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FILED

MAR 2 2011

CLERK OF COURT

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ROBERT SHEEHAN, JR.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - CAPE MAY VICINAGE
Plaintiff,	:	
	:	CIVIL ACTION
vs.	:	DOCKET NO. <u>CPM-2-137</u> -15
	:	
CAPE MAY CITY,	:	<u>COMPLAINT &amp; JURY DEMAND</u>
	:	
Defendant.	:	

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Plaintiff Robert Sheehan, Jr. ("Plaintiff" or "Sheehan"), by and through his undersigned attorneys, the Law Offices of Sciarra & Catrambone, L.L.C., as for a Complaint, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action brought by Plaintiff against his employer, Cape May City. Plaintiff seeks judgment of this Court against Defendant for relief permitted under the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq. ("CEPA"), Chief's Bill of Rights N.J.S.A. 40A:14-118, N.J.S.A. 40A:14-147, and N.J.S.A. 40A:14-181.

PARTIES

2. Plaintiff is an employee of Defendant within the meaning of CEPA.

3. At all times relevant to this Complaint, Defendant is an employer within the meaning of CEPA.

4. Defendant Cape May City is a political subdivision and a public entity located in the County of Cape May, State of New Jersey.

JURISDICTION

5. Jurisdiction is properly laid in this Court in that the Defendant is subject to the personal jurisdiction of the State of New Jersey, County of Cape May, and the events giving rise to the Complaint occurred in Cape May County, New Jersey.

STATEMENT OF FACTS

6. Defendant currently employs Plaintiff as a Captain in the Cape May City Police Department.

7. Plaintiff has been employed by Defendant since April 16, 1990.

8. Plaintiff has risen through the ranks of the Police Department and was promoted to Captain in June of 2006.

9. Upon the retirement of Chief Diane Sorrentino on December 31, 2013, Plaintiff was made the Officer in Charge for the Police Department and was responsible for the day-to-day operations as enumerated by statute.
10. Plaintiff continued as the Officer in Charge from January 1, 2014 through March 4, 2015 when he was appointed Chief of Police by Defendant.
11. Plaintiff and Defendant entered into a contract effective March 4, 2014 through December 31, 2016.
12. Defendant is a Civil Service jurisdiction requiring testing for promotions.
13. On December 8, 2014, Plaintiff took the Chief of Police test administered by Civil Service and scored number one in the State.
14. In May of 2014, Cape May City started an investigation into Lieutenant Chuck Lear of the Cape May City Police Department after a complaint was filed by PBA attorney Chuck Schlager.
15. On or about July 31, 2014, a retired Cape May City officer police, Rusty Chew, filed a formal complaint with the Cape May City Manager, Bruce MacLeod, regarding Lt. Lear's use of compensatory time.
16. City Manager MacLeod transferred the complaint to the Cape May County Prosecutor's Office for a criminal investigation.

17. Plaintiff cooperated in that investigation and provided a statement to the Cape May County Prosecutor's Office.

18. On August 5, 2014, First Assistant Prosecutor Robert W. Johnson of the Cape May County Prosecutor's Office sent a letter to Plaintiff advising:

I reviewed the proffered facts with regard to Lieutenant Chuck Lear's use and/or accumulation of comp time. Further, based upon the facts as I understand them, no criminal prosecution would be warranted. Accordingly I hereby authorize your office to review the matter to determine whether any Department or Administrative Charges are warranted.

19. On September 30, 2014, First Assistant Prosecutor Johnson sent a letter to Monzo. In that letter the First Assistant Prosecutor detailed:

Please be advised that a second review of the facts and circumstances concerning the accumulation of comp/flex time by Lieutenant Chuck Lear was completed. During the second review, the City of Cape May Work Leave Reports and Records kept by Lieutenant Lear were reviewed. Further, both Chief Sheehan and former Chief Sorrentino were interviewed. As a result of this investigation, I have concluded that no criminal prosecution is warrant. I reach this conclusion based upon the fact that both Chief Sheehan and Chief Sorrentino were aware of Lieutenant's Lear's accumulating time off and approved of same.

Accordingly, I hereby authorize the City of Cape May to review the instant matter and determine whether any Department or Administrative Charges are warranted. Further, any such review should seek to address the administrative issue that has come about due to conflict between the existing Lieutenant contract and any internal Police Department practices that run afoul of contract limitations.

20. On October 7, 2014, Cape May City First Assistant Prosecutor Johnson sent a letter to Russell Chew which stated in pertinent part, "[t]here is insufficient evidence to warrant a criminal prosecution in this matter. Accordingly, this office is declining prosecution of issues raised in your complaint."

21. On October 28, 2014, Plaintiff received an email from James Fallon, a retired Major from the New Jersey State Police and an owner of Fallon Associates, a private investigation firm. The email provided Chief Sheehan notice that he was the target of an Internal Affairs Investigation that was going to be conducted by James Fallon.

22. On September 9, 2014, Plaintiff fully cooperated and provided a complete statement to the Cape May County Prosecutor's Office.

23. On or about November 6, 2014, Plaintiff objected to the Defendant conducting an internal affairs investigation without prosecutorial oversight.

24. On November 11, 2014, Monzo sent a letter to First Assistant Prosecutor Johnson. Monzo recounted, "[a]s a result, you (Robert Johnson) referred this matter back to the City for an administrative investigation to be conducted under the guidelines promulgated by the Division of Criminal Justice for Internal Affairs Investigations."

25. The letter further asked, "Chief Sheehan has questioned whether the City has authority to conduct an internal affairs investigation without oversight from the Cape May County Prosecutor's Office. I am therefore asking for your confirmation that this matter is being properly conducted subject to full adherence to the Attorney General Guidelines."

26. On November 13, 2014, City Manager MacLeod received notification from Plaintiff. In the correspondence, Plaintiff raised concerns about the City's hiring of Retired Major Fallon to conduct the Internal Affairs Investigation as he is not a sworn law enforcement officer.

27. In the same correspondence of November 13, 2014, Plaintiff requested to receive his Garrity protections.

28. On November 18, 2014 Plaintiff received a correspondence from Monzo. In that correspondence, the letter specifically provided:

Prior to my receipt of your letter an inquiry had already been made to the Cape May County Prosecutor's Office as to whether the City of Cape May should continue its investigation of your client (Plaintiff). The initial referral did not indicate that it was limited to any specific officer but appeared to include any members of the Police Department that were involved in the matter reviewed by the Prosecutor's Office. However, and subsequent to my receipt of your letter in response to my previous correspondence to Mr. Johnson, he instructed the City of Cape May to disengage from any further investigation of the Chief of Police at this time. When the matter under investigation is complete the Prosecutor's Office will

make a determination as to whether your client should be investigated. Accordingly, at this time your client will no longer be the subject of an Internal Affairs Investigation but will be a witness in the underlying matter. He will be contacted by Mr. Fallon to schedule an interview for that purpose. As for your discovery request, and since your client is no longer the subject matter of an Internal Affairs Investigation, there is no legal basis for providing any of the documentation you requested.

29. On November 18, 2014, Plaintiff received an e-mail from Ret. Maj. Fallon advising that Plaintiff's identification as a target of the administrative investigation was premature and Plaintiff is not the target of the administrative investigation.

30. On November 19, 2014, First Assistant Prosecutor Johnson sent a letter to Monzo stating in pertinent part:

I am directing the City of Cape May to continue with their administrative investigation concerning the use of compensatory time used by Lieutenant Chuck Lear and forward the results of the investigation to this office for review. However, any investigation should not include investigation of Chief Sheehan. Any investigative notices served on the Chief should be withdrawn.

31. On December 9, 2014, Plaintiff, through undersigned counsel, sent a letter back to Monzo. Plaintiff complained that the City of Cape May's investigation was violating the Attorney General Guidelines for the handling of internal affairs and N.J.S.A. 40A:14-118. Plaintiff, through counsel, stated:

My client is concerned that some of the actions are running contrary to N.J.S.A. 40A:14-118 and are circumventing his duties and responsibilities as the Chief of Police and the individual responsible for the

Internal Affairs Investigations for the City of Cape  
May Police Department.

32. The December 9, 2014 was copied to Major (retired) James Fallon and Robert Johnson, First Assistant County Prosecutor.
33. On December 23, 2014 a meeting was held at the Cape May City Prosecutor's Office between MacLeod, Monzo, Johnson, Chief Ken Super, Chief of Detectives, Cape May County Prosecutor's Office, Chief Sheehan and his counsel regarding the December 9, 2014 correspondence sent to Cape May City.
34. During that meeting, First Assistant Prosecutor Johnson informed Cape May City that the Chief's interpretation of the Attorney General's Guidelines for the handling of internal affairs and N.J.S.A. 40A:14-118 were correct. Chief Sheehan was to be placed in charge of the Internal Affairs Investigation regarding Lieutenant Lear and Major (retired) James Fallon, the investigator, was to conduct his investigation under the direction of Chief Sheehan.
35. City Manager MacLeod and Monzo repeatedly argued in the meeting that they wanted the ability to discipline Lieutenant Lear without involving Chief Sheehan.
36. After being unable to convince First Assistant Prosecutor Johnson that their position was correct, both MacLeod and Monzo stormed out of the meeting abruptly.

37. Despite being ordered to adhere the Attorney General's Guidelines for Internal Affairs and repeated requests for clarification of the guidelines from the Cape May County Prosecutor's Office, Defendants refused to abide by the A.G.'s Guidelines and the orders of the Cape May County Prosecutor's Office.

38. Plaintiff was advised to send correspondence to retired Major Fallon advising him that he would be responsible to report to Chief Sheehan his findings and he was not allowed to conduct any further investigation without prior authorization of Chief Sheehan.

39. On December 24, 2014, Chief Sheehan sent a letter to Retired Major Fallon advising Fallon that he would be required to report to Plaintiff pursuant to his authority under N.J.S.A. 40A:14-118 and the Attorney General Guidelines for the handling of internal affairs.

40. On December 28, 2014, retired Major Fallon sent an email to Chief Sheehan advising:

I am glad the situation has been resolved and I will certainly comply with your directives regarding the instant matter of Lieutenant Lear. Please be advised that I am not in possession of any criminal investigation files. I do have Cape May City Administrative Records germane to the administrative internal investigation as well as recorded interviews with Cape May City employees and the Complainant Mr. Russell Chou. You should be aware that the City Administrative files have been obtained via OPRA

Request by Mr. Chew. I am prepared to provide you with all the requested material. As I am sure you can appreciate my position as an objective fact-finder under City appointment, would it be possible for you to ask City Solicitor Monzo to communicate some documentation to me indicating my reporting responsibility has changed. Please don't take offense at this request, it is merely because I have a contractual obligation that is pretty clearly defined and this development changes the parameters somewhat. I am sure we can accomplish resolutions very quickly.

41. On February 4, 2015, Plaintiff sent an email to Monzo and MacLeod requesting an update regarding the investigation. Plaintiff also sought to be provided with the investigatory file as he was directed to request by the Cape May County Prosecutor's Office at the December 24, 2014 meeting.

42. On February 19, 2015, Plaintiff was copied on a letter from Monzo to First Assistant Prosecutor Johnson. That letter detailed:

Enclosed please find a copy of the administrative internal investigation report prepared by James Fallon in the above matter. Also enclosed is a copy of the allegations and conclusions. The City Manager and I have met with Chief Sheehan to discuss the appropriate action to be taken in connection with this investigation. Furthermore as suggested in your letter of November 19, 2014 please advise as to whether your office needs to conduct an administrative review of the Chief's conduct pertaining to this matter.

43. On February 26, 2015, Plaintiff sent a letter to First Assistant Prosecutor Johnson. The letter detailed Plaintiff's review of the investigation conducted by James Fallon and points

out several deficiencies. Plaintiff stated to First Assistant Prosecutor Johnson:

I am concerned by this report on many levels. It appears to make assumptions and perpetuate innuendo that is, both, grossly erroneous and defamatory in nature. I am also concerned by the testimony of key witnesses and components to the true nature of when, and how, these charges came to fruition. As Chief of Police I take any Internal Affairs Complaint, or charge of wrongdoing highly serious..

I am also supplying you with a letter, in which I was included, from Tony Monzo dated February 19, 2015. I would like to make you aware of a possible conflict in that our Department recently arrested his son for burglary/theft within our jurisdiction. It was suggested to me that we may have overstepped in arresting his son by the City Manager. Not only do I find the implication perilous, in that we would attempt to provide special "favours", but I have other Complainants within my Department where we were asked to make concessions. I am hoping that a forward push in regard to this investigation would not point to retribution, or an attempt to undermine my position as Chief of Police, as I am confident in the positive support of my City Council.

44. Plaintiff also pointed out that the Fallon report was also incomplete as Ret. Maj. Fallon contacted the wrong Diane Sorantino and not the former chief of police.

45. On March 2, 2015, First Assistant Prosecutor Johnson sent a letter to Monzo on copy to Plaintiff which provided:

Please be advised that I have reviewed the Internal Affairs Investigation Report of James Fallon as well as a letter from Chief Sheehan dated February 26, 2015. Based on several issues raised by both documents including, but not limited, to credibility issues the Cape May County Prosecutor's Office is assuming responsibility for the investigation. This

investigation will include a review of Chief Sheehan's actions as well as a review of the initial information provided to this office in order to evaluate whether any witnesses or partly wilfully provided false information during a criminal investigation.

I further direct that any party who has knowledge of the ongoing Internal Affairs Investigation be cautioned about the release of any information that would be contrary to the Attorney General Guidelines.

46. On March 3, 2015; the Cape May City Council held a meeting in Cape May City.

47. At the March 3, 2015 meeting, City Manager MacLeod and City Solicitor Monzo provided the Council with information regarding the Internal Affairs Investigation being conducted into Lieutenant Lear. Further, the City Manager and the City Solicitor also provided information to the Council regarding allegations against Plaintiff.

48. Defendant retaliated against Plaintiff and demoted Plaintiff for his whistle blowing activities of objecting to Defendant's violating N.J.S.A. 40A:14-118 and N.J.S.A. 40A:14-181.

49. Upon information and belief, either the City Manager or the City Solicitor provided deliberately false information to the City Council in order to illegally remove Chief Sheehan from his position as Chief of Police.

50. At the March 3, 2015 City Council meeting, City Manager MacLeod and City Solicitor Monzo released confidential

information in contravention to the admonishments of First Assistant Prosecutor Johnson.

51. By way of a vote by the City Council, Cape May City demoted Plaintiff from Chief of Police to Captain.

52. The demotion was a reduction in pay of approximately \$6,000.00 per year, a reduction in rank and in adversely impacted Plaintiff's anticipated pension benefits.

53. The responsibilities of Plaintiff as a Captain and as a Chief are identical in the Cape May City Police Department as there are no other superior officers above the rank of Lieutenant.

54. On March 5, 2015, Monzo sent a letter to Johnson detailing how Cape May City intended to release information, despite restrictions promulgated under the Attorney General's Guidelines for Internal Affairs, related to the internal affairs investigation.

55. On March 6, 2015, Cape May County Prosecutor Robert L. Taylor sent a letter to Monzo. In that letter, the Prosecutor stated the following:

I am in receipt of your March 5, 2015 letter. I will not confirm or forward any future information to you regarding the Cape May City Police Department. You disregarded the directive of First Assistant Prosecutor, Robert W. Johnson, in his March 2, 2015, letter to you not to disclose information concerning the ongoing Internal Affairs Investigation contrary to Attorney General Guidelines. You have also disclosed

details of other investigations to the public. These disclosures are, in my opinion, outrageous and contrary to all notions of due process, the right of privacy and equal protection of law.

56. The Cape May County Prosecutor's Office maintains that Plaintiff was not the target of an Internal Affairs' investigation nor was Plaintiff the target of a criminal investigation.

COUNT ONE

(Violation of CEPA

N.J.S.A. 34:19-1 et seq.)

57. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.

58. Defendant's actions against Plaintiff, as detailed above, are in retaliation for Plaintiff's whistle-blowing activities described herein, in violation of the New Jersey Conscientious Employee Protection Act ("CEPA"), N.J.S.A. 34:19-1 et seq.

59. Plaintiff engaged in "whistle-blowing" activities in that he disclosed and objected to, and/or refused to participate in, Defendant's conduct which he reasonably believed was in violation of law and/or public policy, and/or rules or regulations promulgated pursuant to law and/or public policy, was fraudulent, and/or negatively impacted the health, safety

and welfare of the public. In retaliation for his whistle-blowing activities, Plaintiff suffered adverse employment action(s) and other retaliatory and harassing acts at the hands of Defendant, as outlined above.

60. Defendant created a continuous pattern of tortious conduct against Plaintiff in retaliation for his whistle-blowing activities.

61. Defendant's adverse employment actions against Plaintiff include, but are not limited to, Defendant demoting Plaintiff from the position of Chief of the Department and removing Plaintiff from his position as the head of internal affairs.

62. Defendant's adverse employment actions against Plaintiff are without any legitimate and/or lawful purpose. The purported rationale for Defendant's adverse employment actions are pretextual and are advanced in order to mask Defendant's retaliatory intent.

63. Defendant's harassing and retaliatory actions against Plaintiff constitute violations of CEPA.

64. As a result, Plaintiff's statutory rights have been violated and his protections under the law have been eviscerated.

65. Plaintiff has suffered damages resulting in the loss of compensation and benefits, loss of earning power, physical

injury, mental injury, the loss of opportunities for prospective employment, the loss of fringe benefits, and is incurring legal expenses and other expenses as a result of Defendant's actions.

66. Defendant's foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiff's statutory and civil rights, and Plaintiff is entitled to punitive damages under applicable law.

**COUNT TWO**

**(Violation of Chief's Bill of Rights  
N.J.S.A. 40A:14-118)**

67. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.

68. N.J.S.A. 40A:14-118 provides in pertinent part:

Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be the head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof, and that he shall, pursuant to policies established by the appropriate authority:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b. Have, exercise, and discharge the functions, powers and duties of the force;
- c. Prescribe the duties and assignments of all subordinates and other personnel

69. Plaintiff informed Defendant that their actions in conducting an internal affairs investigation into Lt. Lear were in violation of the law.

70. Chief Sheehan, by statute, was in charge of internal affairs for the Cape May City Police Department as the Chief of Police.

71. Defendant violated N.J.S.A. 40A:14-118 when it failed to abide by instructions from the Cape May County Prosecutor's Office after the December 23, 2014 meeting.

COUNT THREE

(Violation of  
N.J.S.A. 40A:14-147)

72. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.

73. N.J.S.A. 40A:14-147 provides in pertinent part:

Except as otherwise provided by law, no permanent member or officer of the police department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer.

74. Plaintiff was never charged administratively or criminally by Cape May City or the Cape May County Prosecutor's Office.

75. Plaintiff was illegally demoted without charges and hearing as required under N.J.S.A. 40A:14-147.

76. Defendant's actions violate *Cox v. Brigantine*, ATL-L-3514-13 (Unreported).

77. Defendant disciplined Plaintiff for political retaliation reasons in contravention of N.J.S.A. 40A:14-147.

78. Defendant did not have just cause to discipline and demote Plaintiff.

COUNT THREE

(Violation of  
N.J.S.A. 40A:14-181)

79. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.

80. N.J.S.A. 40A:14-181 provides in pertinent part:

Every law enforcement agency shall adopt and implement guidelines which shall be consistent with the guidelines governing the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety, and shall be consistent with any tenure or civil service laws, and shall not supersede any existing contractual agreements.

81. Defendant is bound to abide by the Internal Affairs Policy and Procedure ("Guidelines") as enacted by the Division of Criminal Justice.

82. Defendant acknowledged its requirements to abide by the Guidelines on several occasions in correspondences with the Cape May County Prosecutor's Office.
83. The Cape May County Prosecutor is the Chief Law Enforcement Officer in Cape May County.
84. The Attorney General is the Chief Law Enforcement Officer in the State of New Jersey under N.J.S.A. 52:17B-98.
85. All subordinate law enforcement agencies have a duty to cooperate and abide by the guidelines of the Attorney General.
86. The law enforcement executive, chief of police, is the head of the internal affairs unit. (Guidelines at 12).
87. The nature and source of internal allegations, the progress of investigations, and the resulting materials are confidential information. (Guidelines at 42.)
88. Defendant released information about an internal affairs investigation at a council meeting, in press releases, and in press availability that occurred on March 19, 2015.
89. Defendant was clearly advised to keep the matter confidential by the Cape May County Prosecutor's Office on multiple occasions.
90. Defendant falsely accused Plaintiff of being the target of a criminal investigation in a public meeting that took place on March 3, 2015.

91. Defendant conducted an illegal internal affairs investigation into Lt. Lear.

92. Defendant refused to adhere to decisions from the Cape May County Prosecutor's Office as to how the internal affairs investigation should be conducted under the direction of Plaintiff.

93. The Cape May County Prosecutor's Office informed Defendant on December 23, 2014 that Plaintiff was not the target of an internal affairs investigation, and did not need to be interviewed by Fallon as part of the investigation.

94. Also on December 23, 2014, the Cape May County Prosecutor's Office told Defendant that Plaintiff did not commit any administrative violations.

**WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

a. Awarding Plaintiff damages, including, but not limited to, equitable, punitive and compensatory damages on all lost benefits, wages and rights, including but not limited to front and back pay, lost earning power, as well as all commensurate pension benefits, the adverse tax consequences of a lump sum award, and other benefits with respect to Plaintiff's employment, and non-economic damages for emotional distress,

together with both prejudgment and post-judgment interest and attorneys' fees and costs of court for Defendant's violations of Plaintiff's civil rights;

b. Awarding Plaintiff damages, including, but not limited to, equitable, punitive and compensatory damages on all lost benefits, wages and rights, including but not limited to front and back pay, lost earning power, as well as all commensurate pension benefits, the adverse tax consequences of a lump sum award, and other benefits with respect to Plaintiff's employment, and non-economic damages for emotional distress, together with both prejudgment and post-judgment interest and attorneys' fees and costs of court with regard to hostile work environment, retaliation, disparate treatment, and with regard to adverse employment action(s) and other retaliation and harassment as a result of Plaintiff's whistle-blowing activities;

c. Awarding Plaintiff damages, including, but not limited to, equitable, punitive, compensatory and liquidated damages provided by statute or common law on all lost benefits, wages and rights, including but not limited to front and back pay, lost earning power, as well as all commensurate pension benefits and fringe benefits, the adverse tax consequences of a

lump sum award, and other benefits with respect to Plaintiff's employment, and non-economic damages for emotional distress, together with both prejudgment and post judgment interest and attorneys' fees and costs of court as Defendant has violated Plaintiff's rights to be free from the injuries which she has suffered due to the Defendant's actions;

d. For an Order from the Court re-instating Plaintiff to the position of Chief of the Department, and/or an Order restoring Plaintiff to his position which was in place prior to the adverse employment action imposed by Defendant in violation of CEPA, in addition to the award of compensatory and punitive damages, and attorneys' fees and costs, flowing therefrom, as outlined above;

e. For an Order of the Court awarding Plaintiff with any additional relief permitted by CEPA;

f. For an Order of the Court retaining jurisdiction over this action until Defendant has fully complied with the Orders of this Court, and that the Court require Defendant to file such reports as may be necessary to supervise such compliance; and

g. For such other, further, additional and different relief as this Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

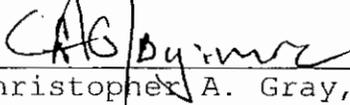
Pursuant to R. 4:25-4, the Court is advised that Christopher A. Gray, Esq., is hereby designated as trial counsel.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues involved herein.

Respectfully submitted,  
SCIARRA & CATRAMBONE, L.L.C.,  
*Attorneys for Plaintiff*

By:

  
\_\_\_\_\_  
Christopher A. Gray, Esq.

Dated: March 24, 2015

CERTIFICATION PURSUANT TO R. 4:5-1

The undersigned, of full age, hereby certifies as follows:

1. The matter in controversy is not the subject of any other pending action before any Court.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties to be joined in this action at the present time.

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

Respectfully submitted,  
SCIARRA & CATRAMBONE, L.L.C.,  
*Attorneys for Plaintiff*

By:

CAG/By: mcz  
Christopher A. Gray, Esq.

Dated: March 24, 2015