

JUAN C. CERVANTES, ESQ. (214042017)  
 FORMAN, CARDONSKY & TSINMAN, ESQS.  
 2353 St. Georges Avenue  
 Rahway, New Jersey 07065  
 (908) 353-6500  
*Attorney for Plaintiff(s), Sincerrae Ross*

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SINCERRAE ROSS,

Plaintiff

SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION : ESSEX COUNTY

vs.

DOCKET NO.:

Civil Action

CITY OF BAYONNE; JAMES M. DAVIS,  
 individually and in his official capacity;  
 JOSEPH DeMARCO, individually and in  
 his official capacity; ELLEN RICKARD aka  
 JANE RICKARD, individually and in her  
 official capacity; ROBERT KUBERT,  
 individually and in his official capacity;  
 JOHN COFFEY, individually and in his  
 official capacity; DONNA RUSSO,  
 individually and in her official capacity;  
 DEBORAH STENECK aka LYNN  
 STENECK, individually and in her official  
 capacity; JOSEPHINE SPAGNOLA,  
 individually and in her official capacity;  
 LINDA VANDERWEEDEN, individually  
 and in her official capacity; VERONICA  
 SMITH, individually and in her official  
 capacity; DANIELLE BIELAUSKAS,  
 individually and in her official capacity;  
 SUSAN WOJTKOWSKI, individually and  
 in her official capacity; DEBORAH  
 FALCIANI, individually and in her official  
 capacity; SHARON ASHE-NADROWSKI,  
 individually and in her official capacity;  
 JUAN PEREZ, individually and in his  
 official capacity; JANET CONVERY,  
 individually and in her official capacity;  
 GENNY MICHANE, individually and in  
 her official capacity; BRIAN  
 DELLABELLA, individually and in his  
 official capacity; TERRENCE MALLOY;  
 individually and in his official capacity;  
 WILLIAM WEAVER, individually and in  
 his official capacity; MUNICIPAL  
 EMPLOYEES 1-5, fictitious names whose  
 actual identities are unknown at this time;  
 ABC PUBLIC ENTITIES 6-10, fictitious  
 names whose actual identities are  
 unknown at this time,

Defendants

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COMPLAINT AND JURY DEMAND;  
 DESIGNATION OF TRIAL ATTORNEY;

Plaintiff, Sincerrae Ross, residing at 6 Lord Avenue, in the City of Bayonne, County of Hudson, and State of New Jersey, by way of Complaint against the Defendants herein says:

**THE PARTIES**

1. Plaintiff, Sincerrae Ross, is an African-American female resident of the State of New Jersey and was hired by Defendant, City of Bayonne, as a clerk in 2014, and worked in various capacities for the City of Bayonne from that date until her termination on or about October 2, 2018.
2. At all times relevant to this Complaint, Defendant, James M. Davis, was and is the current Mayor of the City of Bayonne.
3. At all times relevant to this Complaint, Defendant, Joseph DeMarco, was and is the current Business Administrator of the City of Bayonne, with the exception of period during which time he served as the campaign manager for the Davis administration.
4. At all times relevant to this Complaint, Defendant, Ellen Rickard aka Jane Rickard, was and is the current Parking Administrator of the City of Bayonne.
5. At all times relevant to this Complaint, Defendant, Robert Kubert, was and is the current Public Safety Director of the City of Bayonne.
6. At all times relevant to this Complaint, Defendant, John Coffey, was and is the current Law Director of the City of Bayonne.
7. At all times relevant to this Complaint, Defendant, Donna Russo, was and is the current Assistant Counsel and EEO officer of the City of Bayonne.
8. At all times relevant to this Complaint, Defendant, Deborah Steneck aka Lynn Steneck, was and is the current Court Administrator of the City of Bayonne.
9. At all times relevant to this Complaint, Defendant, Josephine Spagnola, was and is now a former clerk of the City of Bayonne.
10. At all times relevant to this Complaint, Defendant, Linda Vanderweeden, was and is the current Parking Supervisor of the City of Bayonne.
11. At all times relevant to this Complaint, Defendant, Veronica Smith, was and is the current

permit clerk of the City of Bayonne.

12. At all times relevant to this Complaint, Defendant, **Danielle Bielauskas**, was and is a current Parking Enforcement Officer of the City of Bayonne.
13. At all times relevant to this Complaint, Defendant, **Susan Wojtkowski**, was and is a current Parking Enforcement Officer of the City of Bayonne.
14. At all times relevant to this Complaint, Defendant, **Deborah Falciani**, was and is the current Director of Personnel of the City of Bayonne.
15. At all times relevant to this Complaint, Defendant, **Sharon Ashe-Nadrowski**, was and is a current City Council member of the City of Bayonne.
16. At all times relevant to this Complaint, Defendant, **Juan Perez**, was and is a current City Council member of the City of Bayonne.
17. At all times relevant to this Complaint, Defendant, **Janet Convery**, was and is the current Treasurer of the Finance Department of the City of Bayonne.
18. At all times relevant to this Complaint, Defendant, **Genny Michane**, was and is a current Court Administrator of the City of Bayonne.
19. At all times relevant to this Complaint, Defendant, **Brian DellaBella**, was and is the current Comptroller of the City of Bayonne.
20. At all times relevant to this Complaint, Defendant, **Terrence Malloy**, is a former Business Administrator and a current CFO Director of Finance of the City of Bayonne.
21. At all times relevant to this Complaint, Defendant, **William Weaver**, was and is current Union Representative of the City of Bayonne.
22. Defendant, **City of Bayonne**, is a municipality organized by virtue of, and pursuant to, New Jersey law.
23. This action is being brought in the County of Essex, State of New Jersey, due to potential conflicts of interest that may exist between any and all Defendants and the County of Hudson, where the City of Bayonne is located.

**COUNT I**  
**(Hostile Work Environment under the NJLAD)**

24. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 23 as if set forth at length herein.
25. This Count is brought pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et. seq.*, (hereinafter "NJLAD").
26. Defendants, doing business in the State of New Jersey, were Plaintiff's employers within the meaning of NJLAD.
27. Dating back to May of 2014, Defendants, **James M. Davis** and **Joseph DeMarco**, created a sexually charged hostile work environment and a culture of sex within the workplace at the municipal buildings of the City of Bayonne where Plaintiff was employed.
28. Notably, on several occasions, Plaintiff was subject to sexual harassment by Defendant, **Joseph DeMarco**, who would make sexually charged comments and requests to Plaintiff, including but not limited to asking for a "real hug" and referring to Plaintiff as his "little peach."
29. Plaintiff made several complaints about the conduct of Defendant, **Joseph DeMarco**, to several other city officials, including Defendant, **James M. Davis**, which caused the direct harassment of Plaintiff by Defendant, **Joseph DeMarco**, to cease.
30. Despite the direct harassment of Plaintiff stopping, the sexually charged atmosphere of the office continued. Throughout the course of Plaintiff's employment, she often observed Defendants, **James M. Davis** and **Joseph DeMarco**, regularly flirting with Plaintiff's coworkers, behavior that included sexually charged statements, sexual innuendos, physical touching and sexually charged jokes.
31. Many other employees and administrators of the City of Bayonne openly participated in this culture of sexual harassment during the entirety of Plaintiff's employment, including but not limited to Defendants: **Ellen Rickard aka Jane Rickard, Josephine Spagnola, Linda Vanderweeden, Veronica Smith, Danielle Bielauskas, Susan Wojtkowski, Juan Perez and Genny**

Michane.

32. Upon information and belief, some of Plaintiff's co-workers and City administrators carried on romantic affairs both within and outside of the work place, adding to the sexually charged atmosphere.
33. Upon information and belief, Defendants, James M. Davis and Joseph DeMarco, provided promotions, salary increases, and other employment benefits to those female employees who would participate in the sexual culture at the workplace, while denying comparable benefits to Plaintiff.
34. Due to Plaintiff's unwillingness to participated in the sexual culture of the workplace, she often faced harassment from her co-workers, including but not limited to Defendants: Jane Rickard, Donna Russo, Josephine Spagnola, Linda Vanderweeden, Veronica Smith, Danielle Bielauskas, Susan Wojtkowski and Juan Perez.
35. Plaintiff would complain often of the sexual culture in the workplace to superiors and administrators of the City of Bayonne, including but not limited to Defendants: James M. Davis, Joseph DeMarco, Jane Rickard, Robert Kubert, John Coffey, Donna Russo, Deborah Steneck aka Lynn Steneck, Deborah Falciani, Sharon Ashe-Nadrowski, Juan Perez, Janet Convery, Genny Michane, Brian DellaBella, Terrence Malloy and William Weaver, from the time she began working for the City of Bayonne until her termination.
36. Despite her many complaints, there was never any effort made by any administrators or employees of the City of Bayonne to dull the culture of sexually harassment or prevent Plaintiff from being harassed and/or treated disparately due to her unwillingness to participate in the culture.
37. During her employment with Defendants, Plaintiff was subjected to a hostile work environment as a result of sexual harassment and humiliation, both directly and indirectly, by her superiors and her co-workers.
38. On multiple occasions, the Plaintiff complained about such sexual harassment and humiliation

to various superiors and administrators; however, even though some problems were temporarily resolved, most of the harassment and humiliation continued through the end of Plaintiff's employment with Defendant, City of Bayonne.

39. Defendants' actions of subjecting Plaintiff to a hostile work environment violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq (hereinafter "NJLAD").
40. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
41. As a direct and proximate result of that discrimination, Plaintiff was caused to suffer severe emotional and mental distress and humiliation, was caused to suffer mental and physical injury, was caused to incur medical expenses, and was unable to continue in her employment causing pecuniary loss.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, for as follows:

- a. Damages – back pay, front pay, compensatory, consequential and incidental;
- b. Punitive damages;
- c. Imposition of statutory penalties under N.J.S.A. 10:5-1, et seq.;
- d. Enhanced statutory attorney's fees;
- e. Interest - prejudgment and post-judgment;
- f. Costs of suit;
- g. Treble damages; and
- h. Such other relief as the Court may deem equitable and just.

**COUNT II**  
**(Hostile Work Environment the NJLAD)**

42. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 41 as if set forth at length herein.
43. This Count is brought pursuant to NJLAD.
44. During her tenure, Plaintiff was one of the only African Americans employed at the municipal offices of Defendant, City of Bayonne.
45. Prior to October of 2017, Plaintiff worked for several departments for the City of Bayonne. During that time period she felt as though she was disparately treated by co-workers, supervisors and administrators on the basis of her race; however, the treatment was never overly severe.
46. In or about October of 2017, Plaintiff was transferred to the parking department of Defendant, City of Bayonne, where she worked on a daily basis with Defendants, Linda Vanderweeden, Veronica Smith, Danielle Bieluaskas and Susan Wojtkowski, and under the supervision of Parking Administrator, Defendant, Ellen Rickard aka Jane Rickard, and City Assistant Counsel, Defendant, Donna Russo.
47. From the moment she joined the parking department until her employment was terminated by the City of Bayonne on or about October 2, 2018, Plaintiff was subject to racially motivated harassment by Defendants, Linda Vanderweeden, Veronica Smith, Danielle Bielauskas and Susan Wojtkowski, as well as Defendant Parking Administrator, Jane Rickard, all of whom are Caucasian, including but not limited to the following:
- In or about November of 2017, Defendant, Linda Vanderweeden, smacked Plaintiff in the face with her ponytail and on one occasion placed snot on Plaintiff's computer mouse.
  - In or about December of 2017 Plaintiff was stripped of her bathroom breaks by Defendant, Jane Rickard, as well as Defendant, Donna Russo, Assistant Counsel for the City.
  - In or about March of 2018, Defendant, Linda Vanderweeden, made a comment to Plaintiff about Plaintiff loving fried chicken based on an African American stereotype.



-From May of 2018 until Plaintiff's termination, Defendants, Linda Vanderweeden, Veronica Smith, Danielle Bielauskas and Susan Wojtkowski, frequently targeted Plaintiff and made unfounded complaints about Plaintiff to superiors in an effort to have Plaintiff disciplined and/or terminated.

-From May of 2018 until Plaintiff's termination, Plaintiff's work was overly scrutinized compared to her co-workers in what Plaintiff believes was a retaliatory effort by Defendants to have Plaintiff disciplined and/or terminated based on performance.

-On or about May 11, 2018, Plaintiff was given a disciplinary notice by Defendant, Donna Russo, who proceeded to throw the envelope containing the notice at Plaintiff and press her body against Plaintiff in an attempt to incite an altercation.

-On or about May 17, 2018, Plaintiff was told that she was not allowed to play music by Defendant, Linda Vanderweeden, and subsequently Defendant, Donna Russo, at her desk in her office despite her other co-workers being allowed to do so.

-On or about June 15, 2018, Plaintiff discovered that someone had changed the password to her email to prevent Plaintiff from working, potentially subjecting her to disciplinary action.

-On or about June 25, 2018, Plaintiff discovered that her personal property in the office had been damaged, including the destruction of her heating cord and the removal and alteration of pictures and decorations.

- On or about July 27, 2018, Plaintiff was viciously attacked by Defendant, Linda Vanderweeden, who had to be restrained by Plaintiff's other co-workers. Defendant, Linda Vanderweeden, told Plaintiff that she was going to "fix" her.

48. Plaintiff made several complaints about the hostile work environment in the parking department to several city officials, including but not limited to Defendants: James M. Davis, Joseph DeMarco, Jane Rickard, Robert Kubert, John Coffey, Donna Russo, Deborah Falciani, Sharon Ashe-Nadrowski, Juan Perez, Brian DellaBella, Terrence Malloy and William Weaver, from the



time she began working for the parking department until her termination.

49. Despite her many complaints, Plaintiff was still consistently subjected to racially motivated harassment by her co-workers in the parking department.
50. During her employment with Defendants, Plaintiff was subjected to a hostile work environment as a result of racial harassment and humiliation, both directly and indirectly, by her superiors and her co-workers.
51. On multiple occasions, the Plaintiff complained about such harassment and humiliation to various superiors and administrators; however, the harassment and humiliation continued through the end of Plaintiff's employment with Defendant, City of Bayonne.
52. Defendants' actions of subjecting Plaintiff to a hostile work environment violated NJLAD.
53. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
54. As a direct and proximate result of that discrimination, Plaintiff was caused to suffer severe emotional and mental distress and humiliation, was caused to suffer mental and physical injury, was caused to incur medical expenses, and was unable to continue in her employment causing pecuniary loss.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, for as follows:

- a. Damages – back pay, front pay, compensatory, consequential and incidental;
- b. Punitive damages;
- c. Imposition of statutory penalties under N.J.S.A. 10:5-1, et seq.;
- d. Enhanced statutory attorney's fees;
- e. Interest - prejudgment and post-judgment;
- f. Costs of suit;
- g. Treble damages; and
- h. Such other relief as the Court may deem equitable and just.

**COUNT III**  
**(Retaliation under the NJLAD)**

55. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 54 as if set forth at length herein.
56. Upon information and belief, Defendants retaliated against Plaintiff for complaining about the sexually and racially motivated harassing behavior of colleagues, superiors and administrators by suspending Plaintiff on multiple occasions in the spring and summer of 2018 and eventually terminating Plaintiff on or about October 2, 2018.
57. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned harassment violated the NJLAD.
58. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
59. As a direct and proximate result of that discrimination, Plaintiff has suffered loss of income and benefits and continues to suffer emotional distress.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, for as follows:

- a. Lost wages, past and future;
- b. The reasonable value of any and all lost benefits;
- c. An equal amount as liquidated damages;
- d. Compensatory Damages;
- e. Punitive Damages;
- f. Imposition of statutory penalties under N.J.S.A. 10:5-1, et seq.;
- g. Attorneys fees, costs of suit, disbursements and interest;
- h. Such other relief as the Court may deem equitable and just.

**COUNT IV**  
**(Intentional Infliction of Emotional Distress)**

60. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 59 as if set forth at length herein.
61. At all times pertinent hereto, defendants' actions were extreme and outrageous in character, were designed to and did intentionally or recklessly inflict severe emotional distress upon Plaintiff.
62. As a direct and proximate cause of defendants' actions, Plaintiff has suffered severe emotional distress, humiliation, embarrassment, physical manifestation of emotional distress, loss of income and other severe emotional losses.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, for compensatory damages, punitive damages, attorney fees, interest, costs and such other relief as the Court deems just and equitable.

**COUNT V**  
**(Negligent Infliction of Emotional Distress)**

63. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 62 as if set forth at length herein.
64. At all times pertinent hereto, defendants' actions were negligent in character, were designed to and did intentionally or recklessly inflict severe emotional distress upon Plaintiff.
65. As a direct and proximate cause of defendants' negligent actions, Plaintiff has suffered severe emotional distress, humiliation, embarrassment, physical manifestation of emotional distress, loss of income and other severe emotional losses.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, for compensatory damages, punitive damages, attorney fees, interest, costs and such other relief as the Court deems just and equitable.

**COUNT VI**  
**(Violation of Public Policy)**

66. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 65 as if set forth at length herein.
67. The actions of Defendants are in direct violation of the public policy of the State of New Jersey, consistent with Pierce v. Orthos Pharmaceutical Corp., 84 N.J. 58 (1980).
68. The defendants engaged in direct and indirect adverse employment actions against the Plaintiff, in an effort to interfere with her job functions, responsibilities, and pension.
69. More specifically, the Defendants' actions were carried out in an effort to intimidate and retaliate against Plaintiff in connection with her complaints regarding the conduct of both her co-workers and superiors.
70. Defendants failed to apply civil service standards and arbitrarily, systematically and capriciously suspended and eventually terminated Plaintiff to her detriment.
71. As a direct and proximate result of Plaintiff's complaints, Defendants undertook retaliatory and adverse employment actions against Plaintiff, resulting in denial of opportunities, loss of pay, and loss of pension credit.

WHEREFORE, Plaintiff demands judgment against all Defendants, jointly and severally, for compensatory damages, punitive damages, attorney fees, interest, costs and such other relief as the Court deems just and equitable.

**JURY DEMAND**

PLEASE TAKE NOTICE that the Plaintiff hereby demands a Trial by Jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PURSUANT to Rule 4:25-4, Juan C. Cervantes, Esq., is hereby designated as trial counsel of the within matter.

FORMAN, CARDONSKY  
& TSINMAN, ESQS.

By:   
JUAN C. CERVANTES, ESQ.

Dated: December 6, 2019

CERTIFICATION

Pursuant to the requirements of Rule 4:5-1, I the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Causes of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING? Yes ☐ NO ☒

A. If YES – Parties to other Pending Actions.

B. In my opinion, the following parties should be joined in the within pending Cause of Action.

2. OTHER ACTIONS CONTEMPLATED? YES ☐ NO ☒

A. If YES – Parties contemplated to be joined, in other Causes of Action.

Plaintiff will be filing a claim in Worker's Compensation Court.

3. ARBITRATION PROCEEDINGS PENDING? YES ☐ NO ☒

A. If YES – Parties to Arbitration Proceedings.

B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.

4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED? YES ☐ NO ☒

A. If YES – Parties contemplated to be joined to Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any changes as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

FORMAN, CARDONSKY  
& TSINMAN, ESQS.

By:   
JUAN C. CERVANTES, ESQ.

DATED: December 6, 2019