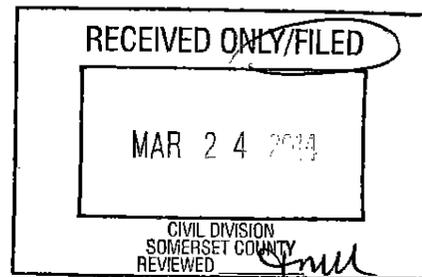


Martin Kane & Kuper
 ATTORNEYS AT LAW
 180 Tices Lane - Bldg B, Suite 200
 East Brunswick, New Jersey 08816
 (732) 214-1800 - Phone
 (732) 214-0307 - Fax
 Attorneys for Plaintiff Michael Reinbeck



MICHAEL REINBECK,

Plaintiff,
vs.

**EAST FRANKLIN TOWNSHIP
 VOLUNTEER FIRE
 DEPARTMENT, FRANKLIN
 TOWNSHIP FIRE DISTRICT #3,
 DANIEL J. KRUSHINSKI
 individually and in his
 representative capacity, and
 JOHN DOES (1-10),**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION -
 SOMERSET COUNTY
 Docket No. SOM-L-393-14**

**Civil Action
 COMPLAINT**

Plaintiff Michael Reinbeck, by and through his attorneys, Martin Kane & Kuper, alleges as follows:

1. Michael Reinbeck resides at 40 Whittier Avenue, Somerset, NJ 08873.
2. Defendant East Franklin Township Volunteer Fire Department is a public entity and/or non-profit corporation which is located at 121 Pinegrove Avenue, Somerset, New Jersey 08873.
3. Defendant Franklin Township Fire District #3 is a public entity and/or non-profit corporation which is located at 138 Shevenchenko Avenue, Somerset, New Jersey 08873.
4. Defendant Daniel J. Krushinski is an employee and/or agent of defendants East Franklin Township Volunteer Fire Company and Franklin Township Fire District #3 and at all relevant times was employed and or served as Fire Chief.
5. Defendants John Does (1-10) are fictitious names for currently unidentified

entities and/or individual employees, agents, heirs and/or assigns of defendants East Franklin Township Volunteer Fire Company and Franklin Township Fire District #3 who were aware of, took part in and/or ratified the actions as alleged herein. All allegations as to the named defendants pertain to the John Doe defendants.

6. In or about January 2013, plaintiff Michael Reinbeck campaigned for Fire Commissioner. During that campaign, plaintiff raised numerous safety concerns which he reasonably believed were in violation of public policy, department standards, and/or the law.

7. Soon thereafter, defendants began a campaign of retaliation against plaintiff, with defendant Krushinski stating publicly on March 6, 2013 that he would force Reinbeck's termination for those complaints.

8. When plaintiff thereafter filed a formal complaint with East Franklin Township Volunteer Fire Department President Joseph Inzirillo regarding violations of public policy, department standards, and/or the law by defendant Krushinski, plaintiff was immediately suspended from his position as First Lieutenant with the Department for a period of 60 days by defendant Krushinski.

9. Despite the fact that plaintiff's complaint was made in accordance with Article IV of the Department's bylaws and, as he had a reasonable belief that such breaches and/or violations had occurred, his suspension was unfounded, retaliatory in nature, and in clear violation of law and public policy.

10. When plaintiff made a timely appeal to the Department's Executive Board in accordance with the Department's bylaws, defendants further retaliated against plaintiff by ignoring his appeal and demanding that he submit to additional penalties or else face immediate termination. Both of these actions violated departmental rules, law and public policy.

11. Faced with the choice of being subjected to an unfounded and illegal discipline and other violations of his constitutional right to privacy, plaintiff's termination by defendants is and remains a constructive discharge in clear violation of law and public policy.

12. Plaintiff was thereafter terminated from the East Franklin Township Volunteer Fire Department on or about March 26, 2013 by defendants.

13. As a result of defendants actions, plaintiff has suffered, and continues to suffer emotional distress, embarrassment, anguish, loss of reputation and esteem and other pain and suffering as to be determined.

FIRST COUNT

14. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

15. At all relevant times, plaintiff was an employee of defendants.

16. Defendants have retaliated against plaintiff for disclosing and/or complaining of conduct and/or policies on the part of defendants which he reasonably believed were in violation of public policy, department standards, and/or the law.

17. Defendants conduct, acting jointly and/or severally, violates the New Jersey's Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et. seq.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

SECOND COUNT

17. Plaintiff repeats and realleges each and every allegation contained in the

preceding paragraphs as if set forth herein at length.

19. Defendants have retaliated against and/or terminated plaintiff in violation of public policy.

18. Defendants' actions, acting jointly and/or severally, have violated plaintiff's rights at common law to be free from retaliation based on his legitimate safety complaints.

19. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

THIRD COUNT

20. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

21. Defendants' actions, acting jointly and/or severally, have violated plaintiff's right to be free from unlawful retaliation.

22. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

FOURTH COUNT

23. Plaintiff repeats and realleges each and every allegation contained in the

preceding paragraphs as if set forth herein at length.

24. At all times mentioned in this Complaint, the defendants and/or their employees, agents, servants and/or assigns acted within the scope of their respective employments and/or for the benefit of the defendants.

31. Defendants are vicariously liable for the unlawful acts of the individual defendants and/or their employees, agents, and/or assigns under the principles of *respondeat superior*.

32. Defendants are also directly liable insofar as the defendants' managers, supervisors and/or officers acted within the scope of their employments as against plaintiff.

33. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

FIFTH COUNT

34. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

35. Defendants owed a duty to plaintiff as an employee to hire and retain qualified employees to serve as managers, supervisors, and/or officers, which duty was negligently, recklessly, intentionally and/or maliciously breached.

36. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

SIXTH COUNT

37. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

38. Defendants owed plaintiff a duty to properly oversee, train and supervise its commissioners, supervisors, managers, officers, and/or assigns so as to avoid, prevent, remedy and/or conduct a meaningful investigation of the incidents and occurrences alleged herein, which duty was negligently, recklessly, intentionally and/or maliciously breached.

39. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

SEVENTH COUNT

40. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

41. Defendants owed plaintiff a duty to place into effect and enforce meaningful policies against unlawful harassment and/or retaliation, which duty was negligently, recklessly, intentionally and/or maliciously breached.

42. As a result of defendants conduct, plaintiff has sustained and will continue

to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys fees, costs of suit and such other relief as the Court may deem just and necessary.

EIGHTH COUNT

43. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

44. Defendants owed plaintiff a duty to place into effect and enforce meaningful procedures through which its commissioners, supervisors, managers, officers, employees, agents, servants and/or assigns could complain about and/or report unlawful harassment and retaliation without suffering further retaliation such as that alleged herein, which duty was negligently, recklessly, intentionally and/or maliciously breached.

45. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

NINTH COUNT

46. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

47. Defendants owed plaintiff a duty to undertake meaningful investigations in response to disciplinary actions brought against its employees so as to ensure they are not

based on unlawful harassment and retaliation, which duty was negligently, recklessly, intentionally and/or maliciously breached.

48. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

TENTH COUNT

46. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

47. Defendants owed plaintiff a duty to provide a meaningful and/or effective appeals process regarding disciplinary actions brought against its employees, which duty was negligently, recklessly, intentionally and/or maliciously breached.

48. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

ELEVENTH COUNT

46. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

47. Defendants' failure to provide a meaningful and/or effective appeals

process regarding disciplinary actions violates plaintiff's right to Due Process under the Federal and New Jersey State Constitutions.

48. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

TWELFTH COUNT

49. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

50. Defendants intentionally, willfully, maliciously and without justification harassed and retaliated against plaintiff such as to cause severe emotional distress.

51. Defendants' conduct was extreme and outrageous.

52. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

THIRTEENTH COUNT

49. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if set forth herein at length.

50. Defendants unlawful termination deprived plaintiff of numerous economic

benefits and/or advantages inherent in his senior position as a Lieutenant.

51. Plaintiff had a reasonable expectation of those economic benefits and/or advantages.

51. Defendants wrongfully and intentionally interfered with this expectancy and it is reasonable probable that but for the defendants wrongful interference, plaintiff would have realized those economic benefits and/or advantages.

52. As a result of defendants' conduct, plaintiff has sustained and will continue to suffer damages, including but not limited to severe mental and emotional distress, anguish, embarrassment and humiliation, and economic loss.

WHEREFORE, plaintiff demands judgment in his favor and against defendants for compensatory and punitive damages, together with attorneys' fees, costs of suit and such other relief as the Court may deem just and necessary.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all of the issues contained herein.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4 the Court is advised that **JOHN F. GILLICK, ESQ.** is designated as trial counsel.

CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify to the best of my knowledge, that the above-captioned action is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated at this time. I reserve the right to amend this Certification upon the completion of further discovery.

Martin Kane & Kuper

JOHN F. GILLICK, ESQ.

Dated: March 21, 2014

CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
Use for initial Law Division - Civil Part pleadings (not motions) under R. 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.		PAYMENT	
		CHG/CHK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY/ PRO SE NAME John F. Gillick, Esq.	TELEPHONE NUMBER (732) 214-1800	COUNTY OF VENUE Somerset	
FIRM NAME (if applicable) MARTIN KANE KUPER		DOCKET NUMBER (When Available) <i>Somerset 393-14</i>	
OFFICE ADDRESS 180 Tices Lane Building B, Suite 200 East Brunswick, NJ 08816		DOCUMENT TYPE Complaint	
		JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g. John Doe, Plaintiff) Plaintiffs		CAPTION MICHAEL REINBECK v. EAST FRANKLIN TOWNSHIP VOLUNTEER FIRE DEPARTMENT, FRANKLIN TOWNSHIP FIRE DISTRICT #3, DANIEL J. KRUSHINSKI individually and in his capacity, and JOHN DOES(1-10)	
CASE TYPE NUMBER (See reverse side for listing) 618	Is This A Professional Malpractice Case? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If You Have Checked "Yes", See N.J.S.A. 2A:53A-27 And Applicable Case Law Regarding Your Obligation To File An Affidavit of Merit.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input type="checkbox"/> NO Unknown at this time	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP	<input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FAMILIAL	<input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (EXPLAIN) _____ <input type="checkbox"/> BUSINESS
B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OR FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATIONS:	
WILL AN INTERPRETER BE NEEDED? YES NO		IF YES, WHAT LANGUAGE:	
I CERTIFY THAT CONFIDENTIAL PERSONAL IDENTIFIERS HAVE BEEN REDACTED FROM DOCUMENTS NOW SUBMITTED TO THE COURT, AND WILL BE REDACTED FROM ALL DOCUMENTS SUBMITTED IN THE FUTURE IN ACCORDANCE WITH RULE 1:38-7(b)			
ATTORNEY SIGNATURE 			

CIVIL CASE INFORMATION STATEMENT

(CIS)

Use for initial pleadings (not motions) under R. 4:5-1

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

Track I - 150 days' discovery

151	NAME CHANGE
175	FORFEITURE
302	TENANCY
399	REAL PROPERTY
502	BOOK ACCOUNT
505	OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
506	PIP COVERAGE
510	UM or UIM CLAIM
511	ACTION ON NEGOTIABLE INSTRUMENT
512	LEMON LAW
599	CONTRACT/COMMERCIAL TRANSACTION
801	SUMMARY ACTION
802	OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Track II - 300 days' discovery

305	CONSTRUCTION
509	EMPLOYMENT (other than CEPA or LAD)
602	ASSAULT AND BATTERY
603	AUTO NEGLIGENCE - PERSONAL INJURY
605	PERSONAL INJURY
610	AUTO NEGLIGENCE - PROPERTY DAMAGE
699	TORT - OTHER

Track III - 450 days' discovery

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

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

156	ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303	MT. LAUREL
508	COMPLEX COMMERCIAL
701	ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

240	DIET DRUG	601	ASBESTOS
248	CIBA GEIGY	619	VIOXX
264	PPA		

999 OTHER (Briefly describe nature of action) _____

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

Please check off the applicable category:

Verbal Threshold

Putative Class Action

Title 59