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

_____	:	
ROSE GREENMAN	:	
	:	
	:	
Plaintiff,	:	Civil Action _____
	:	
v.	:	
	:	JURY TRIAL DEMANDED
	:	
CITY OF HACKENSACK,	:	
JOHN LABROSSE,	:	
In his individual and official capacities, and	:	
KATHLEEN CANESTRINO,	:	
In her individual and official capacities,	:	
RICHARD SALKIN,	:	
In his individual and official capacities, and	:	
ART KOSTER	:	
In his individual and official capacities, and	:	
ALBERT BORELLI	:	
In his individual and official capacities, and	:	
	:	
Defendants.	:	
_____	:	

I. INTRODUCTION

1. This action for declaratory, injunctive and other appropriate relief is brought by Plaintiff Rose Greenman (“Plaintiff”, “Plaintiff Greenman” or “Greenman”) to redress the intentional violations by Defendants and others of the rights secured to her by the laws of the United States of America and the State of New Jersey.

II. JURISDICTION

2. Jurisdiction is conferred upon this court by the Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. § 1983 which provide original jurisdiction for Plaintiff's claims.
3. The amount in controversy exceeds one hundred thousand dollars (\$100,000).

III. VENUE

4. All actions complained of herein have taken place within the jurisdiction of the United States District Court for the District of New Jersey and involve Defendants who reside within the jurisdictional limits. Venue is accordingly invoked pursuant to the dictates of 28 U.S.C. § 1391(b) and (c).

IV. PARTIES

5. Plaintiff Rose Greenman ("Plaintiff") is an adult individual who resides at 170 Prospect Avenue, Apartment 14M, Hackensack, NJ 07601.
6. At all times material, Plaintiff has been an employee of and City Councilwoman for the City of Hackensack. Plaintiff was elected to her first term in May of 2013 and took office on July 1, 2013.
7. Defendant City of Hackensack Defendant City of Hackensack is an incorporated municipality located in Bergen County, NJ, with municipal offices located at 65 Central Avenue, Hackensack, NJ 07601.
8. Hackensack operates under the 1923 Municipal Manager Law form of New Jersey municipal government. The Hackensack City Council consists of five members who are elected to four-year terms on a concurrent basis.

9. At all times material, the Hackensack City Council consisted of the following five (5) councilmen and councilwomen: Defendant John Labrosse, Defendant Kathleen Canestrino, Leonardo Battaglia, David Sims and Plaintiff Rose Greenman.
10. Under this system, the mayor is elected by the council from its own numbers and has no executive responsibility beyond appointing representatives of commissions and boards, as well as presiding over council meetings.
11. At all times material, John Labrosse has served as City Councilman and Mayor for the City of Hackensack.
12. As such, Labrosse's duties as mayor include appointing representatives of commissions and boards, as well as presiding over council meetings.
13. At all times material, Defendant Canestrino has served as Councilwoman and Deputy Mayor for the City of Hackensack.
14. At all times material, Richard Salkin as served as counsel for the City of Hackensack Board of Education.
15. At all times material, Defendant Art Koster has been personnel director for the City of Hackensack, located at 65 Central Avenue, Hackensack, NJ 07601.
16. Moreover, from approximately June 26, 2014 until approximately September 16, 2014, Koster has served as acting City Manager for the City of Hackensack, with all of the powers and responsibilities of city manager for the City of Hackensack.
17. As acting City Manager, Koster was a policymaker, capable of creating and implementing written and unwritten policies, customs, and practices of the City of Hackensack.

18. As personnel director, Koster was and has been a policymaker, capable of creating and implementing written and unwritten policies, customs, and practices of the City of Hackensack.
19. At all times material, Albert Borelli has been Zoning Officer for the City of Hackensack, located at 65 Central Avenue, Hackensack, NJ 07601.

V. FACTS

20. Plaintiff incorporates the above paragraphs by reference.
21. Plaintiff was elected as a councilwoman in May of 2013 and took office on or about July 1, 2013.

A. LABROSSE, CANESTRINO DISCRIMINATE AGAINST PLAINTIFF DUE TO HER NATIONAL ORIGIN, ETHNICITY AND HER JEWISH FAITH.

22. Plaintiff was born and raised in Moldova, in what was then part of the U.S.S.R., and immigrated to the United States in March of 1972.
23. Plaintiff has lived in New Jersey since 1972, became an attorney licensed in the State of New Jersey in 1997, has lived in Hackensack since 2000, and has been a citizen of the United States since 2007.
24. At all times from 1972 to obtaining her citizenship in 2007, Plaintiff possessed a “Green Card” and was lawfully living in the United States.
25. Plaintiff’s parents and family were Jewish, Plaintiff was raised Jewish, and Plaintiff is and at all times material has been a practicing Jew.
26. As will be set forth below, since taking office in July of 2013, Plaintiff has been harassed and discriminated against due to her Jewish faith and ethnicity, as well as her national origin.

27. In the summer of 2013, shortly after Plaintiff was elected, Defendant Labrosse told Plaintiff that he was “going to make [Plaintiff’s] life a living hell”, that he was going to make her life miserable, and that it would be “the worst four years of [plaintiff’s] life,” because she was “not a real Hackensackian, not a real American.”
28. Labrosse stated this despite the fact that Plaintiff has lived in America since 1972, has lived in Hackensack for approximately a total of fourteen (14) years, and has been an American citizen since 2007.
29. For her swearing-in ceremony, Plaintiff asked Labrosse to have a rabbi present, because other religious leaders were going to be present. However, Labrosse initially refused, indicating that the presence of a rabbi would make the ceremony “boring.”
30. Upon information and belief, Labrosse owned a fish market in Teaneck, New Jersey, but the business was not successful and ultimately the business failed while Labrosse was owner.
31. Teaneck, New Jersey is an area with a high population of Jews, and specifically Orthodox Jews.
32. On one said occasion, Labrosse told Plaintiff that he holds “the Jews responsible for the failure of [Labrosse’s] business in Teaneck”, because Jews did not frequent his fish market due to the fact that it was not certified as kosher.
33. Further, at a 2013 church event that councilmembers and/or councilmembers-elect were attending, Canestrino (who is Christian) told Plaintiff, “aren’t you afraid to be in church?”

34. Canestrino then stated that Plaintiff could not go for sacrament because “the holy water will make you fizzle and melt into a puddle of scum”. These comments were made to insult Plaintiff’s Jewish faith and ethnicity.
35. On a different occasion, after a City Council meeting, Canestrino criticized the fact that her physician had Hanukah decorations in his office and told Plaintiff “who cares about Hanukah?”
36. In June of 2014, Plaintiff and the other councilmembers were invited to attend an event on June 10, 2014 being held by the Jewish Federation. Although Labrosse initially indicated that he would attend, he did not actually attend.
37. When Plaintiff asked Labrosse why he did not attend the Federation event, Labrosse rudely responded, “learn to speak English.”
38. As a result of this comment and the pattern of discriminatory and derogatory comments that had been made to Plaintiff, Plaintiff suffered emotional distress and physical manifestations of emotional distress. In fact, shortly after this comment was made to Plaintiff, she suffered an asthma attack and was hospitalized.
39. On numerous occasions, comments have been made by an individual on online message boards that are insulting and demeaning towards Plaintiff. Upon information and belief, Defendant Canestrino is the individual who posted these messages and/or caused said messages to be posted.
40. On one such occasion, an insulting and/or demanding message was posted with the screenname “Ethel Rosenberg.” Upon information and belief, Defendant Canestrino is the individual who posted this message and/or caused said message to be posted.

41. The real Ethel Rosenberg was an infamous American-Jewish woman who was executed for conspiracy to commit espionage, relating to her allegedly passing information to the Soviet Union.
42. By using this online screenname to attack Plaintiff, who herself is a Jewish-American immigrant of Soviet dissent, Defendant Canestrino is further discriminating against Plaintiff.
43. Moreover, the online comment made by “Ethel Rosenberg” questioned whether Plaintiff was a “Manchurian candidate” who had been planted in the City of Hackensack by the “KGB”.
44. Plaintiff has complained to City Council and to the City Attorney about the conduct of Labrosse and Canestrino. However, they have refused to halt said behavior or even investigate it.
45. Additionally, Labrosse and Canestrino have made racially disparaging comments about Councilman Sims, who is the only African-American on Hackensack City Council.
46. Labrosse and Canestrino have repeatedly called Sims “dumb” and “stupid”.
47. Further, even though Sims received the second most votes of any city councilmember – and thus should have been named deputy mayor per prior agreement – Canestrino and Labrosse refused to permit Sims to become deputy mayor. Labrosse then referred to Sims’ constituents as “Niggers”, and stated that he would rather let Sims’ constituents “riot” than have Sims be named Deputy Mayor.
48. In another example of abuses of power by councilmembers, Councilmember Sims, who was given the title of “police commissioner” by Mayor Labrosse, has held himself out as

a uniformed officer by wearing Hackensack Police Department clothing while giving orders to civilians and city employees.

49. As a result of the above discrimination, Plaintiff has been the subject of discrimination, harassment and a hostile working environment as a City Councilmember.

B. PLAINTIFF SPEAKS OUT AS CITIZEN TO THE NEW JERSEY STATE DEPARTMENT OF COMMUNITY AFFAIRS, IS RETALIATED AGAINST.

50. On or about August 13, 2014, Plaintiff and two other citizens went to a meeting of the New Jersey Department of Community Affairs.
51. Plaintiff did so strictly as a citizen, not as a member of Hackensack City Council.
52. Moreover, the two other individuals with whom Plaintiff attended also did so as citizens, and were in no way affiliated with the Hackensack City Council.
53. At said meeting, Plaintiff and these two citizens spoke out and complained to the Department of Community Affairs about misappropriation of funds by the City of Hackensack, and sought oversight over the City.
54. Five days later, on August 18, 2014, to retaliate against Plaintiff for speaking out, the City Council took away Plaintiff's health insurance by voting to stop providing health insurance to members of city council.
55. While seemingly neutral on its face, this was done to target plaintiff specifically; all other members of City Council had health insurance through the City by different means: Labrosse had health insurance from the Hackensack Board of Education through his wife and also through his employment with the Hackensack University Medical Center; Canestrino had insurance through her husband, a retired City employee; Sims had insurance from the Hackensack Board of Education, and; Battaglia had insurance from the City through his wife, a city employee.

56. Therefore, by removing health insurance for city councilmembers, this only affected Plaintiff.
57. This was done to retaliate against Plaintiff for exercising her First Amendment rights as described herein, as well as to discriminate against Plaintiff due to her national origin, race and religious beliefs.
58. Moreover, in October of 2014, Labrosse – who as Mayor is responsible for assigning the other councilmembers to various committees and oversight roles – removed Plaintiff as liaison to the City of Hackensack library.
59. Other than serving on the budget committee, this was the only assignment that had been provided to Plaintiff.
60. As pretext, Defendant Canestrino falsely claimed – due to Plaintiff’s accent - that Plaintiff was unable to speak English and that she was removed as liaison for this reason.
61. All of the above was done to retaliate against Plaintiff for exercising her First Amendment rights and to discriminate against Plaintiff due to her national origin, race and religious beliefs.
62. Plaintiff, who has lived in the United States for over forty (40) years, practices as an attorney, and serves as City Councilmember, is proficient in English and is easily able to perform the duties of a councilmember, including serving as library liaison.
- C. FALSE CRIMINAL CHARGES BROUGHT AGAINST PLAINTIFF, ARE SUBSEQUENTLY DISMISSED IN PLAINTIFF’S FAVOR.**
63. Upon information and belief, in or around July or early-August of 2014, Defendant Richard Salkin falsely reported that Plaintiff was using her apartment as a law office where she – allegedly - met with her clients.
64. This allegation was false, and Salkin knew it to be false when he reported same.

65. The only work-related activities Plaintiff performs in her home are reviewing documents, preparing legal documents, and performing legal writing and research. When Plaintiff does need to meet with clients, this is done at her clients' homes, coffee shops, and other lawyers' offices.
66. On August 7, 2014, Plaintiff received notice from the City's Zoning Department that she was allegedly operating a law office and meeting with clients out of her home. The notice claimed that this constituted a zoning violation.
67. Accordingly, Albert Borelli, the City of Hackensack Zoning Officer, called Plaintiff and verbally stated that he wanted to enter and inspect Plaintiff's home. Plaintiff responded by stating that she would subsequently provide an answer to this request.
68. Borelli did not have a warrant to enter Plaintiff's home and never provided any written notice that he wished to enter Plaintiff's home to inspect a possible zoning violation. Moreover, Borelli never provided Plaintiff with a date on which said inspection must take place.
69. On August 15, 2014, prior to Plaintiff responding to Borelli and prior to any inspection taking place, Borelli filed a complaint in Hackensack Municipal Court, claiming that Plaintiff refused to provide access to her dwelling; as indicated above, Borelli sought to enter Plaintiff's home as a result of Salkin's misrepresentations and/or other misrepresentations that Plaintiff was using her home for improper business purposes.
70. Shortly thereafter, Borelli told Plaintiff that he was pressured to file said criminal complaint by Defendant Koster, who – according to Borelli - was in turn receiving instructions and pressure from Defendants Labrosse and Canestrino.

71. In approximately the end of October 2014, a case management conference was held in the criminal matter against Plaintiff.
72. Defendant Salkin, who was not a party or even a witness in the criminal matter, nonetheless attended said case management conference.
73. At said case management conference, trial was scheduled for January 8, 2015.
74. On January 6, 2015, two days before said trial, a regularly scheduled open meeting of the Hackensack City Council was held.
75. At said council meeting, Salkin spoke and informed the public of said trial.
76. Salkin indicated Greenman was “a councilmember who doesn’t believe that City ordinances apply to her.”
77. Salkin further stated at said council meeting, “she’s running her law practice out of the 14th floor of a high rise... she basically convicted herself...”
78. Salkin continued, stating that Plaintiff would not let a zoning inspector into her home, and that he “didn’t think that’s exactly being a role model.”
79. Salkin then, bizarrely, read aloud a poem – ostensibly written by Salkin himself - about the Plaintiff. This poem was derisive, condescending, and further revealed Salkin’s malice towards Plaintiff.
80. This poem repeatedly referred to Plaintiff as “Rosie”, and taunted Plaintiff, falsely claiming that Plaintiff was a “sociopath” and a “mistake that wouldn’t repeat”, and that “our Rosie just feels she’s above all our laws.”
81. Salkin then referred to Plaintiff’s criminal trial as “the festivities”.
82. At the outset of trial, on January 8, 2015, the judge dismissed the criminal charges against Plaintiff, finding that said charges violated Plaintiff’s 4th Amendment rights. In doing so,

the Judge found that Plaintiff was under no legal obligation to permit the Borelli (who did not have a warrant) into her home, and thus did not commit any violation of the law.

83. Defendants Labrosse and Canestrino continued to harass, discriminate and/or retaliate against Plaintiff.

84. As a result of the foregoing, the conditions of Plaintiff's employment with the City became intolerable, and Plaintiff was constructively discharged. Accordingly, Plaintiff resigned her position and office as City Councilmember on March 31, 2015.

85. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.

COUNT I
PLAINTIFF v. CITY OF HACKENSACK, LABROSSE AND CANESTRINO
42 U.S.C. § 1983
FIRST AMENDMENT RETALIATION

86. Plaintiff incorporates the above paragraphs by reference.

87. Defendants violated the provisions of 42 U.S.C. § 1983, in that Defendants, acting under color of State law, deprived Plaintiff of the privileges and immunities secured to her by the First and Fourteenth Amendments of the United States Constitution and, in particular, the right to hold employment without infringement of their First Amendment right to freedom of speech.

88. Plaintiff engaged in protected activity by speaking out as a citizen regarding matters of public concern.

89. Plaintiff's speaking out was not done in the ordinary course of her duties as a city councilwoman for the City of Hackensack.

90. In order to retaliate against Plaintiff for engaging in protected activities, Defendants intentionally took adverse action against Plaintiff by wrongfully and improperly removing her committee assignments and duties, removing her health insurance, and causing a criminal charge to be instituted against her.

91. Defendants actions aforesaid were intentional, willful, and reckless and were to penalize and retaliate against Plaintiff for her exercise of fundamental First Amendment rights.

92. Defendant City of Hackensack is liable for the policies, customs, and practices promulgated, developed and/or maintained by Defendant Koster, as acting City Manager, and by Labrosse and Canestreno, as both council-people and as Mayor and Deputy Mayor, respectively.

93. Defendant City of Hackensack developed and maintained a number of deficient policies and/or customs which cause the deprivation of Plaintiff's constitutional rights.

94. Defendant City of Hackensack's policies and customs encouraged defendants, and others, to believe that they could violate the constitutional rights of Plaintiff with impunity and with the explicit or tacit approval of Defendant City of Hackensack.

95. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Enter a declaratory judgment that Plaintiff is to be returned to his position with the City of Hackensack, with all benefits, seniority, and salary reinstated, retroactive to the time of his suspension without pay.

- b. Enter a declaratory judgment that Defendants' acts complained of herein have violated and continue to violate the rights of Plaintiff as secured by the United States Constitution;
- c. Enter a declaratory judgment that the disciplinary action taken against Plaintiff, including termination, shall be null and void.
- d. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, wage increases, benefits, lost pension monies, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- e. Award reasonable costs and attorney's fees;
- f. Award punitive damages; and
- g. Grant any other relief this Court deems just and proper under the circumstances.

COUNT II

PLAINTIFF v. CITY OF HACKENSACK, LABROSSE AND CANESTRINO VIOLATION OF THE CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")

96. Plaintiff adopts the above paragraphs by reference.

97. Plaintiff spoke out against instances of improper conduct by Hackensack City Council members that Plaintiff reasonably perceived to be unlawful, as set forth at length above.

98. Defendants retaliated against Plaintiff for such actions by harassing the Plaintiff and taking adverse actions against her, as set forth at length above.

99. As a direct and proximate result of Defendants' actions, Plaintiff was constructively discharged and has, and will in the future, suffer pain, emotional distress, humiliation,

embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits and past and future medical expenses.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- i. Enter a declaratory judgment that Defendants' acts complained of herein have violated and continue to violate the rights of Plaintiff as secured by the laws of the State of New Jersey;
- ii. Enjoin Defendants from continuing said practices;
- iii. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, wage increases, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- iv. Award reasonable costs and attorney's fees;
- v. Award punitive damages;
- vi. Grant any other relief this Court deems just and proper under the circumstances.

COUNT III
PLAINTIFF v. CITY OF HACKENSACK, LABROSSE AND CANESTRINO
14TH AMENDMENT EQUAL PROTECTION AND DUE PROCESS CLAUSES
42 U.S.C. § 1983

100. Plaintiff hereby incorporates the above paragraphs by reference.
101. Defendants treated Plaintiff differently on the basis of her race, her religion and/or her national origin, and did not possess a legitimate or compelling reason for doing so.
Defendants violated Plaintiff's due process rights.
102. Defendants' conduct constitutes unlawful conduct in violation of the equal protection and due process clauses of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- i. Enter a declaratory judgment that Defendants' acts complained of herein have violated and continue to violate the rights of Plaintiff as secured by the laws of the State of New Jersey;
- ii. Enjoin Defendants from continuing said practices;
- iii. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, wage increases, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- iv. Award reasonable costs and attorney's fees;
- v. Award punitive damages;
- vi. Grant any other relief this Court deems just and proper under the circumstances.

COUNT IV
PLAINTIFF v. CITY OF HACKENSACK, LABROSSE AND CANESTRINO
VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5 et seq. –NATIONAL ORIGIN/RACE/RELIGION

103. Plaintiff incorporates the above paragraphs by reference as though each were individually set forth herein at length.

104. Defendant City of Hackensack, is an employer as defined in *N.J.S.A. 10:5-5*.

105. Defendant's aforesaid actions constituted discrimination based on Plaintiff's race, religion and/or national origin.

106. Defendants aided and abetted harassment and discrimination against Plaintiff.

107. Such actions were severe and pervasive to the extent that Plaintiff reasonably believed that the conditions of Plaintiff's employment were altered.

108. Further, through Defendant's aforesaid actions, Plaintiff's working environment became hostile and abusive.

109. The individual Defendants Koster, Labrosse and Canestrino were at all times materials employers and persons as defined in *N.J.S.A. 10:5-5*.

110. Defendants failed to conduct a proper investigation into Plaintiff's complaints of harassment and discrimination, nor did they take any steps to halt the discrimination and harassment of Plaintiff.

111. Defendants negligently, recklessly, and/or intentionally:

- a. Failed to have in place well-publicized and enforced anti-harassment and anti-discrimination policies;
- b. Failed to properly train its officers and employees regarding compliance with any anti-harassment and anti-discrimination policies promulgated by Defendants;
- c. Failed to properly supervise its officers and employees to ensure compliance with any anti-harassment and anti-discrimination policies promulgated by Defendants;
- d. Failed to make an unequivocal commitment that any anti-harassment and anti-discrimination policies are backed up by consistent practice; and
- e. Failed to protect Plaintiff from harassment and discrimination in the workplace.

112. Defendants, through their aforesaid actions and/or inactions, aided and abetted the pattern of harassment and discrimination, in violation of NJ LAD.

113. Based on the foregoing, Defendants negligently, recklessly, and/or intentionally failed to take prompt, appropriate and/or reasonable remedies to prevent, stop, and remedy the harassment and discrimination aimed at Plaintiff. Defendants fostered a harassing and retaliatory

atmosphere and allowed actions which constitute harassment and discrimination in violation NJ LAD.

114. By and through the foregoing actions, Defendants have condoned and ratified the illegal conduct of all Defendants' behavior.

115. Defendant's aforesaid harassment and discrimination constitute unlawful harassment and discrimination in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.* ("NJ LAD").

116. Said actions were ongoing and continuous until the end of Plaintiff's employment.

117. The actions of the Defendant set forth herein constitute an integrated pattern of harassment and discrimination against Plaintiff and continuing violations of NJ LAD.

118. As a direct and proximate result of Defendant's actions, Plaintiff suffered and continues to suffer loss of earnings and other employment benefits, severe mental, physical and emotional distress, stress, humiliation, pain, damage to reputation, and harm to her career development.

WHEREFORE, Plaintiff demands judgment against Defendant and seeks the following relief:

- a. Compensatory damages for loss of wages and benefits, pain, suffering, stress, humiliation, mental anguish and emotional harm, anxiety and depression;
- b. Reimbursement for medical expenses;
- c. Punitive damages;
- d. Attorney's fees, interest, and costs of suit;
- e. Injunctive relief requiring remediation of Defendants' discrimination and harassment; and

f. Any and all other relief the Court may deem just and equitable.

COUNT V
MALICIOUS PROSECUTION
42 U.S.C. 1983
PLAINTIFFS V. ALL DEFENDANTS

119. Plaintiff incorporates by reference herein as though recited verbatim at length the allegations of the preceding paragraphs.
120. Defendants instituted criminal proceedings against Plaintiff without probable cause and with malice, in violation of 42 U.S.C. 1983.
121. The criminal proceedings were terminated in favor of Plaintiff.
122. Defendants knew that the criminal charges against Plaintiff were unwarranted.
123. Defendants knowingly failed to provide exculpatory evidence to the police and/or prosecutor.
124. Moreover, the City – by and through its policymakers– has established a policy and/or custom, whereby unwarranted criminal charges are instituted against City employees, with the intention of using said charges as leverage to force these employees to resign, as set forth above.
125. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.
126. The actions of Defendants aforesaid constitute malicious prosecution.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Reinstatement Plaintiff to his former position.
- b. Enter a declaratory judgment that Defendant's acts complained of herein have violated and continue to violate the rights of Plaintiff.
- c. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- d. Award reasonable costs and attorneys' fees;
- e. Award punitive damages; and
- f. Grant any other relief this Court deems just and proper under the circumstances.

COUNT VI
CONSPIRACY TO MALICIOUSLY PROSECUTE
42 U.S.C. 1983
PLAINTIFFS V. ALL DEFENDANTS

127. Plaintiff incorporates by reference herein as though recited verbatim at length the allegations of the preceding paragraphs.
128. Defendants conspired to institute criminal proceedings against Plaintiff without probable cause and with malice, in violation of 42 U.S.C. 1983.
129. The criminal proceedings were terminated in favor of Plaintiff.
130. Defendants knew that the criminal charges against Plaintiff were unwarranted.
131. Defendants knowingly failed to provide exculpatory evidence to the police and/or prosecutor.
132. Moreover, the City – by and through its policymakers – has established a policy and/or

custom, whereby unwarranted criminal charges are instituted against City employees, with the intention of using said charges as leverage to force these employees to resign, as set forth above.

133. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.
134. The actions of Defendants aforesaid constitute malicious prosecution.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Reinstatement Plaintiff to his former position.
- b. Enter a declaratory judgment that Defendant's acts complained of herein have violated and continue to violate the rights of Plaintiff.
- c. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- d. Award reasonable costs and attorneys' fees;
- e. Award punitive damages; and
- f. Grant any other relief this Court deems just and proper under the circumstances.

COUNT VII
14TH AMENDMENT – MALICIOUS USE AND ABUSE OF PROCESS
42 U.S.C. 1983
PLAINTIFFS V. ALL DEFENDANTS

135. Plaintiff incorporates by reference herein as though recited verbatim at length the allegations of the preceding paragraphs.
136. Defendants instituted criminal proceedings against Plaintiff without probable cause and with malice, in violation of 42 U.S.C. 1983.
137. The criminal proceedings were terminated in favor of Plaintiff.
138. Defendants knew that the criminal charges against Plaintiff were unwarranted.
139. Defendants knowingly failed to provide exculpatory evidence to the police and/or prosecutor.
140. Moreover, the City – by and through its policymakers – has established a policy and/or custom, whereby unwarranted criminal charges are instituted against City employees, with the intention of using said charges as leverage to force these employees to resign, as set forth above.
141. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.
142. The actions of Defendants aforesaid constitute abuse of process.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Reinstatement Plaintiff to his former position.

- b. Enter a declaratory judgment that Defendant's acts complained of herein have violated and continue to violate the rights of Plaintiff.
- c. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- d. Award reasonable costs and attorneys' fees;
- e. Award punitive damages; and
- f. Grant any other relief this Court deems just and proper under the circumstances.

COUNT VIII
NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-2.
PLAINTIFFS V. ALL DEFENDANTS

- 143. Plaintiff incorporates by reference herein as though recited verbatim at length the allegations of the preceding paragraphs.
- 144. The violations of Plaintiff's rights under 42 USC 1983 in the counts above are similarly and equally violative of Plaintiff's rights under the New Jersey Civil Rights Act, *N.J.S.A. 10:6-2*.
- 145. Defendants have violated Plaintiff's rights by retaliating against her for engaging in protected activity, by maliciously prosecuting her, and by violating her equal protection rights under the U.S. and New Jersey constitutions.
- 146. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional

distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Reinstatement Plaintiff to his former position.
- b. Enter a declaratory judgment that Defendant's acts complained of herein have violated and continue to violate the rights of Plaintiff.
- c. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- d. Award reasonable costs and attorneys' fees;
- e. Award punitive damages; and
- f. Grant any other relief this Court deems just and proper under the circumstances.

**COUNT IX
DEFAMATION
PLAINTIFFS V. SALKIN**

147. Plaintiff incorporates by reference herein as though recited verbatim at length the allegations of the preceding paragraphs.
148. Richard Salkin, in his individual capacity, engaged in defamation against Plaintiff, as set forth above.
149. Salkin made defamatory statements regarding Plaintiff, as set forth above.
150. These defamatory statements were false.

151. These defamatory statements were communicated to people other than the Plaintiff.
152. As a direct and proximate result of the actions of Defendant Salkin, Plaintiff has suffered and will in the future suffer pain, emotional distress, physical manifestation of emotional distress, mental anguish, humiliation, embarrassment, inconvenience, loss of pleasure and enjoyment of life, loss of reputation, lost wages, lost wage earning capacity, loss of benefits, loss of pension monies, and past and future expenses.

WHEREFORE, Plaintiff respectfully requests this Honorable Court:

- a. Enter a declaratory judgment that Defendant's acts complained of herein have violated and continue to violate the rights of Plaintiff.
- b. Award Plaintiff compensatory damages including but not limited to: pain, suffering, past economic loss, future economic loss, back pay, front pay, loss of life's pleasures, loss of reputation, benefits, emotional distress and other damages;
- c. Award reasonable costs and attorneys' fees;
- d. Award punitive damages; and
- e. Grant any other relief this Court deems just and proper under the circumstances.

JURY TRIAL DEMAND

Plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully Submitted,

MARK B. FROST & ASSOCIATES

/s/ Ryan Lockman

Ryan Lockman

Mark Frost – Pro Hac Vice

Counsel for Plaintiff

Dated: May 12, 2015