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Attorney for Plaintiffs, Tamara Sepulveda and Luis Deleon

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| TAMARA SEPULVEDA AND LUIS | |) | |
| DELEON | |) | SUPERIOR COURT OF NEW JERSEY |
| | |) | CIVIL DIVISION – HUDSON COUNTY |
| | Plaintiff, |) | |
| | |) | COMPLAINT |
| | vs. |) | |
| | |) | Docket No. |
| TOWNSHIP OF NORTH BERGEN, | |) | |
| DEPUTY CHIEF PRINA | |) | |
| JOHN DOES 1-99 | |) | |
| | |) | |
| | Defendants. |) | |
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Plaintiffs, TAMARA SEPULVEDA AND LUIS DELEON, by way of complaint against Defendant, TOWNSHIP OF NORTH BERGEN, DEPUTY CHIEF PRINA AND JOHN DOES 1-99, states the following:

PARTIES

1. Plaintiffs TAMARA SEPULVEDA and LUIS DELEON (“Plaintiffs”), are former employees of the Township of North Bergen who worked for the Township Emergency Management Services (“EMS”) Department.
2. Defendant, TOWNSHIP OF NORTH BERGEN (“NORTH BERGEN”) is a local municipality in the State of New Jersey.
3. DEPUTY CHIEF PRINA was the Plaintiffs’ supervisor who suspended and/or terminated the Plaintiffs.
4. Defendants, JOHN DOE 1-99, are fictitious defendants who have yet to be identified who may

have participated in the wrongful termination of the Plaintiff.

BACKGROUND FACTS PERTINENT TO ALL COUNTS

5. Plaintiff repeats and alleges every allegation set forth above as if set forth at length herein.
6. Plaintiffs while in the employ of NORTH BERGEN were employed as EMS workers, who would respond to emergency situations in an ambulance and care for individuals in need at the scene of an emergency.
7. In or about August 2017, Plaintiffs were called to the scene of an emergency in North Bergen by the North Bergen Police Department.
8. At the scene of the alleged emergency, Plaintiffs encountered an individual who was inebriated, but did not require emergency help.
9. In accordance with what Plaintiffs believed to be State law, their ethical obligation, and legal obligations, the Plaintiffs asked the inebriated individual if he wanted to go to the hospital.
10. The inebriated individual refused medical attention and refused to go to the hospital.
11. As a result of the inebriated individual's refusal to go to the hospital, Plaintiffs refused to transport the individual to the hospital.
12. After refusing to transport the individual to the hospital, North Bergen Police insisted that Plaintiffs transport the individual to the hospital against his will.
13. Plaintiffs continued to refuse to transport the individual to the hospital as the Plaintiffs believed that it is a moral, ethical and legal obligation to allow a person to refuse medical treatment if they are capable of making such a decision.
14. On prior occasions, Plaintiffs refused to transport individuals at the request of the North Bergen Police Department as patients were refusing treatment.
15. In addition to refusing to violate what they believed to be a moral, ethical and legal issue, the Plaintiffs also complained to their superiors that there were not enough radios in their vehicles, and that the police were acting unprofessionally by distracting EMS workers and dictating patient

care without proper training thus putting patient lives at risk. Plaintiffs reasonably believed that police distractions and the lack of radios was unethical and/or creating a hazardous condition for patients that needed to be rectified.

16. As a result of their refusal to engage in what they perceived to be an illegal or unethical patient transport and for their complaints about the police behavior and the lack of radio equipment, the Plaintiffs were suspended and terminated.

17. Luis Deleon was terminated on August 28, 2017.

18. Tamara Sepulveda was suspended on or about August 28, 2017, she was allowed to return to work, but was subjected to a hostile work environment and forced to resign on or about January 1, 2018. As such, Ms. Sepulveda was constructively discharged.

COUNT ONE

VIOLATION OF THE NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT N.J.S.A. 34:19-1 et. seq.

19. Plaintiffs repeats and alleges every allegation set forth above as if set forth at length herein.

20. Defendants' actions violate the New Jersey Conscientious Employee Protection Act.

21. Defendants illegally and without justification retaliated against the Plaintiff because the Plaintiffs are a whistleblowers who complained about illegal activity and/or unethical activity that violated the law and/or put patients' lives at risk.

22. Upon information and belief, the reason that the North Bergen Police and the Township of North Bergen mandate that EMS transport people against their will is to generate revenue from ambulance transports.

WHEREFORE, Plaintiff, Carleen Earl, demands judgment as follows:

- A. Compensatory Damages;
- B. Punitive Damages;
- C. Legal Fees and Costs;
- D. Such other relief as the Court deems just and equitable.

MARIO M. BLANCH, ESQ.
Attorney for Plaintiff

By: *Mario M. Blanch*
Mario M. Blanch, Esq.

Dated: August 22, 2018

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands Trial by Jury as to all issues so triable.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R: 4:25-4, Mario M. Blanch, Esq., is hereby designated Trial Counsel.

RULE 4:5-1 CERTIFICATION

I certify that the foregoing matter in controversy is not the subject of a pending action or arbitration proceeding and no other action or arbitration proceeding is contemplated. I further certify that to the best of my knowledge, no other party should be joined in this action.

MARIO M. BLANCH, ESQ.
Attorney for Plaintiff

By: *Mario M. Blanch*
Mario M. Blanch, Esq.

Dated: August 22, 2018

Civil Case Information Statement

Case Details: HUDSON | Civil Part Docket# L-003325-18

Case Caption: DELEON LUIS VS TOWNSHIP OF NORTH
BE RGEN

Case Initiation Date: 08/22/2018

Attorney Name: MARIO MIGUEL BLANCH

Firm Name: MARIO M. BLANCH, ESQ.

Address: 440 65TH STREET

WEST NEW YORK NJ 07093

Phone:

Name of Party: PLAINTIFF : Deleon, Luis

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE
PROTECTION ACT (CEPA)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

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? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

**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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? 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 *Rule* 1:38-7(b)

08/22/2018

Dated

/s/ MARIO MIGUEL BLANCH

Signed