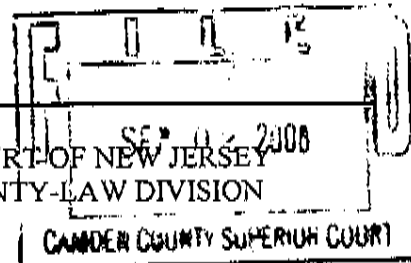


LAW OFFICES OF KEVIN M. COSTELLO, P.C.

By: Kevin M. Costello
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ANGELA COMBS

Plaintiff,

vs.

BRIDGETON BOARD OF EDUCATION,
and JOHN DOES 1-5 AND 6-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY LAW DIVISION

Civil Action

DOCKET NO. L-4429-08

COMPLAINT AND JURY DEMAND

Plaintiff, Angela Combs , residing at 7 Patterson Lane, Sicklerville, New Jersey, by way of
Complaint against the defendants, says.

Preliminary Statement

Plaintiff brings claim under the New Jersey Law Against Discrimination ("LAD") for sexual harassment, sexual discrimination, ethnic/racial harassment, ethnic/racial discrimination, and retaliatory/discriminatory discharge.

Identification of Parties

1. Plaintiff Angela Combs, is at all relevant times herein, a resident of Sicklerville, County of Camden, State of New Jersey and was employed by the defendants jointly and severally.
2. Defendant Bridgeton Board of Education is a New Jersey municipal entity and was plaintiff's employer, maintaining a principal place of business in Bridgeton, New Jersey.
3. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts on or the basis of *respondeat superior*, are answerable to the plaintiff.

General Allegations

4. Plaintiff is a woman
5. Plaintiff is African-American.
6. Plaintiff was the only African-American guidance counselor in her place of employment when Mr. Robert Cwik became her supervisor in 2007.
7. From the time that Mr. Cwik initially became so, he immediately began to treat plaintiff disparately, in a manner different from the other guidance counselors, all of whom were not African-American.
8. This disparate treatment included, but was not limited to:
 - a. unsubstantiated and unfair write-ups;
 - b. failure to provide appropriate support;
 - c. forcing plaintiff to work in ways which were different than the manners and methods imposed on other guidance counselors and other acts which may be revealed during the course of discovery.
9. This was discriminatory on its fact and raises a prima facie issue of discrimination based upon ethnicity/race (hereafter "race").
10. Plaintiff's race was a determinative and/or motivating factor in this discriminatory treatment.
11. The discriminatory treatment was egregious singly or as a continuum.
12. The discriminatory treatment was perpetrated against the plaintiff by a member of upper management therefore warranting the imposition of punitive damages.
13. When plaintiff complained to Principal Lynn Williams about being treated in this disparate discriminatory fashion, plaintiff mentioned to Principal Williams that she thought it was based upon race in early 2007.
14. Principal Williams simply ignored plaintiff's complaint in its entirety, never investigated, never got back to the plaintiff, never informed plaintiff of her rights and willfully ignored the complaint.

15. This is an egregious act of willful indifference on the part of yet another member of upper management.

16. The disparate discriminatory treatment continued through 2007 and into the beginning of 2008.

17. During this time period, as well, sexual/racial harassment of the plaintiff also began.

18. This harassment is alleged to be severe and/or pervasive.

19. This harassment is such that a reasonable woman in the same or similar circumstances would have considered the workplace to have become hostile and/or intimidating and/or abusive and, in fact, the workplace did become so.

20. This harassment was because of plaintiff's race and/or because of plaintiff's gender.

21. The harassment was especially egregious individually or taken as a continuum.

22. The harassment was ignored and/or perpetrated and/or ratified by members of upper management, warranting the imposition of punitive damages.

23. The harassment included, but was not limited to the following:

a. Cwik commenting upon the fact that plaintiff would wear lipstick, suggesting that it "brought out" her features, especially her "big lips;"

b. inferences that "those big lips" would give "an awesome blow job;"

c. suggestions that Cwik was "not into black women, but that's one thing that they do," referring to blow jobs;

d. Cwik making repeated suggestions to plaintiff that her actual or real job was to give him blow jobs, while leaning back in his chair to expose his crotch and gesturing to the area below his desk;

e. Cwik pointing to the area under his desk and suggesting "this is going to be your new work area and your new job, blowing me all day;"

f. when plaintiff began to complain to Principal Williams regarding the sexual harassment, Williams suggested to plaintiff that she (Williams) would set up a meeting, but this never took place;

g. this encouraged Cwik to continue his harassment;

h. Cwik would make repeated references to plaintiff about "do your job, girl;" and

i. Cwik would make suggestions "you know what your job is, right?" referencing his earlier commentary about plaintiff's job being under his desk.

24. Months went by after plaintiff began to complain to Principal Williams and to James Duncan, another member of upper management, about Cwik's conduct, but once again, there was never any response.

25. Plaintiff's evaluations began to become poor and she refused to sign them, believing that Cwik had a bias against her because she refused to cooperate with his sexual harassment and/or because she was black.

26. These poor evaluations formed the pattern of disparate treatment referenced at the start of general allegations.

27. To the extent that these poor evaluations, influenced and/or ratified by Cwik, were also in response to plaintiff's failure to go along with the *quid pro quo* sexual harassment, then they are also "because of" plaintiff's gender, and constitute sex discrimination as well as race discrimination.

28. Even after plaintiff explained to Principal Williams why she refused to sign her poor evaluations, Principal Williams pressured the plaintiff to sign the evaluations anyway.

29. Mr. Duncan, another member of upper management, finally suggested to plaintiff in 2008, after months of plaintiff's complaints, that she "make a formal complaint."

30. Further evaluations by Principal Williams, whether influenced by Cwik or not, were also negative, and upon information and belief, negative because of plaintiff's consistent complaints about Cwik.

31. This constitutes actionable retaliation under the LAD by a member of upper management.

32. A determinative and/or motivating factor in plaintiff's poor reviews at that point, were her gender, her refusal to go along with sexual harassment, her refusal to go along with racial harassment, or her status as a complainer about same.

33. The poor review by Principal Williams was simply a restatement of all of Cwik's earlier negative reviews, and was not the "neutral" review promised to plaintiff.

34. In April of 2008, plaintiff was told to come to the principal's office.

35. In the course of being escorted there, a school police officer actually put his hands upon the plaintiff which put her in grave fear.

36. The instruction to this officer was a further act of retaliation, harassment and/or retaliatory harassment and is part of the actionable discrimination and harassment in this case.

37. Several days later, plaintiff was informed that she was being suspended and she was then being terminated.

38. A determinative and/or motivating factor in plaintiff's termination was her gender, her race, her refusal to along with *quid pro quo* sexual harassment and/or her complaints about the discrimination and harassment to which she had long been exposed.

39. Plaintiff has been caused to suffer both economic and non-economic losses.

COUNT I

Quid Pro quo Sexual Harassment Under the LAD

40. Plaintiff hereby repeats and realleges paragraphs 1 through 39 as though fully set forth herein.

41. For the reasons set forth above, the conduct by Cwik constitutes *quid pro quo* sexual harassment for which the defendants are responsible in compensatory and punitive damages, also for the reasons set forth above.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, equitable back pay, equitable front pay, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs of suit and any other relief the Court deems equitable and just.

COUNT II

Sexual Harassment Under the LAD

42. Plaintiff hereby repeats and realleges paragraphs 1 through 41 as though fully set forth herein.

43. For the reasons set forth above, the conduct referenced above constitutes sexual harassment for which the defendants are responsible.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, equitable back pay, equitable front pay, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs of suit and any other relief the Court deems equitable and just.

COUNT III

Racial/Ethnic Harassment Under the LAD

44. Plaintiff hereby repeats and realleges paragraphs 1 through 43 as though fully set forth herein.

45. The conduct to which plaintiff was exposed constitutes racial harassment, directed at the plaintiff because of her race, for the reasons set forth above, and for which the defendant is responsible in compensatory and punitive damages for the reasons set forth above.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, equitable back pay, equitable front pay, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs of suit and any other relief the Court deems equitable and just.

COUNT IV

Race Based Discrimination by Cwik

46. Plaintiff hereby repeats and realleges paragraphs 1 through 45 as though fully set forth herein.

47. Cwik's poor evaluations and/or poor reviews, disparate treatment and other conduct constituting discrimination, to the extent that it was "because of" and/or determined and/or motivated in part by plaintiff's race is actionable for the reasons set forth above and the defendants are answerable in compensatory and punitive damages for the reasons set forth above.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, equitable back pay, equitable front pay, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs of suit and any other relief the Court deems equitable and just.

COUNT V

Retaliation Under the LAD – Harassment, Poor Reviews and Termination

48. Plaintiff hereby repeats and realleges paragraphs 1 through 47 as though fully set forth herein.

49. For the reasons set forth above, plaintiff's status as complainer and/or resister of quid pro quo sexual harassment, as a complainer regarding sexual and racial harassment and discrimination, as a woman, and/or as a black person, was a determinative and/or motivating factor in the poor reviews given her by Cwik and Williams, and in the termination of plaintiff.

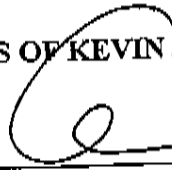
50. Any other reason given is pretext.

51. Even if the reasons given is pretext or properly considered, the actions are still challengeable under the LAD for the reasons set forth above, and the defendant is still answerable in punitive damages for the reasons set forth above.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, equitable back pay, equitable front pay, punitive damages, attorneys' fees, enhanced attorneys' fees, interest, costs of suit and any other relief the Court deems equitable and just.

LAW OFFICES OF KEVIN M. COSTELLO, P.C.


DATED:

By: 
Kevin M. Costello

JURY DEMAND

Plaintiff hereby demands a trial by jury.


LAW OFFICES OF KEVIN M. COSTELLO, P.C.

By: 
Kevin M. Costello

RULE 4:5-1 CERTIFICATION

- 1. I am licensed to practice law in New Jersey and am responsible for the above-mentioned matter.
- 2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

LAW OFFICES OF KEVIN M. COSTELLO, P.C.


By: 

 Kevin M. Costello

DESIGNATION OF TRIAL COUNSEL

Kevin M. Costello, Esquire, of the law firm of Law Offices of Kevin M. Costello, P.C., is hereby designated trial counsel.

LAW OFFICES OF KEVIN COSTELLO, P.C.

By: 

 Kevin M. Costello