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EDUARDO MENA-RAMOS,

Plaintiff,

v.

CITY OF BAYONNE, CHIEF OF POLICE  
ROBERT GEISLER, CITY CLERK  
MADELENE C. MEDINA, and JOHN  
DOE(S) (1-4), fictitious names,

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION/CIVIL PART  
HUDSON COUNTY

DOCKET NO. HUD-L- -21

Civil Action

**COMPLAINT IN LIEU OF  
PREROGATIVE WRIT AND COMPLAINT  
FOR DAMAGES WITH DEMAND FOR  
JURY TRIAL**

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EDUARDO MENA-RAMOS, by way of Complaint against Defendants, avers as follows:

1. The causes of action alleged seek to redress deprivation under color of law, policy and custom, of rights secured by the New Jersey Constitution, and the statutory and common laws of the State of New Jersey. No aspect of this claim seeks redress under the Federal Constitution or the statutes of the United States of America.

## **THE PARTIES**

2. Plaintiff EDUARDO MENA-RAMOS was, at all times relevant hereto, a resident of Hudson County and the State of New Jersey and a citizen of the United States of America.
3. At all times herein mentioned, Defendant CITY OF BAYONNE and is the entity responsible for the operation of governmental services within their territorial jurisdiction including the City of Bayonne Police Department, and Defendant CITY OF BAYONNE is duly incorporated under the laws of the State of New Jersey. At all relevant times hereto, Defendant CITY OF BAYONNE employed Defendants CHIEF OF POLICE ROBERT GEISLER, and JOHN DOE(S) (1-4), fictitious names.
4. At all times herein mentioned, Defendant CHIEF OF POLICE ROBERT GEISLER, was an employee of the CITY OF BAYONNE, was citizen of the State of New Jersey, acting in his capacity as the agent, servant, employee, officer, representative, and/or appointee of Defendant CITY OF BAYONNE. Defendant CHIEF OF POLICE ROBERT GEISLER is sued individually as to all constitutional causes of action and in his official capacity as to all non-constitutional causes of action.
5. At all times herein mentioned, Defendant CITY CLERK MADELENE C. MEDINA, was an employee of the CITY OF BAYONNE, was citizen of the State of New Jersey, acting in his capacity as the agent, servant, employee, officer, representative, and/or appointee of Defendant CITY OF

BAYONNE. Defendant CITY CLERK MADELENE C. MEDINA is sued individually as to all constitutional causes of action and in her official capacity as to all non-constitutional causes of action.

6. At all times herein mentioned, Defendants John Doe(s) (1-4) were citizens of the State of New Jersey and employees of CITY OF BAYONNE, acting in such capacity as the agents, servants, employees, officers, representatives and/or appointees of Defendant CITY OF BAYONNE. Defendants John Doe(s) (1-4) are sued individually as to all constitutional causes of action and in their official capacity as to all non-constitutional causes of action.

### **COUNT ONE**

#### **PREROGATIVE WRIT**

7. This matter is being filed within 45 days of July 5, 2021.
8. At all times herein mentioned, Defendant CITY OF BAYONNE was a Civil Service Jurisdiction.
9. Defendant CITY CLERK MADELENE C. MEDINA is the Appointing Authority for all employees of Defendant CITY OF BAYONNE.
10. On April 19, 2021 Defendant CITY OF BAYONNE issued a Preliminary Notice of Disciplinary Action ("PNDA") seeking four days' suspension of Plaintiff EDUARDO MENA-RAMOS. (Exhibit A).
11. Said PNDA was served on Plaintiff EDUARDO MENA-RAMOS on April 20, 2021.

12. In terms of offering a Departmental Hearing on the charges, the PNDA read:

If you desire a departmental hearing before the  
appointing authority on the above charge(s),  
notify it within **N/A** days of receipt of this form.

If you request a hearing it will be held on **N/A**  
at (time) **N/A** at (place of hearing) **N/A**.

(Emphasis added).

13. Upon information and belief, the inclusion of four “N/A” designations within the PNDA was meant to be “not applicable”.
14. Denial of a Departmental Hearing by Defendant CITY OF BAYONNE represented a contravention of the law for a Civil Service Jurisdiction.
15. Knowing of his legal right to a Departmental Hearing, on April 30, 2021, Plaintiff EDUARDO MENA-RAMOS, through counsel, requested a Departmental Hearing as it relates to that PNDA consistent with the New Jersey Administrative Code.
16. Defendant CITY OF BAYONNE denied a hearing and discovery to Plaintiff EDUARDO MENA-RAMOS on May 7, 2021.
17. A Departmental Hearing related to the PNDA has never been completed.
18. N.J.A.C. § 4A:2-2.6 (Hearings before the Appointing Authority) provides:
- (a) The hearing shall be held before the appointing authority or its designated representative.
  - (b) The employee may be represented by an attorney or authorized union representative.

(c) The parties **shall have the opportunity to review the evidence supporting the charges and present and examine witnesses.** The employee shall not be required to testify, but an employee who does testify will be subject to cross-examination.

(d) Within 20 days of the hearing, or such additional time as agreed to by the parties, the appointing authority shall make a decision on the charges and furnish the employee either by personal service or certified mail with a Final Notice of Disciplinary Action. See N.J.A.C. 4A:2-2.13 for the issuance of a Final Notice in removal appeals by certain law enforcement officers and firefighters.

(Emphasis added).

19. The right to present witnesses and cross-examine witnesses is mandatory under N.J.A.C. §4A:2-2.6. It is not discretionary.
20. Rather than complying with the mandates of N.J.A.C. §4A:2-2.6, on July 5, 2021 Defendants CITY OF BAYONNE and CITY CLERK MADELENE C. MEDINA by and through Defendant CHIEF OF POLICE ROBERT GEISLER issued a Final Notice of Disciplinary Action ("FNDA") stemming from the PNDA.
21. Defendants CITY OF BAYONNE and CITY CLERK MADELENE C. MEDINA by and through Defendant CHIEF OF POLICE ROBERT GEISLER cited to no legal authority that impaired the ability of Plaintiff EDUARDO MENA-RAMOS from presenting and cross-examining witnesses.
22. Defendants CITY OF BAYONNE and CITY CLERK MADELENE C. MEDINA by and through Defendant CHIEF OF POLICE ROBERT

GEISLER, instead, unilaterally proceeded in a summary manner related to the PNDA.

23. Defendants CITY OF BAYONNE and CITY CLERK MADELENE C. MEDINA by and through Defendant CHIEF OF POLICE ROBERT GEISLER provided no legal authority by which an Employer can seek Summary Decision at the Departmental Level Hearing as opposed to holding a Departmental Hearing consistent with the mandates of N.J.A.C. §4A:2-2.6.
24. In the Civil Service context, Summary Decision is not permitted at the Departmental Level.
25. The combination of the non-compliance with N.J.A.C. §4A:2-2.6 coupled with proceeding in a summary manner were unreasonable, arbitrary, and capricious.

WHEREFORE, Plaintiff EDUARDO MENA-RAMOS demands judgment against Defendants as follows:

- a. For an Order nulling and voiding the Final Notice of Disciplinary Action dated July 5, 2021 and dismissing any discipline related to same with prejudice.
- b. For attorneys' fees and litigation costs; and
- c. For any other relief the Court deems equitable and just.

**COUNT TWO**

**VIOLATIONS OF NEW JERSEY'S CONSCIENTIOUS EMPLOYEE  
PROTECTION ACT**

26. Plaintiff EDUARDO MENA-RAMOS was, at all times relevant hereto, employed as a police officer of the Bayonne Police Department of Defendant CITY OF BAYONNE doing his job with an industrious and conscientious fervor from his initial appointment, which became effective on February 3, 2016.
27. On December 3, 2020, the Superior Officer Association ("SOA") had their monthly meeting in the parking lot of the Central Garage ("CG").
28. CG is city property where the Police Department Traffic Unit and Police Pounds are located at 330 Hook Rd, Bayonne NJ 07002.
29. On that date, Plaintiff EDUARDO MENA-RAMOS was working an Extra Duty assignment at 7 Hook Road from 0700-1400 Hours and 1400-0200 Hours consecutively at the same post.
30. On January 3, 2021, Plaintiff EDUARDO MENA-RAMOS received a call from a concerned officer, who said that he needed to speak with him.
31. At 2215 hours on that date, the concerned officer came to Plaintiff EDUARDO MENA-RAMOS' house and spoke with him for about 20-30 minutes.
32. During their conversation, the concerned officer stated that he found out that there was a complaint filed against Lt. Kubert and that Plaintiff EDUARDO MENA-RAMOS was the person "they" thought filed the complaint.

33. The concerned officer also added that the complaint was regarding drinking and driving at the CG during the SOA meeting.
34. After telling Plaintiff EDUARDO MENA-RAMOS the information he had regarding the complaint, the concerned officer proceeded to tell Plaintiff EDUARDO MENA-RAMOS that “they” came up with two motives or possible reasons why Plaintiff EDUARDO MENA-RAMOS would file such complaint.
35. Reason/Motive 1 was conveyed as PBA and SOA having issues due to grievances filed in the past for the overtime pay.
36. The concerned officer suggested that perhaps Plaintiff EDUARDO MENA-RAMOS could have been the mailman for the PBA E-Board since Plaintiff EDUARDO MENA-RAMOS was the PBA Treasurer.
37. Reason/Motive 2 was conveyed as there was an alleged love triangle between Lt. Kubert - Sgt. Munoz and Plaintiff EDUARDO MENA-RAMOS. Plaintiff EDUARDO MENA-RAMOS allegedly eventually became jealous and angry because Lt. Kubert and Sgt. Munoz were close and ended up filing the complaint against Lt. Kubert
38. The concerned officer added that Lt. Kubert stated to multiple members that the complaint sounded like Plaintiff EDUARDO MENA-RAMOS and therefore, Lt. Kubert assumed Plaintiff EDUARDO MENA-RAMOS filed it.
39. Everyone reported the same thing to him; namely, that Lt. Kubert was going around the Police Department telling everyone (supervisors and



officers) that Plaintiff EDUARDO MENA-RAMOS filed the complaint against him.

40. On January 14, 2021, Sgt Mike Signarelli made the initial call from the Hudson County Prosecutor's Office ("HCPO") Internal Affairs Unit to Plaintiff EDUARDO MENA-RAMOS' department issued cellular phone.
41. On January 19, 2021, Sgt. Signarelli called Plaintiff EDUARDO MENA-RAMOS for the 2nd time.
42. While on the phone Sgt. Signarelli stated, "I have conducted an investigation in regard to allegations against some supervisors and I concluded that you in fact filed this complaint".
43. Sgt. Signarelli accused Plaintiff EDUARDO MENA-RAMOS of filing the complaint.
44. Sgt. Signarelli told Plaintiff EDUARDO MENA-RAMOS that the complaint stated that there was a picture and video evidence of the allegations.
45. Sgt. Signarelli proceeded to tell Plaintiff EDUARDO MENA-RAMOS that all he wanted was for him to turn over the pictures and videos saying: "If I can get my hands on those pictures and videos, I can wrap up this investigation".
46. Plaintiff EDUARDO MENA-RAMOS told Sgt. Signarelli that he did not file the complaint and he did not have such evidence.
47. Sgt. Signarelli then asked if Plaintiff EDUARDO MENA-RAMOS was available to answer few more questions on the phone.

48. Plaintiff EDUARDO MENA-RAMOS told him that it sounded like an interview, and he would rather do that in person.
49. Plaintiff EDUARDO MENA-RAMOS told him that he would not have any issues going to his office for an interview.
50. Sgt. Signarelli said that he would contact IA at the Bayonne Police Department to decide and make it official.
51. Shortly thereafter Lt. Quinn called Plaintiff EDUARDO MENA-RAMOS and ordered him to respond to HCPO for an interview on January 20, 2021 at 1000 Hrs.
52. That interview was later cancelled by counsel for Plaintiff EDUARDO MENA-RAMOS.
53. Lt. Quinn later accused Plaintiff EDUARDO MENA-RAMOS of not complying with his order to respond to HCPO for an IA interview.
54. The HCPO interview ultimately took place on January 25, 2021 and Plaintiff EDUARDO MENA-RAMOS was once again accused by Sgt Signarelli of filing the complaint.
55. From January 26<sup>th</sup> through February 5, 2021, Plaintiff EDUARDO MENA-RAMOS was quarantined due to COVID-19 positive exposure.
56. On February 9,2021, Plaintiff EDUARDO MENA-RAMOS received notice from IA that he was the target of an investigation based on false allegations from Defendant CHIEF OF POLICE ROBERT GEISLER.
57. IA order Plaintiff EDUARDO MENA-RAMOS to write an internal memo prior to the end of his tour on that date.

58. After speaking with his attorney, Plaintiff EDUARDO MENA-RAMOS requested an extension for IS response.
59. On February 10, 2021, Lt. Quinn entered Plaintiff EDUARDO MENA-RAMOS' office and verbally told him that he was denying his request for an extension.
60. Lt. Quinn ordered Plaintiff EDUARDO MENA-RAMOS to write the response immediately.
61. Plaintiff EDUARDO MENA-RAMOS told him that he needed some time to speak with his attorney.
62. Lt. Quinn replied, "You do not need an attorney, just tell the truth and if you did not violate the rules, you'll be fine".
63. Plaintiff EDUARDO MENA-RAMOS told him that he still wished to speak with his attorney.
64. Lt. Quinn continued to say that Plaintiff EDUARDO MENA-RAMOS did not need one for this incident.
65. Plaintiff specifically said "Sir, so you are denying my right to counsel by asking me to type the report immediately?"
66. Lt. Quinn became upset and told Plaintiff EDUARDO MENA-RAMOS that he had until the end of his shift to submit the report.
67. Plaintiff EDUARDO MENA-RAMOS complied with that order.
68. On February 10, 2021, Lt. Brattole entered Plaintiff EDUARDO MENA-RAMOS' office and asked him to move his belongings to a different office.

69. At the time Plaintiff EDUARDO MENA-RAMOS was sharing office with Sgt Munoz.
70. Lt. Brattole stated that Plaintiff EDUARDO MENA-RAMOS must do so immediately.
71. Plaintiff EDUARDO MENA-RAMOS was in the middle of an assignment when she ordered him to move.
72. Plaintiff EDUARDO MENA-RAMOS was working on the carry over time from 2020 on the Police Officer Schedule System ("POSS").
73. Plaintiff EDUARDO MENA-RAMOS informed her of such and explained if he had to move immediately, it would take double the time to complete the assignment because he would have to disconnect his computer and re-connect all his devices in the new office a process that would take him 2-3 hours.
74. Plaintiff EDUARDO MENA-RAMOS asked her if he could complete the assignment, he was working on at the moment.
75. Lt. Brattole replied: "Sorry but no. Sorry Ed but I'm being told to do so. You have to grab absolutely everything you have and move it to TSU NOW! After you move you won't have access to this office."
76. Plaintiff EDUARDO MENA-RAMOS did follow the order and immediately moved his belongings to the other office.
77. On February 11, 2021, Plaintiff EDUARDO MENA-RAMOS was attending Informational Technology ("IT") training online which started in September 2020 with PC AGE Career institute.

78. Plaintiff EDUARDO MENA-RAMOS was at the time taking the classes three times a week at a remote office the Bayonne Police Department has for the Special Investigation Unit, which was originally arranged by Deputy Chief Scerbo.
79. Plaintiff EDUARDO MENA-RAMOS spoke with Captain Parsley regarding going elsewhere to take the classes.
80. Plaintiff EDUARDO MENA-RAMOS was feeling a bit uncomfortable in that office since there were allegations going around that he filed the IA complaint against LT. Kubert and other SOA members.
81. Captain Parsley simply said "No".
82. Captain Parsley then stated, "Chief has not said anything about that, and he wants you to concentrate for training that office is the best place for your classes".
83. On February 12, 2021, Plaintiff EDUARDO MENA-RAMOS was exonerated on all allegations on which he was advised he was a target by IA (IA #2021-02).
84. Later on February 12, 2021, Captain Parsley called Plaintiff EDUARDO MENA-RAMOS to his office for a quick meeting.
85. Captain Parsley said that after some consideration, he spoke with D/C Scerbo, and he decided that he had to take classes from HQ moving forward.

86. On February 23, 2021, Plaintiff EDUARDO MENA-RAMOS was feeling ill that morning and decided to contact Lt. Brattole to request time due instead of calling out sick.
87. Lt. Brattole authorized the time due.
88. Plaintiff EDUARDO MENA-RAMOS had an assignment to set up a conference room for Sgt Rhodes on that date.
89. Sgt Ponik was able to complete that set up during Plaintiff EDUARDO MENA-RAMOS' absence.
90. On February 24, 2021, Captain Parsley counseled Plaintiff EDUARDO MENA-RAMOS because he was absent the day before.
91. Captain Parsley stated that Plaintiff EDUARDO MENA-RAMOS had an assignment.
92. Plaintiff EDUARDO MENA-RAMOS explained to him that he was feeling very ill, and that Sgt. Ponik was able to complete the assignment.
93. Captain Parsley instructed Plaintiff EDUARDO MENA-RAMOS that moving forward he was to inform him and Sgt. Ponik of any request for any type of technical services.
94. On March 11, 2021, Sgt. Ponik conducted a Personnel Evaluation of Plaintiff EDUARDO MENA-RAMOS. Said Personnel Evaluations are conducted every six months and this one covered the time frame of September 1, 2020 through February 28, 2021.
95. Plaintiff EDUARDO MENA-RAMOS met standards in all areas.

96. Plaintiff EDUARDO MENA-RAMOS went as far as asking Sgt. Ponik if there were any issues he needed to address and was told "No".
97. On March 17, 2021, SOA members were served with performance notices in violation of Bayonne Police Department rules for consuming alcoholic beverages on Department property, which was an issue which arose out of the anonymous IA complaint that was filed that Plaintiff EDUARDO MENA-RAMOS was constantly being accused of filling.
98. On March 18, 2021, Captain Parsley presented Plaintiff EDUARDO MENA-RAMOS with two performance notices for two incidents that happened in the past, which said incidents occurred during the Personnel Evaluation period covering the timeframe of September 1, 2020 through February 28, 2021.
99. Plaintiff EDUARDO MENA-RAMOS had already been spoken to regarding both incidents.
100. Plaintiff EDUARDO MENA-RAMOS told Captain Parsley that both issues were previously addressed, and he replied that he needed to do the performance notices.
101. On March 18, 2021, Plaintiff EDUARDO MENA-RAMOS spoke with Sgt. Ponik and told him he wanted to request a "sit down meeting" with DC Scerbo.
102. Sgt. Ponik said he would bring it up the chain of command.
103. On March 23, 2021, Captain Parsley asked Plaintiff EDUARDO MENA-RAMOS what he wanted to speak with the DC in regards.

104. Plaintiff EDUARDO MENA-RAMOS told him it was about his work conditions.
105. Plaintiff EDUARDO MENA-RAMOS also told him that months ago when the PBA put in the very first grievance the DC had personally told Plaintiff EDUARDO MENA-RAMOS that sometimes things can be handled or fixed without the need of a grievance.
106. Since Plaintiff EDUARDO MENA-RAMOS was told that, he wanted to give him the opportunity to assist him in getting his work conditions to improve without the need of any further action.
107. On March 24, 2021, a new sign-up sheet was put into effect for Plaintiff EDUARDO MENA-RAMOS' unit (TSU) for the use of a department vehicle. Said sign-up sheet was not put into effect for any other units of the Bayonne Police Department.
108. Plaintiff EDUARDO MENA-RAMOS had that vehicle assigned to him personally since May 2020 and the aforementioned sign-up sheet was not required prior to March 24, 2021.
109. Plaintiff EDUARDO MENA-RAMOS decided to bring the vehicle back to the Department since it was a take home vehicle.
110. On March 24, 2021, Plaintiff EDUARDO MENA-RAMOS received an IA notice as a target on an investigation for "collateral issues that arose after the HCPO investigation".
111. Plaintiff EDUARDO MENA-RAMOS was ordered to appear for an interview on April 1st, 2021.



112. On March 21, 2021, Captain Parsley told Plaintiff EDUARDO MENA-RAMOS that his request for a meeting was denied by the DC and that according to the PBA contract, he had to first speak with him, and he would bring it up the chain.
113. Plaintiff EDUARDO MENA-RAMOS spoke with Captain Parsley and Lt. Brattole regarding his working conditions.
114. Plaintiff EDUARDO MENA-RAMOS explained all the issues he was having regarding his working conditions.
115. Plaintiff had Detective Oleksa as his witness during the conversation.
116. Plaintiff EDUARDO MENA-RAMOS expressed that his currently work conditions were hostile at the time.
117. On March 30, 2021, Plaintiff EDUARDO MENA-RAMOS was served a Performance Notice for an incident that occurred on March 17, 2021 for allegedly being late to work.
118. In reality, Plaintiff EDUARDO MENA-RAMOS reported at his normally scheduled time.
119. On March 30, 2021, an update to the Bayonne Police Department's record management system was scheduled.
120. A few weeks prior to the scheduled update, Plaintiff EDUARDO MENA-RAMOS offered to come in early, if needed.
121. Sgt. Ponik told Plaintiff EDUARDO MENA-RAMOS he would let him know if he was needed earlier than scheduled and never so advised him.

122. On April 14, 2021, Plaintiff EDUARDO MENA-RAMOS was served with an IA Notice.
123. An IA interview for hostile work environment was scheduled for April 20, 2021 but was later cancelled.
124. On April 19, 2021, Plaintiff EDUARDO MENA-RAMOS was served with a Performance Notice for alleged harassment in the workplace, which were totally false.
125. On April 20, 2021, Plaintiff EDUARDO MENA-RAMOS was informed by Sgt Ponik that he was being transferred to the Patrol Division and he needed to speak with Captain Parsley.
126. Captain Parsley told Plaintiff EDUARDO MENA-RAMOS that effective immediately, he was being transferred to the Patrol Division and he asked him to return his detective badge.
127. During the quick conversation, Plaintiff EDUARDO MENA-RAMOS asked about the online training he was attending since it was 3 days a week and the new assignment of patrol days shift was going to prevent him from attending classes.
128. Plaintiff EDUARDO MENA-RAMOS requested that his shift bid be honored, and he be assigned to Patrol Nights so he could continue and finish the classes he was already attending.
129. The request to be placed on Patrol Nights was denied.
130. Captain Parsley said he would get back to Plaintiff EDUARDO MENA-RAMOS regarding the classes.

131. Plaintiff EDUARDO MENA-RAMOS was transferred to the Patrol Division by personnel order 52-21.
132. Captain Parsley asked Plaintiff EDUARDO MENA-RAMOS to reach out to people at PC Age to get all the details together regarding completing payment for the classes.
133. On April 22, 2021, Plaintiff EDUARDO MENA-RAMOS reached out to people at PC Age and informed them he would no longer be able to continue attending classes due to new work assignment.
134. After speaking with numerous people, Plaintiff EDUARDO MENA-RAMOS was informed he could be transfer to the night shift for the two remaining courses without any charge.
135. Plaintiff EDUARDO MENA-RAMOS emailed Captain Parsley and informed him of his findings.
136. Plaintiff EDUARDO MENA-RAMOS asked Captain Parsley for permission to complete the training.
137. Captain Parsley emailed Plaintiff EDUARDO MENA-RAMOS back and stated that Defendant CHIEF OF POLICE ROBERT GEISLER denied his request to complete training and that he could no longer attend classes and that the Department would pay the remaining balance for the classes.
138. The entire course cost \$17,880.00, but Plaintiff EDUARDO MENA-RAMOS was unable to obtain any certifications covering the classes he had already taken.
139. The course was scheduled to be done in June, 2021.

140. However, certification required completion of the course.
141. Because Plaintiff EDUARDO MENA-RAMOS was perceived to be the author of a complaint itemizing alleged wrongdoing within the Bayonne Police Department, he was targeted for retaliation.
142. Plaintiff EDUARDO MENA-RAMOS found that targeting to be an affront to the efficient operation of the law enforcement agency for which he was employed and further found that targeting to be in violation of his understanding of the law as well as his understanding of the public policy of the State of New Jersey.
143. Although he did not know the legal citations at the time, he made his multiple objections, the reasonable beliefs of Plaintiff EDUARDO MENA-RAMOS are codified at several locations, including, but not limited to:

(1) N.J.S.A. 11A:1-2:

b. It is **the public policy of this State** to provide public officials with appropriate appointment, supervisory and other personnel authority to **execute properly** these constitutional and statutory responsibilities...

(Emphasis added).

(2) N.J.S.A. 40A:9-22.2:

**d. Governments have the duty to provide their citizens with standards by which they may determine whether public duties are being faithfully performed**, and to apprise their officers and employees of the behavior **which is expected of them while conducting their public duties**...

(Emphasis added).

(3) N.J.S.A. 34:13A-14:

The Legislature finds and declares:

- a. Recognizing the unique and essential duties which law enforcement officers and firefighters perform for the benefit and protection of the people of the State, cognizant of the life threatening dangers these public servants regularly confront in the daily pursuit of their public mission, and fully conscious of the fact that these public employees, by legal and moral precept, do not enjoy the right to strike, **it is the public policy of this State that it is requisite to the high morale of such employees, the efficient operation of such departments, and to the general well-being and benefit of the citizens of this State** to afford an alternate, expeditious, effective and binding procedure for the resolution of disputes[.]

(Emphasis added).

- (4) N.J.S.A. 40A:5-33

In addition to any oath that may be specially prescribed, **every person elected or appointed to any office in any local unit shall, before assuming such office, take and subscribe to the oaths required by chapter 1 of the Title "Oaths and Affidavits" (R.S. 41:1-1 et seq.).** The oaths shall be filed with the county clerk in the case of a county, and with the municipal clerk in the case of a municipality, and shall be preserved by these officials as public records.

(Emphasis added).

- (5) N.J.S.A. 41:1-1

**Every person who is or shall be required by law to give assurance of fidelity and attachment to the Government of this State shall take the following oath of allegiance:**

"I, ....., do solemnly swear (or affirm) that **I will support** the Constitution of the United States and **the Constitution of the State of New Jersey**, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people. So help me God."

(Emphasis added).

(6) N.J.S.A. 40A:9-22.15

Within 90 days after the establishment of a county ethics board, that ethics board shall promulgate, by resolution, a county code of ethics for all local government officers and employees serving the county. Local government officers and employees serving a county independent authority shall be deemed to be serving the county for purposes of this act.

144. All the concerns and disclosures of Plaintiff EDUARDO MENA-RAMOS were ignored and rebuked by Defendant CITY OF BAYONNE.
145. Instead of responding to the legitimate concerns and disclosures of Plaintiff EDUARDO MENA-RAMOS, Defendant CITY OF BAYONNE continued to maliciously target Plaintiff EDUARDO MENA-RAMOS and continued to maliciously retaliate against Plaintiff EDUARDO MENA-RAMOS, including, but not limited to disciplining him, forcing him to change offices, transferring him, and discontinuing training for which he was previously approved.
146. In reality, all the criticism and action toward Plaintiff EDUARDO MENA-RAMOS was pretextual with the true facts being that Defendants CITY OF BAYONNE, CHIEF OF POLICE ROBERT GEISLER and JOHN DOE(S) (1-4), fictitious names, were maliciously retaliating against Plaintiff EDUARDO MENA-RAMOS due to his disclosures.
147. Rather than properly investigate his disclosures, rectify their own deficient policies and procedures, undo the adverse employment action to which Plaintiff EDUARDO MENA-RAMOS was being subjected, and protect him from the retaliation he feared and predicted, Defendant CITY OF BAYONNE did nothing.

148. Defendant CITY OF BAYONNE was and is, at all times relevant to this matter, an employer as defined by N.J.S.A. 34:19-2.
149. Defendants CITY OF BAYONNE by and through CHIEF OF POLICE ROBERT GEISLER and JOHN DOE(S) (1-4), fictitious names, did take retaliatory action against Plaintiff EDUARDO MENA-RAMOS because of his disclosure to supervisors of activities that he believed to be in violation of law, rule or regulation promulgated pursuant to law, and/or because of his objecting to activities he reasonably believed were incompatible with a clear mandate of public policy concerning the public health, safety or welfare, including, but not limited to, disciplining him, forcing him to change offices, transferring him, and discontinuing training for which he was previously approved, impugning his reputation, and otherwise subjecting him to a retaliatory work environment.
150. Defendants CITY OF BAYONNE by and through CHIEF OF POLICE ROBERT GEISLER and JOHN DOE(S) (1-4), fictitious names, did retaliate against Plaintiff EDUARDO MENA-RAMOS for his lawful disclosures, objections, and refusals to participate by taking adverse employment action against Plaintiff EDUARDO MENA-RAMOS in the terms and conditions of his employment, as more specifically set forth above.
151. Defendant CITY OF BAYONNE also had certain obligations under N.J.S.A. 34:19-7 for which it was deficient.

152. As a result of the aforementioned actions of Defendants, Plaintiff

EDUARDO MENA-RAMOS has suffered both economic and non-economic damages and has otherwise been irreparably injured.

WHEREFORE, Plaintiff EDUARDO MENA-RAMOS demands judgment against Defendants CITY OF BAYONNE, CHIEF OF POLICE ROBERT GEISLER, and JOHN DOE(S) (1-4), fictitious names as follows:

A. For an injunction to restrain continued violation of the New Jersey Conscientious Employee Protection Act ("CEPA");

B. For immediate reinstatement and restoration of all deprived rights of a current employee of Defendant CITY OF BAYONNE;

C. For full commencement of fringe benefits for a current employee of Defendant CITY OF BAYONNE;

D. For payment by Defendant CITY OF BAYONNE of the reasonable costs of this action and for attorneys' fees;

E. For compensatory damages;

F. For punitive damages;

G. For the assessment of a Civil Penalty as allowed by the CEPA;

H. For any other relief allowed under the CEPA; and

I. For any other relief that the Court deems equitable and just.

### **COUNT THREE**

#### **VIOLATIONS OF NEW JERSEY'S CONSTITUTION (RIGHT TO ORGANIZE AND COLLECTIVELY BARGAIN) AND NEW JERSEY'S CIVIL RIGHTS ACT**

153. Plaintiff repeats and incorporates the allegations contained in Counts One through Five as if fully set forth herein at length.



154. Article 1, ¶ 19 of the New Jersey Constitution provides:

19. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.

155. The aforementioned actions of Defendants CITY OF BAYONNE, CHIEF OF POLICE ROBERT GEISLER, and JOHN DOE(S) (1-4), violated Plaintiff EDUARDO MENA-RAMOS's rights under New Jersey's State Constitution to air his grievances and proposals without facing retaliation, discipline, harassment, and other arbitrary and capricious behavior.

156. The actions of Defendants CITY OF BAYONNE, CHIEF OF POLICE ROBERT GEISLER, and JOHN DOE(S) (1-4), toward Plaintiff EDUARDO MENA-RAMOS were in violation of New Jersey's Civil Rights Act, N.J.S.A. 10:6-1, et seq. as well as the New Jersey Constitution.

157. As a result of the aforementioned actions of Defendants, Plaintiff EDUARDO MENA-RAMOS has suffered both economic and non-economic damages and has otherwise been irreparably injured.

WHEREFORE, Plaintiff EDUARDO MENA-RAMOS demands judgment against Defendants CITY OF BAYONNE, CHIEF OF POLICE ROBERT GEISLER, and JOHN DOE(S) (1-4), as follows:

- a. Compensatory damages;
- b. Punitive damages;
- c. Attorneys' fees and litigation costs; and

d. Any other relief the Court deems equitable and just.

R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action pending in any Court or arbitration proceedings. I know of no other parties that should be joined herein.

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(b)

I certify that Confidential Personal Identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

JURY DEMAND PURSUANT TO R. 1:8-1(b) and R. 4:35-1

Plaintiff hereby requests trial by jury as to all issues herein as to Counts Two and Three.

NOTICE OF TRIAL COUNSEL

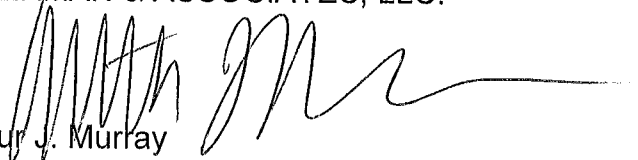
Please take notice that Stuart J. Alterman, Esquire and Arthur J. Murray, Esquire are designated as Trial Counsel pursuant to R. 4:25-4 for Plaintiff.

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Dated: July 15, 2021