

2015 DEC 22 PM 2:41

Arthur J. Murray, Esquire (NJ Attorney ID No. 013901995)

JACOBS & BARBONE, P.A.

A Professional Corporation

Attorneys at Law

1125 Pacific Avenue

Atlantic City, N.J. 08401

(609) 348-1125

jacobsbarbone@comcast.net

Attorneys for Plaintiff

<p>JAMES DAVID DRUDING</p> <p>Plaintiff,</p> <p>v.</p> <p>TOWNSHIP OF EGG HARBOR,</p> <p>Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CIVIL PART ATLANTIC COUNTY</p> <p>Docket No. ATL-L-<i>2914</i> -15</p> <p>Civil Action</p> <p>COMPLAINT, JURY DEMAND AND DESIGNATION OF TRIAL COUNSEL</p>
---	--

Plaintiff JAMES DAVID DRUDING, a resident of Atlantic County, New Jersey, complaining against Defendant, says:

FIRST COUNT

1. Plaintiff JAMES DAVID DRUDING was and is at all times relevant hereto employed by Defendant TOWNSHIP OF EGG HARBOR as a police officer in various ranks from April 4, 1994 [Patrol Officer, Sergeant (2002), Lieutenant (2007)] through his present position and rank as a Captain since 2011.

2. In January of 2011, Plaintiff JAMES DAVID DRUDING, who at the time was a Lieutenant, was the Supervising Firearms Instructor for the Egg Harbor Township Police Department.

3. In his year end 2010 report, Plaintiff JAMES DAVID DRUDING noted that neither then Captain (and soon to be Chief) Morris nor then Captain Fair qualified as to their ability to carry a firearm in the second half of 2010.

4. Upon reading his report, both then Chief Morris and then Captain Fair encouraged Plaintiff JAMES DAVID DRUDING to falsify his report to the Atlantic County Prosecutor's Office and noted that both had qualified when they had not.

5. On or about June 29, 2012, a severe storm known as a derecho struck Atlantic County.

6. At the time of the derecho, Plaintiff JAMES DAVID DRUDING had achieved the rank of Captain.

7. During the derecho, then Chief Morris found it necessary to go to the hospital for medical treatment.

8. In his absence, then Chief Morris appointed Acting Captain Davis in charge of the Police Department over the objection of Plaintiff JAMES DAVID DRUDING.

9. Acting Captain Davis was still collecting a Lieutenant's salary under the ordinances of Egg Harbor Township.

10. Putting Acting Captain Davis in charge of the Police Department instead of either Plaintiff JAMES DAVID DRUDING or Captain Ruef was a violation of Egg Harbor Township ordinances.

11. In addition to being a violation of the governing ordinances, since then Acting Captain Davis was still receiving a Lieutenant's salary; he was eligible for overtime compared to the Captain's, who were not.

12. Thus, the taxpayers of Egg Harbor Township were required to pay for certain overtime and other expenses submitted by then Acting Captain Davis following his stint in charge of the Police Department.

13. On or about January 16, 2013, Plaintiff JAMES DAVID DRUDING was in attendance at a conference with then Chief Morris, Captain Ruef, and Captain Davis.

14. During that conference, Plaintiff JAMES DAVID DRUDING was accused of missing a possible civil rights violation in the report of one of his subordinate officers and was subsequently ordered for additional training on February 8, 2013.

15. On or about January 17, 2013, then Chief Morris reprimanded Plaintiff JAMES DAVID DRUDING for inquiring about purging the Guardian Tracking System of the Police Department of Verbal Counselings and Performance Notices after the expiration of six months as required by the New Jersey Attorney General Guidelines.

16. On or about January 18, 2013, Plaintiff JAMES DAVID DRUDING showed then Chief Morris the actual New Jersey Attorney General Guidelines on the issue and was told he would issue a General Order that overruled them.

17. On or about January 22, 2013, Plaintiff JAMES DAVID DRUDING was in attendance at a meeting with then Chief Morris, Captain Davis and Captain Ruef.

18. Upon being advised about some manpower issues and some new individuals being brought on board, Plaintiff JAMES DAVID DRUDING advised then Chief Morris that several of those moves would run afoul of Defendant's nepotism policy.

19. Then Chief Morris ordered Captain Davis and Captain Ruef to leave the room at which time he began yelling at Plaintiff JAMES DAVID DRUDING and accusing him of being insubordinate.

20. On or about December 19, 2013 Plaintiff JAMES DAVID DRUDING

authored a report to then Chief Morris advising him of a violation of the Local Ordinance No. 14-2006 by appointing Captain Ruef as Acting Chief from December 23, 2013 through January 3, 2014.

21. On or about February 27, 2014 Plaintiff JAMES DAVID DRUDING asked to review his Personnel File and upon finding several discrepancies authored a memorandum to then Chief Morris itemizing same.

22. On or about March 13, 2014 Plaintiff JAMES DAVID DRUDING received a written response from then Chief Morris as to several of the issues he had previously raised.

23. In or around November of 2014 Plaintiff JAMES DAVID DRUDING learned that then Chief Morris would be retiring.

24. Plaintiff JAMES DAVID DRUDING made the Administration of Defendant TOWNSHIP OF EGG HARBOR that he was interested in being considered for the position of Chief of Police.

25. Despite being the most qualified candidate and the only one having military status, on December 22, 2014 Plaintiff JAMES DAVID DRUDING was advised that a junior Captain of the Police Department was being selected over him.

26. Upon information and belief, the Administration of Defendant TOWNSHIP OF EGG HARBOR relied in part on the advice and consent of then Chief Morris in making their selection.

27. Upon information and belief, then Chief Morris did not support the candidacy of Plaintiff JAMES DAVID DRUDING in the light of the conscientious objections noted above.

28. All of the concerns and objections of Plaintiff JAMES DAVID DRUDING were ignored and rebuked by Defendant TOWNSHIP OF EGG HARBOR.

29. Instead of responding to his concerns and objections, Defendant TOWNSHIP OF EGG HARBOR allowed then Chief Morris to target Plaintiff, retaliate against Plaintiff, attempt to set up Plaintiff as the source of insubordination and ineptness for his non-compliance with applicable law and policies, and offer his biased opinion on who should be selected to succeed him.

30. Rather than properly investigate his complaints, rectify their own deficient policies and procedures, and undo the adverse employment action to which Plaintiff JAMES DAVID DRUDING was subjected, Defendant TOWNSHIP OF EGG HARBOR did nothing.

31. Defendant TOWNSHIP OF EGG HARBOR was and is, at all times relevant to this matter, an employer defined by N.J.S.A. 34:19-2.

32. Defendant TOWNSHIP OF EGG HARBOR did take retaliatory action against Plaintiff JAMES DAVID DRUDING because of his disclosure to supervisors of activities that each believed to be in violation of law, rule or regulation promulgated pursuant to law, including, but not subjecting him to a continued hostile work environment and other adverse employment action.

33. Defendant TOWNSHIP OF EGG HARBOR did retaliate against Plaintiff JAMES DAVID DRUDING for his lawful disclosures and objections by taking adverse employment action against Plaintiff JAMES DAVID DRUDING in the terms and conditions of his employment, as more specifically set forth above.

34. Defendant TOWNSHIP OF EGG HARBOR also had certain obligations pursuant to N.J.S.A. 34:19-7 for which it was deficient.

35. As a result of the aforementioned actions of Defendant TOWNSHIP OF EGG HARBOR, Plaintiff JAMES DAVID DRUDING has suffered damages and was otherwise harmed through the present.

WHEREFORE, Plaintiff JAMES DAVID DRUDING demands judgment against Defendant TOWNSHIP OF EGG HARBOR as follows:

- A. Compensatory damages;
- B. Punitive damages;
- C. The assessment of a Civil Penalty as allowed by law;
- D. Any other relief allowed under the Conscientious Employee Protection Act;
and
- E. Any other relief that the Court deems equitable and just.

RULE 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action pending in any Court or arbitration proceedings, and no other action is contemplated. I know of no other parties that should be joined herein.

CERTIFICATION OF COMPLAINT WITH R. 1:38-7(c)

I certify the Confidential Personal Identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

JURY DEMAND PURSUANT TO R.4:35-1

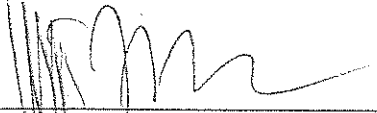
Plaintiff hereby demands Trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Arthur J. Murray, Esquire as trial counsel in this case.

JACOBS & BARBONE, P.A.

BY:



Arthur J. Murray

Dated: December 21, 2015