

W.N.Y. MAYOR'S OFFICE

2015 JUL 22 P 3 31

Attorney(s) LOUIS A. ZAYAS, ESQ
8901 Kennedy Boulevard
Office Address Suite 5s
Town, State, Zip Code North Bergen, NJ 07047
Telephone Number (201) 295-9977
Attorney(s) for Plaintiff _____

Superior Court of New Jersey

Hudson COUNTY
DIVISION

LAZARA MARTINEZ

Docket No: L-2863-15

Plaintiff(s)

Vs.

TOWN OF WEST NEW YORK, MAYOR

FELIX ROQUE, and JOSEPH DEMARCO

Defendant(s)

**CIVIL ACTION
SUMMONS**

2015 JUL 22 P 3 31
RECEIVED

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: July 21, 2015

J. Perez
Jennifer M. Perez,
Acting Clerk of the Superior Court

Name of Defendant to Be Served: Town of West New York

Address of Defendant to Be Served: West New York Town Hall, 428-60th Street, West New York, NJ 07093

NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES****ATLANTIC COUNTY:**

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444

LEGAL SERVICES

(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044

LEGAL SERVICES

(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862

LEGAL SERVICES

(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520

LEGAL SERVICES

(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313

LEGAL SERVICES

(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207

LEGAL SERVICES

(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204

LEGAL SERVICES

(973) 624-4500

GLOUCESTER COUNTY:
 Deputy Clerk of the Superior Court
 Civil Case Management Office
 Attn: Intake
 First Fl., Court House
 1 North Broad Street
 Woodbury, NJ 08096

LAWYER REFERRAL
 (856) 848-4589
 LEGAL SERVICES
 (856) 848-5360

HUDSON COUNTY:
 Deputy Clerk of the Superior Court
 Superior Court, Civil Records Dept.
 Brennan Court House--1st Floor
 583 Newark Ave.
 Jersey City, NJ 07306

LAWYER REFERRAL
 (201) 798-2727
 LEGAL SERVICES
 (201) 792-6363

HUNTERDON COUNTY:
 Deputy Clerk of the Superior Court
 Civil Division
 65 Park Avenue
 Flemington, NJ 08822

LAWYER REFERRAL
 (908) 735-2611
 LEGAL SERVICES
 (908) 782-7979

MERCER COUNTY:
 Deputy Clerk of the Superior Court
 Local Filing Office, Courthouse
 175 S. Broad Street, P.O. Box 8068
 Trenton, NJ 08650

LAWYER REFERRAL
 (609) 585-6200
 LEGAL SERVICES
 (609) 695-6249

MIDDLESEX COUNTY:
 Deputy Clerk of the Superior Court,
 Middlesex Vicinage
 2nd Floor - Tower
 56 Paterson Street, P.O. Box 2633
 New Brunswick, NJ 08903-2633

LAWYER REFERRAL
 (732) 828-0053
 LEGAL SERVICES
 (732) 249-7600

MONMOUTH COUNTY:
 Deputy Clerk of the Superior Court
 Court House
 P.O. Box 1269
 Freehold, NJ 07728-1269

LAWYER REFERRAL
 (732) 431-5544
 LEGAL SERVICES
 (732) 866-0020

MORRIS COUNTY:
 Morris County Courthouse
 Civil Division
 Washington and Court Streets
 P. O. Box 910
 Morristown, NJ 07963-0910

LAWYER REFERRAL
 (973) 267-5882
 LEGAL SERVICES
 (973) 285-6911

OCEAN COUNTY:
 Deputy Clerk of the Superior Court
 118 Washington Street, Room 121
 P.O. Box 2191
 Toms River, NJ 08754-2191

LAWYER REFERRAL
 (732) 240-3666
 LEGAL SERVICES
 (732) 341-2727

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:
Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL
(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(908) 475-2010

HUDSON COUNTY SUPERIOR COURT
HUDSON COUNTY
183 NEWARK AVENUE
JERSEY CITY NJ 07306

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 217-5162
COURT HOURS 8:30 AM - 4:30 PM

DATE: JULY 09, 2015
RE: MARTINEZ VS TOWN OF WEST NEW YORK ET AL
DOCKET: HUD L -002863 15

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON LISA ROSE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 795-6908.



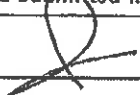
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R. 4:56-2.

ATTENTION:

ATT: LOUIS A. ZAYAS
ZAYAS LOUIS A
8901 KENNEDY BLVD
STE 55
NORTH BERGEN NJ 07047

JULIA

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA		CHG/CK NO.	
			AMOUNT:		OVERPAYMENT:	
			BATCH NUMBER:			
	ATTORNEY / PRO SE NAME LOUIS A. ZAYAS, ESQ.		TELEPHONE NUMBER (201) 977-2900		COUNTY OF VENUE Hudson	
FIRM NAME (if applicable) Law Offices of Louis A. Zayas, LLC			DOCKET NUMBER (when available) <i>J-2863-15</i>			
OFFICE ADDRESS 8901 Kennedy Blvd., 5th Floor North Bergen, NJ 07047			DOCUMENT TYPE Complaint			
			JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
NAME OF PARTY (e.g., John Doe, Plaintiff) LAZARA MARTINEZ		CAPTION LAZARA MARTINEZ V. TOWN OF WEST NEW YORK, et al.				
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.				
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS				
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN				
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.						
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION						
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS				
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input type="checkbox"/> No						
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION						
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION				
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?				
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 <i>Rule 1:38-7(b)</i> .						
ATTORNEY SIGNATURE: 						

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 160 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 803N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

LOUIS A. ZAYAS, ESQ.
LAW OFFICES OF LOUIS A. ZAYAS, L.L.C.
8901 Kennedy Boulevard, Suite 5S
North Bergen, NJ 07047
(201) 977-2900
Counsel for Plaintiff

FILED
CUSTOMER SERVICE TEAM
JUL 08 2015
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #5

LAZARA MARTINEZ,

Plaintiff,

vs.

TOWN OF WEST NEW YORK, MAYOR
FELIX ROQUE, and JOSEPH DEMARCO

Defendants,

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION: HUDSON COUNTY
)
) Docket No.: 1. 2863-15
)
) CIVIL ACTION
)
) COMPLAINT
)
)
)
)
)
)

Plaintiff LAZARA MARTINEZ, by and through her attorney, LOUIS A. ZAYAS, ESQ., of the LAW OFFICES OF LOUIS A. ZAYAS, L.L.C., alleges the following:

INTRODUCTION

1. This is a civil action brought by the Plaintiff for damages and injunctive relief under the New Jersey Law Against Discrimination (“NJLAD”), N.J.S.A. § 10:5-1, et seq. and the New Jersey Civil Rights Acts (“NJCRA”), N.J.S.A. § 10:6-2, et seq. to enforce rights secured under the New Jersey Constitution.

PARTIES

2. Plaintiff LAZARA MARTINEZ (“Plaintiff”) is a resident of the State of New Jersey, County of Hudson.

3. Defendant MAYOR FELIX ROQUE (“Mayor Roque”) is the duly elected mayor of West New York. Mayor Roque is sued in his official and individual capacity

for purposes of effectuating the maximum recovery of compensatory and punitive damages permitted by law.

4. Defendant JOSEPH DEMARCO ("Defendant Demarco") was the former Town Administrator for West New York and a political supporter of Mayor Roque. Defendant Demarco is sued in his official and individual capacity to effectuate the full declaratory, injunctive, and compensatory damages demanded by Plaintiff.

5. Defendant TOWN OF WEST NEW YORK ("West New York") is a municipality organized by virtue of, and pursuant to, New Jersey law. West New York is sued to effectuate the full declaratory, injunctive, and compensatory damages demanded by Plaintiff.

FACTS

6. In May 2011, Mayor Felix Roque unseated the then incumbent West New York Mayor Silverio Vega. Upon being sworn into office as mayor, Mayor Roque enacted an unwritten policy to govern West New York through a scheme of political patronage and retaliation designed to reward his political supporters while punishing his political enemies, whether real or perceived.

7. Mayor Roque's unwritten policy included such employment practices as: creating a hostile work environment, disparate treatment, selective enforcement of the police department's rules and regulations, retaliatory transfers, denial of overtime opportunities, and other retaliatory employment actions. The examples listed below are not meant to be an exhaustive list of all such civil rights violations committed under Mayor Roque's administration.

8. As part of his scheme to cleanse the City Hall of Sal Vega political supporters

and nonsupporters, Mayor Roque failed to implement any policy or training to advise its employees of their employee rights afforded under the state constitution. Such deprivation of employer rights permitted Mayor Roque to exploit those employees for retaliatory treatment without substantial risk that they would take legal action to protect themselves.

9. Martinez is female and was born December 17, 1946.
10. Martinez is also a graduate of Saint Peter's College with a B.S. degree in accounting.
11. In March 2001, West New York hired Martinez as an accountant.
12. When Martinez applied and accepted employment with West New York, and during the course of their employment, she was not required to affiliate with any political candidate or ascribe to any political belief or express any particular form of speech as a condition of their employment.
13. Throughout her employment with West New York, Martinez from 2001 to 2011 performed her duties and responsibilities in a satisfactory manner. Martinez also received regular bonuses and salary increases.
14. During that same period of time, Martinez never experienced unwelcomed sexual harassment because she was not young and female.
15. After Mayor Roque was elected and took office in 2011, he and his political supporters in his administration
16. When Mayor Roque was first elected, the Commissioner of Revenue and Finance was Caridad Rodriguez ("Ms. Rodriguez").
17. At the time of Mayor Roque's first fundraising event, Martinez was

contacted by Ms. Rodriguez's secretary who inquired "The commissioner [Ms. Rodriguez] wants to know how many tickets are you going to buy?" Martinez responded "None" and the call ended.

18. Mrs. Rodriguez's secretary called back a few minute later and said "Roque wants to know why you are not buying a ticket?" Martinez replied "Because I do not have money to buy a ticket." Ms. Rodriguez's secretary responded "well it is not me but Roque wants the list of the people who bought tickets and also for those who did not buy tickets." Martinez retorted "What is this, is he trying to intimidate me or force me to buy a ticket?" When Ms. Rodriguez's secretary did not reply, Martinez further inquired "What is happening here, is he going to fire me because I did not buy a ticket?" Once again, Ms. Rodriguez's secretary did not respond and hung up the phone.

19. In or around October of 2013, Martinez received a letter requesting a donation of \$150 in support of a political fundraiser being held on November 10, 2013 in honor of Mayor Roque's birthday.

20. Martinez refused to submit any funds to donate in support of Mayor Roque's birthday fundraiser.

21. Martinez has refused to buy a ticket to each and every fundraising event ever held by or for Mayor Roque.

22. Prior to being appointed Town Administrator, Defendant Demarco worked in West New York as an assistant to the town attorney.

23. When Mayor Roque's administration came to power, Defendant Demarco was appointed the Town Administrator for West New York.

24. When Defendant Demarco became Town Administrator, he created a

hostile work environment that favored younger female employees whom he flirted and behaved inappropriately. DeMarco's behavior was unprofessional and created a culture of sexism not different from the popular television show "Mad Men," a show depicting advertising men treating women as sex objects during the 1950's.

25. Defendant Demarco would regularly flirt and inappropriately touch Martinez's younger female co-workers while mistreating Martinez. In contrast to DeMarco's outward flirtation with younger female workers, Demarco would not only ignore Martinez but he was abusive to her on a regular basis.

26. Defendant Demarco provided promotions, salary increases, and other employment benefits to younger female employees, while denying comparable benefits to Martinez because she was of gender and advanced age.

27. Ms. Maydeline Villalta ("Ms. Villalta") was originally hired part-time as a purchasing clerk in the same department as Martinez. Ms. Villalta is a younger sexy female whom DeMarco frequently and inappropriately flirted in the office.

28. Defendant Demarco regularly flirted with Ms. Villalta often times touching her in a sexual and inappropriate manner making Martinez uncomfortable because she was not did allow or DeMarco did not solicit such sexual behavior. Such openly inappropriate flirtation and sexual innuendo created a hostile work environment.

29. Not surprisingly, DeMarco recommended that Ms. Villalta was given a raise and made a fulltime employee by Defendant Demarco when he was Town Administrator of West New York. Because of DeMarco special relationship with Ms. Villalta, who was also a pro-Mayor Roque supporter, she was conferred privileges unrelated to her official job duties.

30. Given her special relationship, Ms. Villalta would also mistreat Mrs. Martinez, including one occasion when she shouted at Mrs. Martinez: "You [Martinez] cannot get into the supply closet," when Martinez attempted to enter the supply closet to collect some folders for work.

31. Martinez's direct supervisor, CFO Margaret Cherone (hereinafter "CFO Cherone") called Defendant Demarco and told him "you have created this toxic environment with this girl [Ms. Villalta] because you always back her up and she's out of control."

32. The following day Ms. Villalta was boasting in the office. When Defendant Demarco entered and asked Martinez what she did, she responded "you know me I do not do anything" and Ms. Villalta burst out in uncontrollable laughter. Defendant Demarco never further addressed Ms. Villalta's disrespectful tone and office disruption.

33. Ms. Stephanie Dilone ("Ms. Dilone"), another younger female, was also originally hired as a part-time payroll clerk in the same department as Martinez. As with Ms. Villalta, Demarco frequently openly flirted with Ms. Dilone, often times touching her in the presence of others including Ms. Martinez. Ms. Dilone was also believed to be a pro-Mayor Roque supporter.

34. As with Ms. Villalta, Demarco promoted Ms. Dilone to a fulltime position and gave her two raises, and then promoted her supervisor.

35. The disparate treatment Martinez received from Demarco was due in part that Ms. Martinez was not a young female who sought DeMarco's attention or welcomed his sexual advances in the workplace.

36. In addition to Demarco's inappropriate and offensive behavior towards younger women, DeMarco implemented Mayor Roque's unwritten policy of retaliating against his non-political supporters in the terms and conditions of their employment.

37. In or around July of 2013, CFO Cherone put in for Martinez to receive a \$5,000 raise. CFO Cherone explained to Martinez the reason she put in for the raise was because she believed Martinez was underpaid, worked hard, and produced excellent work product. CFO Cherone told Martinez she already put money into the budget for Martinez's raise.

38. In order for Martinez to receive her raise, Demarco needed to sign off and approve it. Martinez was denied her raise on or about July 12, 2013 when CFO Cherone told her that Defendant Demarco would not sign off and approve it. Martinez asked CFO Cherone if Defendant Demarco had specified a reason he would not approve her raise. CFO Cherone responded that Defendant Demarco did not give a reason.

39. Martinez proceeded to confront Defendant Demarco regarding his reason for not giving her a raise.

40. Demarco, in a declaratory fashion, told Martinez she would not be getting a raise. Defendant Demarco further told Martinez during her confrontation that she needed to "do what your [her] bosses told you [her] to do . . . if your boss tells you to sit on the floor in the back of the room, you do it."

41. Martinez knew CFO Cherone approved of her work and interpreted Demarco's comment to mean she was not receiving a raise because she refused to offer her political support to Mayor Roque or purchase any fundraising tickets.

42. Another employee in the accounting department where Martinez works,

Nelson Diaz (“Mr. Diaz”), is a political supporter of Mayor Roque.

43. Mr. Diaz made his support of Mayor Roque known by purchasing tickets to all, or nearly all, of his fundraising events.

44. Defendant Demarco approved Mr. Diaz’s \$12,000 raise in 2013 around the same time he denied Martinez’s raise.

45. Upon information and belief, Defendant Demarco also promoted Mr. Diaz from Accounting Clerk to Accountant, even though Mr. Diaz does not hold an accounting degree.

46. Defendant Demarco, acting in concert with Mayor Roque and/or other employees and agents of West New York, conspired to give Mr. Diaz a raise to reward him for his political affiliation and political support of Mayor Roque.

47. After Mr. Diaz had received his raise, Defendant Demarco came into the Accounting Department of Revenue and Finance and asked said “Nelson are you happy now with your raise?” Mr. Diaz, while laughing, responded “Yes”.

48. In or around February of 2014, Martinez was approached by an employee of West New York who told her “I’m not supposed to be selling these tickets [to Mayor Roque’s fundraiser], but I have ten.” Martinez responded “Why don’t you ask someone who got a raise?” The employee selling the tickets said “Oh that is right” and moved away from Martinez’s desk.

49. In part, DeMarco’s decision not to give Martinez her raise was substantially motivated by her failure to politically support Mayor Roque or purchase tickets to any of his fundraising events, and showed a willingness to speak against the unfair distribution of public employment benefits based on political patronage.

COUNT I
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
FREEDOM OF SPEECH

50. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

51. Defendants, acting under color of law, and pursuant to official policy, deprived Martinez of her constitutional right to freedom of expression in violation of the NJCRA, N.J.S.A. 10:6-2, et seq. Article 1, Section 6 and Article 1, Section 18 of the New Jersey Constitution by intimidating her for exercising this right.

52. On each and every occasion that Martinez expressed her opinion that she did not politically support Mayor Roque.

53. Martinez's constitutionally protected speech was a substantial motivating factor in Defendants' retaliatory employment practices, namely wrongful denial of a \$5,000 raise in July of 2013 and all other employment benefits she would have accrued but for this retaliation, including, though not limited to, pension and insurance benefits

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;

b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;

- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT II
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
POLITICAL AFFILIATION

54. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

55. Defendants were aware Plaintiff was a non-supporter of Mayor Roque. Defendants knew that she did not attend political fundraising events or purchased fundraising tickets for Mayor Roque, particularly since she was one of the only employees of West New York who did not ever buy a ticket to any of his fundraisers.

56. Defendants also believed that Plaintiff was a political supporter of Sal Vega.

57. Defendants retaliated against Plaintiff's constitutionally protected right to freedom of political association by denying her raise and all other employment benefits she would have accrued but for this retaliation, including, though not limited to, pension benefits, and subjecting her to a hostile work environment because of her non-support of Mayor Roque as part of an effort to intimidate her.

58. Defendants were substantially motivated to intimidate Plaintiff in retaliation of her non-support of Mayor Roque.

59. Defendants, acting under color of law, and pursuant to pattern, policy, and

practice of retaliating against political non-supporters, deprived Plaintiff of her constitutional right to freedom of political association in violation of the Article 1, Section 18 of the New Jersey Constitution and the NJCRA, N.J.S.A. 10:6-2, et seq.

60. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff was deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT III
NEW JERSEY CIVIL RIGHTS ACTS
N.J.S.A. 10:6-2, et seq.
("NJCRA")
EQUAL PROTECTION
(Defendants Town of West New York, Demarco)

61. Each and every allegation of any paragraph is incorporated by reference as

if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

62. Plaintiff was treated differently than similarly situated employees in the Revenue and Finance department of West New York in the terms, conditions, and privileges of employment because of her advanced age, and sex/ gender.

63. Defendants' discriminatory actions against Plaintiff, which include, though are not limited to, refusing to give Plaintiff a raise and subjecting to her to a hostile work environment, was substantially motivated by her advanced age and her sex/ gender.

64. Defendants, acting under color of law, and pursuant to pattern, policy, and practice of discrimination, deprived Plaintiff of her constitutional right to freedom of equal protection in violation of the New Jersey Constitution and the NJCRA, N.J.S.A. 10:6-2, et seq.

65. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff was deprived of his constitutional rights secured under the New Jersey Constitution. As a result of the foregoing, Plaintiff has suffered and will continue to suffer economic, emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;

b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed

appropriate as determined at trial;

- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT IV
NEW JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1, *et seq.*
("NJLAD")
AGE DISCRIMINATION
(Defendant Town of West New York)

66. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

67. Plaintiff is 67 years old and is a member of a protected class under the NJLAD.

68. Plaintiff was treated differently than similarly situated employees in the Revenue and Finance department of West New York in the terms, conditions, and privileges of employment because she was of advanced age.

69. Defendants' discriminatory actions against Plaintiff, which include, though are not limited to, refusing to give Plaintiff a raise and subjecting to her to a hostile work environment, was substantially motivated by her advanced age.

70. As a direct and proximate result of Defendants' violation of NJLAD, Plaintiff has suffered damages including, but not limited to, humiliation, emotional distress, mental pain and anguish, and continues to suffer substantial losses in earnings, job experience, and other employee benefits that would have been received absent

Defendants' unlawful conduct.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT V
NEW JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1, et seq.
("NJLAD")
SEX/ GENDER DISCRIMINATION
(Defendant Town of West New York)

71. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

72. Plaintiff is a female employee and of a protected class under the NJLAD.

73. Plaintiff was treated differently than similarly situated employees in the Revenue and Finance department of West New York in the terms, conditions, and privileges of employment because she was a female.

74. Defendants' discriminatory actions against Plaintiff, which include,

though are not limited to, refusing to give Plaintiff a raise and subjecting to her to a hostile work environment, was substantially motivated by her sex/ gender.

75. As a direct and proximate result of Defendants' violation of NJLAD, Plaintiff has suffered damages including, but not limited to, humiliation, emotional distress, mental pain and anguish, and continues to suffer substantial losses in earnings, job experience, and other employee benefits that would have been received absent Defendants' unlawful conduct.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT VI
NEW JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1, et seq.
("NJLAD")
HOSTILE WORK ENVIRONMENT
(Defendant Town of West New York)

76. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this

Complaint.

77. Plaintiff is a 67 year old female and is a member of a protected class under the NJLAD.

78. Plaintiff was treated differently than similarly situated employees in the Revenue and Finance department of West New York in the terms, conditions, and privileges of employment because she was of advanced age and because of her gender.

79. DeMarco's openly flirtation and inappropriate sexual behavior towards younger female workers created a hostile work environment because Mrs. Martinez was not a young female who welcomed DeMarco's sexual and inappropriate behavior in the workplace.

80. Defendants' discriminatory actions against Plaintiff, which include, though are not limited to, providing preferential treatment to females who would flirt and touch, refusing to give Plaintiff a raise and subjecting to her to a hostile work environment, was substantially motivated by her advanced age and sex/ gender.

81. As a direct and proximate result of Defendants' violation of NJLAD, Plaintiff has suffered damages including, but not limited to, humiliation, emotional distress, mental pain and anguish, and continues to suffer substantial losses in earnings, job experience, and other employee benefits that would have been received absent Defendants' unlawful conduct.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;

- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney’s fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

COUNT VII
NEW JERSEY LAW AGAINST DISCRIMINATION
N.J.S.A. 10:5-1, *et seq.*
(“NJLAD”)
AIDING AND ABETTING
(Defendant Demarco)

82. Each and every allegation of any paragraph is incorporated by reference as if fully set forth herein, including any paragraphs contained in any other Count of this Complaint.

83. At all times, Defendant Demarco was the former Town Administrator for West New York. In his official capacity, Defendant Demarco knew or should have known state and federal laws against discrimination on the basis of age, sex and gender.

84. Defendant Demarco provided substantial assistance to West New York’s scheme to carry out its unlawful discrimination against Plaintiff because of her age and gender. But for Defendant Demarco’s active participation in aiding West New York in carrying out its discriminatory scheme, and in using his official position to discriminate against Plaintiff, Plaintiff would not have been treated in the manner that she was.

85. The actions of Defendant Demarco violate New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.*, and have caused Plaintiff to suffer economic and emotional damages in an amount to be determined by a jury.

86. As a direct and proximate result of Defendants' violation of NJLAD, Plaintiff has suffered damages including, but not limited to, humiliation, emotional distress, mental pain and anguish, and continues to suffer substantial losses in earnings, job experience, and other employee benefits that would have been received absent Defendants' unlawful conduct.

WHEREFORE, Plaintiff prays that this Court enter an order finding as follows:

- a. a declaratory judgment be issued that the Plaintiff's rights have been violated as alleged above;
- b. Plaintiff recover from Defendants compensatory damages, exemplary and punitive damages, attorney's fees, and such other monetary relief as may be deemed appropriate as determined at trial;
- c. Plaintiff recover from Defendants prejudgment and post-judgment interest to the maximum extent permitted by law; and
- d. that the Court grant such any other further relief it deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues.

DATED: July 8, 2015



LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

LOUIS A. ZAYAS, ESQ., is designated as trial counsel in this matter.

DATED: July 8, 2015



LOUIS A. ZAYAS, ESQ.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in this action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damages limits; and (g) medical payment limits.

DATED: July 8, 2015



LOUIS A. ZAYAS, ESQ.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify the matters in controversy in this action are not the subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

DATED: July 8, 2015



LOUIS A. ZAYAS, ESQ.

IMPORTANT REMINDER

You have recently filed a complaint in the Law Division, Hudson County. Enclosed please find a copy of the complaint marked "Filed" and the Track Assignment Notice (TAN). Please be sure to use the assigned docket number on all future pleadings, correspondence, etc.

You are reminded of the following:

- R.4:4-1 requires that the summons is to be issued within 15 days from the date of the Track Assignment Notice.
- R.4:4-7 requires that "proof of service" shall (mandatory) be promptly filed with the court within the time during which the person served must respond (35 days) by the person making service or by the party on whose behalf service is made.
- "Proof of Service" should be filed with the Team indicated on the TAN
- Please carefully read, understand and follow R.4:24-1, Time for Completion of Discovery, and R.4:24-2, Motions Required to Be Made During Discovery Period.
- Always be aware of the operative Discovery End Date (DED) for your case. If in doubt, you can contact the Team indicated on the TAN or this information may be found on the Judiciary's website homepage at www.njcourtsonline.com under the heading "civil discovery end date search".

Mary K. Costello,
Presiding Judge Civil Division

From: Louis Zayas
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