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Attorney for Plaintiff(s), Melissa Mathews

MELISSA MATHEWS,
 Plaintiff

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION : HUDSON COUNTY

vs.

DOCKET NO.:

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;
TIM BOYLE, individually and in his
official capacity; MARK BONAMO,
individually and in his official capacity;
EDUARDO FERRANTE; individually and
in his 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

COMPLAINT AND JURY DEMAND;
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 since May of 2020 has been and is the current 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, Defendant, **Tim Boyle**, was the former EEO Officer and is the current Director of Municipal Services of the City of Bayonne.
6. At all times relevant to this Complaint, Defendant, **Mark Bonamo**, was and is the current Assistant Business Administrator of the City of Bayonne.
7. At all times relevant to this Complaint, Defendant, **Eduardo Ferrante**, was and is the current Head of Emergency Management of the City of Bayonne.
8. 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)

9. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 8 as if set forth at length herein.
10. This Count is brought pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et. seq.*, (hereinafter “NJLAD”).
11. Defendants, doing business in the State of New Jersey, were Plaintiff’s employers within the meaning of NJLAD.
12. 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 Defendants, **Tim Boyle** and **Mark Bonamo**, including but not limited to the following:

-In or about July of 2019, Defendant, **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, Defendant, **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, Defendant, **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, Defendant told Plaintiff not to speak with “his” employees and that it was a “freshman mistake.”

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

-On or about June 29, 2020, Defendant, **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 Defendant, **Tim Boyle**, who closed the door for their conversation despite Plaintiff having requested not to meet with him alone in any capacity.

13. On numerous occasions dating back to when Plaintiff became Business Administrator on May 1, 2020, Defendants, **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.
14. Plaintiff, as Business Administrator, was in a greater position of authority than Defendants, **Tim Boyle** and **Mark Bonamo**; despite same, Defendants consistently undermined, ignored, usurped and/or otherwise disobeyed the orders, requests, initiatives and authority of Plaintiff during her tenure as Business Administrator.
15. Upon information and belief, the aforementioned Defendants, **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, Defendant, **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 Defendant, **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 Defendant, **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 Defendant, **Tim Boyle**.

-On or about June 11, 2020, Defendant, **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 Defendant, **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 Defendant, **Mark Bonamo**, would rarely respond to women, acknowledge women, or even so much as look women in the eye when talking to them.

16. 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 Defendants, **Tim Boyle** and **Mark Bonamo**.
17. More specifically, on or about May 31, 2020, Plaintiff formally reported Defendant, **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 Defendant, **Tim Boyle**, to smooth over everything.

18. 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.”
19. Despite her many complaints, Plaintiff was still consistently subjected to sex and/or gender motivated harassment by Defendants, **Tim Boyle** and **Mark Bonamo**.
20. 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.
21. 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.
22. 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**.
23. Defendants’ actions of subjecting Plaintiff to a hostile work environment violated NJLAD.
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 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)

- 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, Donna Russo, Tim Boyle, Mark Bonamo, and Eduardo Ferrante**, 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 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)

31. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 30 as if set forth at length herein.
32. This Count is brought pursuant to the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, *et. seq.*, (hereinafter “CEPA”).
33. 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, Defendant, **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, Donna Russo** and **Tim Boyle**, 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 Defendants, **Donna Russo** and **Tim Boyle**, 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 Defendant, **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**.

34. Upon information and belief, Defendant, **City of Bayonne**, and individual Defendants, including but not limited to **James M. Davis**, **John Coffey**, **Donna Russo**, **Tim Boyle**, **Mark Bonamo**, and **Eduardo Ferrante**, 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.
35. Defendants' actions of retaliating against Plaintiff for objecting to the aforementioned actions of Defendant's employees, servants, agents and/or administrators violated the CEPA.
36. The actions of Defendants were intentional, wanton, willful and in reckless disregard for their impact on the Plaintiff justifying an award of punitive damages.
37. 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
(Intentional Infliction of Emotional Distress)

- 38. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 37 as if set forth at length herein.
- 39. At all times pertinent hereto, Defendants' actions were extreme and outrageous in character, were designed to and did intentionally or recklessly inflict severe emotional distress upon Plaintiff.
- 40. As a direct and proximate cause of defendants' actions, Plaintiff has suffered severe emotional distress, humiliation, embarrassment, physical manifestation of emotional distress, loss of income and other severe emotional losses.

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.

COUNT V
(Negligent Infliction of Emotional Distress)

- 41. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 40 as if set forth at length herein.
- 42. At all times pertinent hereto, defendants' actions were negligent in character, were designed to and did intentionally or recklessly inflict severe emotional distress upon Plaintiff.
- 43. As a direct and proximate cause of defendants' negligent actions, Plaintiff has suffered severe emotional distress, humiliation, embarrassment, physical manifestation of emotional distress, loss of income and other severe emotional losses.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, for compensatory damages, punitive damages, attorney fees, interest, costs and such other relief as

the Court deems just and equitable.

COUNT VI
(Violation of Public Policy)

44. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 43 as if set forth at length herein.
45. 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).
46. 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.
47. 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.
48. Defendants failed to apply civil service standards and arbitrarily, systematically and capriciously retaliated against Plaintiff to her detriment.
49. As a direct and proximate result of Plaintiff's complaints, Defendants undertook retaliatory and adverse employment actions against Plaintiff, resulting in denial of opportunities, loss of pay, and loss of pension credit.

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.

**FORMAN, CARDONSKY
& TSINMAN, ESQS.**

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

Dated: March 31, 2021

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.

**FORMAN, CARDONSKY
& TSINMAN, ESQS.**

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

Dated: March 31, 2021