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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JASON DEMENT;

Plaintiff,

v.

TOWNSHIP OF HADDON; MARK  
CAVALLO; and JOHN DOES 1-10 (fictitious  
names of entities and/or individuals whose  
identities are presently unknown) individually,  
jointly, severally and/or in the alternative,

Defendants.

CASE NO.:

CIVIL ACTION

**COMPLAINT AND JURY DEMAND**

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The Plaintiff, JASON DEMENT, by way of complaint against the Defendants, TOWNSHIP OF HADDON; MARK CAVALLO; and JOHN DOES 1-10; states as follows:

**NATURE OF ACTION**

1. This is an action by the Plaintiff as an employee of the Defendants for recovery of damages in the amount of lost wages, emotional distress, benefits, and other remuneration, including attorney's fees and costs, by reasons of the Defendants' violation of the Plaintiff's rights under both common law and statutory law pursuant to the NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1, *et seq.* ("NJLAD") and

the FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C.A. 2601, *et seq.* ("FMLA").

### JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 1332, and 1343. This action is authorized and instituted pursuant to the laws of the State of New Jersey ("NJLAD") along with the United States Department of Labor's FMLA.
3. Venue is appropriately laid in the United States District Court for the District of New Jersey, Camden Vicinage, as the causes of action alleged herein occurred in this district. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of New Jersey.

### THE PARTIES

4. Upon information and belief, at all relevant times herein, Defendant TOWNSHIP OF HADDON ("Haddon Township" and/or "Defendants") is a municipality with a principal place of business of 135 Haddon Avenue, Haddon Township, Camden County, New Jersey.
5. Upon information and belief, Defendant Haddon Township is responsible and vicariously liable for the actions of any and all personnel, and Human Resources or Leave Administration entities which participated in the adverse employment actions alleged herein (pled as "John Does 1-10").
6. Upon information and belief, Defendant Mark Cavallo ("Defendant Cavallo," "Chief Cavallo" and/or "Defendants") is the Chief of Police for the Haddon Township Police Department who, at all relevant times, had supervisory authority over the Plaintiff. Defendant Cavallo was the individual who made, or was involved in, the decision to suspend and/or terminate the Plaintiff. Upon information and belief, Chief Cavallo

resides in Camden County, New Jersey.

7. For the purposes of this Complaint, Defendants Haddon Township and Chief Cavallo will be referred to collectively as "Defendants."
8. Upon information and belief, Defendants jointly developed, implemented, and enforced policies regarding employee responsibilities, benefits, discipline, and programs for the Haddon Township Police Department.
9. Upon information and belief, Defendants shared joint control and responsibility over employee terminations, employee performance evaluations, employee family and medical leaves, and employee disability leaves for the Haddon Township Police Department.
10. Plaintiff Jason DeMent ("Officer DeMent" and "Plaintiff"), was employed by Defendants as Police Officer from in or around April 2004 until he was ostensibly suspended without pay on or about June 12, 2015. Plaintiff has been informed that his employment will be terminated on or about October 28, 2015.

#### **FACTS COMMON TO ALL CAUSES OF ACTION**

14. Before he was prevented by Defendants from continuing with his career as a Police Officer, the Plaintiff was performing his job duties to the reasonable expectation of his employer. In fact, the Plaintiff had received uniformly excellent performance evaluations.
15. Officer Dement suffers from the physical impairment of Stargardt's Disease. This condition is evidenced by the gradual deteriorating of vision acuity.
16. The Plaintiff's vision abnormality is a disabling condition as it substantially impairs a major life function, sight.
17. Despite the vision impairment, Officer DeMent was able to successfully complete each

and every aspect of his job responsibilities as a Police Officer during his employment tenure with Haddon Township.

18. In or about December 2012, Officer DeMent injured his shoulder and required modified work duty. As a result of multiple surgeries, Officer DeMent required various periods of modified duty ("light duty") from December 2012 to March 2014, totaling approximately nine months.
19. During the time that Officer DeMent required modified work duty, there was ample work for him inside of the police station. His duties included, but were not limited to, walk-in reports, phone calls, warrant committals, arrest processing, report purging, car titles, Ordinance enforcement, vehicle maintenance, equipment grants, agency training of new officers, and firearm investigations.
20. Upon information and belief, there continues to be available "inside work" for Haddon Township police officers and there is a great need for someone to accomplish these essential job functions.
21. Upon information and belief, other Haddon Township police officers have been granted periods of modified duty in which they have performed the aforementioned "inside work" for the Township Police Department.
22. Upon information and belief, other police chiefs, whom preceded Chief Cavallo, have permitted Haddon Township police officers modified work duty when the officers were injured as a result of both on-duty and off-duty incidents.
23. Upon information and belief, Defendant Cavallo has attempted to institute a Township policy that a police officer will only be permitted modified work duty when he/she is injured in the line of duty.

24. According to Defendant Cavallo, any police officer that suffers a non-work-related injury, disease, or disability does not have to be accommodated by Haddon Township.
25. Defendants' so-called "policy" is discriminatory and unlawful on its face.
26. On or about June 12, 2015, Officer DeMent had a meeting with Defendants to inform them of his diagnosis of Stargardt's Disease. Officer DeMent was adamant that he could, and desired to, continue working for the Police Department.
27. During the meeting with Defendants on June 12, 2015, Plaintiff specifically requested the accommodation of modified work duty while he underwent treatment for the disease.
28. Plaintiff also specifically informed Defendants that he had been submitted for a clinical trial, to begin in the coming months, which involved stem cell injections.
29. Plaintiff informed Defendants that it was possible that the newly discovered treatment could cure the disease and/or at least alleviate the physical symptoms of the condition.
30. Plaintiff informed Defendants that the treatment could necessitate a medical leave of absence in the future months.
31. Despite Plaintiff's reassurances that he could continue working, Defendants immediately prevented Officer DeMent from returning to work.
32. Officer DeMent has not worked for Defendants since June 12, 2015. He was forced to use his accumulated PTO time.
33. For all intents and purposes, on June 12, 2015, Defendants responded to Plaintiff's request for reasonable accommodation by immediately suspending him without pay.
34. On June 19, 2015, Officer DeMent was treated by Dr. Carl D. Regillo at Wills Eye Hospital.
35. Dr. Regillo confirmed that Officer DeMent was medically able to continue working for

Defendants. The only restriction placed on Plaintiff was that he should not drive at night or in unfamiliar areas. There were no other restrictions.

36. Dr. Regillo also confirmed the possibility that a stem cell treatment program could result in vision acuity improvement.
37. Plaintiff immediately provided Defendants with Dr. Regillo's medical report.
38. Despite the minimal restrictions and Officer DeMent's steadfast desire to return to work, Defendants refused to allow Plaintiff to return and continued to suspend him without pay.
39. On or about June 24, 2015, Plaintiff sent a letter to Defendant Cavallo to provide further information about his condition and to again request the accommodation of inside work and/or light duty assignments. The letter described the history of Plaintiff's condition, the current physical manifestation of symptoms, and the plan for future treatment. Plaintiff wrote:

*Proper Doctor's certification has already been provided, I am now pleading for your discretion and simply asking for reasonable accommodations.*

40. In his letter, Plaintiff stated that he would be more than willing to perform whatever work needed:

*I am not asking for light duty for the remainder of my career. I am simply asking for reasonable accommodation while I seek treatment and defeat this rare disease. I am not seeking a better schedule nor an easier one. I will work whatever schedule the Township feels I will be most effective in. I love my job and I love this Township, which is why I moved my family into it. I truly hope you consider all facts of my situation and allow me to resume working immediately. I thank you in advance for your time.*

...

*Not only can I once again handle [the previously performed inside-work / light duty] tasks, I believe my skills could be used to take over other tasks such as Megan's Law and overnight parking. I also could be used as court security and save the Township in overtime cost. Not only do I believe this to be reasonable accommodation, I believe this Department has a need for an inside Police Officer to handle such tasks.*

41. On or about June 28, 2015, Officer DeMent spoke with Defendant Cavallo over the phone about Plaintiff's letter and request for reasonable accommodation.
42. Defendant Cavallo stated that he and the Township Solicitor had decided that they were not going to accommodate Plaintiff in any form whatsoever because they were afraid that an accommodation of Officer Dement would open the "floodgates" to complaints from other police officers in the future who may be injured off-duty. Plaintiff was informed that he would not be offered any continued work in the police department and would be ostensibly terminated as soon as his PTO time ran out.
43. On June 30, 2015, Officer DeMent met with Defendant Cavallo and Haddon Township's Director of Public Safety. Defendants again stated that Officer DeMent would not be allowed to work for the police department again. According to Defendants, Plaintiff's situation was no different from a police officer who breaks his/her leg while skiing on vacation and that the Township did not want to start a precedent of accommodating off-duty "injuries."
44. During the meeting, Plaintiff specifically complained that he was being discriminated against and informed Defendants that he would seek legal representation to assist in his attempt to resume working immediately.
45. In retaliation for Plaintiff's complaints, Defendants instituted a strategy of immediately placing Officer DeMent on a preemptive FMLA leave. The FMLA leave was not requested by Plaintiff.
46. By forcing Officer DeMent into an FMLA leave and by stating that no other accommodation or time off would be provided, Defendants interfered with Plaintiff's entitled right to take a protected medical leave when he actually required it in the future,

i.e. when he underwent the stem cell transplant procedure(s).

47. On August 5, 2015, Defendants informed Plaintiff that he had been placed on an involuntary FMLA leave and would be terminated after October 28, 2015. Defendants specifically refused to accommodate Plaintiff in any form whatsoever.
48. That same day at 8:35 a.m., Defendants placed an "HIRING ANNOUNCEMENT" for a Police Officer position on "Haddon Township Police" Facebook page.
49. For the purposes of this Complaint, Defendant's unlawful actions resulted in Plaintiff suffering from numerous adverse employment actions, including, but not limited to, being suspended without pay as of June 12, 2015 and being ostensibly terminated on August 5, 2015. Plaintiff's termination from employment will become effective October 28, 2015.
50. During the course of his employment, Plaintiff was subjected to unlawful sexual harassment, discrimination, and retaliation, as detailed below.
51. Despite his exemplary employment record, Officer DeMent became a target of Defendant Cavallo because Plaintiff rejected, and objected to, the sexual advances of Defendant Cavallo.
52. Officer DeMent was subjected to repeated and severe sexual harassment and discriminatory treatment on the basis of his gender including, but not limited to, the following:
  - a. Unwanted sexual touching;
  - b. Defendant Cavallo would often pinch Officer DeMent's upper leg when Plaintiff walked by the Chief;
  - c. Defendant Cavallo pinched Officer DeMent's leg while Plaintiff sat at a table or

desk;

- d. Defendant Cavallo would often run the back of his hand along Officer DeMent's check in a sexual manner;
- e. While touching Officer DeMent inappropriately, Defendant would state that Officer DeMent was "cute" and "handsome";
- f. Defendant Cavallo repeatedly called Officer DeMent "hot";
- g. Defendant Cavallo commonly called Officer DeMent "baby";
- h. While stating inappropriate things of a sexual nature to Officer DeMent, Defendant Cavallo would routinely raise his eyebrows, widening his eyes, and look the Plaintiff "up and down";
- i. Defendant Cavallo asked Officer DeMent to turn around so that he would look at his backside;
- j. On several occasions, Officer DeMent was propositioned by his boss and Chief, Defendant Cavallo;
- k. Defendant Cavallo asked Officer DeMent, "do you want to lock the door and pull the blinds down, baby?";
- l. Defendant Cavallo stated that Officer DeMent could "move in with [him]";
- m. Defendant Cavallo stated that he and Officer DeMent "could run away together";
- n. Defendant Cavallo asked Officer DeMent, "talk dirty to me, baby";
- o. Defendant Cavallo routinely sent inappropriate text messages of a sexual nature to Plaintiff.

53. Upon information and belief, Plaintiff's unwillingness to submit to the pervasive *quid pro quo* sexual harassment of Defendant Cavallo was a motivating factor of Defendants'

refusal to accommodate Officer DeMent and ultimately deciding to terminate his employment.

**COUNT ONE -**  
**VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**  
**N.J.S.A. 10:5-1, et seq.:**  
**HOSTILE WORK ENVIRONMENT – SEXUAL HARASSMENT**

50. Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.
51. Defendant Chief Mark Cavallo, a supervisor of Plaintiff, frequently made unwelcome comments and actions of an offensive sexual nature that created a hostile working environment for Officer DeMent.
52. Defendant Cavallo repeatedly and continuously made offensive comments of a sexual nature to Officer DeMent while he remained employed with Defendants.
53. Defendant Cavallo repeatedly and continuously engaged in unwanted and inappropriate sexual touching of Officer DeMent while he remained employed with Defendants.
54. In retaliation for Plaintiff's unwillingness to give in to Defendant Cavallo's sexual advances, Defendants denied Plaintiff's requests for reasonable accommodation and Officer Dement was terminated.
55. As detailed more fully above, during the course of Officer DeMent's employment, he was subjected to a pattern and practice of repeated and blatant acts of discrimination based on his gender, which offended, embarrassed and humiliated him.
56. The sexual harassment and actions alleged herein were made against Officer DeMent because of his gender.

57. The conduct complained of above by the Plaintiff was severe and pervasive enough to make a reasonable person believe that the conditions of their employment was altered and that the working environment was hostile and abusive.
58. The conduct complained of herein did, in fact, make the Plaintiff believe that the conditions of his employment was altered and that the working environment was hostile and abusive because of his gender.
59. By discriminating against Officer DeMent based on his gender, the Defendants have violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et. seq. ("NJLAD").
60. The Defendants' acts were performed with malice and a reckless indifference to Officer DeMent's protected rights.
61. The alleged actions were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against the Defendants.
62. The actual participation and willful indifference of upper management creates liability against Defendant Haddon Township.
63. Defendant Cavallo directly participated in the discrimination and therefore is individually liable pursuant to NJLAD.
64. Defendant Cavallo aided and abetted the discrimination and therefore is individually liable pursuant to NJLAD.
65. As a result of the Defendant's intentional and outrageous actions toward the Officer DeMent, as detailed in the previous paragraphs of this Complaint, Plaintiff has suffered, and continues to suffer, extreme emotional distress, anxiety, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly, severally and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, front pay, reinstatement with full seniority and benefits, consequential damages, punitive damages, pre- and post-judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

**COUNT TWO-**  
**VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**  
**N.J.S.A. 10:5-1, et seq.:**  
**FAILURE TO PROVIDE REASONABLE ACCOMMODATION**

66. The Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraph and Count of this Complaint as if fully set forth herein.
67. Before he was prevented by Defendant from continuing with his career as a Police Officer, the Plaintiff was performing his job duties to the reasonable expectation of his employer. In fact, the Plaintiff had received uniformly excellent performance evaluations.
68. Officer Dement suffers from the physical impairment of Stargardt's Disease. This condition is evidenced by the gradual deteriorating of vision acuity.
69. The Plaintiff's vision abnormality is a disabling condition as it substantially impairs a major life function, sight.
70. Despite the vision impairment, Officer DeMent was able to successfully complete each

and every aspect of his job responsibilities as a Police Officer during his employment tenure with Haddon Township.

71. On or about June 19, 2015, Plaintiff informed Defendants that his doctor had opined that Officer DeMent should not drive at night or in unfamiliar areas. No other restrictions were placed on Officer DeMent's employment.
72. Upon information and belief, there is an abundant amount of inside work, commonly referred to as "light duty" by the Township, available currently for Haddon Township police officers.
73. Due to Plaintiff's physical condition and his request for accommodation, Defendants unilaterally and arbitrarily decided that Plaintiff could no longer be employed by the Township.
74. Plaintiff specifically requested the reasonable accommodation that he remain employed as a Police Officer regardless of whether Defendants instituted some work restrictions.
75. Despite Plaintiff's need for a reasonable accommodation, the Defendants refused to make any attempt to engage in an interactive process nor did they make any attempt to make arrangements for Officer DeMent to return to his job.
76. Moreover, Defendants refused to communicate with Officer DeMent after the Plaintiff tried to keep a channel of communication open by updating his medical condition. Rather, Defendants forced Plaintiff into an unwanted FMLA leave and posted his job on Facebook the same day.
77. Plaintiff was a productive and successful employee and the accommodation of allowing him to continue in his position clearly did not pose any undue hardship to Defendants.
78. Defendants failed to make a good faith effort to provide Officer DeMent with reasonable

accommodations.

79. Defendants violated the New Jersey Law Against Discrimination by refusing to reasonably accommodate the Plaintiff and by terminating his employment.
80. The discriminatory actions against the Plaintiff would not have occurred but for the fact that he is disabled.
81. Defendant Cavallo violated the Law Against Discrimination by taking adverse actions against the Plaintiff on the basis of his disability.
82. Defendant Cavallo directly participated in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
83. Defendant Cavallo aided and abetted in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
84. The alleged allegations were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
85. Defendants' acts were performed with malice and a reckless indifference to Officer DeMent's protected rights.
86. The willful indifference and actual participation by Haddon Township's management creates liability against the corporate Defendants.
87. Upon information and belief, there may be other John Does, to be identified through discovery, participated in or made decisions to discriminate against the Plaintiff. These John Does may be later added as named parties.
88. As a result of Defendants' intentional and outrageous actions toward Officer DeMent, the Plaintiff has suffered, and continues to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly, severally and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, front pay, reinstatement with full seniority and benefits, consequential damages, punitive damages, pre- and post-judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

**COUNT THREE -**  
**VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**  
**N.J.S.A. 10:5-1, et seq.:**  
**DISABILITY DISCRIMINATION – WRONGFUL TERMINATION**

89. Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.
90. Officer Dement suffers from the physical impairment of Stargardt's Disease. This condition is evidenced by the gradual deteriorating of vision acuity.
91. The Plaintiff's vision abnormality is a disabling condition as it substantially impairs a major life function, sight.
92. Despite the vision impairment, Officer DeMent was able to successfully complete each and every aspect of his job responsibilities as a Police Officer during his employment tenure with Haddon Township.
93. Defendants were aware of the Plaintiff's disability.
94. Defendants discriminated against the Plaintiff by terminating him for a reason directly related to the disability.

95. Defendants violated the New Jersey Law Against Discrimination by refusing to reasonably accommodate the Plaintiff and by terminating his employment.
96. The discriminatory actions against the Plaintiff would not have occurred but for the fact that the he is disabled.
97. Defendant Cavallo violated the Law Against Discrimination by taking adverse actions against the Plaintiff on the basis of his disability.
98. Defendant Cavallo directly participated in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
99. Defendant Cavallo aided and abetted in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
100. The alleged allegations were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
101. Defendants' acts were performed with malice and a reckless indifference to Officer DeMent's protected rights.
102. The willful indifference and actual participation by Haddon Township's management creates liability against the corporate Defendants.
103. Upon information and belief, there may be other John Does, to be identified through discovery, participated in or made decisions to discriminate against the Plaintiff. These John Does may be later added as named parties.
104. As a result of Defendants' intentional and outrageous actions toward Officer DeMent, the Plaintiff has suffered, and continues to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly,

severally and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, front pay, reinstatement with full seniority and benefits, consequential damages, punitive damages, pre- and post-judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

**COUNT FOUR -**  
**VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**  
**N.J.S.A. 10:5-1, et seq.:**  
**PERCEIVED DISABILITY DISCRIMINATION – WRONGFUL TERMINATION**

105. Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.
106. Officer Dement suffers from the physical impairment of Stargardt's Disease. This condition is evidenced by the gradual deteriorating of vision acuity.
107. The Plaintiff's vision abnormality is a disabling condition as it substantially impairs a major life function, sight.
108. Despite the vision impairment, Officer DeMent was able to successfully complete each and every aspect of his job responsibilities as a Police Officer during his employment tenure with Haddon Township.
109. Based on their aforementioned actions, Defendants clearly assumed and believed that Officer DeMent was "disabled."
110. Defendants discriminated against the Plaintiff by terminating him for a reason directly related to their perception of him being disabled.

111. The discriminatory actions against the Plaintiff would not have occurred but Defendants assumptions and perceptions of Officer DeMent's physical limitations.
112. Defendant Cavallo violated the Law Against Discrimination by taking adverse actions against the Plaintiff on the basis of his perceived disability.
113. Defendant Cavallo directly participated in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
114. Defendant Cavallo aided and abetted in the discrimination and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
115. The alleged allegations were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
116. Defendants' acts were performed with malice and a reckless indifference to Officer DeMent's protected rights.
117. The willful indifference and actual participation by Haddon Township's management creates liability against the corporate Defendants.
118. Upon information and belief, there may be other John Does, to be identified through discovery, participated in or made decisions to discriminate against the Plaintiff. These John Does may be later added as named parties.
119. As a result of Defendants' intentional and outrageous actions toward Officer DeMent, the Plaintiff has suffered, and continues to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly, severally and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, front pay, reinstatement

with full seniority and benefits, consequential damages, punitive damages, pre- and post-judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

**COUNT FIVE -**  
**VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**  
**N.J.S.A. 10:5-1, et seq.: RETALIATION – WRONGFUL TERMINATION**

120. Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.
121. Officer Dement suffers from the physical impairment of Stargardt's Disease. This condition is evidenced by the gradual deteriorating of vision acuity.
122. The Plaintiff's vision abnormality is a disabling condition as it substantially impairs a major life function, sight.
123. Despite the vision impairment, Officer DeMent was able to successful complete each and every aspect of his job responsibilities as a Police Officer during his employment tenure with Haddon Township.
124. On or about June 24, 2015, Plaintiff forwarded a written complaint of discrimination to Defendants.
125. During a phone conversation on June 28, 2015, Plaintiff complained to Defendant Cavallo that he was being discriminated against.
126. In a meeting with Defendant's on June 30, 2015, Plaintiff complained of disability discrimination.
127. Defendants were aware of Plaintiff's complaints.

128. In retaliation for Plaintiff's complaints, Defendants instituted a strategy of immediately placing Officer DeMent on a preemptive FMLA leave. The FMLA leave was not requested by Plaintiff.
129. In retaliation for Plaintiff's complaints, Defendants refused to consider any reasonable accommodation request.
130. In retaliation for Plaintiff's complaints, Defendants informed Officer DeMent that he would be terminated at the conclusion of his forced FMLA leave.
131. Defendants violated the New Jersey Law Against Discrimination by retaliating against the Plaintiff and terminating him for a reason directly related to his complaint of discrimination.
132. Defendant Cavallo violated the Law Against Discrimination by taking adverse actions against the Plaintiff on the basis of his disability and retaliating against Officer DeMent because of his complaint.
133. Defendant Cavallo directly participated in the discrimination and retaliation and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
134. Defendant Cavallo aided and abetted in the discrimination and retaliation and therefore is individually liable pursuant to New Jersey Law Against Discrimination.
135. The alleged allegations were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
136. Defendants' acts were performed with malice and a reckless indifference to Officer DeMent's protected rights.
137. The willful indifference and actual participation by Haddon Township's management creates liability against the corporate Defendants.

138. Upon information and belief, there may be other John Does, to be identified through discovery, participated in or made decisions to discriminate against the Plaintiff. These John Does may be later added as named parties.

139. As a result of Defendants' intentional and outrageous actions toward Officer DeMent, the Plaintiff has suffered, and continues to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly, severally and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, front pay, reinstatement with full seniority and benefits, consequential damages, punitive damages, pre- and post-judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

**COUNT SIX –**  
**VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT**  
**29 U.S.C.A. 2601, et al.; INTERFERENCE & WRONGFUL DISCHARGE**

140. The Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraph and Count of this Complaint as if fully set forth herein.

141. On or about June 12, 2015, Officer DeMent had a meeting with Defendants to inform them of his diagnosis of Stargardt's Disease. Officer DeMent was adamant that he could, and desired to, continue working for the Police Department.

142. During the meeting with Defendants on June 12, 2015, Plaintiff specifically requested the accommodation of modified work duty while he underwent treatment for the disease.

143. Plaintiff also specifically informed Defendants that he had been submitted for a clinical trial, to begin in the coming months, which involved stem cell injections.
144. Plaintiff informed Defendants that it was possible that the newly-discovered treatment could cure the disease and/or at least alleviate the physical symptoms of the condition.
145. Plaintiff informed Defendants that the treatment could necessitate a medical leave of absence in the future months.
146. Despite Plaintiff's reassurances that he could continue working, Defendants immediately prevented Officer DeMent from returning to work.
147. Defendants instituted a strategy of immediately placing Officer DeMent on a preemptive FMLA leave. The FMLA leave was not requested by Plaintiff.
148. By forcing Officer DeMent into a FMLA leave and by stating that no other accommodation or time off would be provided, Defendants interfered with Plaintiff's entitled right to take a protected medical leave when he actually required it in the future, i.e. when he underwent the stem cell transplant procedure(s).
149. On August 5, 2015, Defendants informed Plaintiff that he had been placed on an involuntary FMLA leave and would be terminated after October 28, 2015. Defendants specifically refused to accommodate Plaintiff in any form whatsoever.
150. That same day at 8:35 a.m., Defendants placed an "HIRING ANNOUNCEMENT" for a Police Officer on the "Haddon Township Police" Facebook page.
151. In retaliation for Plaintiff's complaints of discrimination, Defendants informed Officer DeMent that he would be terminated at the conclusion of his forced FMLA leave.
152. Defendants' actions constitutes willful discrimination, interference, and retaliation in violation of the Family and Medical Leave Act.

153. The Plaintiff had properly advised his employer of his medical conditions and provided documentation from his doctor.
154. At the relevant time, the Defendant employer had employed fifty (50) or more employees in at least twenty (20) weeks of the preceding year.
155. At the relevant time, the Defendant employer had fifty (50) or more employees within seventy-five (75) miles of the Plaintiff's work location.
156. The Plaintiff had worked in excess of 1,250 hours for the Defendant employer during the 12 months preceding his need for FMLA leave.
157. The Defendant employer willfully violated the FMLA by terminating the Plaintiff for exercising his protected rights.
158. Upon information and belief, there may be other John Does, to be identified through discovery, who participated in or made decisions to discriminate against the Plaintiff. These John Does may be later added as named parties.
159. The alleged actions were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against all parties.
160. The acts alleged herein were performed with malice and reckless indifference to the Plaintiff's protected rights.
161. The willful indifference and actual participation of Haddon Township creates liability against the corporation for the retaliatory actions of its employees.
162. As a result of the Defendants' willful and intentional outrageous actions toward the Plaintiff, as detailed in the previous paragraphs and Counts of this Complaint, the Plaintiff has suffered, and continues to suffer, extreme emotional distress, anxiety, embarrassment, humiliation, monetary, emotional, reputational and other personal

injuries.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly, severally and alternatively, for compensatory damages, including damages for emotional distress, loss of reputation, back pay, front pay, reinstatement with full seniority and benefits, consequential damages, punitive damages, pre- and post- judgment interest, enhancement for tax consequences, and reasonable attorney's fees.

**COUNT SEVEN – JOHN DOES**

151. A The Plaintiffs repeat, reallege, and incorporate by reference each and every allegation contained in the previous paragraphs and Counts as if fully set forth herein.
152. Although the Plaintiffs believe that the acts complained of were performed or caused by the named Defendants, the Plaintiffs cannot be certain that the named Defendants is the only person(s) or entity(ies) liable for the acts complained of as set forth herein. Therefore, the Plaintiffs has named John Does 1 - 10, fictitious persons or legal entities as Defendant(s) to this action.
153. As such, the terms "Defendant" or "Defendants" as used in all of the above Counts and paragraphs should therefore be defined and read as "Defendant(s) and/or John Doe(s)".

**WHEREFORE**, the Plaintiffs demand judgment against the Defendants and John Does 1-10, jointly, severally, and alternatively, for such sums as would reasonably and properly compensate the Plaintiff in accordance with the laws of the State of New Jersey, together with interest and costs of suit.

By: s/ Zachary R. Wall  
Zachary R. Wall, Esquire  
**WALL & LONDON LLC**  
*Attorneys for the Plaintiff*

DATED: August 10, 2015

**JURY DEMAND**

Plaintiffs demand trial by jury as to all of the triable issues of this complaint.

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of all of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the Judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all person insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

**DESIGNATION OF TRIAL COUNSEL**

The Court is hereby advised that Zachary R. Wall, Esquire, is hereby designated as trial counsel.

**CERTIFICATION OF NO OTHER ACTIONS**

It is stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

**NOTICE REGARDING NON-DESTRUCTION OF EVIDENCE**

Please be advised and noticed that the Defendant(s) should refrain from destroying, disposing or altering any potential evidence in its possession which would relate in any way to this matter.

Please also be advised and noticed that this includes any and all electronic records, including but not limited to the hard drives on any and all computers and/or servers. To that end:

- A. The Defendant(s) should not initiate any procedures which would alter any active, deleted, or fragmented files. Such procedures may include, but are not limited to: storing (saving) newly created files to existing drives and diskettes; loading new software, such as application programs; running data compression and disk defragmentation (optimization) routines; or the use of utility programs to permanently wipe files, disks or drives.
- B. The Defendant(s) should stop any rotation, alteration, and/or destruction of electronic media that may result in the alteration or loss of any electronic data. Backup tapes and disks should be pulled from their rotation queues and be replaced with new tapes.

- C. The Defendant(s) should not alter and/or erase active files, deleted files, or file fragments on any electronic media that may have any relation to this matter.
- D. The Defendant(s) should not dispose of any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.

By: s/ Zachary R. Wall  
Zachary R. Wall, Esquire  
**WALL & LONDON LLC**  
*Attorneys for the Plaintiff*

DATED: August 10, 2015