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Attorneys for Plaintiff

<p>GRADY BUTTS 19 Church St. Penns Grove, NJ 08069</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>SALEM COUNTY 110 Fifth Street Salem, NJ 08079</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: SALEM COUNTY</p> <p>CIVIL ACTION NO.</p> <p>JURY TRIAL DEMANDED</p>
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COMPLAINT

PARTIES

1. Plaintiff, Grady Butts, is an African-American man who resides at the above address.
2. Defendant, Salem County, is a county located within the state of New Jersey was Plaintiff’s employer during all times relevant herein.
3. Defendant was at all times relevant herein the government unit responsible for the actions of its agents and employees.
4. Defendant is an “employer” within the definition of the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. § 10:5-5.

JURISDICTION AND VENUE

5. Jurisdiction and venue are properly laid in this Court as Defendant is the government entity that operates Salem County, New Jersey.
6. Moreover, Plaintiff’s cause of action arises out of Defendants’ acts and/or omissions, which occurred in Salem County, New Jersey.

STATEMENT OF FACTS

7. Plaintiff began working for Defendant as a laborer in or around 1997. In or around 2013, Plaintiff was promoted to the position of truck driver, and continues to serve in this position.
8. In or around 2013, Plaintiff began to be racially harassed by coworkers.
9. Plaintiff reported this harassment to Defendant's Human Resources department, but Defendant did not take any action to stop or otherwise correct the harassment.
10. In or around December of 2014, Plaintiff filed a Complaint of Discrimination with the New Jersey Division of Civil Rights and the United States Equal Employment Opportunity Commission. Said Complaint detailed the ongoing racial harassment Plaintiff had been suffering for over a year.
11. In or around September of 2014, Plaintiff suffered an injury at work. This injury was later aggravated in a second on-the-job injury in or around October of 2014.
12. As a result of these injuries, Plaintiff file a claim for workers' compensation. Plaintiff's physician ordered that Plaintiff should be placed on light duty with certain restrictions and/or modification regarding lifting
13. In or around December of 2014, in retaliation for his complaints of racial harassment, Defendant falsely accused Plaintiff of insubordination and suspended him.
14. Defendant also began subjecting Plaintiff to a barrage of false or frivolous write-ups.
15. Moreover, Defendant ignored Plaintiff's work restrictions, and instead forced him to perform lifting with no modifications or restrictions.
16. Furthermore, Plaintiff was still being subjected to racial harassment.
17. In or around December of 2015, Plaintiff filed a second complaint regarding the racial harassment he was continuing to suffer.
18. Defendant did not take steps to address this harassment, and instead continued forcing Plaintiff to perform lifting.
19. Defendant also continued to subject Plaintiff to frivolous and false discipline.
20. Defendant's refusal to honor Plaintiff's work restrictions led to an aggravation of Plaintiff's injury.
21. In 2016, Plaintiff made another complaint about the racial harassment he was suffering.
22. Specifically, Plaintiff was continually called a "nigger," and compared to primates.

23. Defendant did not take any action to rectify the harassment.
24. In September of 2016, Plaintiff obtained a medical note stating he needed to be on light duty, and imposing multiple work restrictions.
25. Defendant continued to ignore Plaintiff's work restrictions, and instead forced him to perform work that was medically unsafe.
26. White employees and/or employees had not made claims of racial harassment were allowed to work light duty as needed.
27. Defendant's actions continued to aggravate Plaintiff's medical condition. Due to Defendant's actions, Plaintiff ultimately had to have surgery. Plaintiff also had to take unpaid time off to recover.
28. Plaintiff continued to suffer racial harassment. The coworkers who had harassed Plaintiff, and who had been the subject of Plaintiff's previous complaints, began making up false stories in an attempt to cost Plaintiff his job.
29. In November of 2017, Plaintiff made another complaint about racial harassment.
30. As a result of his Plaintiff's race and his complaints of racial harassment, Defendant continued to subject Plaintiff to false discipline, failed to address the racial harassment of him and forced Plaintiff to perform work with no modifications, contrary to medical orders.

COUNT I
N.J.S.A. 10:5-1 et seq.
RETALIATION

31. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.
32. By and through its course of conduct as alleged herein, Defendant discriminated against Plaintiff by subjecting him to false discipline, forcing him to perform work for which he was not medically cleared and allowing him to be racially harassed.
33. Defendant took these actions in order to retaliate against Plaintiff for his complaints of racial harassment.
34. Defendant's actions violate the NJLAD.
35. Defendant's conduct was intentional, deliberate, willful, and conducted in callous disregard of the protected rights of Plaintiff.

36. Defendant subjected Plaintiff to adverse employment actions by refusing to address harassment against him, subjecting him to false discipline and requiring him to perform work for which he was not medically cleared.
37. Defendant had no legitimate, nondiscriminatory reason for its actions.
38. As a direct and proximate result of Defendant's illegal discrimination, Plaintiff has suffered and will continue to suffer severe harm, and is entitled to all legal and equitable remedies available under the NJLAD, including, but not limited to, back pay, front pay, reinstatement, restoration of benefits and seniority, and compensatory and punitive damages, in amounts to be determined at trial.
39. Plaintiff is further entitled to an award of reasonable attorney's fees and costs and any other relief that this court deems just and proper under the circumstances.

COUNT II
N.J.S.A. 10:5-1 et seq.
RACE DISCRIMINATION

40. Plaintiff repeats and re-alleges each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.
41. By and through its course of conduct as alleged herein, Defendant discriminated against Plaintiff by refusing to address harassment against him, subjecting him to false discipline and requiring him to perform work for which he was not medically cleared on the basis of his race in violation of the NJLAD.
42. Defendant's conduct was intentional, deliberate, willful, and conducted in callous disregard of the protected rights of Plaintiff.
43. Defendant subjected Plaintiff to adverse employment actions by refusing to address harassment against him, subjecting him to false discipline and requiring him to perform work for which he was not medically cleared.
44. Defendant had no legitimate, nondiscriminatory reason for its actions.
45. As a direct and proximate result of Defendant's illegal discrimination, Plaintiff has suffered and will continue to suffer severe harm, and is entitled to all legal and equitable remedies available under the NJLAD, including, but not limited to, back pay, front pay,

reinstatement, restoration of benefits and seniority, and compensatory and punitive damages, in amounts to be determined at trial.

46. Plaintiff is further entitled to an award of reasonable attorney's fees and costs and any other relief that this court deems just and proper under the circumstances.

COUNT III

N.J.S.A. 10:5-1 et seq.

HOSTILE WORK ENVIRONMENT: RACE

47. Plaintiff incorporates the preceding paragraphs of this Complaint, as if the same were set forth herein at length.
48. Defendant has violated the ("NJLAD"), N.J.S.A. 10:5-1 et seq., by creating a hostile work environment for Plaintiff on the basis of his race, as described in the preceding paragraphs.
49. As a direct and proximate result of Defendant's illegal discrimination, Plaintiff has suffered and will continue to suffer severe harm, and is entitled to all legal and equitable remedies available under the NJLAD, including, but not limited to, back pay, front pay, reinstatement, restoration of benefits and seniority, and compensatory and punitive damages, in amounts to be determined at trial.
50. Plaintiff is further entitled to an award of reasonable attorney's fees and costs and any other relief that this court deems just and proper under the circumstances.


Eva C. Zelson, Esq.
Gregg L. Zeff, Esq.
Attorneys for Plaintiff

Dated: February 7, 2018

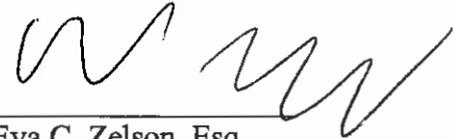
JURY DEMAND AND TRIAL COUNSEL DESIGNATION

Please take notice that Plaintiff hereby demands a trial by jury as to all issues and that pursuant to rule 4:25-4, Gregg L. Zeff, Esquire, is hereby designated as trial counsel in the above captioned matter on behalf of The Zeff Law Firm, LLC.

CERTIFICATION

I certify pursuant to Rule 4:5-1 that I know of no other proceedings pending or that are contemplating in any court or arbitration proceeding that concerns this subject matter and know of no other parties that need be joined with action.

Dated: February 7, 2018



Eva C. Zelson, Esq.
Gregg L. Zeff, Esq.
Attorneys for Plaintiff