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FILED
JUL 11 2011
CLERK OF SUPERIOR COURT
UNION COUNTY, NEW JERSEY

FREDERICK W. WALZ,

Plaintiff,

v.

CITY OF PLAINFIELD, PLAINFIELD
POLICE DEPARTMENT, MARTIN R.
HELLWIG, JOHN DOES 1-10 (fictitious
names presently unknown), ABC-XYZ
CORP. (fictitious names presently unknown):

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: UNION COUNTY

: DOCKET NO. UNN-L- 1569-11

: CIVIL ACTION

: COMPLAINT AND JURY DEMAND

Plaintiff Frederick Walz, presently residing in the Township of Piscataway,
County of Middlesex and State of New Jersey, by way of this complaint against
defendants, states:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff Frederick Walz has been employed as a police officer by
defendants Plainfield Police Department ("PPD") and the City of Plainfield
("Plainfield"), whose main office is located in Plainfield, New Jersey, since January
1991.
2. The plaintiff's rank is currently that of sergeant and he has a computer and
technology specialty. Defendant PPD assigned the plaintiff to its Information
Technology ("IT") unit because of his specialized knowledge and training.

3. The plaintiff's job performance has met the legitimate expectations of the defendants.

4. In July 2009 and in the course of his employment with defendant PPD, the plaintiff conducted an investigation of defendant Martin Hellwig. Defendant Hellwig is the Public Safety Director for defendant Plainfield

5. As part of his investigation, the plaintiff found a three-page printed email on the center console of a police vehicle that the plaintiff and his supervising captain interpreted as indicating that defendant Hellwig was soliciting prostitution services via the internet while in the course of his employment

6. The plaintiff's investigation revealed that in middle June 2009, defendant Hellwig had used the same police vehicle. Further, during his use of the vehicle, defendant Hellwig needed to have it towed. The police vehicle was towed to police headquarters for repair.

7. When the investigation was completed, the plaintiff submitted the information he gathered to PPD Captain Edward G. Santiago.

8. Captain Santiago contacted the New Jersey State Police, Political Corruption Unit to conduct an investigation.

9. Captain Santiago also advised defendant PPD's Internal Affairs office of the plaintiff's findings and the State Police investigation.

10. In approximately February 2010, defendants Plainfield and PPD had the Police Internal Affairs office conduct an investigation of the plaintiff related to the investigation he began of defendant Hellwig.

11. Effective April 19, 2010, defendants Hellwig, Plainfield and PPD took adverse action against the plaintiff by transferring him from the IT Bureau to the Uniform Bureau under the command of Captain Michael Gilliam.

12. As a consequence of the defendant's internal affairs investigation of the plaintiff, defendants Plainfield and PPD took additional adverse action against the plaintiff by issuing a Notice of Disciplinary Action suspending the plaintiff effective August 2, 2010 for 90 days and demoting him from sergeant to police officer

13. To date, defendant Hellwig has not been charged with any criminal offense.

14. Defendants Plainfield, PPD and Hellwig, its employees, servants, agents and/or other representatives, discriminated and retaliated against plaintiff and otherwise fostered a hostile workplace by engaging in discriminatory conduct that made the work place intimidating, hostile and offensive to a reasonable person in violation of New Jersey's Law Against Discrimination ("LAD").

15. The plaintiff complained to his superiors about the discriminatory and retaliatory behavior and appealed the disciplinary action, but the defendants have failed to correct and otherwise redress their actions.

16. The plaintiff also submitted a formal notice to defendant Plainfield complaining of retaliatory actions by defendants Plainfield, PPD and Hellwig.

17. Defendants Plainfield, Hellwig and PPD failed to investigate the plaintiff's formal complaint of retaliation.

18. As a consequence of his complaints of retaliation and violation, the plaintiff has been denigrated and treated disparately.

COUNT ONE
(Violation of CEPA)

19. Plaintiff repeats the allegations of the proceeding paragraphs as though set forth herein at length.

20. At all relevant times herein, there was in force and effect in the State of New Jersey a statute designated as the Conscientious Employee Protection Act (“CEPA”), N.J.S.A. 34:19-1 et seq.

21. CEPA prohibits an employer from retaliating against an employee who reports, objects to, refuses to participate in and/or provides information and/or testimony of a violation of law or fraudulent or criminal activity, policy or practice.

22. The actions of the defendants aforesaid violate the mandates of the CEPA.

23. As a direct and proximate result of the actions of the defendants, the plaintiff sustained injuries, emotional distress and humiliation, physical manifestations of emotional distress and economic loss.

WHEREFORE, plaintiff demands judgment in this count against all defendants for compensatory damages, punitive damages, costs of suit, interest and attorney’s fees.

COUNT TWO
(Violation of LAD)

24. There is, and at all relevant times herein, was in force and effect in the State of New Jersey a statute designated as the Law Against Discrimination (“LAD”), N.J.S.A. 10:5-1 et seq.

25. The LAD prohibits discrimination, retaliation and harassment against an employee.

26. The LAD also prohibits employees of defendant from aiding, abetting, coercing or compelling discriminatory and retaliatory acts against the plaintiff.

27. As a direct and proximate result of the actions of the defendants, the plaintiff, who is a member of a protected class under LAD, sustained injuries, emotional distress and humiliation, physical manifestations of emotional distress and economic loss.

WHEREFORE, plaintiff Frederick Walz demands judgment in this count against all defendants for compensatory damages, punitive damages, costs of suit, interest and attorney's fees.

COUNT THREE
(Fictitious Party Allegations)

28. Plaintiff repeats the allegations of the proceeding counts as though set forth herein at length.

29. Defendants John Does 1-10 are fictitious individuals, corporations, professional associations, or anyone else who participated in anyway with the treatment, management and supervision of the plaintiff at all times relevant herein.

30. Defendants John Does 1-10 were negligent, careless and/or discriminatory in their collective and/or respective care, supervision, management, and/or treatment of plaintiff and otherwise aided and abetted the discrimination against the plaintiff in violation of LAD.

31. As a direct and proximate result of the retaliation and discrimination of the defendants John Does 1-10, said names being fictitious, the plaintiff sustained injuries, emotional pain and anguish as well as physical manifestations of her emotional distress and economic loss.

WHEREFORE, plaintiff Frederick Walz demands judgment on this count against all defendants, jointly, severally, and/or in the alternative, together with interest, costs of suit and attorney's fees.

COUNT FOUR
(Common Law Retaliation)

32. Plaintiff repeats the allegations of the preceding counts as though set forth herein at length.

33. The actions of the defendants aforesaid constitute common law retaliation.

34. As a direct and proximate result of the defendants' actions aforesaid, plaintiff sustained injuries, emotional pain and anguish as well as physical manifestations of her emotional distress and economic loss

WHEREFORE, plaintiff Frederick Walz demands judgment against all defendants herein, together with interest, costs of suit and attorney's fees.

COUNT FIVE
(Breach of Contract)

35. Plaintiff repeats the allegations of the preceding counts as though set forth herein at length.

36. At all relevant times herein, the plaintiff was a member of a labor union known as Plainfield Police Benevolent Association Local 19 ("PBA 19").

37. At all relevant times herein, there existed a Collective Bargaining Agreement between defendants Plainfield and PPD and the PBA 19.

38. The contract prohibits retaliation and discrimination by defendant against members of PBA 19.

39. The actions of the defendants aforesaid constitute a breach of contract.

40. As a direct and proximate result of the breach of contract by the defendants herein, plaintiff sustained damages.

WHEREFORE, plaintiff Frederick Walz demands judgment against all defendants herein, together with interest, costs of suit and attorney's fees.

COUNT SIX
(Punitive Damages)

41. Plaintiff repeats the allegations of the preceding Counts as though set forth herein at length.

42. The actions of all defendants were outrageous and constitute willful and wanton behavior.

WHEREFORE, plaintiff, Frederick Walz, demands judgment against all defendants herein for punitive damages, together with interest, costs of suit and attorney's fees.

DESIGNATION OF TRIAL COUNSEL

Plaintiff Frederick Walz designates David H. Kaplan, Esquire as Trial Counsel pursuant to Rule 4:25-4.

LAW OFFICE OF DAVID H. KAPLAN
ATTORNEYS FOR PLAINTIFF

DATED: April 11, 2011



DAVID H. KAPLAN, ESQUIRE