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LYNN WEHLING
Our File No. 30.04.359

SUPERIOR COURT OF NJ
CUMBERLAND COUNTY
LAW DIVISION

JUN 21 2013

REC'D & FILED
CIVIL CASE
MANAGEMENT OFFICE

<p>LYNN WEHLING,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>CUMBERLAND COUNTY, CUMBERLAND COUNTY BOARD OF CHOSEN FREEHOLDERS, CUMBERLAND COUNTY PROSECUTOR'S OFFICE, and JOHN AND JANE DOES 1-10.</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: CUMBERLAND COUNTY DOCKET NO. <i>Cum L 534-13</i></p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">COMPLAINT AND JURY DEMAND</p>
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Plaintiff Lynn Wehling, by way of Complaint against the Defendants Cumberland County, Cumberland County Board of Chosen Freeholders, Cumberland County Prosecutor's Office, and John and Jane Does 1-10 says:

THE PARTIES

1. Plaintiff Lynn Wehling, residing in the City of Millville, in the State of New Jersey, is a detective with the Cumberland County Prosecutor's Office [hereinafter, the "CCPO"]. Plaintiff is a lesbian female.
2. Defendant County of Cumberland [hereinafter, the "County"] is a middle level governmental body organized pursuant to the laws of the State of New Jersey which operates according to the County Administrative Code pursuant to N.J.S.A. 40:20-1.3.
3. Defendant Cumberland County Board of Chosen Freeholders, [hereinafter, the "Board of Freeholders"] is the governing body for the County pursuant to N.J.S.A. 40:20-1, and its members had or should have had knowledge of the events relevant to this Complaint.

4. Defendant CCPO is the public entity in the County empowered to act as the chief law enforcement agency delegated with the task of investigating and enforcing the laws of the State of New Jersey, and appointing and supervising county detectives and county supervisors pursuant to N.J.S.A. 2A:157-1, et seq. At all times relevant, the County had the duty to exercise its powers and authority over the CCPO pursuant to N.J.S.A. 2A:158-5, et seq., 52:17A-1, et seq., and 52:17B-106, et seq.
5. Defendants the County, the Board of Freeholders, and the CCPO are public employers, as defined pursuant to the New Jersey Law Against Discrimination [hereinafter, the "NJLAD"] and the New Jersey Civil Rights Act [hereinafter, the "NJCRA"] and as provided pursuant to the laws of the State of New Jersey. The County, the Board of Freeholders, and the CCPO are liable for the acts of the Defendants alleged herein either as the direct employer of Plaintiff, the direct-acting party and/or as a responsible party for the acts of its employees under the doctrine of *Respondeat Superior*. All actions alleged against Defendants the County, the Board of Freeholders, and the CCPO were carried out under the color of state law.
6. Defendants have been listed herein based upon their specific, individual acts of civil rights violations and discrimination directed toward Plaintiff and/or their failure to prevent co-workers, superiors and subordinates of Plaintiff from engaging in conduct that was obviously discriminatory, harassing, and retaliatory in nature toward Plaintiff. Defendants are also listed herein based upon their direct acts and the failure to act when action was required, which created a hostile work environment and caused harm to Plaintiff.

7. Defendants John and Jane Does 1 through 10 are or were at all relevant times employees of the CCPO or the County. These John and Jane Does also include persons who are or were agents or officials of the CCPO and/or the County or whose conduct was intended to further the unlawful and/or discriminatory efforts of these Defendants. Said Defendants are fictitiously named herein inasmuch as their current identities are unknown to Plaintiff.
8. These fictitiously named Defendants are listed herein based upon their acts of performing overt violations of civil rights, of punishing Plaintiff for the lawful exercise of her civil rights, of failing to report acts of clear deprivation of Plaintiff's civil rights and/or creating a hostile work environment. Any and all allegations against any of the specifically named Defendants should be deemed to include and list these fictitiously named Defendants automatically by reference. As the true identities of these Defendants are made known to Plaintiff, said John and Jane Doe Defendants shall be designated by proper name.

STATEMENT OF FACTS

9. Plaintiff began her career with the CCPO as a detective in February 2004.
10. While employed by the CCPO, Plaintiff was harassed by her superiors on the basis of both her gender and sexual orientation, and, after she complained of harassment, the harassment was not effectively remediated and, in fact, Plaintiff was retaliated against, harassed further and treated disparately, despite her excellent performance and experience.

11. Rumors about Plaintiff's sexual orientation began as soon as she started at the CCPO. In or around February 2004, Plaintiff attended the Division of Criminal Justice Academy [hereinafter, the "Academy"]. CCPO Detective George Chopek started rumors about Plaintiff's sexual orientation with his subordinate, who, in turn, shared the information with Plaintiff's Academy roommate. Plaintiff's roommate then repeated it to Plaintiff.
12. When she returned to the CCPO from the Academy, Plaintiff was assigned to the Trial Team in the Cumberland County Courthouse. There, she had regular contact with Detective Chopek of the Major Crimes Unit. From the start, Chopek told Plaintiff that he knew she was a lesbian but falsely assured her that, "I will not tell anyone; it will just be between us."
13. In or around June 2007, Plaintiff accepted a transfer into the Narcotics Unit [hereinafter, "Narcotics"] of the Organized Crime Bureau [hereinafter, "Bureau"] under the supervision of Bureau Commander, Lieutenant Rosemary Parks.
14. Chopek was promoted to Sergeant while still in the Major Crimes Unit. On or around November 24, 2009, Chopek was transferred to, and became the Deputy Commander of, Narcotics and was Plaintiff's direct-line supervisor. Chopek is also Plaintiff's neighbor in Millville, New Jersey.
15. Immediately following his transfer, Chopek subjected Plaintiff to an unrelenting barrage of harassment on the basis of her gender and sexual orientation. Despite his assurances that he would keep her sexual orientation private, Chopek regularly and openly directed unwelcome homophobic and sexist epithets at Plaintiff. For instance, he referred to Plaintiff as "gay" and "a guy," and frequently addressed her as "sir" or "dude" in front

of other Narcotics members and the public during field operations. In fact, Chopek even trained his young daughter to refer to Plaintiff as "Uncle Lynn".

16. Chopek even degraded Plaintiff's sexual orientation by likening same-sex marriage to bestiality, asking Plaintiff, "How is marrying a woman any different than marrying a poodle? If I wanted to fuck a poodle, then I should be allowed to marry one, too."
17. In addition, Chopek suggested that Plaintiff's success as a detective had only arisen because of her sexual preference and activity. On one occasion, after accusing the former County trial chief of being a lesbian, Chopek told Plaintiff that the trial chief had only liked Plaintiff because Plaintiff was a "dyke," and that Plaintiff "must have fucked her." He also asserted that, because the trial chief was herself a "dyke," she treated "another dyke" and "that other dyke bitch" more favorably, referring to a former detective and a current paralegal.
18. On one occasion in late 2009, Chopek intentionally humiliated and belittled Plaintiff's authority in the presence of three prisoners whom Plaintiff and Chopek were transporting to a County jail. When one of the prisoners asked Plaintiff if she were married, Chopek responded, "Don't let her fool you. She gets more pussy than all of us put together." For the remainder of the car ride, Chopek and the prisoners laughed at Plaintiff.
19. Chopek also made lewd jokes in the presence Plaintiff, claiming that a certain female detective suffered from vaginal warts and that a certain female lieutenant "must give a really good blow job" because she had just received a promotion.

20. Not only did Chopek regularly make sexist and homophobic comments, but he also regularly and freely made racist comments. On November 25, 2009, for example, Plaintiff advised Chopek of her plan to execute an undercover narcotics transaction to detain a suspect. In response, Chopek told Plaintiff that he doubted she could detain this particular suspect, who was African-American, stating aloud, "When you don't get him, you are going to make him the king, and all of the monkeys are going to think he is God. And then you are going to get sued by the NAACP and Al Sharpton is going to be on your front step."

21. Chopek also accused Cumberland County Prosecutor Jennifer Webb-McRae of being "dirty" for having so many African-American friends on Facebook. Chopek went as far as to ask Plaintiff if she "would fuck the Prosecutor," to whom he referred as having "huge tits." Chopek further asked Plaintiff if she had ever "fucked a black woman."¹

22. On another instance, following an argument with Parks, Chopek made sexually violent and racist comments about Parks' college-age daughter, storming into the Narcotics Unit back room and screaming, "I hope that when her daughter goes to college, she gets raped by a nigger!"

23. Not only was Plaintiff subjected to a hostile workplace at the CCPO, but neither the County nor the CCPO took any action to protect her from the sexual harassment and constant abuse she suffered, despite their knowledge of same. Beginning in late 2009,

¹ Chopek was not the only detective to make racist remarks. For example, one detective, in the presence of Parks, Claimant and a third detective, called out to Prosecutor Webb-McRae's young son, "Here, I have something for that little monkey," while holding out a banana. He then held up the banana to the son and said, "Hey buddy, do you want a snack?" The son politely declined, saying "No, thank you." Moreover, though, Lieutenant Parks personally witnessed this racism and took no steps to correct this detective.

Plaintiff began advising Parks, who was Chopek's direct supervisor, of his sexual harassment and her concerns of continuing to work with him. Parks, however, took no action to address Plaintiff's legitimate concerns about Chopek's inappropriate conduct and Plaintiff's future interactions with him.

24. Following Plaintiff's complaints to Parks, Chopek's conduct and comments continued unabated. For instance, on several occasions, Chopek suggestively stared at Plaintiff's genital area and asked, "Do you shave your pussy? Is it bald down there?"

25. In addition, Chopek regularly accused Plaintiff of "fucking" every woman with whom she spoke. For example, he asked Plaintiff whether she was "fucking" a female state trooper and/or a certain female parole officer with whom Plaintiff often worked.

26. Chopek's unchecked harassment of Plaintiff spread so that, on one instance, another detective stood behind a female parole officer as she and Plaintiff discussed work-related matters while inappropriately gesturing acts of oral sex to Plaintiff with his hand.

27. On or around August 17, 2010, Plaintiff attended a Narcotics Unit search warrant briefing with Chopek and a room full of New Jersey State Troopers and Narcotics detectives. During the meeting, Chopek warned Plaintiff not to "joke around with" Sergeant Ray Jacobs of the New Jersey State Police because "troopers in North Jersey are going to believe that Jacobs is fucking a dyke in Cumberland." Many of the attendees, including Chopek, laughed directly at Plaintiff, humiliating her in front of her colleagues.

28. During a Narcotics search warrant execution on or around December 4, 2010, Chopek pointed at Plaintiff and said to a government informant at the scene, "That's not even a

girl, it's a dude." In response, a nearby female detainee yelled, "Why the fuck you guys rolling with a he-she?" Chopek and the detainee then laughed at Plaintiff, severely injuring Plaintiff's authority when she later searched that detainee's person as part of her job duties.

29. In or around February 2011, the County Professional Standards Unit [hereinafter, "PSU"] initiated an investigation into one of Plaintiff's co-workers in Narcotics. Chopek was assigned to conduct surveillance of this co-worker. Shortly thereafter, Chopek arrived at Plaintiff's house and, in an effort to compel Plaintiff to speak negatively about this co-worker, stated to Plaintiff that the co-worker had Narcissistic Personality Disorder. Chopek also played to Plaintiff's vulnerabilities, alleging that the co-worker had spoken negatively of Plaintiff while Plaintiff was out on family leave, caring and grieving for her father, in a devious attempt to collect false allegations about him. During that same encounter with Plaintiff in February 2011, Chopek accused another detective's girlfriend of having "fucked a nigger."

30. Immediately following this meeting, Plaintiff renewed her complaints about Chopek's inappropriate workplace behavior to Parks, but, once again, Defendants failed to conduct any type of investigation or discipline Chopek in any way.

31. Following this incident, Plaintiff understood that her workplace was entirely abusive, hostile and sexually oppressive, that Chopek's unprofessional behavior would continue unchecked, that her complaints would continue to go unanswered, and that she had no choice but to transfer out from Chopek's supervision. Accordingly, in March 2011,

Plaintiff transferred into the Intel/Gangs Unit [hereinafter, "Intel"] under Sergeant Steven O'Neill.

32. Narcotics and Intel, however, are housed together in one facility, which subjected Plaintiff to continued harassment by Chopek. For example, in or around April 2011, he suggestively touched Plaintiff's hair and remarked, "I want to come in your hair. Does it make me gay if I want to fuck you?"
33. Rather than counsel or discipline Chopek, Parks even occasionally joined in the harassment of Plaintiff because of her sexual orientation. For instance, in or around April 2011, Parks openly accused Plaintiff of "switching sides," in reference to a perceived heterosexual crush that Plaintiff had on a male agent of the United States Drug Enforcement Administration [hereinafter, "DEA"] assigned to the County. Parks further accused Plaintiff of "sitting on the fence" between Plaintiff's supposed intimate relationship with a female parole officer and her friendship with the DEA agent.
34. On July 7, 2011, Chopek called Plaintiff into his office to discuss a demeanor complaint against another detective. Before complying, Plaintiff reported Chopek's request to her supervisor, O'Neill, and asked O'Neill if he would accompany her to the meeting, as she did not want to be alone with Chopek. Instead of accommodating Plaintiff, O'Neill told her to attend the meeting but gave her permission to leave once she started feeling uncomfortable. During the course of the July 7, 2011 meeting, Chopek attempted to unlawfully coerce Plaintiff into giving a false negative statement about the detective. Plaintiff refused, angering Chopek.

35. For the remainder of that July 7, 2011 meeting, Chopek accused Plaintiff of “fucking the girl from parole” with whom Plaintiff often worked, and of “cock blocking” another male officer’s sexual advances on said parole officer. Chopek even threatened to “fuck her if [Plaintiff] marr[ies] her.” When Plaintiff attempted to end the meeting, Chopek continued to pressure Plaintiff, stating, “Come on, you can tell me, I want to fuck her too.” He then informed Plaintiff that he peered into Plaintiff’s windows at home and could see Plaintiff exiting her shower naked and “fucking [the parole officer].” Chopek further stated that the parole officer had “big tits” and “was hot,” and that he masturbated while thinking about the two of them together. Plaintiff interrupted Chopek, advised him that she was extremely upset by his misconduct and left his office.

36. At the end of Plaintiff’s shift on July 7, 2011, Plaintiff reported the details of Chopek’s sexual harassment to her superior, Parks, who confirmed that she had heard Chopek yelling at Plaintiff. Although the CCPO’s established procedures for reporting and filing complaints of discrimination and harassment impose a duty on supervisors, including Parks, “to assure that prompt action is taken when they become aware” of incidents of sexual harassment and/or discrimination, Parks failed to pursue any type of corrective action.²

² By Office Policy Manual, Chapter 21, “Policy Against Discrimination,” dated April 20, 2009, it is established that any conduct directed at any employee which “creates an intimidating, hostile or offensive work environment,” which “reasonably interferes with any individual’s work performance or otherwise adversely affects an employee’s employment opportunities,” or which is taken in retaliation “against an employee who reports discrimination” or harassment, “is a violation of [CCPO] policy,” and that “Supervisors who receive information of inappropriate conduct must immediately report same through the chain of command . . .”; By Office Policy Manual, Chapter 22, “Policy Prohibiting Sexual Discrimination or Harassment,” dated April 20, 2009, it is established that both gender discrimination and hostile environment sexual harassment are illegal, and that “[a] supervisor receiving a complaint of gender discrimination or sexual harassment shall notify the County Prosecutor or his designee within 24 hours of receiving the complaint.”

37. On July 11, 2011, O'Neill accompanied Plaintiff to a meeting in Parks' office, where Plaintiff was forced to confront Chopek about his conduct on July 7, 2011. Plaintiff confirmed that Chopek had directed sexually abusive comments at her during what was supposed to be an investigatory interview. Chopek was highly upset to be confronted with his own actions and churlishly announced that he himself would file for a transfer out of the Bureau that day. Chopek was so visibly angry at Plaintiff for her disclosure of his conduct that O'Neill physically protected Plaintiff from him for several hours.
38. Chopek, however, did not voluntarily transfer out of the Bureau, leaving Plaintiff to work in the same office with him for several weeks after the July 7, 2011 incident.
39. Moreover, rather than protect Plaintiff, Parks then took a number of a number of adverse employment actions against Plaintiff in retaliation for her complaints against Chopek. For example, Parks intentionally began unfairly criticizing Plaintiff's work performance, denying her opportunities to work overtime, denying her job opportunities in the Bureau, stripping her of job responsibilities, and otherwise treating her disparately in the terms and conditions of her employment.
40. As July wore on, Plaintiff became increasingly aware that Chopek was not transferring on his own, that Defendants would not take action to transfer Chopek, that her workplace environment would remain abusive, and that she had no choice but to again transfer away from Chopek.
41. Therefore, on July 25, 2011, Plaintiff advised Parks that she intended to transfer out of the Bureau. In response, Parks finally expressed concern, frantically asking Plaintiff what she had planned to tell other CCPO employees about Parks and the Bureau. Later

that day, both Parks and O'Neill telephoned Plaintiff to clarify the dates of each incident with Chopek that Plaintiff had described. A few hours later, as Parks was leaving the Bureau, Parks said that she had to deliver "these" envelopes to CCPO's main office, implying that the envelopes contained accounts of Plaintiff's complaints against Chopek. Parks, however, admitted to Plaintiff that she kept the accounts of Plaintiff's complaints "vague."

42. As a result of Parks' "vague" report, on July 26, 2011, a detective of the PSU summoned Plaintiff for an interview to discuss her complaints against Chopek. Plaintiff, knowing that she had previously given a full report to Parks and O'Neill and extremely fearful of additional retaliation by Chopek, declined to give a formal statement. Plaintiff also expressed concern that PSU could not perform a full and impartial investigation of Chopek because Chopek had never been disciplined despite the number of past complaints lodged against him by Plaintiff and other detectives since 2009.

43. Plaintiff then called Chief of Detectives William T. Johnson on his cell phone to discuss her concerns regarding the PSU investigation. Chief Johnson, however, did not return the call and simply emailed Parks, O'Neill and Plaintiff a copy of the CCPO's anti-discrimination and anti-sexual harassment policies.

44. On July 29, 2011, Prosecutor Webb-McRae finally intervened, informing Plaintiff that Chopek, not Plaintiff, would be removed from the Bureau and would supervise the Juvenile/Domestic Violence Unit in Bridgeton, New Jersey.

45. Although Chopek was ultimately transferred, to Plaintiff's knowledge, Defendants never disciplined or reprimanded Chopek for harassing Plaintiff for nearly two years.

46. Notwithstanding Plaintiff's reasonable unwillingness to give a formal statement to PSU given its conflict of interest and her fear of retaliation, Defendants had an independent duty to investigate Plaintiff's complaints. Defendants, however, failed to conduct any type of investigation. Defendants also failed to heed Plaintiff's request that her complaints be investigated by an outside, impartial source despite the authority to do so contained in CCPO Office Policy Manual, Chapter 22, dated April 20, 2009.
47. Notwithstanding the fact that Chopek was no longer her supervisor, Plaintiff continued to have forced interactions with him as part of her job responsibilities. For example, in or around February 2012, Parks intentionally scheduled Plaintiff and Chopek to attend the same multi-jurisdictional warrant round-up execution, forcing Plaintiff to encounter Chopek.
48. By way of another example, Plaintiff and Chopek have often been scheduled to attend the same mandatory, in-house training sessions together. When Plaintiff has brought this scheduling conflict to her supervisors' attention, Plaintiff, not Chopek, has been rescheduled.
49. At Plaintiff's most recent domestic violence training session, Chopek, in a transparent effort to intimidate her, appeared despite that he was not ever scheduled to attend that session. Plaintiff complained to her supervisor, whose only response was to tell Plaintiff to leave the session.
50. Chopek's harassment of Plaintiff continues to date, a fact of which Defendants are aware as Plaintiff has recently submitted at least two matters of record involving Chopek's harassing conduct toward her outside of the workplace.

COUNT ONE

**(Discrimination and Harassment on the Basis
of Sexual Orientation in Violation of NJLAD)**

51. Plaintiff incorporates by reference each and every allegation made previously herein.
52. Throughout her employment at the CCPO, Plaintiff was continuously subjected to harassing comments and conduct because of her sexual orientation, much of it by upper-level management and/or Plaintiff's supervisors.
53. The conduct and comments were severe and pervasive enough to make a reasonable woman believe that the conditions of her employment were altered and that the working environment was intimidating, hostile and abusive.
54. Plaintiff complained to upper level management, including Chief William Johnson, Lieutenant Rosemary Parks, and Sergeant Steven O'Neill, about the harassment, retaliation, and disparate treatment to which she was subjected. However, no action was taken against culpable parties who were protected by Defendants, which directly condoned and participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper and swift investigation of Plaintiff's complaints. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.
55. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.
56. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights,

has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT TWO

(Discrimination and Harassment on the Basis of Sex in Violation of NJLAD)

57. Plaintiff incorporates by reference each and every allegation made previously herein.
58. Throughout her employment at the CCPO, Plaintiff was continuously subjected to harassing comments and conduct because of her sex, much of it by upper-level management and/or Plaintiff's supervisors.

59. The conduct and comments were severe and pervasive enough to make a reasonable woman believe that the conditions of her employment were altered and that the working environment was intimidating, hostile and abusive.
60. Plaintiff complained to upper level management, including Chief William Johnson, Lieutenant Rosemary Parks, and Sergeant Steven O'Neill, about the harassment, retaliation, and disparate treatment to which she was subjected. However, no action was taken against culpable parties who were protected by Defendants, which directly condoned and participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper and swift investigation of Plaintiff's complaints. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.
61. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.
62. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of her employment rights and other rights, has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT THREE

(Retaliation in Violation of NJLAD, N.J.S.A. 10:5-12(d))

63. Plaintiff incorporates by reference each and every allegation made previously herein.
64. Plaintiff repeatedly complained to management and upper management of the CCPO about the discrimination, harassment, disparate treatment and dangerous work environment she endured and voiced complaints about her hostile work environment.
65. Thereafter, Plaintiff was subjected to unjustified and intense on the job harassment, intimidation, threats, humiliations, intense scrutiny and disparate treatment in the workplace. By refusing to properly investigate or remediate her complaints of a hostile work environment, failing to comply with its own policies, refusing to put in place permanent safeguards in the CCPO facilities, criticizing her work performance, depriving Plaintiff of overtime and job opportunities, and stripping her of job duties, Defendants retaliated against Plaintiff for complaining to Defendants of discrimination with respect to her work environment.

66. There was a causal connection between her complaints and these adverse employment actions.

67. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-12(d), *et seq.*, Plaintiff has been deprived of her employment rights and other rights, has lost wages and benefits, and other emoluments of the position. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT FOUR

(New Jersey Civil Rights Act, N.J.S.A. 10:6-1, *et seq.*, Violation of Article I, Paragraph 6 of the New Jersey Constitution)

68. Plaintiff incorporates by reference each and every allegation made previously herein.

69. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of her valid right to speak out and expose official misconduct

and violations of law, her right to file complaints and seek redress and her right to engage in protected speech.

70. The retaliation for the exercise of these rights by Plaintiff includes, but is not limited to, disparate treatment; the maintenance of a hostile work environment; the refusal to investigate or remediate her claims of a hostile work environment; increased surveillance; denial of overtime and job opportunities; stripping of vital job duties; criticism of her work performance; petty acts of harassment designed to alienate her, frustrate her career progress; and other adverse employment actions.

71. Defendants violated Plaintiff's constitutional right to freedom of speech as guaranteed by Article I, paragraph 6 of the New Jersey Constitution. Defendants' conduct was in direct retaliation for Plaintiff's conduct which is protected by the New Jersey Constitution.

72. Defendants are liable to Plaintiff under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 10:6-2, which creates a state law cause of action for violations of an individual's state constitutional and statutory rights. N.J.S.A. 10:6-2(c) provides a remedy against public Defendants for a person who demonstrates that he or she "has been deprived of any substantive rights, privileges or immunities secured by the Constitution or laws of this State." Such person "may bring a civil action for damages and for injunctive or other appropriate relief." N.J.S.A. 10:6-2(c).

73. All actions alleged against Defendants were carried out under color of state law.

74. The Defendants are liable for the acts of their employees pursuant to the doctrine of *Respondeat Superior*.

75. As a direct result of Defendants' wrongful conduct, Plaintiff has been deprived of employment rights and other rights, has lost wages and seniority benefits, and other emoluments of the position denied. Plaintiff has sustained injuries to her reputation and to her employability. Plaintiff has also suffered emotional distress, pain and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

76. Defendants' acts were discriminatory, wrongful, without basis in law or in fact, arbitrary, capricious, unconscionable, contrary to constitutional and administrative law and otherwise erroneous.

WHEREFORE Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to discrimination and retaliation committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

DEMAND FOR TRIAL BY JURY

Please take notice that the plaintiff, LYNN WEHLING, demands a trial by jury.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify, pursuant to R. 4:5-1, that the present matter in controversy is not the subject of any other action pending in any court, nor is any other action or arbitration proceeding contemplated.

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By: 

GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
LYNN WEHLING

Dated: June 18, 2013

PROOF OF MAILING

I hereby certify that an original and copy of the within Complaint, Designation of Trial Counsel and Jury Demand was filed with the Clerk of Cumberland County as deputy Clerk of the Superior Court of Cumberland County, New Jersey.

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By: 

GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
LYNN WEHLING

Dated: June 18, 2013