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*Attorneys for Plaintiffs Melissa Sanchez and  
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MELISSA SANCHEZ AND ALEXANDER  
VILAS,

Plaintiff,

v.

JERSEY CITY POLICE DEPARTMENT, CITY  
OF JERSEY CITY, and JOHN/JANE DOES 1-  
10,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT, JURY DEMAND AND  
DESIGNATION OF TRIAL COUNSEL**

Plaintiffs, MELISSA SANCHEZ AND ALEXANDER VILAS (hereinafter, “Plaintiffs” or “Sanchez and Vilas”), by way of Complaint against Defendant, JERSEY CITY POLICE DEPARTMENT (hereinafter, “Department”), JERSEY CITY (hereinafter “City”), and JOHN/JANE DOES 1-10 (hereinafter “Defendant”), pleads as follows:

### **PRELIMINARY STATEMENT**

1. This is an action alleging a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et. seq.

### **PARTIES**

2. Plaintiff Sanchez is a resident and citizen of the State of New Jersey, employed by Jersey City. Plaintiff Sanchez’s place of residence is 802 Moses Drive, Rahway, NJ 07065.

3. Plaintiff Vilas is a resident and citizen of the State of New Jersey, employed by Jersey City. Plaintiff Vilas' place of residence is 75 Wales Avenue, Jersey City, NJ 07306.

4. Defendant Jersey City Police Department is a "police department" within the meaning of N.J.S.A. 40A:14-118, *et. seq.*, conducting its business and governmental operations at 1 Journal Square, Jersey City, NJ 07306.

5. Defendant City is a municipality located in the County of Hudson and is governed by the "Faulkner Act" within the meaning of N.J.S.A. 40:69A-1, *et seq.*

6. The City conducts its business and governmental operations at 280 Grove Street, Jersey City, NJ 07302.

### **JURISDICTION AND VENUE**

7. Jurisdiction is proper in the Superior Court of New Jersey, Law Division, because the claims set forth herein arise and occur under the laws of the State of New Jersey and all parties are residents of the State of New Jersey.

8. Venue is proper in the Superior Court of New Jersey, Law Division, Hudson County because the cause of action arose in the County of Hudson and all parties conduct business in the County of Hudson.

### **STATEMENT OF FACTS**

9. Upon information and belief, Plaintiff Sanchez began employment with the Department as a Patrol Officer on or about January 5, 2007.

10. Plaintiff Sanchez was assigned to the South Patrol District.

11. Prior to that, Sanchez was employed for the City as a clerk for the Jersey City Zoning and Planning Department.

12. Upon information and belief, Plaintiff Vilas began employment with the

Department as a Patrol Officer on or about October 28, 2004. Plaintiff Vilas was assigned to the West Patrol District.

13. In or about January 2017, several Jersey City Police Officers were placed on modified duty from their duties in connection with corruption related to the City's off-duty employment program.

14. Upon information and belief, Plaintiffs were suspended on or about May 9, 2017 as part of the City's investigation.

15. To this day, Plaintiffs have not received any information as to whether they are being investigated.

16. Plaintiffs have not been charged with any offenses.

17. While on modified duty, Plaintiffs are not allowed to perform their regular patrol duties on the streets.

18. Since being placed on modified duty, both Plaintiffs have been assigned to 75 Bishop Street Jersey City, NJ 07306.

19. No fault or discipline has been decided against Plaintiffs.

20. Upon information and belief, Nicola Flora was suspended at or around the same time as Plaintiffs were.

21. Upon information and belief, Flora was placed on modified status for the same reason as the Plaintiffs.

22. On or about May 14, 2018, Plaintiffs received notification that they could not be promoted.

23. Plaintiffs were told that they could not be promoted because of their modified

status.

24. Upon information and belief, Mr. Flora was promoted to the rank of Deputy Chief, on or about March 11, 2019.

25. Prior to that, Mr. Flora served at the rank of Captain.

26. Upon information and belief, Flora was promoted, notwithstanding his modified status.

### **COUNT ONE**

#### **Violation of N.J.S.A. 10:5-12, *et seq.* for discrimination based upon ethnicity/national origin.**

27. Plaintiff repeats and re-alleges the facts set forth in Paragraphs 1 through 26 above as if set forth fully herein.

28. The New Jersey Law Against Discrimination (“LAD”), at N.J.S.A. 10:5-12, et seq., makes it an unlawful employment practice or unlawful discriminatory act for an employer because of race or ethnicity to discriminate against an employee with regard to terms and conditions of employment or to terminate an otherwise qualified employee.

29. Plaintiff Sanchez is a member of a protected class within the meaning of the LAD because she is a woman of Hispanic ethnicity.

30. Plaintiff Vilas is a member of a protected class within the meaning of the LAD because he is of Hispanic ethnicity.

31. Defendant City is an employer within the meaning of LAD.

32. Defendant City is vicariously liable for the conduct of its employees and/or agents under the doctrine of respondeat superior.

33. Plaintiffs were passed over for promotion in May of 2018 to Sergeant.

34. Although also suspended and on modified duty like the Plaintiffs, Nicola Flora,

was promoted from the rank of Captain to the rank of Deputy Chief.

35. Upon information and belief, Mr. Flora is a Caucasian male.

36. If not suspended, Plaintiffs would have also been eligible for promotion at the time.

37. Defendant City engaged in discrimination or allowed discrimination to occur by allowing the promotion of a Caucasian individual and not allowing promotion of Plaintiffs who are of Hispanic origin.

38. By their action, failure to act and/or omissions, Defendant City and the employees and/or agents of the City discriminated against Plaintiffs and allowed them to be discriminated against because of their ethnicity.

39. Defendant City and the employees and/or agents of the City engaged in discrimination against the Plaintiff.

40. As a result of the conduct of Defendant City and the employees and/or agents of the City, Plaintiff has suffered damages in the form of economic loss.

41. The conduct of Defendant City and the employees and/or agents of the City is the proximate, legal and direct cause of Plaintiff's damages.

**WHEREFORE**, good and just cause having been shown, Plaintiff demands judgment on all counts against Defendant, and seeks the following relief as to each count:

- A. Compensatory damages, including but not limited to, damages for economic losses, back pay, front pay, pain and suffering, emotional distress and psychological injury;
- B. Damages for harm to reputation and career status;
- C. Reimbursement for medical expenses;
- D. Reimbursement for expenses incurred because of

loss of other emoluments and benefits of employment;

- E. Punitive damages;
- F. Attorneys' fees and costs of suit;
- G. Pre-judgment interest;
- H. Post-judgment interest;
- I. A judgment award inclusive of payment to offset negative tax consequences of a lump sum injury award;
- J. Injunctive relief; and,
- K. Such other relief as the Court and/or Jury deems just, equitable and appropriate.

#### **JURY DEMAND**

Plaintiff demands a trial by jury as to all claims and defenses raised in this matter.

#### **CERTIFICATION OF NO OTHER ACTIONS**

Pursuant to R. 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending before any court of this State, a court of any other State, or a Federal court. No other court action is contemplated, to the best of my knowledge and belief. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined to this action. I recognize the obligation of each party to file and serve upon all parties and the Court an amended certification if there is a change in the facts set forth in this certification. I hereby certify that the foregoing statements made by me are true to the best of my knowledge and belief. I acknowledge that if the foregoing statements are willfully and knowingly false, I may be subject to punishment.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Leonard C. Schiro, Esq. of Mets Schiro & McGovern, LLP is hereby designated as Trial Counsel in this matter.

Respectfully submitted,

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By: *Leonard C. Schiro*  
LEONARD C. SCHIRO, ESQ.

Dated: May 5, 2020