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FILED
FEB 22 2016
CIVIL DIVISION
SUPERIOR COURT, CAPE MAY COUNTY

ANN MARIE CAMP

Plaintiff,

v.

TOWNSHIP OF MIDDLE TOWNSHIP,
JOHN DOES (Plural 1-10),

Defendants.

SUPERIOR COURT OF NEW JERSEY
CIVIL LAW DIVISION
CAPE MAY COUNTY

DOCKET NO.: CPM L-79-16

Civil Action

COMPLAINT AND JURY DEMAND

COMPLAINT

Plaintiff, Ann Marie Camp, residing at 9 West Atlantic Avenue, Cape May Court House, New Jersey, by way of Complaint as against the Defendants, states the following:

PARTIES

1. Plaintiff, Ann Marie Camp, is an individual and citizen of Cape May County, the State of New Jersey and the United States of America.
2. Defendants, the Township of Middle Township, is a municipality in Cape May County.

COUNT ONE

1. This Complaint is brought against the Township of Middle Township (hereinafter "Defendants") for violation of the New Jersey Law Against Discrimination (hereinafter "NJLAD") codified at N.J.S.A. 10:5-1 et seq. and the NJLAD's correlating New Jersey Administrative Code regulations for discrimination on the basis of a disability, failure to reasonably accommodate a disability and retaliation.

2. Ann Marie Camp (hereinafter "Plaintiff") was hired by Defendants in January 1992.
3. Plaintiff was hired as an Emergency Medical Technician (hereinafter "EMT").
4. From Plaintiff's date of hire until she was terminated, Plaintiff adequately performed her job.
During her extensive career, Plaintiff was promoted to Senior EMT.
5. To Plaintiff's great misfortune, she suffered a work-related injury to her back on April 9, 2015 while lifting a patient on a stretcher who was suffering a cardiac emergency.
6. Plaintiff has a history of lumbar spine injuries, which have required surgery.
7. On April 9, 2015, Plaintiff reported her back injury to Defendants' Director of Emergency Medical Services.
8. At Defendants' direction, Plaintiff was initially evaluated at Cape Urgent Care, located in Cape May, New Jersey.
9. By way of physician's orders and as a direct result of Plaintiff's disability, Plaintiff required a short medical leave of absence of two days.
10. Plaintiff was reevaluated by the physicians at Cape Urgent Care on April 11, 2015, who extended Plaintiff's medical leave of absence for an additional three days.
11. Plaintiff was reevaluated by the physicians at Cape Urgent Care on April 14, 2015, who returned Plaintiff to work in a modified capacity for three days. Plaintiff performed sedentary work for the following three days.
12. Plaintiff was reevaluated by the physicians at Cape Urgent Care on April 17, 2015, who again returned Plaintiff to work in a modified capacity for seven days. Plaintiff performed sedentary work for the following seven days.
13. Plaintiff was reevaluated by the physicians at Cape Urgent Care on April 24, 2015, who again returned Plaintiff to work in a modified capacity and ordered that Plaintiff undergo an

MRI diagnostic test.

14. Plaintiff was contacted by Defendants' worker's compensation insurance company who told Plaintiff she must see neurosurgeon Dr. Fernando Delasotta, M.D. before an MRI would be approved.
15. Plaintiff saw Dr. Delasotta on May 5, 2015, who ordered Plaintiff to undergo an MRI and that Plaintiff be returned to work in a light duty capacity.
16. Plaintiff underwent an MRI on May 9, 2015, which showed bulges in Plaintiff's lumbar spine together with radiculopathy.
17. On May 15, 2015, Dr. Delasotta ordered Plaintiff to undergo physical therapy and pain management, referring her to Bacharach Institute for Rehabilitation and pain management physician Dr. Jeffrey Polcer, D.O., respectively.
18. Plaintiff was seen by Dr. Polcer on May 26, 2015, who opined that pain management was not the right course of treatment for Plaintiff and referred Plaintiff back to Dr. Delasotta.
19. Plaintiff began physical therapy on May 27, 2015 at Bacharach Institute for Rehabilitation.
20. Plaintiff was evaluated by Dr. Delasotta on June 10, 2015, who continued her physical therapy course of treatment.
21. Plaintiff was ordered by Defendants to undergo a functional capacity exam (hereinafter "FCE") with Kinematic Consultants, Inc. on July 29, 2015.
22. Plaintiff was never provided a copy of the FCE report of Kinematic Consultants, Inc.
23. On August 10, 2015, Dr. Delasotta opined that Plaintiff return to work in a medium duty capacity.
24. Plaintiff worked for Defendants in a medium duty capacity from August 10, 2015 to August 18, 2105.

25. On August 18, 2015, Plaintiff was terminated by Vera Kalish, Defendants' Human Resources Director.
26. Plaintiff was told that since she could not yet work in a full duty capacity, she was terminated effective immediately.
27. Plaintiff pled for her job, requested that she be transferred to another department, and told Ms. Kalish that she would work in any available position, even if it meant less pay.
28. Plaintiff was flatly told by Ms. Kalish that no other position was available and such option was "not open for discussion."
29. Despite the clear medical order and opinion that Plaintiff could perform her duties with restrictions, Defendants refused to accommodate Plaintiff.
30. Defendants thereafter continued to refuse to allow Plaintiff to keep to her position or transfer to any other position available.
31. Defendants refused to make facility accessible and usable by Plaintiff, refused to restructure Plaintiff's job, refused to getting or modifying equipment or devices to allow Plaintiff to do the job, and refused to transfer to Plaintiff to another open position for which the Plaintiff is qualified.
32. Defendants never took note of any work performance issues relating to Plaintiff or her ability to do her job prior to her medical leaves, notification to them of his disability, and subsequent requests for reasonable accommodations.
33. As a result of Defendants' actions Plaintiff's rights were offended under the NJLAD and its correlating regulations of the New Jersey Administrative Code for discrimination on the basis of a disability, failing to provide reasonable accommodations, failure to enter into interactive processes as per *Tynan v. Vicinage 13*, 351 N.J. Super. 385 (App. Div. 2002) and retaliation,

causing the Plaintiff to suffer physical injuries and emotional distress.

WHEREFORE, Plaintiff brings this Count as against the Defendants and John Does (Plural 1-10), jointly, severally and in the alternative for violations of the NJLAD, and its correlating regulations of the New Jersey Administrative Code and seeks compensatory damages, front pay, back pay, emotional distress damages, interests, lost pension, lost benefits, punitive damages, attorney's fees and costs and all other such relief that a judge or a jury may deem just and appropriate under the NJLAD.

COUNT TWO

1. Plaintiff repeats the allegations contained in the preceding Counts and incorporates them as Paragraph 1 of this Count Two as though they were fully set forth at length herein.
2. Defendants on this Count, John Does (Plural 1-10) are unknown to Plaintiff at this time and Plaintiff seeks to preserve her rights to amend the Complaint pursuant to the John Doe Rule if additional names of individuals or other business entities become known.
3. As a result of the above described acts and conduct, Defendants John Does (Plural 1-10) jointly, severally, and in the alternative have offended Plaintiff's rights under the NJLAD and its correlating New Jersey Administrative Code regulations for discrimination on the basis of a disability, failure to reasonably accommodate and enter into interactive processes regarding such and retaliation causing him physical injuries and emotional distress.

WHEREFORE, Plaintiff brings this Count as against John Does (Plural 1-10), jointly, severally, and in the alternative for compensatory damages, front pay, back pay, emotional distress damages, interests, lost pension, lost benefits, punitive damages, attorney's fees and costs and all other such relief that a judge or a jury may deem just and appropriate under the NJLAD.

KURKOWSKI LAW, LLC



Daniel M. Kurkowski, Esq.
Attorneys for Plaintiff

Dated: February 15, 2016

CERTIFICATION

I hereby certify that there are no other actions to my knowledge pending in any Court concerning the subject matter of the Complaint contained herein. I further certify that there are no other parties to my knowledge who should be joined in this action at this time.

Nothing contained in this Complaint shall be construed or deemed an admission, of any kind, against Plaintiff. This is not a verified complaint and is a document prepared by counsel.

I 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.

KURKOWSKI LAW, LLC



Daniel M. Kurkowski, Esq.
Attorneys for Plaintiff

Dated: February 15, 2016

DEMAND FOR JURY TRIAL

Plaintiff Demands trial by jury on all of the triable issues of this complaint, pursuant to Rule 1:8-2(b) and 4:35-1(a).

NOTICE OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Daniel M. Kurkowski, Esq. is hereby designated as Trial counsel in the above captioned litigation on behalf of Kurkowski Law, LLC, attorneys for Plaintiff.

KURKOWSKI LAW, LLC

A handwritten signature in cursive script, appearing to read 'DM', is written over a horizontal line.

Daniel M. Kurkowski, Esq.
Attorneys for Plaintiff

Dated: February 15, 2016