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COUNSEL FOR PLAINTIFF  
MICHAEL F. PINI

**SUPERIOR COURT OF NEW JERSEY  
CIVIL DIVISION: BERGEN COUNTY**

**MICHAEL F. PINI**

**Plaintiff,**

**V.**

**DOCKET NO. BER-L-\_\_\_\_\_ -23**

**BOROUGH OF ALLENDALE,  
[ITS MAYOR AND ELECTED OFFICIALS, EMPLOYEES, DESIGNEES,  
OFFICIALS/OFFICERS/  
SUPERVISORS/MANAGERS RESPONSIBLE FOR CAUSING  
PLAINTIFF’S INJURIES];  
ALLENDALE FIRE DEPARTMENT,  
[ITS EMPLOYEES, DESIGNEES, OFFICIALS/OFFICERS/  
SUPERVISORS/MANAGERS RESPONSIBLE FOR  
CAUSING PLAINTIFF’S INJURIES];  
MICHAEL DILLON  
[SUED IN HIS INDIVIDUAL, REPRESENTATIVE AND  
OFFICIAL CAPACITIES AS POLICE CHIEF OF ALLENDALE  
AND OFFICE OF EMERGENCY MANAGEMENT [OEM]  
DIRECTOR OF ALLENDALE, AND AS ALLENDALE’S  
FIRE ADMINISTRATOR];  
DAVE BAEZ,  
[SUED IN HIS INDIVIDUAL, REPRESENTATIVE AND  
AND OFFICIAL CAPACITIES AS ALLENDALE FIRE CHIEF];  
RON KISTNER,  
[SUED IN HIS INDIVIDUAL, REPRESENTATIVE AND  
AND OFFICIAL CAPACITIES AS DIRECTOR OF  
OPERATIONS FOR ALLENDALE]  
JOHN/JANE DOE/S 1-10,  
*(FICTITIOUS NAME/S OF OFFICERS/PERSONS  
RESPONSIBLE FOR CAUSING PLAINTIFF’S INJURIES  
NOT KNOWN TO PLAINTIFF AT THE TIME OF  
THE FILING OF COMPLAINT);*  
ABC CORPORATION/S [CORP.], 1-5,  
*(FICTITIOUS NAMES INTENDING TO DESIGNATE THE  
ENTITY OR ENTITIES RESPONSIBLE FOR CAUSING  
INJURIES NOT KNOWN TO PLAINTIFF  
AT THE TIME OF THE FILING OF COMPLAINT).***

**Defendant/s.**

**COMPLAINT AND  
JURY DEMAND**

PLAINTIFF, MICHAEL F. PINI, living in Bergen County, Hackensack, NJ 07601 SWEARS  
IN THIS COMPLAINT AS FOLLOWS:

**I. PARTIES, VENUE AND LEGAL PRINCIPLES**

1. Plaintiff, Michael F. Pini, hereinafter referred to as “plaintiff,” is a 1<sup>st</sup> Captain employed by the Allendale Fire Department.
2. The plaintiff is a resident of Bergen County, New Jersey.
3. Defendant Allendale, hereinafter referred to as ‘defendant Allendale’, is a municipal governmental entity which provides local level government services to about 6,800 residents, and it is located physically within the vicinage of Bergen County, New Jersey.
4. Defendant Allendale funds the defendant AFD.
5. Plaintiff was and is a firefighter employed by the defendant Allendale and defendant AFD. Plaintiff is provided as 1<sup>st</sup> Captain of the AFD \$1,100.00 per year.
6. Plaintiff was first hired to work at the defendant AFD at the age of 16 in 2013.
7. Defendant Allendale Fire Department, hereinafter referred to as “defendant AFD”, provides firefighting and emergency services for the residents of Allendale, Bergen County, new Jersey, and to others in need of emergency or fire assistance when called upon to do so. The Allendale Fire Association [AFA] is considered in this lawsuit to be under the governmental structured arm of the

defendant AFD. If this is contested in litigation the Complaint shall be amended to add the AFA as an entity defendant.

8. Defendant Michael Dillon, hereinafter after referred to as “defendant Dillon”, is the Allendale Police Chief and Director of Allendale’s OEM.
9. Defendant Dillon is still a member of the defendant AFD and is currently the Allendale Fire Administrator, and due to his top position as head of the defendant Allendale Police Department [APD] he has acted as the effective alter ego of effectively controlling all promotions that take place within the defendant AFD. Defendant Dillon’s effective ultimate authority over the voting body [Council] is unquestioned by the defendants, and that unlawful influence Dillon wielded was paramount in denying the plaintiff a promotion to the position as Assistant Chief of the defendant AFD.
10. Defendant Dave Baez, hereinafter referred to as “defendant Baez”, is the Fire Chief of the defendant AFD and he is effectively under the control and authority of defendant Dillon as to the promotions that will occur at defendant AFD.
11. Defendants Allendale and AFD are the entities that are legally responsible for the conduct of their elected and appointed senior officials and public office holders, including the voting body of defendant Allendale and the named individual defendants in this cause of action.
12. Plaintiff’s birthdate is 3/20/1997.
13. Defendants are aware of plaintiff’s birthdate, his apolitical stance when it comes to politics in the local arena, and that he was protected under the anti-retaliatory

provisions of the NJLAD after he made protected disclosures against others that involved harassment and bullying.

14. Plaintiff is apolitical and was and is not actively or passively involved with local, county, state or federal elections or politics.
15. However, defendant Dillon and his cohorts and confederates such as the majority in power in local politics in Allendale do not see plaintiff as a supporter of the Mayor or those elected and appointed officials in defendant Allendale. This is one of the reasons that the plaintiff was denied his promotion [which he was elected to] at defendant AFD when he was elected to the position of AFD's Assistant Fire Chief.
16. Defendants discriminated under the NJLAD to rob plaintiff of his elected position because they were interested in denying a younger promoted person of a position that that they preferred went to an elderly candidate who did not win the election and had a highly questionable background and history that caused his termination several years ago when he was employed by defendant Allendale at its department of Public Works.
17. Defendants were not going to allow plaintiff to be promoted at the AFD because of a retaliatory motive against plaintiff when in 2022 plaintiff notified the appropriate authority of workplace harassment and bullying. Defendants provided no remedial relief to plaintiff and conducted no investigation. Instead, defendants targeted plaintiff for disparate and hostile treatment that was in violation of the NJLAD's anti-retaliatory provisions.

18. Defendants are identified in this Complaint of acting in contravention of discrimination and retaliation clauses of the New Jersey Laws Against Discrimination, N.J.S.A. 10:5-1 et seq., the New Jersey Civil Rights Act [NJCRA], N.J.S.A. 10:6-2 et seq. the 1<sup>st</sup> Amendment of the United States Constitution and the applicable freedom of expression companion provisions of the New Jersey Constitution.
19. All Counts in Section III below are filed timely within the applicable two year statute of limitations [SOL].
20. Plaintiff is a New Jersey resident, and is a resident of Bergen County, New Jersey.
21. All tangible events/incidents that occurred which form the cause of action for tangible job discrimination claims herein occurred within the last two years, and the situs of the events was in Bergen County, New Jersey on defendants' property during work hours.
22. Certain hostile work environment claims brought are within the two year SOL window.
23. The portions of the Complaint pertaining to the cumulative or compounding effect/effects of multiple acts consisting of non-tangible and tangible acts in combination when considered in their totality are completely also permissible as use for evidentiary reasons and proof reasons serving to establish certain hostile work environment claims and as to the tangible disparate treatment claims
24. The NJLAD in its liberal purview is to be construed and interpreted liberally in order to effectuate its purpose; which is to eradicate the cancer of discrimination

and/or retaliation which occurs in violation of the Act (NJLAD). As such, defendant/s is/are highly sophisticated in its/their approach to conceal evidence that it is committing unfettered against employees that are determined to be too young, not affiliated politically with the persons in Allendale in power and with present authority over the levers of government and promotions within the defendant AFD, and those that engage in protected acts that come under the purview and long arm of the anti-retaliatory provisions of the NJLAD.

25. The NJLAD protects against such elusive behavior on the part of powerful and sophisticated persons/companies/entities like the named defendants herein.
26. The claims are synergistic and continuous in nature and are all inextricably intertwined cumulatively with each other with respect to time, with respect to the defendants charged with wrongdoing, and as to the misconduct alleged.
27. Any and all claims of discrimination that are asserted against defendants in this Complaint are to be considered in all cases and instances to be the direct and foreseeable result/consequences (proximate cause) caused by the actions/inactions of the defendants as is specified in the Complaint.
28. This Complaint serves to notify defendants and their designees that all tangible items related to the case such as notes, reports, files, emails, electronic information, data, findings, digital files, images, photos, etc. shall not be manipulated, appropriated, suppressed, lost, destroyed, or discarded. Such actions would be in violation of civil law and potentially criminal laws in the State of New Jersey.

29. No safe haven defense exists in this case as to any tangible job discrimination act that is alleged to be actionable for damages. Safe haven defenses do not exist for tangible job loss. As Section II indicates below plaintiff's lost promotion to become Assistant Fire Chief of AFD would have augmented or increased his pay \$2,800.00 and provided him a clear path to become AFD's Fire Chief.
30. No safe haven defense exists as to any hostile work environment claims that are actionable for damages in this cause of action because plaintiff made disclosures and notifications about his hostile work environment to the appropriate authorities both before this action was brought and during the latter part of 2022 in clear and unmistakable terms that there was workplace bullying and harassing acts being visited against plaintiff at the workplace.
31. It is disputed that defendants have an effective internal reliable well trained grievance system designed to provide employees a discrimination and retaliation free work environment. No investigation was conducted in this case. No action was taken to provide the plaintiff with remedial relief. Even if there was a well-run internal grievance system at defendant Allendale as its handbook references to on paper, it was not utilized in this matter, and instead defendants retaliated against the protected discloser [plaintiff] of these acts protected under the NJLAD.
32. Defendants AFD and Allendale internal grievance unit if one exists in actuality that is designed to protect those that make protected disclosures under the NJLAD, were in fact negligent in handling or embarking on any internal investigation/s as to plaintiff's internal complaints about being harassed and bullied in the workplace.

33. Inconsistent pleadings are permitted in New Jersey Superior Court Law Division on NJLAD employment cases, and as such different theories of relief are pled in this Complaint which are permitted under New Jersey law.
34. The NJLAD allows individual supervisory employees to be named as individual defendants if they orchestrate, participate, aid or abet in the discriminatory acts.
35. Defendants Dillon, Kistner, and Baez along with the voting body of the defendant Allendale were/are serving the entity defendant/s at the highest levels of government during the relevant time period/s.
36. All individually named defendants and their confederates, designees, subordinates, and/or agents or employees are considered for the purposes of this entire pleading (unless specified otherwise) to have been acting, or, in certain cases, failing to act, and did so with full authority given by defendants Allendale and the AFD, and any actions/inactions committed on the part of said persons in the employ of the defendants Allendale and the AFD that acted to discriminate and retaliate against plaintiff were acting on behalf of their employer.
37. Any reference in this Complaint to any labor issue does not implicate the NLMRA (National Labor Management Relations Act). Any constitutional claims are expressly pled under the United States and New Jersey Constitution.
38. Any statutory requirement that requires plaintiff to seek refuge internally under State law or promulgated rule or guideline are satisfied, and the implication of any such collateral administrative action involving some of the facts pled in this cause of action have no bearing on the viability of this action and are not subject to the election of remedy doctrine.

39. Plaintiff's proofs are in the form of direct and indirect acts of discrimination and retaliation in violation of the New Jersey Civil Rights Act [NJCRRA], N.J.S.A. 10:6-2 and such acts described below in Sections II and III below are also violative of the 1<sup>st</sup> Amendment of the United States Constitution and the companion free expression clause of the New Jersey State Constitution.
40. Defendants are and were aware plaintiff made protected disclosures under the NJLAD, and defendants retaliated against plaintiff as a direct result of his protected activity.
41. All acts complained of against defendants in this Complaint occurred at the workplace and/or were work related matters that are encompassed and asserted in this cause of action.
42. No tort Notice of Claim is required to be filed under the law based on the nature of the civil rights claims and constitutional claims made herein below in Section III.

## **II. NATURE OF ACTION**

43. Plaintiff's youth is being exploited negatively to the point he is being discriminated against knowingly by the defendants.
44. It is asserted in this Complaint below factually and relied on to plead tangible and non-tangible acts violating the NJLAD.
45. Plaintiff in this section [II] below pleads facts occurring in late 2022-portions of 2023 where the reprisal sections of the NJLAD were also violated by defendants; causing a retaliation claim by the plaintiff.

46. Plaintiff in this section [II] below pleads facts occurring in late 2022-portions of 2023 where his 1<sup>st</sup> Amendment rights under the 1<sup>st</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment rights under the U.S. Constitution as well as Art. I of New Jersey Constitution were violated in terms of the privileges and conditions of his employment at defendant AFD in that plaintiff was denied a promotion at the AFD after he was duly elected to the position. Plaintiff's apolitical aloofness in local politics versus at least one other competitor for the position plaintiff sought at the AFD were part of the reason he was not promoted to the position of Assistant Fire Chief of the AFD. Whether the defendants' beliefs are accurate is irrelevant. All that matters in this legal matter is that defendants perceived plaintiff as not being in favor of any of the named individual defendants retaining their governmental positions at defendant Allendale.
47. After plaintiff made protected disclosures involving harassment and bullying like behavior his election to the promoted position at the AFD was effectively denied by the defendants unlawfully due to retaliatory motives centered on plaintiff's previous protected disclosures. Defendants at a minimum perceived the plaintiff was making protected disclosures against them and their confederates in the employ of defendant Allendale and the AFD.
48. Due to attrition and other factors, the defendant AFD and its Fire Association in late 2022 were required to take a vote by ballot fill the position of Assistant Fire Chief from within its ranks as per defendant Allendale Borough Code Art. 26-1 et seq.

49. Plaintiff competed for the Assistant Chief of Police position which was open and waiting to be filled.

50. Andersen is significantly older than the plaintiff, being almost 50 years of age whereas plaintiff was 25 years old when the election occurred in late 2022.

51. **The pertinent provisions of Art. 26 are as follows:**

**§ 26-7. Officers of Department.**

**The officers of the Fire Department shall consist of a Chief and Assistant Chief.**

**§ 26-8. Company officers; elections.**

**The officers of each company shall consist of a Captain and Lieutenant and such other officers as may be provided for in the bylaws. The Chief and Assistant Chief shall be elected by the members of the Department, shall hold office for one year and shall be chosen by ballot at the annual meeting of said companies as hereinafter provided; the election of said Chief and Assistant Chief shall be confirmed by the Borough Council before they shall be entitled to hold office.**

**§ 26-9. Temporary appointments pending confirmation by Borough.**

**In case the Borough Council shall refuse to confirm the election of any Chief or Assistant Chief, the Mayor of the Borough shall appoint a Chief or Assistant Chief to hold office until such officers are elected by the companies and confirmed by the Borough Council.**

**§ 26-11. Election procedures. [Amended 8-24-1972; 6-9-1983; 11-10-1983; 9-23-1993]**

**A. The election of Chief and Assistant Chief shall be held at the firehouse by each company in the Borough at the annual meeting on the second Friday in November of each year at the hour set forth in the bylaws of the Fire Department unless otherwise designated by special notice mailed to all members at least three days before such meeting. Two members from each company shall represent such company at such election to act as tellers. A Chairman shall be elected at such election, who shall be judge of the election, and he shall appoint two tellers from each company. Such election shall be by ballot, and the person receiving the highest number of votes shall be duly declared elected.**

**B. Any member, eligible to vote and unable to be present at the annual meeting in November for good and sufficient reasons, shall be entitled to receive an absentee ballot. Absentee ballots shall be available Monday through Friday from 1:00 p.m. to 5:00 p.m. during the week prior to the annual meeting from the member appointed by the President and shall be returned prior to the annual meeting in a sealed envelope marked "Secret Ballot." In case of a runoff election, only the members present will be counted. Each member receiving an absentee ballot shall sign for the same.**

52. In late 2022 the defendant AFD's Fire Association acted to assemble the firefighters and defendant Baez to vote by ballot for the position of Assistant Fire Chief.

53. The voting firefighters elected plaintiff as Assistant Fire Chief because:

- a. Plaintiff was the most qualified person for the position having been fully certified and having his certification up to date to be a firefighter and his experience and training and performance over the past twenty years at the AFD;
- b. Plaintiff is also in the employ of the Saddle River Fire Department as a firefighter and is known to be more qualified in the fire department circles than candidate Andersen;
- c. Plaintiff had already achieved the position as 1<sup>st</sup> Captain at the AFD.
- d. Andersen has been mostly AWOL from the AFD over the past seven plus years;
- e. Andersen also has a past history of behavior that rendered him as being unreliable and erratic and unable to perform the very important supervisory position as Assistant Fire Chief. Andersen had been terminated by Allendale DPW several years earlier for alleged wrongdoing.
- f. Andersen never competed for the position.

54. After plaintiff was duly elected, the defendants in early 2023 sent plaintiff a communication that the defendants were refusing to honor the plaintiff's duly won election, and instead were not going to change the Table of titles on file as of 2022. Defendant Kistner was the point person in making this statement to plaintiff.

55. Defendant Kistner's notification was done in concert with all other named defendants.
56. Defendants notification that plaintiff would not be presented to the voting body to be confirmed was a violation of the defendant Allendale's Borough Code and bylaws and ordinances and was an un precedented move not made ever or in the remembered past of the AFD.
57. The notification threatened plaintiff and another duly elected person that their promotions to 1<sup>st</sup> Captain and to the Assistant Fire Chief position would be nullified with no due process or explanation, and further that the notification coldly made clear that the plaintiff and the other individual affected were required to immediately embrace their demise and agree to stay on AFD in their present positions or they were to be terminated from employment.
58. The other aggrieved employee was also deemed or perceived by defendants to be a supporter of the plaintiff in the workplace as to his previous claims of being harassed and bullied by the defendants in the workplace.
59. Plaintiff and the other employee [Matt Hillman] being all about service and offering fire protection to the people they love and care for, agreed under coercion and duress to remain in their positions rather than face termination by the defendants without a hearing.
60. There is no evidence that the defendants Kistner, Baez, and Dillon ever allowed for the elected officials [plaintiff and Hillman] in conformance with Allendale local laws and codes which are clear. Namely, the plaintiff and Hillman were

required to be presented to the Allendale Council for a vote to confirm their selection.

61. The actual confirmation process clearly was practiced in the past as a ministerial and ceremonial act. In other words, if you were elected at the SAFD you were confirmed, but not in this case. The plaintiff could not even get a vote for confirmation effectuated. It was blocked by the defendants using subterfuge in the form of falsely claiming that in 2023 there would be no promotions at the AFD.
62. Suddenly, in April of 2023 the defendants acting in concert with each other suddenly named for the Assistant Fire Chief's position, Gregory Andersen, as the new Assistant Fire Chief even though he never even competed for the position, was not on the ballot for the vote, and had made denigrating remarks openly against plaintiff and the fire department in Allendale after the election.
63. Clearly, by naming Andersen to the AFP's Assistant Fire Chief's position, this changed Andersen's position at the AFP, and thus Kistner's memo to plaintiff and Hillman about not moving forward with their promotions because all AFP positions from 2022 would remain the same in 2023, was false and untrue.
64. Defendants and their confederates as named in the Complaint in the pleading and in Section I and this section above and in Section III below, all acted together to deny plaintiff the promotion, and to negligently not provide remedial relief towards protecting from retaliation barred by the NJLAD's anti-retaliatory provisions.

65. Plaintiff's civil right and constitutional right to have his duly performed election carried out and presented to the defendant Allendale for a confirmation vote.
66. Defendant Allendale's elected officials and the other named defendants acted in concert and severally to act to discriminate and retaliate against plaintiff by effectively denying him his promotion to the Assistant Fire Chief's position at the defendant AFD.
67. The right to vote is of a constitutional dimension under both the New Jersey Constitution and under the U.S. Constitution. The acts done by the defendants in this case to *sua sponte* void plaintiff's election violates both the New Jersey and U.S. Constitutions.
68. Defendants acted in retaliation against plaintiff for complaining about the working conditions he endured in the recent past by blocking and sabotaging his election to the promoted position, and this retaliation also involved the defendants refusing to conduct any investigation into plaintiff's claims of bullying and harassment in the workplace.
69. Defendants discriminated against plaintiff because of his youth and preferred the sufficiently older candidate that was not nearly as qualified as plaintiff for the promotion.
70. The failure of the defendants to take action to place plaintiff in his duly elected promoted position is also a governmental act made under color of law that violates the long arm protections of NJCRA.

***PLAINTIFF'S DAMAGES***

71. Plaintiff has incurred a loss of \$2,800.00 in terms of pay by not being promoted.

Plaintiff also is being robbed of being named Chief of the AFD because he is required to an Assistant Fire Chief before he can ascend to the Fire Chief's position.

72. Plaintiff has had his service record tarnished and ruined as a result of the discriminatory and retaliatory behavior of the defendants.

73. The plaintiff's career and reputation as a firefighter has been damaged materially.

74. Plaintiff is an outcaste in the halls and business location at the Borough of Allendale's home base.

75. Plaintiff is shunned and isolated as a result of the defendants' behavior , which is delineated above in Sections I and II.

76. Plaintiff's hostile work environment remains hostile.

77. Plaintiff has been the victim of direct and indirect acts of discrimination and retaliation since 2022.

78. Plaintiff suffers from the pain and suffering and loss of enjoyment of life caused by defendants that equates to infringing upon plaintiff's core constitutional right to political freedom in his affairs including employment. Plaintiff is also seeking pain and suffering damages and loss of enjoyment of life as being a discrimination and retaliation under the NJLAD.

79. Plaintiff's malaise and dilemma indicates that he is the victim of reverse age discrimination and NJLAD retaliation, and NJCRA and constitutional violations.

80. Plaintiff has suffered physical and emotional injuries and other damages as a result of defendants' misconduct, and plaintiff has suffered in the same regard with respect to defendants' willful indifference with respect to the allegations lodged in this Complaint. Plaintiff has suffered great pain, embarrassment, emotional distress, and anguish. Plaintiff has suffered from severe insult, and extreme humiliation and ruin. Plaintiff has also suffered a grievous loss of dignity and character and reputation and has been defamed, disgraced, and harshly ridiculed without just cause. Plaintiff has had to live with his good name being tarnished beyond the ability to resurrect it.
81. The constitutional violations of the defendants and the indirect and direct acts of discrimination and retaliation that caused severe injury are also ripe for punitive damages as well due to the evilness, callousness and wantonness of the acts described. Moreover given that that the wrongdoers involve the Chief of Police and Director of OEM and the Fire Chief as well as elected officials in defendant Allendale, the need to punish and deter these defendants from injuring others in the future by imposing punitive damages is enlarged and expanded.
82. The egregious conduct involved in this case also require punitive damages to be instituted.
83. The egregious conduct involved in this case is compounded because a governmental or municipal entity and their highest appointed and elected officials are being sued for conduct that consists of plaintiff's NJLAD discrimination and retaliation claims. Therefore, plaintiff seeks the fullest punitive amount that a jury believes is reasonable to award.

84. This acts of committing tangible discrimination due to intentional disparate treatment is a permanent event that is compounded by the effect it will have on plaintiff's career.
85. Such acts described above represent active participation and willful indifference on the part of the defendants named in the cause of action.
86. Based on the foregoing, plaintiff is entitled to equitable damages including but not limited to receiving a reasonable opportunity to be placed int the position of Allendale Fire Department as the Assistant Fire Chief and to receive the additional \$2,800.00 of pay.
87. Plaintiff seeks damages for pain and suffering, and punitive damages, costs and attorney fees under Lodestar reverse fee law, plus calculable interest as per the NJLAD and NJCRA, and for damages for loss of enjoyment of life.
88. Plaintiff has suffered from repeated stress, feelings of being at risk, unhappiness, sleeplessness, lethargy and other symptoms that are indicative of his traumatic stress brought on by defendants. These conditions have not dissipated.
89. Plaintiff has suffered economic losses as a result of the lost promotion and is further hindered and damaged in that he cannot become Fire Chief of Allendale being 1<sup>st</sup> Captain.
90. Plaintiff also suffered when defendants used false pretenses and false statements to try and attempt to effectively terminate plaintiff and to give a false impression in early 2023 that the position plaintiff was elected to was not being filled in 2023.

**III. RESPECTIVE COUNTS OF THE COMPLAINT**

**COUNT ONE-(NJLAD)**  
**DISCRIMINATION/DISPARATE**  
**TREATMENT**

91. The Plaintiff repeat and incorporate herein the allegations set forth in Sections I-III above and below as if set forth in full in Count One.
92. Specifically, N.J.S.A. 10:5-12(a) makes it unlawful to discriminate against someone based on their “race, creed, color, national origin, ancestry, sex, disability or atypical hereditary cellular or blood trait of any individual...” in terms of compensation or in the conditions or privileges of employment.
93. N.J.S.A. 10:5-12(e) forbids any “person, whether an employer or employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or attempt to do so.
94. N.J.S.A. 10:5-12(e) forbids any “person, whether an employer or employee or not, to be a participant in the act of committing tangible job discrimination.
95. The New Jersey Laws Against Discrimination (NJLAD), N.J.S. 10:5-1 et seq., which by its express terms and in its remedial nature to liberally protect citizens’ State Civil Rights, absolutely prohibits all defendants from engaging in discrimination against one’s youth.

96. Age has been identified in established precedent as being a protected class/criteria under the NJLAD.
97. Discrimination against someone's youth is just as actionable as discrimination against the elderly. This case has the unusual defendant employers that are poised on a daily basis to inflict upon youthful firefighters discrimination and retaliation.
98. Plaintiff's apolitical actions or inactions were also the source of his election being denied.
99. Race discrimination is forbidden under the JNJLAD. Reverse race discrimination committed against Caucasians is forbidden under the NJLAD as well.
100. The defendant employers in this case are the unusual ones that discriminated against plaintiff due to his Caucasian status.
101. Plaintiff's unlawful tangible losses constitutes **direct and indirect acts of discrimination and/or disparate treatment being visited against plaintiff.**
102. Plaintiff was a direct target of defendants' discriminatory actions occurring during the statutory period of limitation as to time.
103. This was accomplished by defendants in order to achieve the result/s intended; i.e. reverse age [youth] discrimination in order to force plaintiff to quit and to deny him his elected promoted position.
104. All hostile acts committed against plaintiff that are contained in sections I-III herein contained above and below are considered as usable pieces of evidence individually and cumulatively in proving the allegations in Count One.

***DISCRIMINATION AGAINST PLAINTIFF'S AGE***

105. Plaintiff has documented his youth compared to his superiors
106. Plaintiff has documented that he was discriminated against and retaliated against by defendants.
107. There was no legitimate reason to attempt to terminate plaintiff by constructive discharge and for failing to promote him to his duly elected position.
108. Plaintiff was a victim of *disparate treatment* and tangible job discrimination, occurring within the statutory period.
109. Any offer of evidence by defendants that there was a legitimate reason for the disparate acts and two tangible job discrimination committed against plaintiff is/are a post hac fabrication or is/are pretextual.
110. The discrimination against the age of plaintiff in general, as is specified in the preceding sections of this Complaint, led to disparate treatment and tangible job discrimination that was visited against the plaintiff. The complained of conduct and the manner in which it was meted out by the individual defendants occurred with the assistance or tacit approval or action or inaction of defendants Allendale and ASFD through their cohorts and confederates.
111. The age discrimination previously cited to/committed: (1) would not have occurred but for plaintiff's youth (age) which is protected under the NJLAD; and it was (2) severe or pervasive enough to make a (3) reasonable person with the same protected class/classes believe that (4) plaintiff's victimization in the form of a derailed elected promotions at the AFD accompanied by false statements

were designed to injure plaintiff in his employment in a substantial manner, and did so in terms of tangible and non-tangible loss.

112. Defendants are responsible for creating and implementing the acts of discrimination specified in the Complaint against this plaintiff in the manner specified in Sections I-III above and below, and such acts are reprehensible and unconscionable acts which were motivated due to desire to discriminate against plaintiff's age.

113. Furthermore, plaintiff's injuries stemming from these despicable acts of discrimination complained of herein represent serious violations of plaintiff's State Civil Rights and his 1<sup>st</sup> Amendment rights under the United States Constitution and under Art. I of the New Jersey Constitution.

***RESPONDEAT SUPERIOR LIABILITY AND INDIVIDUAL LIABILITY***

114. As stated in Section I above, the entity defendants are vicariously responsible for the conduct of the elected officials and the actions by the individually named defendants as high level officials and as highest level supervisors.

115. Individual liability of the individually named defendants as high level supervisors or as appointed officials allows for them to be individually sued under the NJLAD.

***CAUSATION AND DAMAGES***

116. As a direct result of these aforesaid actions of the defendants, its associates, agents, employees, assignees, employees, designees, and/or servants, and as a direct result of the malicious and intentional wrongful discriminatory conduct, and acts of active participation and willful indifference on the part of the defendants named in the cause of action, plaintiff has suffered immensely, and he seeks the following damages:

- i. Compensatory damages;
- ii. Punitive damages;
- iii. Attorney costs and fees;
- iv. Damages for pain and suffering;
- v. Damages for loss and enjoyment of life;
- vi. Damages for being a NJLAD discrimination victim;
- vii. Lost wages from the failure to receive the promotion;
- viii. Enhanced attorney fees under *Lodestar*;
- ix. Recoupment of fees and costs paid to plaintiff's attorney and any third parties to prosecute the matter civilly under the NJLAD;
- x. Equitable damages in the form of an investigation being conducted by an independent party as to plaintiff's previous claims of being harassed and bullied at the AFD, and plaintiff being immediately placed into the position of Assistant Fire Chief for Allendale;
- xi. Plaintiff's service record being sanitized;

xii. Any such other damages as the law deems just and proper to make plaintiff whole pursuant to the common law and under the NJLAD.

117. WHEREFORE, Plaintiff demand judgment against all defendants, jointly, severally and in the alternative, for compensatory damages, punitive damages, attorney's fees, other specific performance and injunctive relief, and for any and all relief permitted and cognizable under the New Jersey Laws Against Discrimination (NJLAD) together with the interests and costs of suit.

**COUNT TWO-(NJLAD)**  
**[DISCRIMINATION-HOSTILE WORK**  
**ENVIRONMENT]**

118. The Plaintiff repeats and incorporates herein the allegations set forth in Sections I-III above and below as if set forth in full in Count Two.

119. Specifically, N.J.S.A. 10:5-12(a) makes it unlawful to discriminate against someone based on their age "...in terms of compensation or in the conditions or privileges of employment.

120. N.J.S.A. 10:5-12(e) forbids any "person, whether an employer or employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or attempt to do so.

121. N.J.S.A. 10:5-12(e) forbids any “person, whether an employer or employee or not, to be a participant in the act of committing a hostile work environment.
122. The individual defendants acting in their capacities as a high level officials and supervisor/s on behalf of their employer, as well as other high level elected officials not named as individual defendants and as to other high level managers and superiors acting on behalf of their employer, defendants AFD and Allendale, in this cause of action acted in clear violation of the New Jersey Laws Against Discrimination (NJLAD), N.J.S. 10:5-1 et seq., which by its express terms and in its remedial nature to liberally protect citizens’ State Civil Rights, absolutely prohibits all defendants from engaging in discrimination against one’s age.
123. Age has been identified in established precedent as being a protected class/criteria under the NJLAD and any discrimination against the young or old is not to be tolerated under the log n arm provisions of the NJLAD.
124. Discrimination against some’s youth is just as actionable as discrimination against the elderly. This case has the unusual defendant employers that are poised on a daily basis to inflict upon a youthful plaintiff discrimination in the form of harassment and bullying, and for nullifying plaintiff’s promotion. The failure to promote plaintiff after he won the election is not only a tangible act of discrimination; it is a hostile act causing a hostile work environment.
125. The NJLAD claim involves a combination of both tangible and non-tangible acts in violation of the NJLAD. Plaintiff argues in this Count that he was the

victim of a **hostile work environment due to reverse age discrimination, both made directly and indirectly by defendants.**

126. The acts of discrimination in the form of reverse age discrimination visited against plaintiff in Sections I-III above and below created a hostile work environment for plaintiff and there can be no legitimate reasons used as a defense to acts that on their face and circumstantially speaking inescapably lead to a hostile work environment.

127. All facts raised above in Sections I-III and herein above and below relates to the claim of reverse age discrimination in the form of the creation of a hostile work environment for plaintiff due to his youth.

128. Plaintiff has the right at the workplace to be free of discrimination, and to be free of being in constant fear of unwarranted complaints made against him and by being harassed and maligned by the defendants and their cohorts and designees.

129. Plaintiff fears being falsely charged with wrongdoing at the firehouse based on defendants' false statements made to him about why his election and promotion was cancelled.

130. Plaintiff also fears for his safety as a firefighter. Naming the three individual defendants that include a fellow firefighter and Chief of Police [Dillon] and his supervisor the Fire Chief [Baez] puts plaintiff out front in harm's way to be framed or injured by these meddling defendants that have already discriminated against him and retaliated against him.

131. Defendants have provided no remedial relief internally and have negligently performed their responsibility to investigate the plaintiff's previously mentioned grievances about being harassed and bullied.

132. Plaintiff claims in the preceding Sections I-III and what is contained below that when such evidence is taken individually and/or collectively it is emblematic of a hostile work environment claim that is bonafides.

133. The immunity and impunity in which the individual defendants and their designees and supporters enjoyed as a result of the actions and inactions of defendants only served to increase the gravity of harm and strengthen the intensity of the hostile work environment inflicted against plaintiff.

134. The defendants either facilitated the discrimination or negligently failed to provide any remedial or corrective action to address the reverse age discrimination that occurred against plaintiff, and this caused plaintiff to endure a more intense hostile work environment. Had remedial action been taken, the hostile work environment could have been mitigated or diluted to a certain degree, but this did not occur unfortunately.

135. In fact to this day the defendant entities sheltered defendants Dillon, Kistner, and Baez, because they are the alter egos of Allendale and the AFD, and the elected officials of defendant Allendale are willing aiders and abettors in these travesties that have been perpetrated against a firefighter plaintiff.

136. Plaintiff is the victim of a hostile work environment based on discrimination because the direct and circumstantial evidence reveal that the plethora of acts committed against plaintiff over time could not reasonably be

tolerated by one situated as plaintiff was/is or under a reasonable person standard for one that is young.

137. There is no legitimate reason for the commission of the hostile acts occurring against the plaintiff, and even if one were offered, it is not a defense the acts of complained of in this matter; nor is a legitimate excuse for the commission of a hostile work environment against plaintiff.

138. The complained of conduct and the manner in which it was meted out by defendants (1) would not have occurred but for at least a major reason being that plaintiff being young, and it was (2) severe or pervasive enough to make a (3) reasonable person of the same protected class/classes to believe that (4) the conditions of employment were altered and the working environment was hostile or abusive.

139. The reverse race age discrimination inflicted against plaintiff was one of the reasons plaintiff was discriminated against, but under the law it need be only one of the reasons for the act of abuse inflicted against plaintiff.

140. Defendants' conduct individually or when taken cumulatively is highly improper and merits full punitive damages above and beyond the limitations imposed by the Punitive Damage Act (PDA) which is by law not applicable to a cause of action under the NJLAD.

141. Plaintiff's damages are as stated in the previous sections above as if stated in full below.

142. Plaintiff suffers from severe and pervasive trauma and anguish as a result of the discrimination inflicted upon him.

143. As a direct result of the foregoing, plaintiff is injured from pain and suffering and physical, mental, loss of enjoyment of life, and emotional injuries, which were causally related to the discrimination and hostile work environment created by defendants.

144. The individual defendants and the elected officials of Allendale were/are acting in the scope of their employment and on the entity's behalf, and as such these persons and parties or their designees failed to protect the plaintiff from the cancer of being victimized by multiple forms of reverse age discrimination.

145. As a direct result of the defendants' actions and inactions, plaintiff's work environment became infected and overwhelmed with reverse age discrimination in the workplace.

146. The discrimination inflicted against the plaintiff in general, as is specified in the preceding sections of this Complaint ultimately led to plaintiff being victim discrimination and/or disparate treatment which created a hostile work environment.

**147.** Defendants and their high level assignees who were/are responsible for of creating the discrimination and against this plaintiff in the manner specified in Sections I-III above and below, acted in a manner which is reprehensible and unconscionable because they were motivated due to defendants feelings of reverse race ageist discriminatory practices.

**148.** Any alleged proffer of a so called legitimate reason by defendants to support the reasons to create a hostile work environment for the plaintiff are a post hac fabrication and are not valid based on any one of the facts discussed above in the

Complaint and/or based cumulatively on the totality of circumstances. Any alleged proffered reason such as the hostile treatment or disparate treatment was justified based on some other factor, is asserted to be a false proffered explanation based on the improper discriminatory motives of defendants. Additionally, there can be no legitimacy to acts causing a hostile work environment.

149. All acts complained of in sections I-III above and below are all asserted cumulatively as being a part of the hostile work environment claims.
150. Plaintiff is aware of the heightened standard of proving reverse age discrimination. Plaintiff through discovery will prove these alternate claims.

***CAUSATION, COMPOUNDING DAMAGES, INDIVIDUAL LIABILITY AND  
RESPONDEAT SUPERIOR DOCTRINE***

151. As a direct result of the discriminatory acts described above which were committed by the defendants; it directly resulted in an act of discrimination against the plaintiff. The acts described above, subjected plaintiff to a deprivation of civil rights caused by defendants in violation of the New Jersey Laws Against Discrimination (NJLAD), N.J.S.A. 10:5-1 et seq.
152. See Count One for further details on this subject.
153. The complained acts of discrimination were in and of themselves so discriminatory that it contributed heavily to plaintiff's injuries, and plaintiff continues to endure the hostile work environment at the present time.

154. Furthermore, plaintiff's injuries stemming from these long term despicable acts of discrimination complained of herein represent serious violations of plaintiff's State Civil Rights. These acts are permanent events that are cumulative and continuous and are synergistic in nature. Such acts described above represent active participation and willful indifference on the part of the defendants and their high level designees named in the cause of action. These discriminatory acts involved are in violation of the NJLAD. The acts all included non-tangible and tangible acts which are actionable in their totality as a hostile work environment claim herein.

155. Plaintiff is entitled to be free in the workplace from age discrimination.

156. Acting in their official and individual capacities, the individually named defendants intentionally and/or wantonly or negligently acted or acted with willful indifference with respect to the reverse discrimination and that was visited against plaintiff. Such action and/or inaction was designed to insulate the parties from civil liability or to inflict other punishment against plaintiff regardless of the potential for civil liability based on the protected class/classes asserted in this matter.

157. Defendants internally offered no remedial relief despite plaintiff's notifications to the appropriate authority/authorities of being harassed, and their negligence as is indicated in Count One is separately actionable.

158. In this case, the individual defendants that committed acts of discrimination cited by plaintiff in this Complaint were in fact also responsible along with defendant Allendale voting body for not taking remedial action to protect

plaintiff. Instead of providing plaintiff with remedial relief, defendants took no action to protect plaintiff, and in some cases fanned and fueled the discriminatory acts committed against plaintiff, rendering the work environment as one that was toxic and polluted with reverse age discrimination.

159. The result was actionable discrimination and a hostile work environment claim.

160. The individual defendants are sued in both their individual and official capacities.

### ***DAMAGES***

161. As a direct result of these aforesaid actions of the defendants, its associates, agents, employees, assignees, employees, designees, and/or servants, and as a direct result of the malicious and intentional wrongful discriminatory conduct, and acts of active participation and willful indifference on the part of the defendants named in the cause of action, plaintiff has suffered immensely, and he seeks the following damages:

- i. Compensatory damages;
- ii. Punitive damages;
- iii. Attorney costs and fees;
- iv. Damages for pain and suffering;
- v. Damages for loss and enjoyment of life;
- vi. Damages for being a NJLAD hostile work environment discrimination victim;

- vii. Enhanced attorney fees under *Lodestar*;
- viii. Recoupment of fees and costs paid to plaintiff's attorney and any third parties to prosecute the matter civilly under the NJLAD;
- ix. Equitable damages including being promoted to Assistant Fire Chief of the AFD;
- x. Plaintiff's service record being sanitized;
- xi. Any such other damages as the law deems just and proper to make plaintiff whole pursuant to the common law and under the NJLAD.

162. WHEREFORE, Plaintiff demand judgment against all defendants, jointly, severally and in the alternative, for compensatory damages, punitive damages, attorney's fees, other specific performance and injunctive relief, and for any and all relief permitted and cognizable under the New Jersey Laws Against Discrimination (NJLAD) together with the interests and costs of suit.

### **COUNT THREE-(NJLAD)** **[RETALIATION]**

163. The Plaintiff repeat and incorporate herein the allegations set forth in Sections I-III above and below as if set forth in full in Count Three.

164. ***N.J.S.A. 10:5-12(d) forbids any employer or their designee or any individual supervisor from engaging in retaliatory acts against a person/s that engaged in activities protected under the NJLAD.***

165. Plaintiff asserts that he opposed acts of discrimination occurring in the workplace and filed complaints objecting discriminatory acts committed against him in the workplace as is stated in sections I-III above.
166. Plaintiff incorporates those sections by reference as if stated expressly in full herein below in support of plaintiff's retaliation claims in Count Three.
167. It is undisputed that plaintiff engaged in multiple acts of protected activity under the Act (NJLAD) as is stated in Sections I-III above. Plaintiff incorporates those sections by reference as if stated expressly in full herein below in support of plaintiff's retaliation claims in Count Three.
168. Plaintiff in making his complaints to the appropriate authorities received no remedial relief from defendants.
169. The retaliation inflicted also related to defendants providing exaggerated, lying and false and misleading statements to plaintiff by defendants as to why his election and promotion were effectively nullified.
170. Such acts were/are retaliatory in violation of the NJLAD.
171. The tangible discrimination act and the hostile acts committed against plaintiff once he complained to the appropriate authorities is also retaliatory in violation of the NJLAD.
172. It is unlawful for the defendants to have committed because hostile and tangible acts upon plaintiff due to the internal complaints he made about harassment at the hands of the defendants and/or their cohorts an/or designees, including the three named individual defendants.

173. It is undisputed that plaintiff was a hostile work environment victim and a tangible discrimination victim and this/these adverse act/s is/are prohibited as reprisal/s under the retaliatory provisions under the NJLAD as is stated in sections I-III above. Plaintiff incorporates those sections by reference as if stated expressly in full herein below in support of plaintiff's retaliation claims in Count Three.

174. It is undisputed that plaintiff's disclosures were protected under the Act (NJLAD) as is stated in the Complaint in sections I-III above, and are consistent at least on paper with the defendant Allendale anti-discriminatory and retaliatory promulgated and published policies.. Those references are incorporated by reference as if stated expressly in full herein below in support of plaintiff's retaliation claims in Count Three and serve as the proofs necessary to establish that the adverse acts committed by defendants against plaintiff were causally related (made a difference) to have a motive to retaliate on account of the protected acts made by plaintiff that are expressly protected under the NJLAD.

175. The NJLAD's origins and implementation is not only designed to end discrimination in the workplace. The NJLAD's retaliatory provisions are designed to eradicate the use of reprisals motivated to silence those that act to engage in protected activity under the NJLAD.

176. It is undisputed that defendants' adverse conduct committed against plaintiff as is outlined and incorporated by reference as if stated in the Complaint in sections I-III herein above are in support of plaintiff's claims that the

complained of retaliation occurred as a result of the protected activity that was rendered by plaintiff in 2022 before the election in late 2022.

177. The adverse conduct complained of in our case is sufficient in nature in that it involves a tangible act that there is no dispute of its severity sufficing for damages and liability if defendants are found liable under the NJLAD.

178. Defendants' concerted all out intent to take no remedial action on behalf of plaintiff and/or defendants' negligence in this regard is a part of this retaliatory claim.

179. The retaliation inflicted by defendants has a temporal proximity in time to the complaints plaintiff made to the appropriate authorities concerning the adverse treatment that he was receiving on the job.

### ***CAUSATION AND COMPOUNDING DAMAGES***

180. As a direct result of the discriminatory and retaliatory acts described above which were committed by the defendants; it directly resulted in an act of discrimination and retaliation being visited against plaintiff. The acts described above, subjected plaintiff to a deprivation of civil rights caused by defendants in violation of the New Jersey Laws Against Discrimination (NJLAD) anti-retaliatory provisions, under N.J.S.A. 10:5-1 et seq.

181. See Counts One-Two for further details and any preceding sections of the Complaint in sections I-III related to causation and compounding damages,

individual liability, the respondeat superior/vicarious liability doctrine is incorporated by reference as if stated expressly herein in this Count.

***DAMAGES***

182. See Counts One-two and Section II for further details related to damages is incorporated by reference as if stated expressly herein in this Count.

183. As a direct result of these aforesaid actions of the defendants, its associates, agents, employees, assignees, employees, designees, and/or servants, and as a direct result of the malicious and intentional wrongful conduct, retaliatory acts and acts of active participation and willful indifference on the part of the defendants named in the cause of action, plaintiff has suffered immensely, and he seeks the following damages:

- xii. Compensatory damages;
- xiii. Punitive damages;
- xiv. Attorney costs and fees;
- xv. Damages for pain and suffering;
- xvi. Damages for loss and enjoyment of life;
- xvii. Damages for being an NJLAD retaliation victim;
- xviii. Lost wages of \$2,800.00
- xix. Recoupment of fees and costs paid to plaintiff's attorney and any third parties to prosecute the matter civilly under the NJLAD;
- xx. Equitable damages in the form of receiving the promotion to Assistant Fire Chief of AFD;

- xxi. Plaintiff's service record being sanitized;
- xxii. Any such other damages as the law deems just and proper to make plaintiff whole pursuant to the common law and under the NJLAD.

184. WHEREFORE, Plaintiff demands judgment against all defendants, jointly, severally and in the alternative, for compensatory damages, punitive damages, attorney's fees, other specific performance and injunctive relief, and for any and all relief permitted and cognizable under the New Jersey Laws Against Discrimination (NJLAD) together with the interests and costs of suit caused by retaliation against plaintiffs as is a forbidden practice under the Act (NJLAD).

### **COUNT FOUR [NJCRA CLAIM]**

185. Plaintiff repeats and makes a part hereof the allegations contained in Sections I-III *entoto*, as if stated in full and verbatim herein in Count Four.

186. At all relevant times herein, all named individual defendants and entity defendants and all John Doe defendants in this captioned matter acting jointly or severally, deprived, interfered with, and/or attempted to interfere in the form of acting maliciously and/or in reckless disregard of the truth as to the allegations made in this Complaint.

187. The discriminations and retaliation claims indicate an alleged violation of the NJLAD herein above and the facts indicated in Sections I-III above reveal that

the defendants' conduct also violated the 1<sup>st</sup> Amendment of the of the United States and the companion political free expression provisions of the New Jersey Constitution. This action in its totality indicates that the New Jersey Civil Rights Act [NJ CRA], N.J.S.A. 10:6-2 et seq., was violated. Such conduct also implicated constitutional rights to voting rights, to due process and equal protection, all protected under the 5<sup>th</sup>, 14<sup>th</sup> Amendments of the U.S. Constitution, and under Art. I of the New Jersey Constitution.

188. The defendants are a local municipal entity not immune from civil rights actions under NJCRA.
189. Interference that occurred in this case as to plaintiff's civil and constitutional rights is actionable under NJCRA.
190. The defendants acted under color of law to injure plaintiff in the workplace.
191. The IA actions and adverse employment actions inflicted against plaintiff as to his election to a promoted position being sabotaged is the type of governmental overreach using the power of the of the state under color of law that is actionable under NJCRA.
192. In addition, such acts were done under color of law by all named defendants, deprived plaintiff of his right to enjoyment and/or free exercise of his substantive due process rights, equal protection under the law, fundamental fairness, a fair process, under the privileges and/or immunities secured by the laws and constitutions of the United States and New Jersey, in violation of *N.J.S.A. 10:6-2 et seq.*

193. As a direct and proximate result/cause of all named defendants' actions/inactions, violations of the plaintiff's civil rights guaranteed to him by N.J.S.A. 10:6-2 the plaintiff suffered damages.
194. Such acts in violation of plaintiff's civil rights committed by defendants occurred with actual malice and/or were done with reckless disregard for the truth, and or were done with a wanton and willful disregard of persons who foreseeably might be harmed by defendants' actions.
195. It was the policy and/or custom of all named entity defendants to condone the actions of their agents, servants, and/or employees by virtue of their training, supervision, policies, procedures, and/or directives in place or the lack thereof.
196. The entity defendants are vicariously liable for the conduct of all individually named defendants. All individually named defendants are being sued in their individual, administrative, representative or official capacities.
197. As a direct result of these aforesaid actions of the defendant/s, their agents, employees, and servants, and as a direct result of their malicious and intentional wrongful or negligent tortious conduct, plaintiff has suffered and he seeks the following damages:
- i. Compensatory damages;
  - ii. Punitive damages;
  - iii. Attorney costs and fees;
  - iv. Damages for pain and suffering;
  - v. Damages for loss and enjoyment of life;
  - vi. Damages for being an NJLAD retaliation victim;

- vii. Lost wages of \$2,800.00
- viii. Recoupment of fees and costs paid to plaintiff's attorney and any third parties to prosecute the matter civilly under the NJCRA;
- ix. Equitable damages in the form of receiving the promotion to Assistant Fire Chief of AFD;
- x. Plaintiff's service record being sanitized;
- xi. Any and all damages recognized under NJCRA;

198. WHEREFORE, Plaintiff demands judgment against all defendants, jointly, severally and in the alternative, for compensatory damages, punitive damages, attorney's fees, other specific performance and injunctive relief, and for any and all relief permitted and cognizable under NJCRA together with the interests and costs of suit caused by the NJCRA violation/s.

**COUNT FIVE [1<sup>st</sup>, 5<sup>th</sup>, and 14<sup>th</sup>**  
**AMENDMENT CLAIMS AS TO**  
**ELECTION VIOLATIONS]**

199. Plaintiff repeats and makes a part hereof the allegations contained in Sections I-III *entoto*, as if stated in full and verbatim herein in Count Five.

200. At all relevant times herein, all named individual defendants and entity defendants and all John Doe defendants in this captioned matter acting jointly or severally, deprived, interfered with, and/or attempted to interfere in the form of

acting maliciously and/or in reckless disregard of the truth as to the allegations made in this Complaint.

201. The discriminations and retaliation claims indicate an alleged violation of the NJLAD herein above and the facts indicated in Sections I-III above reveal that the defendants' conduct also violated NJCRA, and as a result of the foregoing, the 1<sup>st</sup> Amendment of the of the United States and the companion political free expression provisions of the New Jersey Constitution were also violated, along with plaintiff's due process rights guaranteed under the 5<sup>th</sup> and 14<sup>th</sup> Amendment rights guaranteed by our forefathers.

202. Defendants as was stated in Sections I-III sabotaged a legal vote made by borough code which acted to promote plaintiff. Voting is sacrosanct. It is our most cherished right and is a form of free speech covered in our constitution.

203. Additionally, the reason to sabotage plaintiff's election and promotion by defendants was also a violation of the 1<sup>st</sup> Amendment in that plaintiff's apolitical status was used against him.

204. Plaintiff in defendants' minds was not sufficiently loyal to their political aspirations.

205. Defendants knew of plaintiff's apolitical history and sabotaged his election and promotion due to their hatred of him for not being loyal politically.

206. Defendants instituted adverse employment actions against plaintiff due to plaintiff's political beliefs or lack thereof and due to his lack of aligning to or supporting or being loyal to Dillon, Baez and Kistner.

207. the democrats and/or to defendant Saudino.

208. The 1<sup>st</sup> Amendment of the U.S. Constitution prohibits persons in the course of their public employment for a municipal or governmental public body from being adversely treated on their basis of their free speech political expressionism. This type of political interference is of a constitutional magnitude and is actionable as a constitutional claim regarding the constitutional right of free political expressionism.

209. Political discrimination or political retaliation as was occurring to this plaintiff violates the 1<sup>st</sup> Amendment of the U.S. Constitution and the companion provisions of the New Jersey Constitution.

210. All other legal and causation and compounding noted in Sections I-III are incorporated by reference as if stated expressly herein in Count Five.

211. All damage information relied on is contained in Sections I-III above and is incorporated by reference as if stated expressly herein in Count Five.

212. As a direct result of these aforesaid actions of the defendant/s, their agents, employees, and servants, and as a direct result of their malicious and intentional wrongful or negligent tortious conduct, plaintiff has suffered and seeks the following damages:

- i. Compensatory damages;
- ii. Punitive damages;
- iii. Attorney costs and fees;
- iv. Damages for pain and suffering;
- v. Damages for loss and enjoyment of life;
- vi. Damages for being an NJLAD retaliation victim;

- vii. Lost wages of \$2,800.00
- viii. Recoupment of fees and costs paid to plaintiff's attorney and any third parties to prosecute the matter civilly under the Constitution;
- ix. Equitable damages in the form of receiving the promotion to Assistant Fire Chief of AFD;
- x. Plaintiff's service record being sanitized;
- xi. Any and all damages recognized in 1<sup>st</sup> Amendment claims or in claim made under the New Jersey Constitution's freedom of expression clause and under the other constitutional rights evoked in this Court;

213. WHEREFORE, Plaintiff demands judgment against all defendants, jointly, severally and in the alternative, for compensatory damages, punitive damages, attorney's fees, other specific performance and injunctive relief, and for any and all relief permitted and cognizable under the 1<sup>st</sup> Amendment of the U.S. Constitution and under the companion provisions of the New Jersey Constitution together with the interests and costs of suit caused by the constitutional freedom of speech and political expression violation/s.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all issues in this case.

DATED: JUNE 13, 2023

(s) ERIC KLEINER

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ERIC V. KLEINER, ESQ.  
ATTORNEY FOR THE PLAINTIFF  
MICHAEL F. PINI

**CERTIFICATION**

Pursuant to the provisions of Rule 4:5-1, the undersigned attorney certifies that to the best of our knowledge, the above matter is not the subject of any action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

DATED: JUNE 13, 2023

(s) ERIC KLEINER

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ERIC V. KLEINER, ESQ.  
ATTORNEY FOR THE PLAINTIFF  
MICHAEL F. PINI

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of Rule 4:25-4, the Court is advised that Eric V. Kleiner, Esq., is hereby designated as trial counsel.

DATED: JUNE 13, 2023

(s) ERIC KLEINER

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ERIC V. KLEINER, ESQ.  
ATTORNEY FOR THE PLAINTIFF  
MICHAEL F. PINI



# Civil Case Information Statement

## Case Details: BERGEN | Civil Part Docket# L-003092-23

**Case Caption:** PINI MICHAEL VS BOROUGH OF ALLENDALE

**Case Initiation Date:** 06/13/2023

**Attorney Name:** ERIC VICTOR KLEINER

**Firm Name:** ERIC V. KLEINER

**Address:** 385 SYLVAN AVE STE #29, SECOND FL ENGLEWOOD CLIFFS NJ 076320000

**Phone:** 2013946229

**Name of Party:** PLAINTIFF : Pini, Michael, F

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** LAW AGAINST DISCRIMINATION (LAD) CASES

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**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

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: Michael F Pini?** 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:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

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)*

06/13/2023

Dated

/s/ ERIC VICTOR KLEINER

Signed

