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SUPERIOR COURT OF NJ
GLO. COUNTY CIVIL PART

SUPERIOR COURT OF NEW JERSEY
CLERK OF COURT

LISA SCHWINGE,
Plaintiff,

v.

DEPTFORD TOWNSHIP BOARD OF
EDUCATION, and JOSEPH COLLINS,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CIVIL ACTION

GLOUCESTER COUNTY
DOCKET NO. L-1842-09

COMPLAINT AND JURY DEMAND

Plaintiff, Lisa Schwinge, hereby complains against the Defendant, Deptford Board of Education, as follows:

COUNT ONE

1. Plaintiff Lisa Schwinge is a woman, residing at 1934 Bellevue Avenue, in Deptford Township, County of Gloucester, New Jersey.
2. Defendant is the Deptford Board of Education, located at 2022 Good Intent Road, Deptford, Gloucester County, New Jersey. Defendant Joseph Collins is an employee of defendant, Deptford Board of Education. He was the direct supervisor of Plaintiff, Lisa Schwinge.
3. The plaintiff was employed by the defendant. The plaintiff hereby charges the defendant with unlawful employment discrimination, within the meaning of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. and specifically within the meaning of 10:5-12 (a) of said law because her sex, and because of her pregnancy, and because she inquired about her medical leave rights, in connection with her pregnancy.
4. Plaintiff belongs to a protected class, in that she is a female, and was pregnant.
5. Defendant employed the plaintiff as a book keeper/office worker in or about December 2006. Plaintiff had many years experience as a government office worker, and had never had bad reviews, nor any complaints regarding her work performance during her years of employment.

6. In or about February of 2008, the plaintiff notified defendant's assistant administrator, Joseph Collins, that she was pregnant.

7. Defendant's supervisor, Joseph Collins, shortly thereafter, for the first time, gave the plaintiff a negative review.

8. Shortly after that, on or about April 23, 2008, soon after the plaintiff had inquired about her Family Medical Leave Rights, Plaintiff was advised that her contract was not going to be renewed.

9. Plaintiff alleges that she was discriminated against, based on her sex/pregnancy, and her missed time from work because of jury duty (see Count Two).

10. Defendant alleges that the defendants' attempt to assert that plaintiff was terminated because of "poor performance" is a pretense. She denies that her work was poor, and alleges that she was the victim of unlawful discrimination by the defendant.

WHEREFORE, the plaintiff, Lisa Schwinge, hereby demands judgment against the Defendants, Deptford Township Board of Education, and Joseph Collins, for compensatory damages, including economic loss, humiliation, mental pain and suffering, anxiety and distress, loss of wages, punitive damages, counsel fees, and all costs of the suit.

COUNT TWO

11. Plaintiff hereby incorporate by reference all of the allegations of Count One of the Complaint as if fully set forth at length herein.

12. During the time period from approximately December 3, 2007 through January 3, 2008, while employed by the defendant, the Plaintiff, Lisa Schwinge was selected to serve on a lengthy Civil jury trial in the Superior Court of New Jersey, Law Division, Gloucester County (Woodbury), New Jersey.

13. As a citizen of the United States, and of New Jersey, the plaintiff, Lisa Schwinge, was required by law to do her duty as a citizen, and was summoned to appear, and to serve as a juror, if selected, in and within the context of the jury trial system.

14. The plaintiff, in good faith, served as a juror, and did her lawful duty.

15. However, shortly after her jury service, and around the time that she announced her pregnancy, plaintiff's supervisor, Joseph Collins, complained about "missed time from work by

employees," and further asserted that no excuses would be accepted, that he "didn't care" what excuse employees had, and that any missed time would result in consequences.

16. Over the next couple of months, plaintiff Lisa Schwinge, received her first negative reviews as an employee of Deptford Township. Shortly thereafter, she was terminated, and notified that her contract would not be renewed.

17. To the extent that defendant's actions in terminating her were in whole or in part the result of her having missed periods of time from work, as a result of her service on a jury, defendant violated the law, and in particular, the Federal Jury System Improvement Protection Act, 18 U.S.C. 1875. In violating said law, the defendants, and each of them, acted under color of State Law, and their actions and behaviors resulted in significant damages to the plaintiff and her family.

WHEREFORE, the plaintiff, Lisa Schwinge, hereby demands judgment against the Defendants, Deptford Township Board of Education, and Joseph Collins, and each of them, for compensatory damages, including economic loss, humiliation, mental pain and suffering, anxiety and distress, loss of wages, punitive damages, counsel fees, and all costs of the suit.

COUNT THREE

18. Plaintiff hereby incorporate by reference all of the allegations of Count One and Count Two of the Complaint as if fully set forth at length herein.

19. In addition to her pregnancy, the plaintiff suffered from a herniated disc in her spine, along with several bulging discs. Therefore, as a result of her disc conditions, the plaintiff suffered from a "disability" within the meaning of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et. seq.*, and within the definition of the Federal Americans with Disabilities Act, 42 U.S.C. 126, § 12101, *et. seq.*

20. Therefore, to the extent that the actions taken by the defendants against plaintiff, Lisa Schwinge were in part related to their discovery and/or knowledge of her medical conditions, these constituted acts of discrimination, in violation of the State and Federal statutes cited herein.

21. Plaintiff had filed a complaint with the New Jersey Division of Civil Rights. That complaint has recently been withdrawn, as plaintiff has chosen to pursue her rights in the Superior Court of

New Jersey. The corresponding Federal E.E.O.C charge has also been withdrawn, and a "Right to Sue" letter has been requested from the E.E.O.C.

WHEREFORE, the plaintiff, Lisa Schwinge, hereby demands judgment against the Defendants, Deptford Township Board of Education, and Joseph Collins, and each of them, for compensatory damages, punitive damages (as permitted by law or statutes), counsel fees, and all costs of the suit.

ROBERT HENSLER, LLC
Attorney for Plaintiff

By: 
Robert Hensler, Esquire

JURY DEMAND

Plaintiff demands a jury trial on all issues.

ROBERT HENSLER, LLC
Attorney for Plaintiff

By: 
Robert Hensler, Esquire

DESIGNATION OF TRIAL COUNSEL

Robert J. Hensler, Esquire is hereby designated as trial counsel.

ROBERT HENSLER, LLC
Attorney for Plaintiffs

By: 
Robert Hensler, Esquire

Date: 10/12/09

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy herein is not the subject of any other action pending in any other court or arbitration process of which the undersigned is aware. Previously filed charges with the New Jersey Division of Civil Rights (Docket No. EH02SE-54034) and the E.E.O.C. (No. 17E-2008-00550) have been withdrawn, so that plaintiff may pursue her rights in Court. Further, I hereby certify that no other action or arbitration process is contemplated. I further certify that it is not contemplated that any other party should be joined in this action at this time.

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

ROBERT HENSLER, LLC
Attorney for Plaintiffs

Date: 10/12/09

By:



Robert Hensler, Esquire