsibility for his drinking and his harassing behavior.

20. As a result of her reporting in that regard, Defendant Robbinsville launched an investigation into Mr. Witt's unlawful conduct. Plaintiff was interviewed as part of said investigation.

21. Ultimately, the investigation substantiated Mr. Witt's unlawful conduct. Nonetheless, even after the conclusive investigative report and a thorough investigation substantiated Plaintiff's complaint, the Township Defendants took no further action to discipline or otherwise punish Mr. Witt in any way, shape or form.

22. Evincing the inexcusable lack of discipline directed to Mr. Witt following the aforementioned damning investigatory report concerning his unlawful acts, Defendant Fried specifically disclosed to Plaintiff that Mr. Witt was his "best friend." Notably, rather than going through the appropriate channels and taking affirmative steps to rectify Mr. Witt's reprehensible conduct, Defendant Fried overstepped the bounds of professionalism by seeking to dissuade Mr. Witt from offending further by offering to quit drinking with him.

23. Despite Plaintiff's complaints, Mr. Witt refused to quit drinking and, instead, agreed to refrain from running for Council for another term in two (2) years.

24. Nevertheless, the Township Defendants' inaction, even in the face of clear sexual

harassment and impropriety, would only serve to foreshadow the retaliation to which Plaintiff would be subjected later in her tenure with Defendant Robbinsville.

B. Defendant Fried Forces Plaintiff To Hire Ms. Spilatore Who, In Turn, Utterly Neglects Her Job Responsibilities.

25. Following the Township Defendants' refusal to take any action addressing Mr. Witt's unlawful conduct, in or around January 2023, Defendant Fried directed Plaintiff to interview Danielle Spilatore ("Ms. Spilatore"). However, Plaintiff knew Defendant Robbinsville did not possess the budget or have an open position available for Ms. Spilatore and, as such, advised Defendant Fried of same.

26. Despite Plaintiff's concerns in that regard, Defendant Fried emphatically insisted that Plaintiff hire Ms. Spilatore as her direct report in an Asset Manager position.¹ In fact, Defendant Fried was so ruthless in his attempts to pressure Plaintiff into hiring Ms. Spilatore for said position that he reprimanded Plaintiff and constructed a false narrative about her having emotional issues.

27. In the midst of Plaintiff being directed to hire Ms. Spilatore, Defendant Fried initiated an investigation into Plaintiff for said "emotional issues." As a cover for his blatantly retaliatory investigation calculated to tarnish Plaintiff's stellar reputation, Defendant Fried claimed he was also initiating an investigation into himself. To date, Plaintiff has yet to see or be apprised of the findings of the "investigation" into her or Defendant Fried.

28. Ultimately, Plaintiff had no choice but to acquiesce to Defendant Fried's vehement directives to hire Ms. Spilatore, with her employment to commence on or about May 1, 2023.

¹ A review of Defendant Robbinsville's website indicates that Ms. Spilatore's current position is Administrative Coordinator.

Notably, in her position, Ms. Spilatore was set to receive a salary of \$60,000.00 plus benefits, a sum far higher than other employees in comparable positions.

29. Upon the commencement of Ms. Spilatore's employment, Defendant Fried provided Plaintiff with virtually no guidance as to Ms. Spilatore's role. As a result, Plaintiff was forced to take it upon herself to train Ms. Spilatore and assign her valuable courses and substantive projects to handle.

30. Unfortunately, Ms. Spilatore was entirely uncooperative with respect to same. In fact, Ms. Spilatore demonstrated no interest in performing any work at all. Rather, Ms. Spilatore treated her job with the Township as a vacation. By way of example, Ms. Spilatore:

- a. Arrived to work and left work as she pleased;
- b. Handled personal matters, including her own real estate business, during work hours with her office door closed;
- c. Took extraordinarily long breaks;
- d. Requested an inordinately large number of days off; and
- e. Requested of Defendant Fried that Plaintiff not assign her any work.

31. Ms. Spilatore's poor performance compelled multiple department heads and staff members to complain about her. In addition, Council members expressed their disappointment in Ms. Spilatore's lack of work ethic as well.

32. Interestingly enough, even Defendant Fried acknowledged Ms. Spilatore's lackluster work performance, admitting to Plaintiff Defendant Robbinsville would have to lay her off by the end of the year.

33. On or about September 11, 2023, Ms. Spilatore reached out to Plaintiff about using either her sick days or unpaid days off for vacation time in November 2023. However, Ms. Spilatore had already exhausted her allotted time off for the year.

34. Accordingly, Plaintiff advised Ms. Spilatore she could not take additional days off. In response to Plaintiff reiterating Defendant Robbinsville's policy, Ms. Spilatore resigned the very next day.

35. When Plaintiff informed Defendant Fried of Ms. Spilatore's resignation, he responded, "Thank God, our problem's solved. We won't have to lay her off."

36. Upon information and belief, at the time that Ms. Spilatore resigned from her employment with Defendant Robbinsville, she was unaware that her planning board seat was contingent on her remaining employed by Defendant Robbinsville. Accordingly, Ms. Spilatore repeatedly contacted Defendant Robbinsville in an attempt to remain in her seat on the planning board.

37. Plaintiff, in turn, consulted with Defendant Fried for advice with respect to same.

38. Rather than provide same, however, Defendant Fried instead demanded Plaintiff rehire Ms. Spilatore on a part-time basis, and with benefits.

39. Notably, while there was an open position in the clerk's office at the time, the clerk adamantly refused to work with Ms. Spilatore and stated she would quit if Ms. Spilatore assumed the position.

40. Even though there were no other available positions, and in spite of Ms. Spilatore's demonstrably poor work ethic, Defendant Fried demanded Plaintiff "*find something for her [referring to Ms. Spilatore] to do.*"

C. **Plaintiff Refuses to Comply With Defendant Fried's Illegal Directive, And Finds Herself Subjected To A Torrent Of Retaliation, Leading To Her Termination.**

41. In considering the prospect of Ms. Spilatore returning to Defendant Robbinsville as an employee, Plaintiff feared potential harm to Defendant Robbinsville, Defendant Fried's image, and negative repercussions to her own professional reputation if she were to rehire Ms. Spilatore, especially considering the illegal and unethical nature of Defendant Fried's directive as to Ms. Spilatore

42. Specifically, Plaintiff was gravely concerned about rehiring an employee who performed little to no work for the Township for five (5) months while earning a salary of \$60,000.00 a year plus benefits, effectively stealing from the taxpayers.

43. Therefore, Plaintiff ultimately refused to rehire Ms. Spilatore. In doing so, she cited to the aforementioned issues with Ms. Spilatore's work performance.

44. In direct response to her objection, on or about September 23, 2023, multiple Council members falsely accused Plaintiff of "mental instability." Some Council members even threatened Plaintiff's employment with the Township.

45. Escalating the retaliation to a boiling point, Defendant Fried called Plaintiff on or about September 25, 2023 and pressured her to acquiesce to his aforementioned wishes. Indeed, Defendant Fried condescendingly insinuated Plaintiff had mental problems, and suggested she take more time off to remedy same. In no uncertain terms, Plaintiff directed Defendant Fried to stop insinuating that she was mentally unstable. Defendant Fried's call to Plaintiff caused her severe mental anguish and, in turn, caused her to fear for her job.

46. As a result, Plaintiff felt she had no choice but to negotiate the terms of a possible resignation. Plaintiff, therefore, engaged in negotiations with respect to same, which Defendant Fried ultimately sabotaged and derailed.

47. Specifically, during the week of September 29, 2023, while Plaintiff was in the midst of negotiating her exit from Defendant Robbinsville, Defendant Fried forced her to pack her bags, banned her from the premises, and directed her to assume a full workload from home.

48. Frustrated with the negotiations, Plaintiff ultimately withdrew her offer of resignation on October 20, 2023. Specifically, Plaintiff emailed Township attorney Arthur R. Thibault, Esq. (“Mr. Thibault”), and expressed in no uncertain terms she was *remaining* in her position. A true and accurate copy of her email is reproduced below:

Art,

Please be advised that effective immediately, I am revoking any and all offers to resign from my employment with the Township of Robbinsville. In addition, any future inquiries and/or correspondence regarding the foregoing should be directed to my legal counsel, R. Armen McOmber, Esq. and Austin B. Tobin, Esq. of McOmber McOmber & Luber, P.C. Thank you.

Joy

49. Plaintiff’s declaration she was remaining in her position only emboldened the Township Defendants to double down on their retaliation against Plaintiff.

50. Specifically, a mere three (3) days later, on October 23, 2023, Plaintiff reported to an in-person budget meeting. Upon arriving, Defendant Robbinsville’s Chief of Police approached Plaintiff and advised her that *Defendant Fried did not want her in the building, and she would be criminally charged with trespassing if she did not comply with his directive.*

51. Shortly thereafter, Defendant Fried served Plaintiff with an official letter of termination. Defendant Fried’s October 23, 2023 termination letter reads as follows:

Date: October 23, 2023

To: Joy Tozzi, Township Administrator

From: Mayor David Fried

Re: Removal from employment

This is to advise that, consistent with my authority and your status as an at-will employee, you are hereby removed as Township Administrator, such removal being effective 90 days from today's date, or January 21, 2024. During the 90-day period, you shall not report to work, but you will be paid your current salary. Please arrange with Roger Fort within the next 24 hours for the return of all property of the Township, including access keys and fobs, two laptop computers, printer, the Township vehicle, and any other property of the Township. You shall also arrange with Roger Fort access to the building for the purpose of removal of any personal property within the Township office.

If you wish to be heard as to why you should not be removed from your position as Administrator, please contact my office and we will arrange a date.

D. The Township Defendants Continue Retaliating Against Plaintiff, Even After They Unceremoniously Terminate Her Employment.

52. Following her abrupt and blatantly unlawful termination, in or about December 2023, the Township Defendants ceased paying Plaintiff, even though Plaintiff was statutorily entitled to continue receiving compensation through January 21, 2024, as further indicated in Defendant Fried's above-referenced correspondence.

53. After Plaintiff complained about same, Mr. Thibault dispatched an email on December 26, 2023 to the undersigned falsely alleging Plaintiff "resigned" and "consequently, she is not eligible for pay."

54. Plaintiff did not resign, as evidenced by the plain language of Defendant Fried's October 23, 2023 communication to Plaintiff.

55. Furthermore, Defendant Fried embarrassed and humiliated Plaintiff by confronting her at a League of Municipalities meeting with staff, just before she was to present to five hundred (500) people. There, Defendant Fried demanded Plaintiff answer his messages and return his phone calls. He insisted on knowing whether he should tell people Plaintiff quit or was fired. Defendant

Fried's brazen attack was a clear effort to publicly humiliate Plaintiff and intimidate her just prior to delivering an important presentation, all in retaliation for engaging in protective activity concerning his unlawful directives.

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

57. As a direct result of the joint and several acts and omissions of the Township Defendants, Individual Defendants, John Does (1-5), and ABC Corporations (1-5), Plaintiff has been and continues to suffer non-economic damages in the form of humiliation, stress, and anxiety, causing her mental and emotional anguish and dysfunction and physical manifestations of same, including but not limited to, nightmares, inability to sleep, weight loss, headaches, panic attacks, crying, negative thoughts, nervousness, anxiousness, anxiety attacks, upset stomach, and stomach pains, all or some of which may be permanent.

COUNT ONE

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

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

59. New Jersey's CEPA Law, N.J.S.A. 34:19-1 et seq, provides in pertinent part that:
An employer shall not take retaliatory action against an employee because the employee does any of the following:

- c. objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law;
 - (2) is fraudulent or criminal; or

- (3) is incompatible with a clear mandate of public policy or practice concerning the public health, safety, welfare or protection of the environment

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

61. Plaintiff objected to Mr. Witt's inappropriate behavior in the workplace, including his excessive intoxication and sexual harassment. Furthermore, Plaintiff complained about and refused to follow Defendant Fried's directives to engage in what she reasonably believed to be unlawful hiring practices.

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

63. Shortly after making her disclosures, Plaintiff was subject to retaliation in the form of a retaliation and termination.

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

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

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

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

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

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

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

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

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

COUNT TWO

RETALIATION IN VIOLATION OF PUBLIC POLICY

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

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

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

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

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

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

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Joy Tozzi

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

Dated: July 17, 2024

DESIGNATION OF TRIAL COUNSEL

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

CERTIFICATION

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

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

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Joy Tozzi

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

Dated: July 19, 2024

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<p>JOY TOZZI,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TOWNSHIP OF ROBBINSVILLE; DAVID L. FRIED; ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities); and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MERCER COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">PLAINTIFF’S FIRST SET OF INTERROGATORIES, FIRST DEPOSITION NOTICES, AND FIRST NOTICE TO PRODUCE TO DEFENDANTS</p>
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PLEASE TAKE NOTICE that, McOmbler McOmbler & Luber, P.C., attorneys for Plaintiff, Joy Tozzi (“Plaintiff”), demand that Defendants Township of Robbinsville, and David L. Fried (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with Rule 4:17-4(c) and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to Rule 4:17-7. Both the Document Request and Interrogatories shall be continuing so as

to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

DEFINITIONS

1. “Plaintiff” shall mean, individually and collectively, each Plaintiff identified in the above-captioned action. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

2. “Defendant Robbinsville” shall mean the Township of Robbinsville and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Fried” shall mean David L. Fried, Defendant in the above-captioned action.

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

5. The term “Corporate Defendant(s)” or “Township Defendants” shall individually and collectively mean any Defendant company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

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

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

8. “Entity” shall mean any company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

9. “Person” shall mean any natural Person, partnership, corporation, or other business entity and all present and former officers, directors, agents, employees, attorneys and others acting or purporting to act on behalf of such natural Person, partnership, corporation or other business entity.

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

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

12. The term “Answer” shall mean any Answer to the Complaint filed by any party in this Action, which specifically includes all Affirmative Defenses, Denials, and Counterclaims, and was filed with the Court in the above-captioned Action.

13. The term “Investigation” shall mean any investigation, inquiry, analysis, review, examination, research, study, interview, interrogation, and/or collection of evidence, statements (oral or written), and documents.

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

15. “Document” or “documents” is defined in accordance with New Jersey Court Rule 4:18-1 and includes the original and any identical or non-identical copy, regardless of origin or location, of any written, reported, filmed, magnetically stored, or graphic matter, or record of any type or description, whether produced, reproduced, or producible on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including, but not limited to,

memoranda, notes, minutes, records, photographs, computer programs, correspondence, telegrams, diaries, bookkeeping entries, specifications, source code, object code, flow charts, financial statements, charts, studies, reports, graphs, statements, notebooks, handwritten notes, application, feasibility studies, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations or voicemails, emails, inter-office or intra-office communications, handwritten or other notices, diaries, invoices, purchase orders, bills of lading, work papers, and also including, but not limited to, originals and all copies which are different from the original, whether by interlineation, receipt stamp, notation, indication of copy sent or received, or otherwise, and drafts, which are in the possession, custody or control of the present or former agents, representatives, employees, or attorneys of Defendant(s), or all persons acting on Defendant(s)' behalf, including documents at any time in the possession, custody or control of such Individuals or entities who are known by Defendant(s) to exist. Include any catalog, brochure, or any other data compilations from which information can be obtained and translated if necessary, or any other written, recorded, stored, transcribed, punched, taped, filed or graphic matter however produced or reproduced, to which Defendant(s) have or have had access.

16. The term “communication” means any conversation, correspondence, discussion, meeting, message, record of phone calls, or other occurrence in which data, conclusions, information, opinions, or thoughts are exchanged between two or more persons, whether it be written, oral, or electronically transmitted.

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

18. The terms “and,” “or,” and “and/or” shall be construed in both the disjunctive and conjunctive to permit the broadest possible reading of the request so as to bring within the scope

of the request documents and other material that might otherwise be construed to be outside the request.

19. The term “concerning” means concerning, comprising, constituting, containing, commenting on, dealing with, describing, discussing, embodying, evidencing, illustrating, pertaining to, referring to, reflecting, regarding, relating to, responding to, stating, or supporting in any way, either directly or indirectly.

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

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

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

INSTRUCTIONS

1. In addition to the specific instructions enumerated below, the following Document Requests and Interrogatories shall be subject to the New Jersey Rules of Court.

2. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendant(s) must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

3. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and last known place of employment.

4. These Document Requests and Interrogatories shall be deemed continuing in nature so as to require prompt supplementation if, as, and when Defendant(s) obtain additional information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DOCUMENT REQUESTS TO DEFENDANT(S)

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

2. A complete copy of the personnel file Defendant(s) maintained pertaining to

Plaintiff, including, but not limited to, copies of documents (written or electronic) relating to the following: (a) medical records and reports; (b) pay and benefits provided to Plaintiff; (c) attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Plaintiff; (e) job title or job status changes; (f) documents relating to any leave of absence; and (g) employer policy information provided to Plaintiff, if any.

3. Limited portions of the personnel file(s) Defendant(s) maintained pertaining to any Individual Defendant, including, but not limited to, copies of documents (written or electronic) relating to the following: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Individual Defendant; (b) performance evaluations that were conducted for any Individual Defendant; and (c) job title or job status changes for any Individual Defendant.

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

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

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

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

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

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

10. All statements, documents, or communications pertaining to any and all investigations the Township Defendants conducted pertaining to Ron Witt, including any findings.

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

12. All statements, documents, or communications pertaining to any and all investigations the Township Defendants conducted pertaining to Defendant Fried, including any findings.

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

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

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

16. All statements, documents, or communications concerning or made by any Person (including any of Defendant(s)' employees or coworkers) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

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

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

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

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

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

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

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

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

25. All documents Defendant(s) intend to use for any purpose in this litigation, including, but not limited to the data it intends to use in depositions or at trial.

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

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

28. Copies of any and all books, treatises, pamphlets or other printed material upon which Defendant(s) or any experts retained by Defendant(s) will rely, including using as an exhibit at trial.

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

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

31. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Defendant(s)' agents, servants or representatives referring and/or relating to the subject matter of this litigation.

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

33. A written job description for each position held by any Individual Defendant or any employee or agent of Defendant(s) during his/her tenure of employment with Township Defendant(s).

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

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

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

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

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

39. All documents or electronic data relating, reflecting, or referring to Defendant(s) policy or policies concerning employees' use of desktops and/or laptops (whether in office or remote locations) and management, preservation and/or deletion of data on such laptops.

40. All documents or electronic data relating, reflecting, or referring to Defendant(s) ability to restore archived electronic data relating to the Plaintiff's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

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

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

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

INTERROGATORIES TO DEFENDANT(S)

1. State with specificity each and every legitimate, non-retaliatory reason for why Defendants terminated Plaintiff's employment and the factual basis for the same.

2. Identity each and every individual who was involved in the decision to terminate Plaintiff's employment and describe each individual's role and input in the decision.

3. Identity the date, time, and location of any meetings where the decision regarding whether to terminate Plaintiff's employment was discussed and identify each and every individual present at the meeting.

4. Identify each individual(s) who performed any of Plaintiff's job duties and/or responsibilities after his/her termination of employment from Defendants.

5. Indicate whether the individual or individuals certifying these Interrogatory answers had the opportunity to review the typed responses.

6. State the name, last known address, and last known telephone number of all persons who have knowledge of facts relating in any way to this matter and specify the subject matter of each such person's knowledge.

7. State the name, last known address, and last known telephone number for each Individual Defendant.

8. State the name, last known address, and last known telephone number for Ron Witt.

9. State the name, last known address, and last known telephone number for Danielle Spilatore.

10. State the name, last known address, and last known telephone number of all persons who have knowledge of facts relating in any way to this matter and specify the subject matter of each such person's knowledge.

11. State all of the reasons why the Township Defendants investigated Ron Witt.

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

13. State all of the reasons why the Township Defendants investigated Defendant Fried.

14. Describe in detail the findings of any investigation into Ron Witt.

15. Describe in detail the findings of any investigation into Plaintiff.

16. Describe in detail the findings of any investigation into Defendant Fried.

17. State the name, last known address, and last known telephone number of each person whom Defendant(s) may expect to call as a witness at trial and indicate those facts to which each such witness is expected to testify.

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

19. With respect to each proposed expert witness referred to in the preceding Interrogatory, provide the following:

- a. field of expertise;
- b. educational background;
- c. the names of any and all books, periodicals, or other writings that he or she has written or to which he or she has contributed;

- d. the date, time, and place at which any oral opinion was rendered, specifying to whom that opinion was rendered and describing the content of that opinion;
- e. true and accurate copies of any and all written reports or opinions, including drafts;
- f. the name, last known address, last known telephone number, job title, and current employer of each person with whom the expert has met in connection with formulating his or her opinion or preparing his or her report(s);
- g. true and accurate copies of any and all documents that the expert created, obtained, or reviewed in connection with the formulation of his or her opinion or the preparation of his or her report(s);
- h. all tangible things upon which your expert(s) may rely as an exhibit at trial and identify the name and address of the person in whose custody the above identified tangible things are at the present time and;
- i. if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories.

20. With respect to each proposed expert witness referred to in the preceding Interrogatory, set forth in summary form the substance of the opinion to which each is expected to testify, including a summary of grounds for each opinion.

21. Identify the names and addresses of any persons other than those named in the preceding three Interrogatories, who have been retained, specifically employed, or consulted by Defendant(s) in anticipation of litigation or preparation for trial and who may not be called as witnesses at trial, and as to each:

- a. state the subject matter on which he/she was consulted;
- b. state his/her field of expertise;
- c. set forth the full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person. (As to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received);
- d. attach to the answers to these Interrogatories copies of all written reports submitted to you (or detailed resume if report was oral) of each such expert;
- e. state whether or not there are any other reports in existence from the particular experts named, either written or oral (if any such reports, either written or oral, subsequently become known to you, or become available, submit copies thereof of supplemental answers to these Interrogatories);

- f. set forth completely all expert opinions rendered by the named expert(s) which are not in writing;
- g. identify each document that has been relied upon by each expert witness in the formulation of his or her opinion; and
- h. state a summary of the grounds for each opinion.

22. List chronologically each job title held by the Plaintiff while employed by any Defendant(s) indicating the time period during which each position was held.

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

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

25. State whether the Plaintiff was/were ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

26. State whether the Plaintiff was/were ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and

- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

27. List chronologically each job title held by Defendant(s) while employed by any Defendant(s), indicating the time period during which each position was held.

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

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

30. State whether Defendant(s) was/were ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

31. State whether Defendant(s) were ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

32. State the full name of each manager that worked with or oversaw the Plaintiff.

33. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including, but not limited to, who was questioned or interviewed, what was discovered, and what corrective action was taken. Identify those who Defendant(s) contacted or assigned to conduct each specific investigation or inquiry, who was questioned, what was discovered, and what corrective action was taken, to the best of Defendant(s)' knowledge. Provide copies of any examinations, audits, findings, reports, or notices in Individual Defendant(s)' possession.

34. Identify and provide full details concerning any Investigation relating to any denials or defenses asserted in the Answer, including, but not limited to, who was questioned or interviewed, what was discovered, and what corrective action was taken.

35. Identify all persons employed by Defendant(s) who are responsible for Human Resources, personnel matter, training, orientation, and personnel monitoring for the previous five (5) years to the best of Defendant(s)' knowledge.

36. State whether any Defendant(s) received or went through an orientation program when he/she was hired to work at Defendant(s) and describe said program. If so:

- a. provide a description of the system(s) or procedure(s) used for orientation for the past five (5) years; and
- b. identify and produce all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

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

38. In connection with Defendant(s)' response to the preceding Interrogatory, provide full details of such training, including the dates, and provide any written materials used in such training. If the training was provided by a third party, please forward the third party's name,

business address, and last known phone number, together with the third party's qualifications to perform such training.

39. State whether any civil or criminal actions have ever been filed charging Defendant(s) with harassment, discrimination and/or retaliation in the past ten (10) years. This includes, but is not limited to, all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

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

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

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

43. Describe, in detail, the facts and circumstances relating to the method and process by which complaints or Grievances are handled and resolved with the Human Resources Departments (or similar departments) at Defendant(s).

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

45. Are there any documents that Defendant(s) know or believe to be in existence, although not in Defendant(s)' possession or control, that in any way relate to the subject matter of this litigation? If so, identify each such document, set forth the source of Defendant(s)' information or belief regarding the existence of such document, and identify the person or entity in whose possession or control such document is known or believed to be.

46. Have any admissions been made by party or parties propounding these Interrogatories, or any of his/her/its/their agents, servants or representatives concerning the subject matter of this litigation? If the answer to this Interrogatory is in the affirmative, set forth in detail the following:

- a. the time, date and place of each admission;
- b. the content and substance of each admission;
- c. the name and address of each person making an admission;
- d. if the admission was an oral communication, the names and addresses of all persons present when the admission was made;
- e. if the admission was made in a document, attach a copy thereof to Defendant(s)' answers to these Interrogatories;
- f. if the admission was made in an oral communication, describe verbatim, to the extent possible, what was said by each party to such oral communication.

47. Set forth whether Defendant(s) have obtained a statement from the party or parties propounding these Interrogatories. If the affirmative, state:

- a. if written, attach a true copy of the statement;
- b. if oral, set forth a verbatim recitation of the statement and advise whether the statement was recorded, the manner of recording and the person who has custody of the statement; and

c. the date the statement was obtained.

48. Set forth whether Defendant(s) have obtained a statement from any person not a party to this action. If your answer is in the affirmative, state:

- a. Name and address of the person who gave the statement, and date statement obtained;
- b. if written, whether signed by the person;
- c. if oral, name and address of the person who obtained the statement, and if recorded, the nature and present custody of recording;
- d. attach a copy of all said written statements; and
- e. if oral, set forth completely the substance of said statements.

49. Please set forth the existence and contents of any insurance agreement pertaining to the issues in the case, insuring the party answering this Interrogatory. This request is made pursuant to Rule 4:10-2(b).

50. State the policy limits of any insurance policies naming Defendant(s) as an insured which cover the claims in this litigation, along with the name of the insurance carrier and policy number, the amount of any applicable deductible, and, if the claim is being defended under a Reservation of Rights Agreement or letter, attach a copy of said Reservation of Rights Agreement or letter.

51. If the party or parties answering these Interrogatories believes that some person, not a party to this action, is in some way responsible for the injuries and/or damages alleged, please set forth the name and address of such person, and the acts or omissions and address of such person, the acts or omissions of said person which caused the injury or damage, and the facts which support the belief.

52. If the person certifying the answers to these Interrogatories did not answer each and every question, then identify each person supplying information used to answer the above Interrogatories and set forth the numbers of the Interrogatories as to which each such person supplied information.

53. State whether Defendant(s)' agents communicated with any persons or entities that are not parties to this litigation in connection with the subject matter of this lawsuit. For all such communications that were oral, specify the nature and substance of the communication, the date on which it occurred, the place at which it occurred, and the names, last known addresses, and last known telephone numbers of all persons present. For all such communications that were written, provide true and accurate copies of each such communication.

54. State whether at any time, Defendant(s) ever taped and/or digitally recorded any communication with the Plaintiff, whether face-to-face or telephonic. If so, describe in detail, including but not limited to:

- a. the identity of each Defendant(s) recorded;
- b. the date, time, place, and manner in which you recorded the communications;
- c. the substance of the recorded communications;
- d. the device used for making such recordings; and
- e. whether you obtained consent to tape or record such communications. Provide any such recordings.

55. Set forth in detail, to your knowledge, all notices and warnings received by the Defendant(s) over the past five (5) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline your operations, and/or your employees.

56. Describe, in detail, any complaints to, investigations by, and/or inquiries by the New Jersey Department of Labor with regard to any employment matter concerning Defendant(s) for the past five (5) years. Identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

57. Describe in detail Defendant(s)' ability to restore archived electronic data relating to the Plaintiff in this matter's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported, or printed.

58. Describe, in detail, Defendant(s)' ability to restore archived electronic data relating to the employment of Defendant(s) contained on electronic media such that upon restoration it may be accessed, viewed, exported, or printed.

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

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

61. Describe, in detail, any investigation, determination and/or disciplinary actions taken by Defendant(s) relating to any of the parties in this action in the past ten (10) years.

62. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) reprimanded or disciplined Plaintiff while employed at Defendant(s).

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

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

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

INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY

1. Identify every paper, writing, memorandum or document of every kind and description of which Individual Defendant(s) has knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Individual Defendant(s) in any manner in this matter, including, but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present

location of such documents, or in lieu thereof, attach true copies to Individual Defendant(s)'s answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)'s claims/defenses/affirmative defenses, state:

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

2. Identify all email addresses used by Individual Defendant(s) the past five (5) years to send and receive emails and identify the internet service provider affiliated with those email addresses.

3. Identify all cell phone numbers used by Defendant(s) for the past five (5) years as well as carrier and current location of each cell phone. For any such cell phones that are no longer in Individual Defendant(s)' possession, please identify the name and address of the person's whose possession they are in.

4. Has Individual Defendant(s) ever been convicted of a criminal offense? If so, for each of Individual Defendant(s)'s convictions, identify and set forth in detail:

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

DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES

1. All financial statements prepared for the years 2014 through 2024, up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Township Defendant(s).

2. All tax returns filed by the Township Defendant(s) for the years 2014 through 2024, up to and including the present.

3. All documents evidencing assets of the Township Defendant(s).

4. All documents evidencing the Township Defendant(s)' interest in any real estate.

5. All documents evidencing the financial obligations of the Township Defendant(s) and all payments on those obligations.

6. All documents evidencing judgments against the Township Defendant(s) and the amount of those judgments for the years 2014 through 2024, up to and including the present.

7. All documents evidencing bank accounts held by the Township Defendant(s), the location of those accounts, account numbers, and balances of those accounts.

8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Township Defendant(s) for the years 2014 through 2024, up to and including the present.

9. All documents evidencing payments made by the Township Defendant(s) to creditors.

10. All corporate books or any other written memorandum setting forth income received by the Township Defendant(s).

11. All copies of inventories taken by the Township Defendant(s) of its property at any time during the years 2014 through 2024, up to and including the present.

INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)

1. If the Defendant(s) is a corporation, set forth as to each:

- a. The full name of the corporation;
- b. Date of incorporation;
- c. State of incorporation;
- d. All States in which the Defendant(s) conducts its business;

- e. All States in which the Defendants has registered to do business;
- f. The full and correct names and residential address of all stockholders for the last two (2) years;
- g. The number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
- h. Number of shares issued to each of said stockholders;
- i. The full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
- j. All trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
- k. The complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location; and
- l. The name and address of the person who has custody of this corporation's books and records.

2. Is a majority interest in the corporate stock of the Defendant(s) owned by any individual, corporation or holding company?

3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation, or holding company with a majority interest in the Defendant(s):

- a. Name and address;
- b. State of incorporation;
- c. The state in which doing business;
- d. Address of each business office;
- e. The name and address of each current officer or director;
- f. The nature of the business in which engaged.

4. For each facility owned or maintained by the Defendant(s), please state:

- a. The business address;
- b. The names and addresses of all current officers of the facility;
- c. The nature of the business conducted at the facility;
- d. The dates during which the facility has been owned or maintained by the Defendants' employer;
- e. The number of individuals presently employed at the facility.

5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest, and set forth the nature of the interest.

6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.

7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.

8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).

9. List all the physical assets of the Defendant(s) and their location. If any asset is subject to a lien, then state the name and address of the lienholder and the amount due.

10. Does the Defendant(s) own any real estate?

11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:

- a. Name(s) in which property is owned;
- b. Address of property;
- c. Date property was purchased;
- d. Purchase price;
- e. Name and address of mortgage holder, if any;
- f. Balance due on mortgage, if any; and
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

12. List all motor vehicles owned by the Defendant(s) and state the following for each vehicle:

- a. Make, model, and year;
- b. License plate number;
- c. Vehicle identification number; and
- d. If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

13. List all accounts receivable due to the Defendant(s), stating the name, address, and amount due on each receivable.

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

- a. The nature of the asset;
- b. The date of the transfer;
- c. Name and address of the person or entity to whom the asset was transferred; The consideration paid for the asset and the form in which it was paid (check, cash, etc.); and
- d. Explain in detail what happened to the consideration paid for the asset.

15. Set forth all judgments that have been entered against the Defendant(s) and include the following for each:

- a. Creditor's name;
- b. Creditor's attorney;
- c. Amount due;
- d. Name of Court;
- e. Docket number.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Joy Tozzi

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

Dated: July 19, 2024

CERTIFICATION

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on () my personal knowledge and/or () information provided by others. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me:

- 1.
- 2.
- 3.
- 4.
- 5.

Dated: _____, 2024

By: _____

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, whether written or oral, are unknown to me and, if such become later known or available, I shall serve them promptly on the propounding party.

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

Dated: _____, 2024

By: _____

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

PLEASE TAKE NOTICE that pursuant to Rule 4:14-2(c) of the New Jersey Rules of Court, Plaintiff Joy Tozzi through her undersigned counsel, will take the deposition upon oral examination of the corporate representative of Defendant Robbinsville **commencing on December 14, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C. Corporate Defendant(s) is required to designate and produce for deposition a person or persons to testify on its behalf.

PLEASE TAKE FURTHER NOTICE that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Joy Tozzi

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

Dated: July 19, 2024

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

PLEASE TAKE NOTICE that pursuant to the New Jersey Rules of Court, Plaintiff Joy Tozzi, through her undersigned counsel, will take the deposition upon oral examination of Defendant David L. Fried **commencing on December 15, 2024, at 10:00 AM**, at the law offices of McOmber McOmber & Luber, P.C.

PLEASE TAKE FURTHER NOTICE that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Joy Tozzi

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

Dated: July 19, 2024

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-001407-24

Case Caption: TOZZI JOY VS TOWNSHIP OF ROBBINSVILLE

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

Case Initiation Date: 07/19/2024

Document Type: Complaint with Jury Demand

Attorney Name: AUSTIN B TOBIN

Jury Demand: YES - 6 JURORS

Firm Name: MCOMBER MCOMBER & LUBER, PC

Is this a professional malpractice case? NO

Address: 54 SHREWSBURY AVE

Related cases pending: NO

RED BANK NJ 07701

If yes, list docket numbers:

Phone: 7328426500

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

Name of Party: PLAINTIFF : Tozzi, Joy

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

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

Are sexual abuse claims alleged by: Joy Tozzi? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

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

07/19/2024
Dated

/s/ AUSTIN B TOBIN
Signed

