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A Pennsylvania Limited Liability Partnership  
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SUPERIOR COURT OF N.J.  
CUMBERLAND COUNTY

MAR - 6 2015

REC'D & FILED  
CIVIL CASE  
MANAGEMENT OFFICE

<p><b>MICHAEL SHARP</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>TOWNSHIP OF FAIRFIELD; JOANNE SERVAIS; RICHARD SERVAIS; JOSEPH SERVAIS; RUSSELL PIERCE; MICHAEL MORTON; DON TAYLOR; VIOLA THOMAS-HUGHES; JOHN DOES 1- 10 AND ABC CORPORATIONS 1-10 (fictitious names)</b></p> <p>Defendants.</p>	<p><b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION - CUMBERLAND COUNTY</b></p> <p>DOCKET NO.: <i>L-162-15</i></p> <p><b>CIVIL ACTION</b></p> <p><b>COMPLAINT</b></p>
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Plaintiff, Michael Sharp, by way of Complaint against Defendants, hereby says as follows:

**PARTIES**

1. Plaintiff, Michael Sharp, is an individual residing at 332 Reeves Road, Bridgeton, New Jersey 08302.
2. Defendant, Township of Fairfield (hereinafter "Defendant Township"), is a Municipal Corporation of the State of New Jersey located at 230 Fairfield Road, Fairfield, New Jersey 07004, which has authorized, ratified, acquiesced in, and/or

condoned the misconduct of Defendants Mayor/Committeewoman JoAnne Servais, Richard Servais, Joseph Servais, Russell Pierce, Committeeman Michael Morton, Committeeman Don Taylor, and Committeewoman/Deputy Mayor Viola Thomas-Hughes (hereinafter "Individual Defendants"). Individual Defendants were employees and/or political affiliates of Defendant Township acting on behalf of Defendant Township at all times relevant to the Complaint.

3. Defendant, JoAnne Servais, at all times relevant herein, was the Mayor for Defendant Township and was acting in the scope and course of her employment as Mayor and for her own personal ends, by engaging in the improper conduct of creating a work environment hostile to Plaintiff, discussed at length below.

4. Defendant, Russell Pierce, at all relevant times alleged herein, was a Volunteer for Defendant Township and was acting in the scope and course of his employment as Volunteer and for his own personal ends, by engaging in the improper conduct of creating a work environment hostile to Plaintiff, discussed at length below.

5. Defendant, Michael Morton, at all relevant times alleged herein, was a Committeeman for Defendant Township and was acting in the scope and course of his employment as Committeeman and for his own personal ends, by engaging in the improper conduct of creating a work environment hostile to Plaintiff, discussed at length below.

6. Defendant, Don Taylor, at all relevant times alleged herein, was a Committeeman for Defendant Township and was acting in the scope and course of his employment as Committeeman and for his own personal ends, by engaging in the

improper conduct of creating a work environment hostile to Plaintiff, discussed at length below.

7. Defendant, Viola Thomas-Hughes, at all relevant times alleged herein, was a Deputy Mayor for Defendant Township and was acting in the scope and course of his employment as Deputy Mayor and for her own personal ends, by engaging in the improper conduct of creating a work environment hostile to Plaintiff, discussed at length below.

8. Defendant, Richard Servais, is an individual residing at 37 Fairton Gouldtown Road, Bridgeton, New Jersey 08302. Upon information and belief, Richard Servais currently utilizes a mailing address of P.O. Box 10, Rosehayn, New Jersey 08352.

9. Defendant, Joseph Servais, is an individual residing at 37 Fairton Gouldtown Road, Bridgeton, New Jersey 08302.

#### FACTS RELEVANT TO ALL COUNTS

10. Defendant Township, as a body, and its employees and agents, have allowed and suffered under the color of State Law, violations of the civil rights of Plaintiff.

11. Defendant Township owed Plaintiff and other employees of the Township a duty to prevent discrimination in the workplace, to discipline employees taking part in discrimination, and to enact adequate policies to prevent discrimination.

12. On or about May 14, 2013, Defendant Joseph Servais, son of then Mayor JoAnne Servais, utilized the racially derogatory term "boy" when addressing Plaintiff during a Township Committee Meeting.

13. On or about June 12, 2013, Defendant Russell Pierce, Fairfield Township Volunteer, referred to Plaintiff as a "boy."

14. On or about July 5, 2013, Richard Servais, then Mayor Servais' husband, referred to Plaintiff as a "boy."

15. Plaintiff was an acting Committeeman of the Township of Fairfield during the incidents described in Paragraphs 11-13.

16. The incidents described in Paragraphs 11-13 occurred at the Township of Fairfield's Town Hall, located at 70 Fairton Gouldtown Road, Bridgeton, New Jersey 08302.

17. The pervasive racial discrimination by Individual Defendants was further evidenced by an incident which took place on June 7, 2013 at the Fairfield Township Town Hall property wherein Township Volunteer, Russell Pierce, referred to Benjamin Byrd, an African-American candidate for Township Committee, and his African-American running mate, as "monkeys".

18. The actions described herein were allowed, sanctioned and condoned by Defendant Township, creating a hostile and racially intimidating environment for Plaintiff when performing his duties as a Committeeman.

19. Upon information and belief, Individual Defendants, except Michael Morton, are all Caucasian.

20. The aforementioned actions taken served to humiliate and degrade Plaintiff and to humiliate and degrade the two African-American candidates seeking public office.

21. The failure to take any appropriate action by the Township Committee further caused humiliation and intimidation and served to degrade Plaintiff.

22. On or about October 17, 2013, a Complaint-Summons against Plaintiff was signed and issued by Defendant Committeewoman Servais, Fairfield Township Municipal Court Complaint Number S-2013-000292. See Fairfield Township Municipal Court Complaint (October 17, 2013), attached hereto as "Exhibit A" and incorporated herein by reference.

23. The Complaint contained an alleged violation of N.J.S.A. 2C:33-4(c), Harassment.

24. On or about June 2, 2014, Plaintiff appeared in the City of Millville Municipal Court, a conflict court for CS Regional Municipal Court, for the purposes of defending himself against the harassment allegation.

25. The charge against Plaintiff was dismissed by the Court.

26. Specifically, the Court held that the charge could not be sustained based upon the face of the Complaint.

27. The charge filed by Ms. Servais was without probable cause, without factual or legal basis, with malice, and was filed in bad faith.

28. The unsupported charge filed by Ms. Servais resulted in Plaintiff suffering a special grievance and other damages.

29. The conclusion of the proceedings on June 2, 2014 constituted a favorable determination on the merits.

30. The Complaint filed by JoAnne Servais constitutes malicious prosecution.

31. On the same date and place, June 2, 2014 at the City of Millville Municipal Court, Committeewoman Servais, while exiting the courtroom, and in full and hearing of all present, began to make threats against witnesses who were present to testify on behalf of Plaintiff, such as Mrs. Cindy Zirkle, Mr. Ernie Zirkle, and Mr. Leo Selb.

32. Committeewoman Servais threatened to use her position as a committeewoman to take action against a witness, who was a property owner in Fairfield Township, to remove the "Q farm" designation of the witness' property.

33. This threat also served to place Michael Sharp in fear of retribution by the Committeewoman.

34. On the same date, time and place, Committeewoman Servais, threatened the Court by indicating when the Court had announced its ruling dismissing the charges that the Municipal Court Judge was related in some fashion to Ms. Servais' political enemies thereby indicating that the Court was biased against her. This threat also served to intimidate Plaintiff.

35. Ms. Servais' actions and words required the intervention of law enforcement providing court security.

36. Defendant Township had actual notice of Individual Defendants' discriminatory conduct toward Plaintiff and took no action other than to have an

investigative report prepared, which had the sole purpose of exculpating Individual Defendants.

37. On or about November 20, 2013, approximately three months after being served with the Tort Claims Notice and a year and a half after the events described above, an independent investigative report was finalized by Kathleen McGill Gaskill. See Investigative Report (November 20, 2013), attached hereto as "Exhibit B" and incorporated herein by reference.

38. The independent investigation was undertaken pursuant to authority granted under Township Resolution No. 118-2013, dated August 20, 2013.

39. The alleged "independent" investigation was wholly contrived and the legal conclusions reached were founded upon specious analysis.

40. For instance, the Investigation Report repeatedly states that making a racial slur when there is a political feud somehow negates the discriminatory nature of the slur: "[f]rom the nature of the exchange, it would appear that the intended remarks were more likely the result of long standing and deep rooted political divisions as opposed to being racial in nature." Exhibit B.

41. With statements such as that mentioned in Paragraph 28, it is abundantly clear that the purpose behind the report was to exculpate Defendants, rather than report an impartial assessment of the circumstances.

42. The actions of Defendant Township described herein constitute a breach of the duty owed to Plaintiff, and said breach was the direct and proximate cause of damages suffered by Plaintiff.

43. The actions of Defendants described herein amount to a willful and wanton disregard of the rights granted to Plaintiff pursuant to the New Jersey Constitution, and other laws of this State.

**COUNT I**

**Hostile Work Environment (New Jersey Law Against Discrimination)**

44. Plaintiff is of the African American race and, upon information and belief, Individual Defendants, except Michael Morton, are of the Caucasian race.

45. As an African American male being subjected to a hostile work environment due to his race, Plaintiff is a member of a protected class as defined by the New Jersey Law Against Discrimination.

46. Individual Defendants, separately and jointly, have engaged in the harassment, intimidation and hostility against Plaintiff, by engaging in actions such as repeatedly referring to him with a racial epithet while in the presence of multiple witnesses in a public place.

47. The conduct complained of was unwelcomed by Plaintiff.

48. The circumstances behind the use of the slurs against Plaintiff are such that a reasonable person would consider the conduct sufficiently severe or pervasive to alter the conditions of employment and create an intimidating, hostile, or offensive work environment.

49. The aforementioned conduct was participated in by Defendant Township and/or the conduct was otherwise condoned by Defendant Township.

50. The conduct created an unlawful hostile work environment.

51. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has sustained severe injuries including, but not limited to, emotional distress, anxiety, humiliation, mental and emotional anguish, and other damages and injuries.

**WHEREFORE**, Plaintiff demands judgment on this Count together with compensatory damages, counsel fees, punitive damages, cost of suit and any other relief which the court deems equitable and just.

**COUNT II**  
**Intentional Infliction of Emotional Distress**

52. Plaintiff hereby repeats and re-alleges the contents of all previous paragraphs as if set forth at length herein.

53. The circumstances giving rise to this claim are sufficiently outrageous in manner and extreme in degree to go beyond all possible bounds of decency.

54. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has sustained severe injuries including, but not limited to, emotional distress, anxiety, humiliation, mental and emotional anguish, and other damages and injuries.

**WHEREFORE**, Plaintiff demands judgment on this Count together with compensatory damages, counsel fees, punitive damages, cost of suit and any other relief which the court deems equitable and just.

**COUNT III**  
**Malicious Prosecution**

55. On or about October 17, 2013, a Complaint-Summons against Mr. Sharp was signed and issued by Defendant Committeewoman Servais, Fairfield Township Municipal Court Complaint Number S-2013-000292. Exhibit A.

56. The charge against Plaintiff was dismissed by the Court finding that on the face of the Complaint, the charge could not be sustained.

57. Defendant Committeewoman Servais acted without probable cause in drafting and filing the described action, and in prosecuting the action did not honestly and reasonably believe that there were grounds for the action because she knew that she lacked sufficient evidence to establish that plaintiffs had committed one or more of the material acts or made one or more of the material omissions alleged in the complaint, and did so with malice.

58. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has sustained severe injuries including, but not limited to, anxiety, depression and humiliation; suffering of a special grievance by being subjected to criminal process; damages caused by incurring attorneys' fees and costs for the defense of the charges; and damages naturally flowing from the fact of being criminally charged and the attendant adverse results of being charged with criminal law offenses.

WHEREFORE, Plaintiff demands judgment on this Count together with compensatory damages, counsel fees, punitive damages, cost of suit and any other relief which the court deems equitable and just.

#### COUNT IV

#### **Municipal Liability: Constitutional Deprivations Caused by Inadequate Training and/or Supervision and/or Discipline**

59. Plaintiff repeats each and every allegation contained in the foregoing paragraphs of this Complaint and incorporates them herein by reference as if the same were set forth at length.

60. Defendant Township failed to properly train, supervise, monitor and discipline Individual Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment.

61. It is abundantly clear, from the instances of discrimination against both Plaintiff and Benjamin Byrd, that there was a pattern or practice of discrimination against minorities employed with Defendant Township.

62. Defendant Township and its administration had knowledge of, and/or acquiesced to, Individual Defendants' use of discriminatory terms to harm minorities in Defendant Township's Town Hall and on the property of the Town Hall.

63. Defendant Township's knowledge of, and acquiescence to, Individual Defendants' discriminatory treatment of Plaintiff is evidenced by Defendant Township's use of a sham internal investigation and Incident Report to insulate Individual Defendants from consequences for their discriminatory treatment of Plaintiff.

64. Individual Defendants' pattern and practice of discrimination on the property of and within the building of the Town Hall placed Defendant Township on notice that training, supervision, monitoring and disciplining of Individual Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment was necessary.

65. Individual Defendants' pattern and practice of discriminatory treatment toward Plaintiff was the result of Defendant Township's failure to train Individual

Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment.

66. Individual Defendants' pattern and practice of discriminatory treatment toward Plaintiff was the result of Defendant Township's failure to supervise Individual Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment.

67. Individual Defendants' pattern and practice of discriminatory treatment toward Plaintiff was the result of Defendant Township's failure to discipline Individual Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment.

68. Defendant Township's failure to properly train, supervise, monitor and discipline the individual Defendants as to the proper manner to conduct oneself without engaging in discrimination against others while acting within the scope of his or her employment, amounted to deliberate indifference to the rights of citizens with whom Individual Defendants would come into contact. Defendant Township knew or should have known its continued adherence to Individual Defendants' pattern and practice of discriminatory treatment against others would result in continued constitutional violations of the same nature.

69. The discriminatory treatment of others by Individual Defendants was an obvious and highly predictable consequence as a result of Defendant Township's failure to properly train, supervise, monitor and discipline Individual Defendants as to the proper manner to the proper manner to conduct oneself without engaging in

discrimination against others while acting within the scope of his or her employment.

70. Despite being aware of Individual Defendants' unlawful pattern and practice of discrimination against others while acting within the scope of his or her employment, Defendant Township failed to take any precautions against future violations, and said failure led to Plaintiff's injuries.

71. As a result of Defendant Township's inadequate training, supervision, monitoring and disciplining of Individual Defendants, it is liable for the unconstitutional discrimination against Plaintiff in violation of the New Jersey Civil Rights Act (N.J.S.A. 10:6-1 to -2).

72. As a direct and proximate result of Defendant Township's actions, Plaintiff suffered damage to his reputation, serious mental anguish, psychological and emotional distress, fear, anxiety, embarrassment, and the loss of the enjoyment of life all to his great detriment and loss and has incurred other financial expenses to which he may otherwise be entitled to recover.

**WHEREFORE**, Plaintiff, pursuant to the New Jersey Civil Rights Act (N.J.S.A. 10:6-1 to -2), demands judgment against Defendants for compensatory and punitive damages as would reasonably and properly compensate him together with interest, attorneys' fees and costs of suit.

#### **COUNT V**

#### **Municipal Liability: Constitutional Deprivations Caused by Inadequate Policies, Procedures, and Customs**

73. Plaintiff repeats each and every allegation contained in the foregoing paragraphs of this Complaint and incorporates them herein by reference as if the same

were set forth at length.

74. Individual Defendants' pattern and practice of discriminatory treatment, was so permanent and well-settled as to virtually constitute the law of Defendant Township.

75. Defendant Township established, knew of and acquiesced to policies, procedures, and customs that it knew, or should have known, would result in a violation of constitutional rights for New Jersey citizens and employees of Defendant Township.

76. Defendant Township acted with deliberate indifference to the consequences of discriminatory treatment when establishing and enforcing inadequate policies, procedures, training and customs. It had no adequate policies to address discrimination by Individual Defendants.

77. Defendant Township established inadequate policies, procedures, customs and supervisory monitoring systems with regard to discriminatory treatment by an employee.

78. As a result of Defendant Township's inadequate policies, procedures, and customs, Plaintiff was subjected to discriminatory treatment.

**WHEREFORE**, Plaintiff, pursuant to the New Jersey Civil Rights Act (N.J.S.A. 10:6-1 to -2), demands judgment against Defendants for compensatory and punitive damages as would reasonably and properly compensate him together with interest, attorneys' fees and costs of suit.

COUNT VI

Allegations against John Does 1-10 & ABC Corporations 1-10 (fictitious names)

79. Plaintiff hereby repeats and re-alleges the contents of all previous paragraphs as if set forth at length herein.

80. John Does 1-10 and ABC Corporations 1-10 (fictitious names) are agents, servants, and/or employees of Defendants who aided, abetted, facilitated, or other participated in the discrimination, malicious prosecution and hostile work environment upon Plaintiff as heretofore described.

81. As a direct and proximate result of the actions of John Does 1-10 and ABC Corporations 1-10 (fictitious names), Plaintiff has suffered damages.

COUNT VII

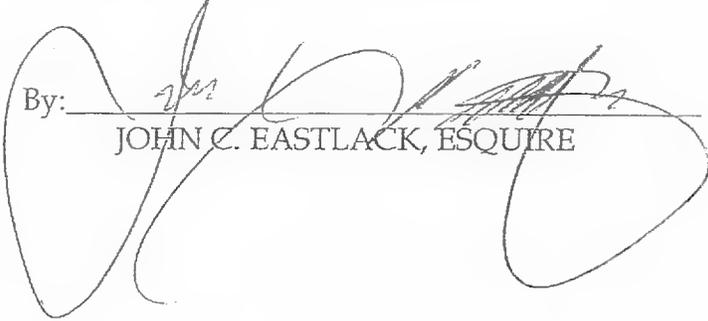
Joint & Several Liability

82. Plaintiff hereby repeats and re-alleges the contents of all previous paragraphs as if set forth at length herein.

**WHEREFORE**, Plaintiff demands judgment against Defendants, Township of Fairfield, Mayor/Committeewoman JoAnne Servais, Richard Servais, Joseph Servais, Russell Pierce, Committeeman Michael Morton, Committeeman Don Taylor, Committeewoman/Deputy Mayor Viola Thomas-Hughes, and John Does 1-10 and ABC Corporations 1-10 (fictitious names) jointly, severally and in the alternative, for damages, punitive damages, interest, attorney's fees and costs of suit.

WEIR & PARTNERS LLP  
*A Pennsylvania Limited Liability Partnership*

Date: 3/3/15

By:   
JOHN C. EASTLACK, ESQUIRE

CERTIFICATION PURSUANT TO RULE 4:5-1

I, John C. Eastlack, Esquire, attorney for Plaintiff in the within action, hereby certify that to the best of my knowledge, the matter in controversy is not the subject of another pending or contemplated court action or arbitration, nor should any other persons be joined in this litigation.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:5-1(c), John Eastlack is hereby designated trial counsel for the Plaintiff.

DEMAND FOR TRIAL BY JURY

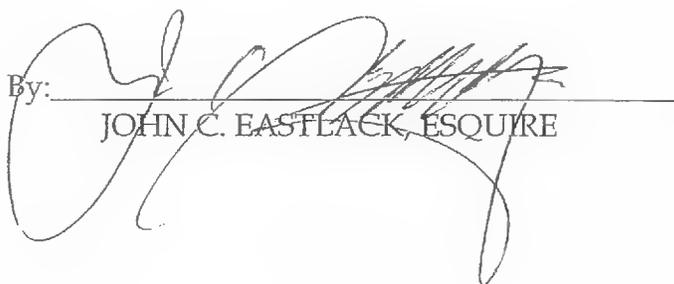
Please take notice that Plaintiff hereby demands a trial by jury as to all issues so triable.

**WEIR & PARTNERS LLP**  
*A Pennsylvania Limited Liability Partnership*

Date: March 3, 2015

By: \_\_\_\_\_

JOHN C. EASTLACK, ESQUIRE

A handwritten signature in black ink, appearing to read 'John C. Eastlack', is written over a horizontal line. The signature is stylized and cursive.