

Juan C. Cervantes, Esq. (NJID #214042017)
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Attorneys for Plaintiff
Our File No: 5814.0001

MELISSA MATHEWS,
Plaintiff

vs.

CITY OF BAYONNE, et als,
Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : HUDSON COUNTY

DOCKET NO.: HUD-L-1316-21

Civil Action

ATTORNEY CERTIFICATION

JUAN C. CERVANTES, of full age, being duly sworn according to law, upon oath deposes and says:

1. I am an attorney at law of the State of New Jersey and am entrusted with the handling of the within matter, and fully familiar with the facts therein.
2. The initial Complaint in this matter was filed on April 1, 2021, in Hudson County.
3. Defense counsel on behalf of all Defendants filed an Answer on August 23, 2021.
4. An Amended Complaint in this matter was filed on October 27, 2022, and Defendants' response to the Amended Complaint was filed on November 15, 2022.
5. The Discovery end date in this matter was May 27, 2024, and trial is scheduled on September 9, 2024. No arbitration date has been scheduled.
6. Fact discovery in this matter has been completed. During the course of fact discovery depositions were taken of Plaintiff and each individual Defendant.
7. The First Amended Complaint in this matter contains Counts for Hostile Work Environment under the New Jersey Law Against Discrimination ("NJLAD") against all named

Defendants, Retaliation under NJLAD against all named Defendants, Retaliation under the Conscientious Employee Protection Act (“CEPA”) against all named Defendants, and violation of public policy against all named Defendants. See First Amended Complaint attached hereto as **Exhibit A**.

8. Now that fact discovery has concluded, Plaintiff seeks leave to amend the First Amended Complaint to plead with more specificity. In accordance with Rule 4:9-1, copy of the proposed Second Amended Complaint is attached hereto as **Exhibit B**.

9. Plaintiff’s proposed amendments include the addition of Count III for Aiding and Abetting under NJLAD against the three individually named Defendants, while amending the Hostile Work Environment and Retaliation Counts to be solely against the City of Bayonne. See **Exhibit B**.

10. Additionally, Plaintiff’s proposed amendments add more specific factual allegations in Paragraph 32 of the First Amended Complaint, which is now Paragraph 39 in the proposed Second Amended Complaint. See **Exhibit A** and **Exhibit B**.

11. It is respectfully submitted that while there are amendments made to the Complaint, each proposed amendment has been addressed throughout the course of discovery and no further discovery will be needed with respect to any proposed amendment.

12. As a result, it is respectfully submitted that Defendants will suffer no prejudice as a result of the Second Amended Complaint.

13. In view of the aforesaid this law firm is respectfully requesting a Court Order for leave to file the Second Amended Complaint.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

MAGGS McDERMOTT & DICICCO, LLC
Attorneys for Plaintiffs

By: /s/ Juan C. Cervantes
JUAN C. CERVANTES, ESQ.

Dated: June 18, 2024

Exhibit A

Juan C. Cervantes, Esq. (NJID #214042017)
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MELISSA MATHEWS,
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : HUDSON COUNTY

vs.

DOCKET NO.: HUD-L-1316-21

CITY OF BAYONNE; JAMES M. DAVIS,
individually and in his official capacity;
JOHN COFFEY, individually and in his
official capacity; DONNA RUSSO,
individually and in her 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,

Civil Action

FIRST AMENDED COMPLAINT AND
JURY DEMAND REINSTITUTING
PIERCE CLAIM AS COUNT IV;
DESIGNATION OF TRIAL ATTORNEY

Defendants

Plaintiff, **Melissa Mathews**, residing at 306 John F. Kennedy Boulevard, 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, **Melissa Mathews**, is a female resident of the State of New Jersey and was hired by Defendant, **City of Bayonne**, as part of the planning and zoning division in April of 2019, and, between May of 2020 and June 30, 2020, was the Business Administrator of the City of Bayonne.
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, **John Coffey**, was and is the current Law Director of the City of Bayonne.
4. At all times relevant to this Complaint, Defendant, **Donna Russo**, was and is the current Assistant

Counsel of the City of Bayonne.

5. At all times relevant to this Complaint, **Tim Boyle**, was the former EEO Officer and former Director of Municipal Services of the City of Bayonne.
6. At all times relevant to this Complaint, **Mark Bonamo**, was the former Assistant Business Administrator of the City of Bayonne.
7. Defendant, **City of Bayonne**, is a municipality organized by virtue of, and pursuant to, New Jersey law.

COUNT I
(Hostile Work Environment under the NJLAD)

8. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 7 as if set forth at length herein.
9. This Count is brought pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.*, (hereinafter "NJLAD").
10. Defendants, doing business in the State of New Jersey, were Plaintiff's employers within the meaning of NJLAD.
11. Beginning in or about July of 2019 and continuing until the present date, Plaintiff has been subject to harassment motivated by Plaintiff's sex and/or gender by **Tim Boyle** and **Mark Bonamo**, including but not limited to the following:

-In or about July of 2019, **Tim Boyle** on multiple occasions questioned Plaintiff as to whether she would possess suitable work ethic due to her needing to raise her children.

-On or about March 4, 2020, **Tim Boyle** told Plaintiff it was not possible that she could understand everything being discussed in a meeting they both were in, and that he would explain it to her.

-On or about March 20, 2020, **Tim Boyle** slammed a cane into a wall in an attempt to intimidate Plaintiff and proceeded to chastise her for speaking with a staff member who reported to him;

thereafter, Mr. Boyle told Plaintiff not to speak with “his” employees and that it was a “freshman mistake.”

-In or about May of 2020, **Tim Boyle**, screamed at Plaintiff after she recommended a personnel change to him, humiliating her in front of other employees of Defendant, **City of Bayonne**.

-Upon information and belief, in or about May of 2020, **Tim Boyle** disparaged Plaintiff to multiple colleagues, specifically characterizing her as unqualified and uneducated.

-On or about June 29, 2020, **Tim Boyle** screamed at Plaintiff during a meeting in an abusive and threatening matter in front of Defendant, **Donna Russo**, and another municipal employee.

-In or about October of 2020, Plaintiff was cornered in her officer by **Tim Boyle** who closed the door for their conversation despite Plaintiff having requested not to meet with him alone in any capacity.

12. On numerous occasions dating back to when Plaintiff became Business Administrator on May 1, 2020, **Tim Boyle** and **Mark Bonamo** purposely and improperly addressed Plaintiff, improperly spelled Plaintiff’s name and/or referred to Plaintiff by a different name either in person or via email for the purposes of harassing, frustrating and/or otherwise annoying Plaintiff.
13. Plaintiff, as Business Administrator, believe she was in a greater position of authority than **Tim Boyle** and **Mark Bonamo**; despite same, they consistently undermined, ignored, usurped and/or otherwise disobeyed the orders, requests, initiatives and authority of Plaintiff during her tenure as Business Administrator.
14. Upon information and belief, **Tim Boyle** and **Mark Bonamo** possess a strong dislike and/or disrespect of women, of which Plaintiff has observed and/or been informed on many occasions, including but not limited to the following:

-On or about January 4, 2020, **Mark Bonamo** abusively screamed at a female municipal employee, at one point demanding that she say his name.

-On or about March 4, 2020, Plaintiff was informed by former Bayonne Business

Administrator, Joseph DeMarco, that **Tim Boyle** was a “misogynist” and had been known to use “the C-word” in the office.

-In or about April of 2020, Plaintiff was informed by former Bayonne Business Administrator, Terrance Malloy, that **Tim Boyle** had expressed concern as to Plaintiff’s ability to do her job due to her having children.

-Upon information and belief, in or about June of 2020, multiple other female employees of Defendant, **City of Bayonne**, made complaints about abusive, bullying and/or otherwise intimidating conduct towards them by **Tim Boyle**.

-On or about June 11, 2020, **Tim Boyle**, made disparaging remarks regarding another female municipal employee directly to Plaintiff.

-In or about August of 2020, Plaintiff was informed by Defendant, **Donna Russo**, that **Mark Bonamo** seemed to have a problem with women.

-During the entirety of Plaintiff’s tenure as Business Administrator with Defendant, **City of Bayonne**, Plaintiff noticed that **Mark Bonamo**, would rarely respond to women, acknowledge women, or even so much as look women in the eye when talking to them.

15. Throughout Plaintiff’s tenure as Business Administrator, Plaintiff made numerous complaints to administrators of Defendant, **City of Bayonne**, including but not limited to Defendants: **James M. Davis, John Coffey** and **Donna Russo**, about the harassing behavior and hostile work environment created by **Tim Boyle** and **Mark Bonamo**.
16. More specifically, on or about May 31, 2020, Plaintiff formally reported **Tim Boyle**, for his direct and indirect bullying, intimidation and/or abuse of Plaintiff ; in response to same, Plaintiff was told by Defendant, **John Coffey**, that she should have a beer with **Tim Boyle**, to smooth over everything.
17. In or about August of 2020, Plaintiff was informed that Defendant, **John Coffey**, had stated to another municipal employee that Plaintiff had a “problem with men.”
18. Despite her many complaints, Plaintiff was still consistently subjected to sex and/or gender motivated

harassment by **Tim Boyle** and **Mark Bonamo**.

19. As a result of the hostile work environment created by Defendants, Plaintiff was forced to take multiple leaves of absence from Defendant, **City of Bayonne**, without pay due to emotional distress that Plaintiff had suffered.
20. During her employment with Defendants, Plaintiff was subjected to a hostile work environment as a result of harassment and humiliation, both directly and indirectly, by her colleagues due to her sex and/or gender.
21. On multiple occasions, the Plaintiff complained about such harassment and humiliation to various superiors and administrators; however, the harassment and humiliation continued throughout Plaintiff's employment with Defendant, **City of Bayonne**.
22. Defendants' actions of subjecting Plaintiff to a hostile work environment violated NJLAD.
23. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
24. 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
(Retaliation under the NJLAD)

25. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 24 as if set forth at length herein.
26. Upon information and belief, Defendant, **City of Bayonne**, and individual Defendants, including but not limited to **James M. Davis, John Coffey and Donna Russo**, retaliated against Plaintiff for complaining about the sex and/or gender motivated harassing behavior of colleagues, superiors and administrators by disparately treating Plaintiff in comparison to other employees, allowing harassment, bullying and intimidation of Plaintiff to continue, and stripping Plaintiff of her responsibilities.
27. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned harassment violated the NJLAD.
28. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
29. 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 III
(Retaliation under the CEPA)

30. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 29 as if set forth at length herein.
31. This Count is brought pursuant to the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.*, (hereinafter “CEPA”).
32. Throughout the course of Plaintiff’s tenure as Business Administrator of Defendant, **City of Bayonne**, Plaintiff made objections to actions taken by employees, servants, agents and/or administrators of Defendant, which actions Plaintiff reasonably believed were in violation of state law, federal law and/or the policies and procedures of the City of Bayonne, including but not limited to the following:
 - On or about May 19, 2020, **Mark Bonamo**, improperly signed a vacation request for an employee he did not supervise, which Plaintiff reported to the legal department of Defendant, **City of Bayonne**.
 - In or about May of 2020, Plaintiff informed Defendants, **James M. Davis, John Coffey** and **Donna Russo**, of an offensive photograph taken by an employee of Defendant, **City of Bayonne**, at City Hall which Plaintiff believed was inappropriate and warranted discipline.
 - On or about June 11, 2020, Plaintiff again reported to Defendant, **Donna Russo**, that a municipal employee was inappropriately dressed on the premises.
 - In or about July of 2020, Plaintiff requested to Defendant, **John Coffey**, to write up **Mark Bonamo** for failure to perform job duties which was never done.
 - On multiple occasions during Plaintiff’s tenure as Business Administrator, Plaintiff made objections to Defendants, **James M. Davis, John Coffey** and **Donna Russo**, regarding the misappropriation of funds and abuse of public office of certain municipal employees and administrators of the Defendant, **City of Bayonne**.

33. Upon information and belief, Defendant, **City of Bayonne**, and individual Defendants, including but not limited to **James M. Davis**, **John Coffey** and **Donna Russo**, retaliated against Plaintiff for objecting to the aforementioned actions of Defendant's employees, servants, agents and/or administrators by disparately treating Plaintiff in comparison to other employees, allowing harassment, bullying and intimidation of Plaintiff to continue, and stripping Plaintiff of her responsibilities.
34. On June 27, 2022, Plaintiff was informed via letter by Defendant, **James M. Davis**, that she would be removed as Business Administrator and would be expected to return to her position as a clerk in the planning and zoning department on July 1, 2022.
35. In response to this correspondence, Plaintiff tendered a letter of resignation on June 30, 2022, to Defendant, **James M. Davis**.
36. Plaintiff's resignation amounted to a constructive discharge given the ongoing disparate treatment, harassment, bullying, intimidation and retaliation against her, with the retaliatory act of being removed as Business Administrator being the final act that led to Plaintiff's resignation.
37. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned actions of Defendant's employees, servants, agents and/or administrators violated the CEPA.
38. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
39. 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. 34:19-1, 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
(Violation of Public Policy)

- 40. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 39 as if set forth at length herein.
- 41. 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).
- 42. 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.
- 43. 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.
- 44. Defendants failed to apply civil service standards and arbitrarily, systematically and capriciously retaliated against Plaintiff to her detriment.
- 45. As a direct and proximate result of Plaintiff's complaints, Defendants undertook retaliatory and adverse employment actions against Plaintiff, resulting in constructive termination of Plaintiff.

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.

MAGGS McDERMOTT & DiCICCO. LLC
Attorneys for Plaintiff

By: /s/ Juan C. Cervantes
JUAN C. CERVANTES, ESQ.

Dated: October 27, 2022

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.

MAGGS McDERMOTT & DiCICCO. LLC
Attorneys for Plaintiff

By: /s/ Juan C. Cervantes
JUAN C. CERVANTES, ESQ.

Dated: October 27, 2022

Exhibit B

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MELISSA MATHEWS,
Plaintiff

vs.

CITY OF BAYONNE; JAMES M. DAVIS, individually and in his official capacity; JOHN COFFEY, individually and in his official capacity; DONNA RUSSO, individually and in her 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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : HUDSON COUNTY

DOCKET NO.: HUD-L-1316-21

Civil Action

SECOND AMENDED COMPLAINT AND JURY DEMAND ADDING AIDING AND BETTER CLAIM AS COUNT III AND MORE SPECIFIC ALLEGATIONS TO COUNT IV; DESIGNATION OF TRIAL ATTORNEY

Plaintiff, **Melissa Mathews**, residing at 306 John F. Kennedy Boulevard, 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, **Melissa Mathews**, is a female resident of the State of New Jersey and was hired by Defendant, **City of Bayonne**, as part of the planning and zoning division in April of 2019, and, between May of 2020 and June 30, 2020, was the Business Administrator of the City of Bayonne.
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, **John Coffey**, was and is the current Law Director of the City of Bayonne.
4. At all times relevant to this Complaint, Defendant, **Donna Russo**, was and is the current Assistant

Counsel of the City of Bayonne.

5. At all times relevant to this Complaint, **Tim Boyle**, was the former EEO Officer and former Director of Municipal Services of the City of Bayonne.
6. At all times relevant to this Complaint, **Mark Bonamo**, was the former Assistant Business Administrator of the City of Bayonne.
7. Defendant, **City of Bayonne**, is a municipality organized by virtue of, and pursuant to, New Jersey law.

COUNT I
(Hostile Work Environment under the NJLAD)

8. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 7 as if set forth at length herein.
9. This Count is brought pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et. seq.*, (hereinafter “NJLAD”).
10. Defendants, doing business in the State of New Jersey, were Plaintiff’s employers within the meaning of NJLAD.
11. Beginning in or about July of 2019 and continuing until the present date, Plaintiff has been subject to harassment motivated by Plaintiff’s sex and/or gender by **Tim Boyle** and **Mark Bonamo**, including but not limited to the following:

-In or about July of 2019, **Tim Boyle** on multiple occasions questioned Plaintiff as to whether she would possess suitable work ethic due to her needing to raise her children.

-On or about March 4, 2020, **Tim Boyle** told Plaintiff it was not possible that she could understand everything being discussed in a meeting they both were in, and that he would explain it to her.

-On or about March 20, 2020, **Tim Boyle** slammed a cane into a wall in an attempt to intimidate Plaintiff and proceeded to chastise her for speaking with a staff member who reported to him;

thereafter, Mr. Boyle told Plaintiff not to speak with “his” employees and that it was a “freshman mistake.”

-In or about May of 2020, **Tim Boyle**, screamed at Plaintiff after she recommended a personnel change to him, humiliating her in front of other employees of Defendant, **City of Bayonne**.

-In or about May of 2020, **Tim Boyle** disparaged Plaintiff to multiple colleagues, specifically characterizing her as unqualified and uneducated.

-On or about June 29, 2020, **Tim Boyle** screamed at Plaintiff during a meeting in an abusive and threatening matter in front of Defendant, **Donna Russo**, and another municipal employee.

-In or about October of 2020, Plaintiff was cornered in her office by **Tim Boyle** who closed the door for their conversation despite Plaintiff having requested not to meet with him alone in any capacity.

12. On numerous occasions dating back to when Plaintiff became Business Administrator on May 1, 2020, **Tim Boyle** and **Mark Bonamo** purposely and improperly addressed Plaintiff, improperly spelled Plaintiff’s name and/or referred to Plaintiff by a different name either in person or via email for the purposes of harassing, frustrating and/or otherwise annoying Plaintiff.
13. Plaintiff, as Business Administrator, believed she was in a greater position of authority than **Tim Boyle** and **Mark Bonamo**; despite same, they consistently undermined, ignored, usurped and/or otherwise disobeyed the orders, requests, initiatives and authority of Plaintiff during her tenure as Business Administrator.
14. Upon information and belief, **Tim Boyle** and **Mark Bonamo** possess a strong dislike and/or disrespect of women, of which Plaintiff has observed and/or been informed on many occasions, including but not limited to the following:

-On or about January 4, 2020, **Mark Bonamo** abusively screamed at a female municipal employee, at one point demanding that she say his name.

-On or about March 4, 2020, Plaintiff was informed by former Bayonne Business

Administrator, Joseph DeMarco, that **Tim Boyle** was a “misogynist” and had been known to use “the C-word” in the office.

-In or about April of 2020, Plaintiff was informed by former Bayonne Business Administrator, Terrance Malloy, that **Tim Boyle** had expressed concern as to Plaintiff’s ability to do her job due to her having children.

-Upon information and belief, in or about June of 2020, multiple other female employees of Defendant, **City of Bayonne**, made complaints about abusive, bullying and/or otherwise intimidating conduct towards them by **Tim Boyle**.

-On or about June 11, 2020, **Tim Boyle**, made disparaging remarks regarding another female municipal employee directly to Plaintiff.

-In or about August of 2020, Plaintiff was informed by Defendant, **Donna Russo**, that **Mark Bonamo** seemed to have a problem with women.

-During the entirety of Plaintiff’s tenure as Business Administrator with Defendant, **City of Bayonne**, Plaintiff noticed that **Mark Bonamo**, would rarely respond to women, acknowledge women, or even so much as look women in the eye when talking to them.

15. Throughout Plaintiff’s tenure as Business Administrator, Plaintiff made numerous complaints to administrators of Defendant, **City of Bayonne**, including but not limited to Defendants: **James M. Davis, John Coffey** and **Donna Russo**, about the harassing behavior and hostile work environment created by **Tim Boyle** and **Mark Bonamo**.
16. More specifically, on or about May 31, 2020, Plaintiff formally reported **Tim Boyle**, for his direct and indirect bullying, intimidation and/or abuse of Plaintiff ; in response to same, Plaintiff was told by Defendant, **John Coffey**, that she should have a beer with **Tim Boyle**, to smooth over everything.
17. In or about August of 2020, Plaintiff was informed that Defendant, **John Coffey**, had stated to another municipal employee that Plaintiff had a “problem with men.”
18. Despite her many complaints, Plaintiff was still consistently subjected to sex and/or gender motivated

harassment by **Tim Boyle** and **Mark Bonamo**.

19. As a result of the hostile work environment created by Defendants, Plaintiff was forced to take multiple leaves of absence from Defendant, **City of Bayonne**, without pay due to emotional distress that Plaintiff had suffered.
20. During her employment with Defendants, Plaintiff was subjected to a hostile work environment as a result of harassment and humiliation, both directly and indirectly, by her colleagues due to her sex and/or gender.
21. On multiple occasions, the Plaintiff complained about such harassment and humiliation to various superiors and administrators; however, the harassment and humiliation continued throughout Plaintiff's employment with Defendant, **City of Bayonne**.
22. Defendants' actions of subjecting Plaintiff to a hostile work environment violated NJLAD.
23. Defendant, **City of Bayonne**, did not remediate and stop the harassment.
24. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
25. 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 Defendant, **City of Bayonne**, 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
(Retaliation under the NJLAD)

26. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 25 as if set forth at length herein.
27. Upon information and belief, Defendant, **City of Bayonne**, and individual Defendants, including but not limited to **James M. Davis, John Coffey and Donna Russo**, retaliated against Plaintiff for complaining about the sex and/or gender motivated harassing behavior of colleagues, superiors and administrators by disparately treating Plaintiff in comparison to other employees, allowing harassment, bullying and intimidation of Plaintiff to continue, and stripping Plaintiff of her responsibilities.
28. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned harassment violated the NJLAD.
29. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
30. 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 Defendant, **City of Bayonne**, 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 III
(Aiding and Abetting under the NJLAD)

31. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 30 as if set forth at length herein.
32. Individual Defendants, **James M. Davis, John Coffey and Donna Russo**, aided and abetted Defendant, **City of Bayonne**, in its creation of a hostile work environment as a result of their failure to remediate and stop the harassment of Plaintiff.
33. Individual Defendants, **James M. Davis, John Coffey and Donna Russo**, aided and abetted Defendant, **City of Bayonne**, in furthering the retaliation against Plaintiff by disparately treating Plaintiff in comparison to other employees, allowing harassment, bullying and intimidation of Plaintiff to continue, and stripping Plaintiff of her responsibilities.
34. Defendants' actions of aiding and abetting the harassment and retaliation against Plaintiff violated the NJLAD.
35. The actions of Defendants, **James M. Davis, John Coffey and Donna Russo**, were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
36. 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 Defendants, **James M. Davis, John Coffey and Donna Russo**, 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
(Retaliation under the CEPA)

37. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 36 as if set forth at length herein.
38. This Count is brought pursuant to the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et seq.*, (hereinafter “CEPA”).
39. Throughout the course of Plaintiff’s tenure as Business Administrator of Defendant, **City of Bayonne**, Plaintiff made objections to actions taken by employees, servants, agents and/or administrators of Defendant, which actions Plaintiff reasonably believed were in violation of state law, federal law and/or the policies and procedures of the City of Bayonne, including but not limited to the following:
- On or about May 19, 2020, **Mark Bonamo**, improperly signed a vacation request for an employee he did not supervise, which Plaintiff reported to the legal department of Defendant, **City of Bayonne**.
 - In or about May of 2020, Plaintiff informed Defendants, **James M. Davis**, **John Coffey** and **Donna Russo**, of an offensive photograph taken by an employee of Defendant, **City of Bayonne**, at City Hall which Plaintiff believed was inappropriate and warranted discipline.
 - On or about June 11, 2020, Plaintiff again reported to Defendant, **Donna Russo**, that a municipal employee was inappropriately dressed on the premises.
 - In or about July of 2020, Plaintiff requested to Defendant, **John Coffey**, to write up **Mark Bonamo** for failure to perform job duties which was never done.
 - On multiple occasions during Plaintiff’s tenure as Business Administrator, Plaintiff made objections to Defendants, **James M. Davis**, **John Coffey** and **Donna Russo**, regarding the misappropriation of funds and abuse of public office of certain municipal employees and

administrators of the Defendant, **City of Bayonne**.

-In or about 2020, Plaintiff complained to Defendant, **James M. Davis**, about him promising individuals positions on the planning and zoning board in exchange for campaign donations.

-In or about the Summer of 2020, Plaintiff complained to Defendant, **James M. Davis**, regarding his allowing of BCB Bank to advertise alongside the City's CARES Act funding program.

-On or about February 17, 2021, Plaintiff informed Defendants, **James M. Davis, John Coffey** and **Donna Russo**, that John Armstrong was listed as an employee of the Bayonne Buildings Department subject to the rules governing the UCC Trust despite performing no work in said capacity and receiving a high salary to perform very little work for the City overall.

-On or about March 12, 2021, Plaintiff made objections to Defendants, **James M. Davis, John Coffey** and **Donna Russo**, with respect to signing payroll for **Mark Bonamo**, who had resigned from the City in January of 2021, and who Plaintiff reasonably believed received an illegal severance package.

-On or about May 10, 2021, Plaintiff complained to Defendants, **James M. Davis, John Coffey** and **Donna Russo**, regarding time theft by City employees.

-On or about June 4, 2021, Plaintiff complained to Defendant, **James M. Davis**, that City employee Suzanne Cavanaugh failed to disclose a conflict of interest at a Municipal Council Meeting that was held on May 12, 2021.

-On or about September 24, 2021, Plaintiff informed Defendants, **James M. Davis, John Coffey** and **Donna Russo**, that she had been illegally recorded by **Tim Boyle** without her consent in a conversation in which **Tim Boyle** did not participate.

-On or about February 18, 2022, Plaintiff complained to Defendants, **James M. Davis** and **John Coffey**, regarding Defendant, **Donna Russo**, who allowed City employee Michelle D'Angelo to continue receiving medical benefits despite being terminated 17 months prior.

-In or about the Winter of 2022, Plaintiff complained to Defendants, **James M. Davis, John Coffey and Donna Russo**, with respect to the transfer of the purchase contract for the property at Marist High School which was then upzoned to benefit local developers.

-In or about the Spring of 2022, Plaintiff complained to Defendant, **John Coffey**, that Defendant, **Donna Russo**, was illegally pressuring Bayonne citizens who had sustained property damage in fires to use the City's emergency contractor for demolition services.

-Plaintiff complained to Defendants, **James M. Davis, John Coffey and Donna Russo**, regarding **Tim Boyle's** use of a municipal vehicle for personal purposes.

-Plaintiff expressed concerns to Defendants, **James M. Davis, John Coffey and Donna Russo**, regarding illegal bid rigging that was occurring within the City.

-Plaintiff complained to Defendants, **James M. Davis, John Coffey and Donna Russo**, regarding the donation of a truck by Joseph Bolowski to the City during a time when the City had an open bid for the garbage removal contract which Mr. Bolowski was eventually rewarded.

40. Upon information and belief, Defendant, **City of Bayonne**, and individual Defendants, including but not limited to **James M. Davis, John Coffey and Donna Russo**, retaliated against Plaintiff for objecting to the aforementioned actions of Defendant's employees, servants, agents and/or administrators by disparately treating Plaintiff in comparison to other employees, allowing harassment, bullying and intimidation of Plaintiff to continue, and stripping Plaintiff of her responsibilities.
41. On June 27, 2022, Plaintiff was informed via letter by Defendant, **James M. Davis**, that she would be removed as Business Administrator and would be expected to return to her position as a clerk in the planning and zoning department on July 1, 2022.
42. In response to this correspondence, Plaintiff tendered a letter of resignation on June 30, 2022, to Defendant, **James M. Davis**.
43. Plaintiff's resignation amounted to a constructive discharge given the ongoing disparate treatment, harassment, bullying, intimidation and retaliation against her, with the retaliatory act of being removed

as Business Administrator being the final act that led to Plaintiff's resignation.

44. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned actions of Defendant's employees, servants, agents and/or administrators violated the CEPA.
45. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
46. 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. 34:19-1, et seq.;
- g. Attorneys fees, costs of suit, disbursements and interest;
- h. Such other relief as the Court may deem equitable and just.

COUNT V
(Violation of Public Policy)

47. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 46 as if set forth at length herein.
48. 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).
49. 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.
50. 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.

51. Defendants failed to apply civil service standards and arbitrarily, systematically and capriciously retaliated against Plaintiff to her detriment.
52. As a direct and proximate result of Plaintiff's complaints, Defendants undertook retaliatory and adverse employment actions against Plaintiff, resulting in constructive termination of Plaintiff.

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.

MAGGS McDERMOTT & DiCICCO. LLC
Attorneys for Plaintiff

By: /s/ Juan C. Cervantes
JUAN C. CERVANTES, ESQ.

Dated: June 4, 2024

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 X

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 X

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 X

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 X

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.

MAGGS McDERMOTT & DiCICCO. LLC
Attorneys for Plaintiff

By: /s/ Juan C. Cervantes
JUAN C. CERVANTES, ESQ.

Dated: June 4, 2024