

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.

15 Mountain Boulevard
Warren, NJ 07059-5686
(908) 757-7800

Attorneys for Plaintiff, Meredith Nelson



MEREDITH NELSON,

Plaintiff,

v.

TOWNSHIP OF OCEAN & STEVEN
GALLAGHER, individually and in his
official capacity as Supervisor,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-001447-19

Civil Action

SUMMONS

THE STATE OF NEW JERSEY,

TO THE ABOVE-NAMED DEFENDANT: **TOWNSHIP OF OCEAN**

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. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) 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 \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

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

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-

5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: April 23, 2019

Michelle M. Smith/s/
Michelle M. Smith
Clerk of the Superior Court

Name of defendant to be served: **Township of Ocean**
Address for service: **c/o Michael F. Muscillo, Township Manager**
399 Monmouth Rd
Oakhurst, NJ 07755

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SUPERIOR COURT OF NEW JERSEY
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DOCKET NO.:

Civil Action

COMPLAINT AND JURY DEMAND

Meredith Nelson residing at 1 Sunnybank Drive, Shrewsbury, New Jersey by way of
Complaint against the Defendants, says:

PRELIMINARY STATEMENT

Plaintiff, Meredith Nelson brings this action against the Township of Ocean (hereinafter the "Township Defendant") and Steven Gallagher (hereinafter "Defendant Gallagher) as a consequence of Defendants' unlawful conduct against Plaintiff in violation of her rights pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq. ("NJLAD") and the New Jersey Family Leave Act ("NJFLA").

PARTIES

1. Meredith Nelson, (hereinafter "Plaintiff) is a resident of the State of New Jersey residing at 1 Sunnybank Drive, Shrewsbury, New Jersey 07702.

2. Township Defendant is located at 399 Monmouth Road, Oakhurst, New Jersey 07755.

3. Defendant Gallagher is an individual who, on information and belief, resides in the State of New Jersey and was employed in the capacity of Director of Finance and Chief Financial Officer ("CFO") for the Township of Ocean at all times relevant to this complaint.

STATEMENT OF FACTS

4. On December 29, 2017, Plaintiff was offered the position of Deputy Director of Finance, a supervisory position within the Township of Ocean's Finance Department.

5. Plaintiff has served as the Township's Deputy Director of Finance since January 22, 2018.

6. In addition, to being the Township's Deputy Director of Finance, Plaintiff holds the position of "Treasurer of School Monies." This position is typically offered to the Township's Deputy Director of Finance but it is not required to be held by Plaintiff.

7. Plaintiff earns approximately \$6,000 annually for this additional responsibility, in this position she is required to reconcile the Township of Ocean's school funds and provide a report to the Board once a month.

8. Plaintiff is fearful if she continues in this role due to the Defendants' continued harassment.

9. Plaintiff left her position as the Director of Finance and Chief Financial Officer of the Township of Hazlet to become the Deputy Director of Finance of the Township of Ocean.

10. Plaintiff was advised by representatives of the Township Defendant Gallagher was planning to retire and upon his retirement she would become the Director of Finance and Chief Financial Officer.

11. Prior to the start of Plaintiff's employment with the Township Defendant she heard Defendant Gallagher had a reputation for being "unprofessional."

12. Plaintiff's pre-employment concerns became a bad reality almost immediately after her employment began.

13. Defendant Gallagher regularly refers to female employees he does not like in a disparaging manner, mocking their physical appearances by talking about their "kankels" by way of example.

14. Defendant Gallagher also calls women in the workplace derogatory terms, such as "bitch" especially when referring to the Township's Director of Administrative Services.

15. Plaintiff and other employees witnessed Defendant Gallagher re-enact a man beating his girlfriend while laughing about it. This was during the highly publicized Kansas City Chiefs Kareem Hunt incident in December 2018 that was similar to Ray Rice's elevator assault of his fiancée.

16. Gallagher's "re-enactment" occurred in a public hallway in front of the Finance Department.

17. Plaintiff found this especially abhorrent as she was the victim of a physical assault by an ex-boyfriend in 2002.

18. In defending his behavior towards female employees, he once told Plaintiff that he has no problem with working with females as he "once had a woman boss" while working at a mortgage company.

19. Plaintiff first complained to the Township Defendant on August 7, 2018, because Defendant Gallagher berated her for taking a few personal days to care for her husband who had been hospitalized with sudden and unexpected cardiac issues.

20. Defendant Gallagher interfered with Plaintiff's request to take personal days to care for her husband by purposefully ignoring her requests and criticizing her for taking the time off to care for her husband.

21. Plaintiff reported Defendant Gallagher's behavior to the Township Manager Michael Muscillo (hereinafter "Mr. Muscillo").

22. At the meeting, Mr. Muscillo attentively listened to Plaintiff but did not appear to take any notes during the meeting.

23. Mr. Muscillo advised Plaintiff "to hang in there," "to not quit," and that he wanted her to "stay the course" to take over the Finance Department upon Defendant Gallagher's retirement. Despite an affirmative requirement set forth in the "handbook" to investigate, Mr. Muscillo did nothing.

24. Defendants retaliated against Plaintiff following the first report by sending her for a "pre-employment" drug test. At this time, Plaintiff had been employed by the Township Defendant for over six months.

25. Defendant did not conduct any investigation into her first complaint.

26. Defendant Gallagher regularly tells co-workers that they are his "number one" while giving them the middle finger.

27. Defendant Gallagher hovers closely over Plaintiff in her chair to "show" her items on her computer despite her having expressed that he is invading her personal space.

28. One colleague who witnessed Defendant Gallagher's intimidating and harassing behavior asked Plaintiff whether he "could get any more in her lap."

29. Defendant Gallagher repeatedly berated another female employee in the Finance Department for taking time off for a major medical procedure in the presence of Plaintiff.

30. On January 7, 2019, Plaintiff again met with the Mr. Muscillo, she was contemplating quitting due to the continued hostile work environment she was experiencing as a consequence of her gender, and the continued inaction by the Township Defendant to rectify the situation.

31. This time, Mr. Muscillo actively took notes and said that he would address the issues with Defendant Gallagher.

32. On two separate occasions, the Plaintiff reported Defendant Gallagher's abhorrent behavior to Mr. Muscillo who begged her not to quit. At all relevant times, the Township Defendant failed to remedy Defendant Gallagher's conduct.

33. Unfortunately, following this discussion between Mr. Muscillo and Plaintiff Defendants engaged in additional retaliation.

34. Defendant Gallagher ceased all communications with Plaintiff. Gallagher's discriminatory and hostile actions were adverse to Plaintiff's employment effectively demoting her to a staff person.

35. Defendant Gallagher's retaliatory and hostile behavior was purposeful, malicious, and an abuse of his supervisory authority delegated to him by the Township. The Township Defendant throughout Defendant Gallagher's tenure and throughout Gallagher's tenure as Plaintiff's supervisor delegated the supervisory authority and responsibility to control Plaintiff's work environment. Defendant Gallagher abused that authority in violation of the NJLAD with the consent of the Township Defendant.

36. Following Plaintiff's January complaint upon information and belief Defendant Gallagher purposefully, and maliciously with the consent and support of the Township developed a "performance improvement plan" for Plaintiff in an effort to falsely justify his

actions and terminate Plaintiff's employment.

37. Defendant Gallagher intentionally failed to acknowledge Plaintiff's existence in retaliation for her reporting his unlawful behavior to Mr. Muscillo. The Township consented to and authorized Defendant Gallagher to abuse his supervisory authority in order to retaliate against Plaintiff and maintain a hostile environment.

38. Defendant Gallagher ignored Plaintiff's efforts to work collaboratively with Gallagher in order to perform the functions of her position. The Township Defendant consented to and authorized Defendant Gallagher to abuse his supervisory authority in order to retaliate against Plaintiff and maintain a hostile environment.

39. Defendant Gallagher is a serial abuser of the New Jersey pension system, he holds multiple other CFO or other municipal positions as reported by the Asbury Park Press on or about April 8, 2019. Township Defendant is aware of and consents to Defendant Gallagher's abuse of the pension system despite the detrimental and abusive impact it has on the employees of the Township particularly the Plaintiff. Defendant Gallagher does not work in the Township Defendant during normal business hours because of his other positions. Consequently, Defendant Gallagher in further abuse of his position and in further retaliation and continuation of the hostile environment prohibited Plaintiff from completing her job duties during normal business hours.

40. On March 15, 2019, Plaintiff suffered an adverse employment action when she was called to meet with Defendant Gallagher and Mr. Muscillo.

41. During this meeting, Defendant Gallagher did all the talking, Mr. Muscillo sat silently with his head down.

42. Plaintiff was presented with a twelve (12) page memo purporting to be an "Evaluation and Performance Improvement Plan" that directly threatened her with termination in

thirty (30) days if she did not comply with certain dictates imposed by Defendant Gallagher.

43. Most of the items listed in the Performance Improvement Plan (PIP) were petty and ridiculous as insisting upon what calculator she must use (he demands that she use his “adding machine”), and directing where certain baskets must be placed on her desk, and not allowing her to place her computer monitor directly in front of her on her desk, which is the only ergonomic position available for the monitor.

44. The memo highlights precisely how Defendant Gallagher views Plaintiff, as his “inferior servant.”

45. In fact, many of Plaintiff’s “performance issues” that Defendant Gallagher complained about in the Performance Improvement Plan (PIP) were due to him circumventing her job responsibilities.

46. In addition, the vast majority of the memo’s contents are fiction and factually incorrect. As one example, the memo states that taking certain Tax Collector’s courses is a condition of the Plaintiff’s employment. This “fact” is easily refuted by Plaintiff’s offer letter, which merely offers her more money if she secures her Tax Collector’s license.

47. Moreover, Plaintiff previously advised Mr. Muscillo that she was not interested in securing her Tax Collector’s license.

48. Plaintiff had no interest in the tax collector’s position because a Township employee told Plaintiff that Defendant Gallagher regularly orders the Tax Department to remove certain friends of the community off the tax sale list at the request of certain members of the governing body.

49. The PIP was written by Defendant Gallagher in an effort to deflect and cover up his patently discriminatory behavior.

50. Defendant Gallagher highlights the very incidents where Plaintiff expressed, on more than one occasion that she was uncomfortable with his violation of her personal space.

51. Defendant Gallagher attempts to downplay this as her complaining about his touching her computer screen, to saying she's claustrophobic, and making excuses that he was just trying to show her something really important on the computer.

52. These are falsehoods, Defendant Gallagher's inappropriate behavior finds no place in today's workplace.

53. Fearful for her job and agonizing daily over whether to quit due to the distress caused by Defendant Gallagher, she tried her best to get through each day until Defendant Gallagher's purported impending retirement.

54. Many of Plaintiff's colleagues and even certain Township professionals/supervisors knew of these circumstances, and just like the Mr. Muscillo, encouraged her not to quit, saying things such as: "oh, that's just how Steve is, you'll get through it, keep your head up, etc."

55. Despite Plaintiff's previous complaints about Defendant Gallagher, the Township Defendant never took any remedial action nor did they conduct an investigation.

56. On or about March 16, 2019, the Township Defendant and Defendant Gallagher locked Plaintiff out of her email account and all job-related databases without notice.

57. This prohibited Plaintiff from working from home further establishing a claim for "constructive discharge" against the Township Defendant.

58. As of March 18, 2019, Ms. Nelson had thirteen (13) earned vacation, sick, and personal days.

59. On April 4, 2019, the Township deposited \$212.21 in Plaintiff's account, she did

not receive any notification regarding her pay status and/or use of her earned time.

60. In direct retaliation for her complaints concerning Defendant Gallagher, Plaintiff was denied access to her computer programs and paid for 18.25 hours of work without any explanation from the Township Defendant.

61. On April 4, 2019, during the "investigative interview" regarding Plaintiff's complaints about Defendant Gallagher she was questioned as if she was the perpetrator and not the victim.

62. The Township Defendant and Defendant Gallagher continue to engage in pattern of harassment against Plaintiff.

63. No reasonable person would continue to work in an objectively hostile environment created by Defendant Gallagher and consented to by the Township. Defendants' actions, have therefore resulted in Plaintiff's constructive discharge. The Township Defendant knowingly permitted Defendant Gallagher to operate unabated with extreme bias and hostility towards female employees.

64. The Township Defendant is now effectively without a predecessor for the Chief Financial Officer's position for the second time in fewer than two years due to Defendant Gallagher's unlawful conduct.

COUNT ONE

NJLAD- GENDER DISCRIMINATION

65. Plaintiff repeats and incorporates paragraphs 1 through 64 as if fully set forth at length herein.

66. The aforesaid conduct of the Defendants constitutes actionable gender discrimination in violation of the New Jersey Law against Discrimination (“NJLAD”) N.J.S.A. 10:5-4.1 et seq.

67. Plaintiff is in a protected class pursuant to N.J.S.A. 10:5-1 et seq.

68. Defendant has discriminated against Plaintiff based on Plaintiff’s gender.

69. Said acts of discrimination would not have occurred, but for Plaintiff’s gender.

70. As a direct and proximate result of Defendant’s wrongful actions, Plaintiff suffered an adverse employment action and has suffered severe emotional distress, pain and suffering, humiliation, embarrassment, loss of income and other severe financial losses.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory damages, non-economic compensatory damages, punitive damages, attorney’s fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

COUNT TWO

NJLAD- RETALIATION

71. Plaintiff repeats and incorporates paragraphs 1 through 70 as if fully set forth at length herein.

72. Defendants’ actions and inactions were in violation of the New Jersey Law against Discrimination, N.J.S.A. 10:5-12(d).

73. Plaintiff engaged in protected activity by making complaints to Defendant upper management of discrimination and harassment.

74. In response to Plaintiff’s protected activities, Defendants retaliated against Plaintiff.

75. Plaintiff has suffered adverse employment action(s), including, but not limited to, retaliatory harassment, unwarranted disciplinary actions, and other retaliatory acts at the hands of Defendants such as constructive discharge of her employment, as outlined above, on a continued and repeated basis based on her engaging in protected activity against Defendants.

76. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, loss of income and benefits and other severe financial losses.

77. The foregoing actions were knowing, willful and deliberate violations of law and deprivation of Plaintiff's statutory rights, and Plaintiff is entitled to punitive damages under applicable law.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory damages, non-economic compensatory damages, punitive damages, attorney's fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

COUNT THREE

NJLAD - RETALIATORY HARASSMENT

78. Plaintiff repeats and incorporates paragraphs 1 through 77 as if fully set forth at length herein.

79. Plaintiff engaged in protected activity pursuant to the New Jersey Law against Discrimination by making complaints to Defendant upper management of discrimination and harassment.

80. Defendants engaged in activities in violation of the New Jersey Law against Discrimination, N.J.S.A. 10:5-1, et seq., including actions that were severe or pervasive enough

to make a reasonable person believe that the conditions of employment were altered and the working environment was hostile or abusive.

81. Plaintiff considered the actions of her employer to be severe or pervasive enough to make a reasonable person think twice before reporting any workplace issues based upon her fear of retaliation.

82. Plaintiff has suffered adverse employment action(s), including, but not limited to, retaliatory harassment, unwarranted disciplinary actions, and other retaliatory acts at the hands of Defendants such as constructive discharge of her employment, as outlined above, on a continued and repeated basis based on her engaging in protected activity against Defendants.

83. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, loss of income and benefits, and other severe financial losses.

84. The foregoing actions were knowing, willful and deliberate violations of law and deprivation of Plaintiff's statutory rights and Plaintiff is entitled to punitive damages under applicable law.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory damages, non-economic compensatory damages, punitive damages, attorney's fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

COUNT FOUR

NJLAD- AIDING AND ABETTING

85. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 84 as though set forth at length herein.

86. At all times relevant, Defendant Gallagher was employed in a supervisory position at Township Defendant.

87. At all times relevant, Defendant Gallagher was employed as Plaintiff's Supervisor at Township Defendant.

88. In Defendant Gallagher's capacity as Supervisor he aided and abetted the Township Defendant in engaging in discriminatory actions against Plaintiff in violation of her statutory and civil rights.

89. As a direct and proximate result of Defendants' wrongful actions, Plaintiff has suffered damages including severe emotional distress with physical manifestations, pain and suffering, humiliation, embarrassment, loss of income and benefits, loss of earning power, loss of opportunities for prospective employment, and other severe financial losses.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages, punitive damages, back pay, front pay, emotional distress, attorneys' fees, interest, costs and such other and further relief as this court deems equitable and just.

COUNT FIVE

NJLAD-HOSTILE WORK ENVIRONMENT

90. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 89 as if fully set forth at length herein.

91. The conduct of Defendant constitutes actionable discrimination in violation of the New Jersey Law Against Discrimination ("NJLAD"), N.J.S.A. 10:5-1, *et seq.*

92. The actions of Defendant were severe or persuasive enough to make Plaintiff believe that the conditions of her employment had been altered and that the working environment was hostile and/or abusive based on Plaintiff's gender.

93. The foregoing actions were knowing, malicious, wanton and willful and deliberate violations of law and deprivations of Plaintiff's statutory and civil rights, and as a consequence, Plaintiff is entitled to punitive damages under applicable law.

94. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, pain and suffering from personal injuries, loss of income and benefits and other severe financial losses.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages, punitive damages, back pay, front pay, emotional distress, attorneys' fees, interest, costs and such other and further relief as this court deems equitable and just.

COUNT SIX

NJFLA -INTERFERENCE

95. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 94 as though set forth at length herein.

96. Defendant's actions were in violation of the New Jersey Family Leave Act ("NJFLA") and directly interfered with Plaintiff's NJFLA rights.

97. Plaintiff was an eligible employee under the NJFLA and entitled to leave under the NJFLA.

98. Defendant was subject to the requirements of the NJFLA.

99. Defendant failed to apprise Plaintiff of her NJFLA rights after Plaintiff provided Defendant with information that reasonably apprised Defendant that Plaintiff needed time off to care for a serious health condition.

100. Plaintiff was on a leave of absence for her husband's serious health condition, which Defendant failed to properly designate as NJFLA qualifying.

101. Defendant failed to provide the paperwork and approve Plaintiff's leave as NJFLA qualifying.

102. Defendants continued retaliation after the completion of her "leave" demonstrates interference with her leave.

103. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, loss of income and benefits, and other severe financial losses.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, liquidated damages, non-economic compensatory damages, punitive damages, attorney's fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

COUNT SEVEN

NJFLA RETALIATION

104. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 103 as though set forth at length herein.

105. Defendant's actions were in violation of the New Jersey Family Leave Act ("NJFLA") and directly interfered with Plaintiff's NJFLA rights.

106. Plaintiff was an eligible employee under the NJFLA and entitled to leave under the NJFLA.

107. Defendant was subject to the requirements of the NJFLA.

108. Defendant failed to apprise Plaintiff of her NJFLA rights after Plaintiff provided Defendant with information that reasonably apprised Defendant that Plaintiff needed time off to care for a serious health condition.

109. Plaintiff was on a leave of absence for her husband's serious health condition, which Defendant failed to properly designate as NJFLA qualifying.

110. Defendant failed to provide the paperwork and approve Plaintiff's leave as NJFLA qualifying.

111. Defendants continued retaliation after the completion of her "leave" demonstrates interference with her leave.

112. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages including severe emotional distress, humiliation, embarrassment, bodily injury, coupled with physical manifestation of emotional distress, loss of income and benefits, and other severe financial losses.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, liquidated damages, non-economic compensatory damages, punitive damages, attorney's fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

COUNT EIGHT

CONSTRUCTIVE DISCHARGE

113. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 112 as though set forth at length herein.

114. Plaintiff was an employee of Township Defendant.

115. During her employment, Plaintiff was subjected to harassment and retaliation by the Township Defendant and Defendant Gallagher.

116. The Township Defendant permitted conditions of harassment and retaliation in the workplace which were so intolerable that Plaintiff was constructively discharged.

117. Defendants failed and refused to take any action to protect Plaintiff's rights.

118. As a direct and proximate result of the actions of Defendants, Plaintiff suffered damages.

WHEREFORE, Plaintiff demands judgment against the Defendant for compensatory damages, liquidated damages, non-economic compensatory damages, punitive damages, attorney's fees, interest, costs of suit, equitable back pay, equitable front pay, equitable reinstatement and such other and further relief as the Court deems equitable and just.

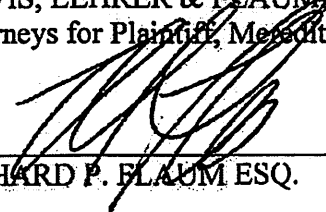
JURY DEMAND

Plaintiff, Meredith Nelson, demands a trial by Jury.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Richard P. Flaum, Esq. as her trial counsel in this matter.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
Attorneys for Plaintiff, Meredith Nelson

By: 
RICHARD P. FLAUM ESQ.

Dated: April 22, 2019

CERTIFICATION IN ACCORDANCE WITH R. 4:5-1

Pursuant to Rule 4:5-1, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated, and the undersigned is unaware of any other party who is potentially responsible to any party on the basis of the facts set forth herein and who should be joined in this action pursuant to Rules 4:28 and 4:29-1, et seq.

By: 
RICHARD P. FLAUM ESQ.

Dated: April 22, 2019

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-001447-19

Case Caption: NELSON MEREDITH VS TOWNSHIP OF OCEAN

Case Initiation Date: 04/22/2019

Attorney Name: RICHARD PAUL FLAUM

Firm Name: DI FRANCESCO BATEMAN

Address: 15 MOUNTAIN BLVD

WARREN NJ 070595686

Phone:

Name of Party: PLAINTIFF : Nelson, Meredith

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

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

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

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? NO

If yes, is that relationship:

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

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)*

04/22/2019

Dated

/s/ RICHARD PAUL FLAUM

Signed



DiFrancesco Bateman
Kunzman, Davis, Löhner & Flaum, P.C.

15 Mountain Boulevard
Warren, New Jersey 07059

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Robert P. Manetta
Associate
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rmanetta@newjerseylaw.net

April 23, 2018

Via Personnel Service & Email

Michael F. Muscillo
Township Manager
399 Monmouth Rd, Oakhurst, NJ 07755
manager@oceantwp.org

RE: Meredith Nelson v. Township of Ocean & Steven Gallagher
Docket No. MON-L-001447-19
Our File No. C23834

Dear Mr. Muscillo:

Enclosed please find a copy of Plaintiff's First Set of Interrogatories and First Requests for the Production of Documents. Kindly respond to same in the time frame allotted by the New Jersey Court Rules.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Robert P. Manetta'.

Robert P. Manetta, Esq.

Enclosures

**DIFRANCESCO, BATEMAN, KUNZMAN,
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Attorneys for Plaintiff, Meredith Nelson

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.:

Civil Action

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO TOWNSHIP
DEFENDANT**

TO: Michael F. Muscillo
Township Manager
399 Monmouth Rd, Oakhurst, NJ 07755
manager@oceantwp.org

COUNSEL:

PLEASE TAKE NOTICE that Plaintiff Meredith Nelson propounds the following Interrogatories upon you to be answered within the time and in the manner prescribed by the R. 4:17. These Interrogatories are deemed continuing so as to require supplemental answers, should you or your counsel obtain further supplemental information between the time the answers are served and the time of trial.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.

Attorneys for Plaintiff, Meredith Nelson

By: 

Robert P. Manetta, Esq.

Dated: April 23, 2019

DEFINITIONS

As used herein;

A. "Address" means the present or last known street name and number, city or town, state and zip code.

B. As hereinafter used, "document" shall include all material on the subject matter of the request whether originated or received by Defendants and shall be deemed to refer to, inter alia, correspondence regardless of form, whether in hardcopy or electronic format, emails, text messages, records, reports, memoranda, directives, notes, receipts, manuals, notebooks, books of account, checks, drafts, working papers, photographs, negatives, blueprints, drawings, surveys, logs, diary, files, forms, tabulations, tapes, discs, wire recording, transcripts, and any other writing, regardless of the manner in which produced, whether handwritten, typed, printed, computer generated or produced by any other process. With respect to the receipt of such documents, all sources are intended to be encompass, including, but not limited to, Defendants, other parties to the litigation, and any other person, firm or corporation or governmental entity who has communicated with Defendants on the subject matter covered by the lawsuit or the request in question. The term "document" also includes any information or communication, including text messages and electronic mail (e-mail), whether stored, carried, or in transit electronically, on any of the following, without limitation: computer equipment, laptop equipment, cloud networks, internet, company server networks, internal or external hard drives, back-up drives, flash drives, back-up tapes, DVDs, CDs, email servers, back-up servers, archive servers, or any other device whatsoever, and wherever located, regardless of the technology, media, or location, which can be retrieved and printed or provided in other material form, including Word, WordPerfect or .PDF.

Each request for a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in or subject, to the control of the Defendants, directly or indirectly. In addition, each request should be considered as including all copies and, to the extent applicable, preliminary drafts of documents which, as to content, differ in any respect from the original or final draft, or from each other (e.g., by reason of handwritten notes or comments having been added to one copy of a document but not on the original). Any electronic documents must be unencrypted, with the encryption keys managed and preserved by you, and the electronic documents must be in a format that is easily readable, as provided above.

C. "Identify," "identity," or "identification" means, when used in reference to:

- (1) a natural person, his or her:
 - (a) full name;
 - (b) home address;
 - (c) business address;

- (d) present or last known position, business affiliation, and job description.
- (2) a company, corporation, association, partnership, or legal entity other than a natural person:
- (a) its full name;
 - (b) a description of the type of organization or entity;
 - (c) the address of its principal place of business;
 - (d) the jurisdiction of incorporation or organization; and
 - (e) the date of its incorporation or organization.
- (3) a document:
- (a) its description (for example, letter, memorandum, report, etc.);
 - (b) its title;
 - (c) its date;
 - (d) the number of pages thereof;
 - (e) its subject matter;
 - (f) the identity of its author, signer, and any person who participated in its preparation;
 - (g) the identity of its addressee or recipient;
 - (h) the identity of each person to whom copies were sent and each person by whom copies were received;
 - (i) its present location; and
 - (j) the identity of its custodial. (If any such document was, but is no longer, in the possession of or subject to the control of the responding party, state what disposition was made of it and when).
- (4) an oral communication:

- (a) the date and time when it occurred;
- (b) the place where it occurred;
- (c) the complete substance of the communication;
- (d) the identity of each person;
 - (1) to whom such communication was made;
 - (2) by whom such communication was made; and
 - (3) who was present when such communication was made.
- (e) if by telephone:
 - (1) the identity of each person:
 - (A) who made each phone call;
 - (B) who participated in each call;
 - (2) the place where each person participating in each call was located;
- (f) the identity of all documents memorializing, referring or relating in any way to the subject matter of the communication.

D. "Oral communication" or "oral communications" means any verbal conversation or other statement from one person to another, including, but not limited to, any interview, conference, meeting or telephone conversation.

E. "Person" or "persons" means a natural person, firm, proprietorship, association, partnership, corporation, or any other type of organization or entity.

INTERROGATORIES

1. Identify each and every person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these interrogatories.
2. State the name and address of each and every person known or believed by you to have knowledge relevant to the subject matter of this litigation. Set forth as to each such person, the general substance of his or her knowledge.
3. Set forth the name and address of each proposed expert witness whom you expect to call at trial, and as to each, state:
 - a. The colleges or schools of any kind attended, in chronological order, following the expert's graduation from high school.
 - b. A complete list of all articles or books published by the expert.
 - c. The expert's employers and places of employment commencing with the expert's graduation from high school.
 - d. The subject matter on which the expert is expected to testify.
 - e. The substance of the facts and opinions to which the expert is expected to testify.
 - f. Detail the substance of all material examined by the expert.
 - g. The nature and content of all facts and all materials submitted to the expert in preparation for the formulation of his or her opinion.
 - h. Attach true and exact copies of the entire report or reports rendered by the expert including copies of all preliminary drafts.
 - i. Attach true and exact copies of the expert's curriculum vitae.
4. Set forth whether you have obtained any statements relevant to the subject matter of this litigation from any person or persons. Attach copies of any statements obtained.
5. Provide a written job description for each position held by plaintiff during her employment with defendant and the time frame for which plaintiff held each job. If no written job description exists, then describe with specificity the job functions were performed by plaintiff in each position
6. State whether plaintiff's job responsibilities were ever changed or modified in any way while she was employed by the defendant.
7. For each such change or modification, state the following:
 - a. describe the change or modification;
 - b. the date of the change or modification and the reasons for it;
 - c. the names, job titles, current employment statuses of all persons involved in the decision making process and the nature and extent of their involvement in the decision; and
 - d. the criteria used in making the decision.

8. For each position held by plaintiff while employed by defendant, set forth each individual who supervised plaintiff or to whom plaintiff reported, their last known address and/or telephone number, and their current employment status with defendant.
9. State whether the defendant ever received any complaints from plaintiff. Describe in detail any such complaint the defendant received. Attach copies of any complaints received.
10. For any complaint identified in the preceding interrogatory, state all actions the defendant took in response to said complaint.
11. State whether the defendant ever received any complaints and/or memos from plaintiff regarding discrimination, harassment, hostile work environment or retaliation. Describe in detail any such complaint and/or memo the defendant received. Attach copies of any complaints and/or memos received.
12. For any complaint or memo identified in the preceding interrogatory, state all actions the defendant took in response to said memo or complaint.
13. State whether the defendant ever began an investigation into any of the allegations alleged in plaintiff's Complaint.
14. If the answer to the preceding Interrogatory is in the affirmative, state the name of the person(s) who took part in the investigation, the name and title of any person questioned as part of the investigation and the findings.
15. State whether the defendant ever began an investigation into any of the allegations involving plaintiff during her employment.
16. If the answer to the preceding Interrogatory is in the affirmative, state the name of the person(s) who took part in the investigation, the name and title of any person questioned as part of the investigation and the findings.
17. State whether defendant ever conducted any education or training relating to discrimination, retaliation, hostile work environment, and/or harassment, from 2012 to the present. If so, provide the following:
 - a. the date when such education or training took place;
 - b. the location where such education or training was conducted;
 - c. which employees were required to attend such education or training;
 - d. how frequently such education or training was offered or required;

18. State whether any person other than the plaintiff has ever raised a complaint of retaliation, harassment or discrimination against any employee of defendant since 2012. If so, state the following:
- a. the name, last known address, last known telephone number, job title and current employment status of each such individual;
 - b. the date of the complaint;
 - c. a description of the nature of the complaint;
 - d. if the complaint was investigated;
 - e. true and accurate copies of any and all documents relating to any and all such complaints.
19. State whether defendant claims plaintiff made any declaration against interest regarding this matter. If yes, state:
- a. the date the declaration against interest was made;
 - b. where and to whom the declaration against interest was made;
 - c. the circumstances under which the declaration against interest was made;
 - d. all witnesses to the declaration against interest;
 - e. whether the declaration against interest was recorded in any manner; and
 - f. the complete substance of the declaration against interest stating as specifically as possible what was said and attach hereto any and all documents supporting said declaration against interest.
20. State whether defendant claims plaintiff made any admission regarding this matter. If yes, state:
- a. the date the admission was made;
 - b. where and to whom the admission was made;
 - c. the circumstances under which the admission was made;
 - d. all witnesses to the admission;
 - e. whether the admission was recorded in any manner; and
 - f. the complete substance of the admission stating as specifically as possible what was said and attach hereto any and all documents supporting said admission.
21. State whether defendants ever conducted any education or training relating to discrimination, hostile work environment, harassment and/or retaliation from 2012 to the present. If so, provide the following:
- (a) the date when such education or training took place;
 - (b) the location where such education or training was conducted;
 - (c) which employees were required to attend such education or training;
 - (d) how frequently such education or training was offered or required;
 - (e) the name, last known address, last known telephone number, job title and current employment status of each and every person who conducted such education or training; and
 - (f) true and accurate copies of any and all materials or documents relating to such training.

22. As to each and every individual who was involved in the decision-making process that resulted in Plaintiff receiving a Performance Improvement Plan (hereinafter "PIP") on March 15, 2019, please state:
 - a. the name and job title at the time the decision was made;
 - b. the nature and extent of their involvement in the decision;
 - c. the date the decision was made;
 - d. the job title, current employment status, last known address and last known telephone number; and
 - e. the criteria in making the decision.
23. Provide an explanation as to why plaintiff received a PIP as alleged in Paragraph 40 of the Complaint.
24. Describe the circumstances surrounding Defendant Gallagher verbally degrading women in the workplace as stated in paragraphs 13 and 14 of the Complaint.
25. Has Plaintiff ever made a complaint with the Township Defendant against defendant Gallagher?
26. If the answer to the preceding Interrogatory is in the affirmative, state when the complaint(s) were made or filed, state who the complaint was against, provide description of the complaint, state the result of any investigation involving the complaint and provide a copy of the complaint.
27. Provide an explanation as to why plaintiff was never contacted by the Township Defendant regarding any investigation(s) and/or resolution(s) of any complaints and state the names of all individuals involved in the investigation process.
28. Identify the employee of Township Defendant responsible for handling and processing harassment complaints.
29. Does the Township Defendant have a policy and procedure for receiving and investigating harassment complaints?
30. If the answer to the preceding Interrogatory is in the affirmative, describe the policy and procedure and provide a copy of said policy and procedure.
31. Provide an explanation as to why Defendant Gallagher never received any disciplinary action or reprimands in regards to the Complaints against him?
32. Provide an explanation as to why the prior Township's Deputy Director of Finance left his position with the Township of Ocean despite Defendant Gallagher's plan to retire in the near future.

33. Provide an explanation as to why Township Defendant did not follow or implement its own policies regarding discrimination and harassment in the workplace.
34. State whether plaintiff ever received any reprimands and/or negative evaluations from any supervisor from her date of hire to the present.
35. If the answer to the preceding interrogatory is yes, state the name of the supervisor, the nature of the reprimand and/or evaluation and if in writing attach a copy, if oral state the date of the reprimand.
36. Identify all employees of defendant who have made accusations that they were subjected to actions that violated their civil rights or any statute protecting individuals from discrimination and/or retaliation in the workplace in the past five (5) years including a brief description of their complaint.
37. Within the past five (5) years, has defendant previously been sued or had any administrative claims filed against it for an alleged violation of the New Jersey Law Against Discrimination or any other statute protecting individuals in the workplace from discriminatory treatment? If the preceding Interrogatory is answered in the affirmative state:
 - a. the basis of the claim;
 - b. identify the complainant;
 - c. state the date of the claim; and
 - d. state the resolution of the claim.
38. Has any attorney, local, state or federal agency conducted an investigation from 2012-present related to allegations against the Township Defendant and/or Defendant Gallagher for discrimination and/or retaliation in the workplace? If so, set forth all facts related thereto and, without limitation, identify when, where, by whom (and against whom) and the results or outcome of same.
39. State whether defendant was informed about the allegations contained in plaintiff's complaint prior to the institution of litigation. If so, provide the following:
 - a. the date on which the information was conveyed;
 - b. a description of the nature and substance of the information conveyed;
 - c. a description of the manner in which defendant received that information;
 - d. the name, last known address, last known telephone number, job title and current employment status of each individual who reported the information to the Defendant;
 - e. the name, last known address, last known telephone number, job title and current employment status of each individual employed by or acting on behalf of Defendant who received this information;
 - f. a description of what actions if any Defendant took in response to the information; and
 - g. true and accurate copies of any and all documents related in any way to the information that Defendant received.

40. Describe the circumstances of Defendant Gallagher's re-enact of a man beating his girlfriend and laughing about it as described in paragraph 15 of the Complaint.
41. State the purpose for Defendant Gallagher's re-enact of a man beating his girlfriend and laughing about it as described in paragraph 15 of the Complaint.
42. Provide an explanation as to why Defendant Gallagher told Plaintiff that he has no problem with females as he "once had a woman boss" while working at a mortgage company as stated in paragraph 18 of the Complaint.
43. Describe the circumstances of Plaintiff's first complaint to the Township Defendant on August 7, 2019 as described in paragraph 19 of the Complaint.
44. Provide an explanation as to why Defendant Gallagher berated Plaintiff for taking a few personal days to care for her husband who had been hospitalized with sudden and unexpected cardiac issues as described in paragraph 19 of the Complaint.
45. Provide an explanation as to why Defendant Gallagher interfered with Plaintiff's request to take personal days to care for her husband, purposefully ignored her requests, and criticizing her for taking the time off to care for her husband as described in paragraph 20 of the Complaint.
46. Describe every circumstances of which Plaintiff reported Defendant Gallagher's behavior to the Township Manger Michael Muscillo as described in paragraphs 19 and 30-33 of the Complaint.
47. Describe why Defendant Gallagher presented Plaintiff a PIP threatening termination despite not previously addressing any performance issues as described in paragraph 42 of the Complaint.
48. Describe why many Township employees, including Mr. Muscillo, told Plaintiff "to not quit" as described in paragraphs 23 and 54 of the Complaint.
49. Provide an explanation as to why Defendant Gallagher told Township employees that they were his "number one" while giving them the middle finger as described in paragraph 26 of the Complaint.

50. Provide an explanation as to why Defendant Gallagher hovered closely over Plaintiff in her chair despite her having expressed that he is invading her personal space as described in paragraphs 27 & 28 of the Complaint.
51. Provide an explanation as to why Defendant Gallagher repeatedly berated another female employee in the Finance Department for taking time off for a major medical procedure in the presence of Plaintiff as described in paragraph 29 of the Complaint.
52. Provide an explanation as to why Defendant Gallagher ceased all communications with Plaintiff following her January 7, 2019 meeting with Mr. Muscillo as described in paragraph 34 of the Complaint.
53. Describe the Township Defendant's policies for using calculators, placing certain baskets on employees desks, and ergonomic desk accommodations as described in paragraph 43 of the Complaint.
54. Describe the Township Defendants policy and/or Defendant's Gallagher's basis for insisting that Plaintiff is required to take Tax Collector courses as a condition of her employment as described in paragraph 46 of the Complaint.
55. Describe the basis for the Township Defendant and Defendant Gallagher locked Plaintiff out of her email account and all job-related databases without notice as described in paragraph 56 of the Complaint.
56. If Defendant claims that any document requested in any of these Interrogatories is protected by an evidentiary privilege, specify the title of the document, the date on which it was created and/or distributed, its author, its recipients, its purposes, the circumstances under which it was created and the basis for the claim of privilege.
57. Identify individuals within the Defendant with knowledge of the Defendant's electronic information system who will help facilitate electronic discovery.
58. If the person who signs the certification below does not have personal knowledge of each and every answer provided in these interrogatories, then for each answer that the person signing the certification does not have personal knowledge, identify, by interrogatory, the individual(s) from whom and/or specific documents from which the information was obtained to answer the interrogatory. Include in your answer:
 - a. The individual's name, title and present location;
 - b. The interrogatory number for which the individual's personal knowledge was

relied upon; and

- c. If the source of the information was based in whole or in part on a document, provide a full description of the document, including bates number, and attach hereto.

**DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**
15 Mountain Boulevard
Warren, NJ 07059-5686
(908) 757-7800
Attorneys for Plaintiff, Meredith Nelson

MEREDITH NELSON,

Plaintiff,

v.

TOWNSHIP OF OCEAN & STEVEN
GALLAGHER, individually and in his
official capacity as Supervisor,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-001447-19

Civil Action

**CERTIFICATION TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES**

The undersigned certifies that the answers to these interrogatories are true to the best of their knowledge, information and belief based upon a reasonable investigation and review of appropriate records. The information supplied in these answers is not based solely on the knowledge of the executing individual, but includes knowledge of the party, its agents, representatives and attorneys, unless privileged.

The word usage and sentence structure may be that of the attorney assisting in the preparation of the answers and thus, does not necessarily purport to be the precise language of the executing party.

By _____

Title: _____

Dated: _____

**DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**
15 Mountain Boulevard
Warren, NJ 07059-5686
(908) 757-7800
Attorneys for Plaintiff, Meredith Nelson

MEREDITH NELSON,

Plaintiff,

v.

TOWNSHIP OF OCEAN & STEVEN
GALLAGHER, individually and in his
official capacity as Supervisor,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-001447-19

Civil Action

**PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS TO
TOWNSHIP DEFENDANT**

TO: Michael F. Muscillo
Township Manager
399 Monmouth Rd, Oakhurst, NJ 07755
manager@oceantwp.org

Plaintiff, Meredith Nelson demands that within thirty (30) days after service hereof, you serve upon the undersigned, pursuant to R. 4:18-1, copies of any and all documents referred to in the attached request.

The inspection and copying of the items requested shall take place at the offices of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Boulevard, Warren, New Jersey, within 30 days of the date hereof.

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM
Attorneys for Plaintiff, Meredith Nelson

By: _____


Robert P. Manetta, Esq.

Dated: April 23, 2019

DEFINITIONS

1. As hereinafter used, "document" shall include all material on the subject matter of the request whether originated or received by Defendant and shall be deemed to refer to, inter alia, correspondence regardless of form, whether in hardcopy or electronic format, emails, text messages, records, reports, memoranda, directives, notes, receipts, manuals, notebooks, books of account, checks, drafts, working papers, photographs, negatives, blueprints, drawings, surveys, logs, diary, files, forms, tabulations, tapes, discs, wire recording, transcripts, and any other writing, regardless of the manner in which produced, whether handwritten, typed, printed, computer generated or produced by any other process. With respect to the receipt of such documents, all sources are intended to be encompass, including, but not limited to, Defendant, other parties to the litigation, and any other person, firm or corporation or governmental entity who has communicated with Defendant on the subject matter covered by the lawsuit or the request in question. The term "document" also includes any information or communication, including text messages and electronic mail (e-mail), whether stored, carried, or in transit electronically, on any of the following, without limitation: computer equipment, laptop equipment, cloud networks, internet, company server networks, internal or external hard drives, back-up drives, flash drives, back-up tapes, DVDs, CDs, email servers, back-up servers, archive servers, or any other device whatsoever, and wherever located, regardless of the technology, media, or location, which can be retrieved and printed or provided in other material form, including Word, WordPerfect or .PDF.

Each request for a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in or subject, to the control of the Defendant, directly or indirectly. In addition, each request should be considered as including all copies and, to the extent applicable, preliminary drafts of documents which, as to content, differ in any respect from the original or final draft, or from each other (e.g., by reason of handwritten notes or comments having been added to one All documents referring to, relating to or evidencing the a document but not on the original). Any electronic documents must be unencrypted, with the encryption keys managed and preserved by you, and the electronic documents must be in a format that is easily readable, a provided above.

2. The term "all documents" means every document, as defined in paragraph 1 above which can be located, discovered or obtained by reasonably diligent efforts, including, without limitation, all documents possessed by: (a) you or your counsel, or (b) any other person or entity from whom you can obtain such documents by request or which you have a legal right to bring within your possession by demand.
3. If your response to any part of ther request is that the documents are not in your possession or custody, describe in detail the unsuccessful efforts you made to locate the records.

4. If your response is that the documents are not in your control, identify who has control and the location of the records.
5. If a request for production seeks a specific document or any itemized category which is not in your possession, custody or control, provide any documents you have that contain all or part of the information contained in the requested document or category.
6. If any request for documents is deemed to call for the production of privileged or work product materials and such privilege or work product is asserted, provide the following information:
 - a. The reason for withholding the document;
 - b. A statement of the basis for the claim of privilege, work product or other ground of non-disclosure;
 - c. A brief description of the document including:
 - (i) The date of the document;
 - (ii) Number of pages, attachments and appendices;
 - (iii) The names of its author, authors or preparers and identification by employment and title of each such person;
 - (iv) The name of each person who was sent or shown blind or carbon All documents referring to, relating to or evidencing the document, or has had access or custody of the document, together with an identification of each such person;
 - (v) The present custodian; and
 - (vi) The subject matter of the document, and in the case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.
7. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify each such document and provide the following information:
 - a. The date or approximate date it was lost, discarded or destroyed;
 - b. The circumstances and manner in which it was lost, discarded or destroyed;
 - c. The reason or reasons for disposing of the document (if discarded or destroyed);
 - d. The identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document;
 - e. The identity of the person(s) who lost, discarded or destroyed the document; and
 - f. The identity of all persons having knowledge of the contents thereof.

8. "Identify," "identification," and "identify" as used herein mean:
 - a. With respect to a document:
 - (i) The type of document, whether a letter, memorandum, report, agreement, recording, notation, etc.;
 - (ii) Any caption, heading and/or date shown on the face of the document;
 - (iii) The identity of each individual who originated, initialed, signed, authored, prepared or received (and if the same was done on behalf of any person, the identity of each such person), or is in any way referred to in the document;
 - (iv) The number of pages if written or the approximate size or length if recorded; and
 - (v) The general subject matter of the document.
 - b. With respect to a natural person, her:
 - (i) Full name;
 - (ii) Occupation and employer, if any;
 - (iii) Business and home address; and
 - (iv) Business and home telephone number.
 - c. With respect to an entity:
 - (i) Its full name;
 - (ii) The jurisdiction under those laws it was organized;
 - (iii) Its principal office address and telephone number; and
 - (iv) Its principal officers or member known to you.
9. The term "personnel file," as used herein, shall include any and all records maintained either in the normal course of business or for any special purpose with respect to the application, course of employment, and termination of any employee of Defendant, and specifically includes applications, disciplinary notices, performance evaluations, employment histories or summaries, records of residential addresses and telephone numbers, termination notices, job assignment or classification records, compensation and other similar records. For purposes of the request, the term "personnel record" need not include records of medical benefits, condition, or claims; designations of, or changes in, beneficiary; garnishments; income tax records; or insurance benefits, except as pertaining to Plaintiff's records.
10. If any document is withheld under a claim of privilege or other protection, please provide all of the following information with respect to any such document, so as

to aid the Court and the parties hereto in determining the validity of the claim of privilege or other protection:

- a. The identity of the person(s) who prepared the document and who signed the document, and over whose name it was sent or issued;
- b. The identity of the person(s) to whom the document was directed;
- c. The nature and substance of the document, with sufficient particularity to enable the Court and the parties thereto to identify the document;
- d. The date of the document;
- e. The identity of the person(s) who has (have) custody of, or control over, the document and each copy thereof;
- f. The identity of each person to whom all documents referring to, relating to or evidencing the document was furnished;
- g. The number of pages of the document;
- h. The basis on which any privilege or other protection is claimed;
- i. Whether any non-privileged or non-protected matter is included in the document.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents reflecting, referring to, relating to or supporting each denial in defendant's Answer.
2. Any and all documents reflecting, referring to, relating to or supporting each affirmative or separate defense in defendant's Answer.
3. Any and all documents referred to or relied upon by you in the preparation of any Answers to Interrogatories.
4. Any and all documents referred to or relied upon by you in the preparation of any Responses to Request for Production of Documents.
5. Any and all documents, including but not limited to, letters, notes, correspondence, electronic mail, policies, media data storage, electronic data storage, manuals, memoranda, complaints, grievances, reviews, warning letters, disciplinary documents or any other documents that relate to any employment or independent contractor relationship between any party or parties in this matter.
6. Any and all documents, including but not limited to, letters, notes, correspondence, electronic mail, policies, media data storage, electronic data storage, manuals, memoranda, complaints, grievances, reviews, warning letters, disciplinary documents or any other documents that relate to plaintiff.
7. Any and all documents, including but not limited to, letters, notes, correspondence, electronic mail, policies, media data storage, electronic data storage, manuals, memoranda, complaints, grievances, reviews, warning letters, disciplinary documents or any other documents that relate to any change in plaintiff's job title, job status and/or responsibilities at any time while employed by any party to this suit.
8. Any and all documents, including but not limited to, letters, notes, correspondence, electronic mail, policies, media data storage, electronic data storage, manuals, memoranda, complaints, grievances, reviews, warning letters, disciplinary documents or any other documents that relate to any discipline, whether formal or informal, whether oral or written, of the plaintiff at any time during her employment.
9. Any and all documents which purport to represent job application materials pertaining in any way to the plaintiff for employment at defendant.
10. Any and all documents reflecting, referring to, relating to or supporting communications, whether oral or written, between plaintiffs and any current or former employee, agent, servant or representative of the defendant.
11. Any and all documents referring or relating to any grievance or complaint, formal or informal, internal or external filed by the plaintiff during plaintiffs employment.

12. Any and all copies of all audiotapes, videotapes, recordings or other media devices that involve, pertain to, depict in any form or feature the plaintiff or any individual named in the complaint or any individual referred to by position or description in the complaint or any individual identified in discovery by any party, and provide any and all notes or transcriptions of any such audio/video or other recording. NOTE: that audio/video also includes DVD, CD and other multimedia expressions, which capture a video image.
13. Copies of all audiotapes, videotapes or other multimedia or other recordings that relate to or support any of the allegations, claims, denials or defenses in the Answer.
14. Any and all documents concerning plaintiff's promotions, transfers, positions, demotions, reviews or other changes in assignments with the defendant.
15. Any and all job descriptions, which pertain in any way to any position, held by the plaintiff and/or which pertain to any position held by an individual named or described in the complaint.
16. All documents referring to, relating to or evidencing plaintiff's job description and any changes to plaintiff's job description from plaintiff's date of hire to the present.
17. Any and all documents concerning any counseling, warnings, disciplinary actions or other adverse employment actions involving the plaintiff during her employment.
18. The employment file for any individual named in the Complaint by name or who's position or identity was described by the plaintiff in the Complaint as having perpetrated, was aware of, or who is alleged to have aided or abetted any wrongful act alleged by plaintiff.
19. Plaintiff's entire employment and/or personnel file.
20. Any and all documents including meeting memoranda, notes, drafts, e-mails or other documents which in any way refers to a currently existing policy, standard or procedure prohibiting or speaking to the rights concerning discrimination, harassment or retaliation of any kind.
21. Any and all documents pertaining in any way to any contact by defense counsel or other agents, servants or representatives with any witness or other party in this action, including letters, e-mails, statements, transcription, notes of meetings, notes reflecting oral statements or other such documents.
22. Any and all diaries, calendars, day-timers or similar records reflecting dates or events maintained by any individual the plaintiff named in her/her Complaint or who the plaintiff describes in her/her complaint by way of position or incomplete name.

23. All documents referring to, relating to or evidencing the personnel file and disciplinary file of plaintiff.
24. Copies of any file, in addition to the personnel file, relating to plaintiff that is maintained by Defendant.
25. All documents referring to, relating to or evidencing the salary history of plaintiff from her date of hire to the present.
26. All documents referring to, relating to or evidencing the Employee Policy(s) Manuals in effect and any and all amendments or changes to the Employee Policy Manual from 2010 to present.
27. All documents referring to, relating to or evidencing the performance reviews of plaintiff from Plaintiff's date of hire to the present.
28. All documents referring to, relating to or evidencing commendations from coworkers or management from plaintiff's date of hire to the present.
29. All documents referring to, relating to or evidencing policies and procedures for employees in the Finance Department and Tax Collectors Office at the Township of Ocean.
30. Provide true and accurate copies of organizational charts that depict the Department of Finance and Tax Collector's office from 2010 to the present. If the structure changed during that time period, provide a separate chart for each separate time period.
31. All documents referring to, relating to or evidencing all reprimands, warnings and disciplinary actions issued to plaintiff from plaintiff's date of hire to the present.
32. All documents referring to, relating to or evidencing the defendant's anti-discrimination policy.
33. All documents referring to, relating to or evidencing the defendant's anti-retaliation policy.
34. All documents referring to, relating to or evidencing the defendant's policy regarding the employee complaint process to report discrimination, retaliation and/or harassment.
35. All documents referring to relating to or evidencing any grievances or complaints filed by plaintiff from her date of hire to the present.
36. All documents referring to relating to or evidencing any grievances or complaints filed by any employee involving plaintiff from her date of hire to the present.

37. All documents referring to, relating to or evidencing any investigation report(s) of all complaints made by plaintiff from her date of hire to the present.
38. All documents referring to, relating to or evidencing all complaints made by plaintiff to the defendant regarding discrimination, harassment and/or retaliation.
39. All documents referring to, relating to or evidencing any investigation taken by the defendant in response to plaintiff's complaints regarding discrimination, harassment and/or retaliation.
40. Any and all copies of video surveillance tapes or recordings of Defendant Gallagher reenacting "a man beating his girlfriend while laughing about it" in the hallway in front of the Finance Department as described in paragraph 12 of the Complaint.
41. All documents demonstrating that defendant placed a litigation hold on all electronic communications on or before the date of plaintiff's filed Complaint.
42. All audio and/or video recordings of any communications defendant has had with current and/or former employees of defendant relating to the allegations of the complaint.
43. All documents including but not limited to electronic communications, text messages, and emails concerning, referring or relating to any communications by defendant regarding any of the allegations by plaintiff as set forth in the complaint.
44. All documents concerning, referring or relating to any communication by and between defendant's employees or representatives relating to the allegations in the Complaint.
45. All documents concerning, referring or relating to, or otherwise constituting, any charge or complaint of discrimination, harassment or retaliation filed against defendant by any local, state or federal agency in the past five years.
46. All documents concerning, referring or relating to any sworn testimony by any representative of defendant given in the past five (5) years relating to claims against defendant for retaliation, harassment, hostile work environment, and/or discrimination within the last five years. This request includes but is not limited to deposition transcripts, hearing transcripts, trial transcripts, affidavits, declarations and/or certifications.
47. All documents concerning, referring or relating to any lawsuits, demands for arbitration or government agency claims or charges filed anywhere in the United States against defendant in the past five (5) years claiming:
 - a. retaliation
 - b. harassment
 - c. hostile work environment
 - d. discrimination

48. All documents concerning, referring or relating to any internal complaints of retaliation, harassment, discrimination, hostile work environment, or discrimination made by other employees of defendant within the last five (5) years.
49. The resume, curriculum vitae or other written credentials for any expert witness(es) whom defendant has retained at any time in connection with this action.
50. All reports or other written documents prepared by any expert retained by Defendant or on defendant's behalf in connection with this action.
51. All documents concerning, referring or relating to defendant's policy or policies regarding employees' use of desktop computers (personal or provided by you) from home or remote locations, and the management, preservation and/or deletion of data created or transmitted to or from such computers.
52. All documents concerning, referring or relating to defendant's policy or policies regarding employees' use of e-mail, including but not limited to the management, preservation and/or deletion of e-mail.
53. All documents concerning, referring or relating to how defendant's electronic search was conducted in order to respond to Plaintiff's discovery demands, including but not limited to, a description of what computer systems were searched, the names of employees whose computer or e-mail was searched and whether e-mail exchanged through cellular phones was searched.
54. All documents concerning, referring or relating to defendant's policy or policies regarding the management, preservation and/or deletion of data related to Plaintiff's employment.
55. All documents that relate to, refer to, discuss or memorialize any insurance policy that may be used to pay all or part of any judgment entered against Defendant in this matter, including but not limited to any employment practices insurance policy, directors and officers liability insurance policy, general liability insurance policy, umbrella insurance policy, reinsurance policy and the like.
56. Any and all documents, including any notes, correspondence or other documents which relate in any way to any measure of damages claimed by the plaintiff.
57. Each and every document in the defendant's possession, which has not been otherwise provided pursuant to a preceding request and which refers in any way to the plaintiff.
58. Any and all documents not specifically requested in the foregoing requests which defendant believes will in any way relate to the claims in her matter.

**DIFRANCESCO, BATEMAN, KUNZMAN,
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Warren, NJ 07059-5686
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Attorneys for Plaintiff, Meredith Nelson

MEREDITH NELSON,

Plaintiff,

v.

TOWNSHIP OF OCEAN & STEVEN
GALLAGHER, individually and in his
official capacity as Supervisor,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO.: MON-L-001447-19

Civil Action

**CERTIFICATION TO PLAINTIFF'S FIRST
SET OF REQUEST FOR DOCUMENT
PRODUCTION TO TOWNSHIP
DEFENDANT**

The undersigned certifies that the answers to these demands are true to the best of their knowledge, information and belief based upon a reasonable investigation and review of appropriate records. The information supplied in these answers is not based solely on the knowledge of the executing individual, but includes knowledge of the party, its agents, representatives and attorneys, unless privileged.

The word usage and sentence structure may be that of the attorney assisting in the preparation of the answers and thus, does not necessarily purport to be the precise language of the executing party.

By: _____

Title: _____

Dated: _____