

COSTELLO & SILVERMAN, LLC

By: Miriam S. Edelstein
 Attorney I.D. No. 037612006
 18000 Horizon Way, Suite 800
 Mount Laurel, NJ 08054
 (856) 727-9700
 medelstein@costellosilverman.com
 Attorneys for Plaintiff

KRISTIN MCCONNELL,

Plaintiff,

vs.

BOROUGH OF RED BANK; MAYOR
 WILLIAM PORTMAN, in his personal and
 official capacities; JAMES GANT, in his
 personal and official capacities; CHIEF
 MICHAEL FRAZEE, in his personal and
 official capacities; CAPTAIN ROBERT A.
 CLAYTON, in his personal and official
 capacities; CAPTAIN ROBERT
 KENNEDY, in his personal and official
 capacities; SERGEANT GEORGE
 TRAVOSTINO, in his personal and official
 capacities; PATROL OFFICER MICHAEL
 ZADLOCK, in his personal and official
 capacities; PATROL OFFICER NICHOLAS
 MALETTO; and JOHN DOES 1-5 AND 6-
 10, in their personal and official capacities,

Defendants.

:
 : SUPERIOR COURT OF NEW JERSEY
 : MONMOUTH COUNTY - LAW DIV.

:
 : CIVIL ACTION

:
 : DOCKET NO:

:
 : **COMPLAINT AND JURY DEMAND**

Plaintiff, Kristin McConnell, residing in Ocean County, New Jersey, by way of

Complaint against the defendants, says:

Preliminary Statement

Plaintiff brings this action under the New Jersey Law Against Discrimination (“LAD”) alleging sexual harassment/hostile work environment and discrimination based on sex, sexual stereotype, sexual orientation (actual or perceived), disability and perceived disability, as well as aiding and abetting thereof, and retaliation in employment; whistleblower retaliation in violation of the New Jersey Conscientious Employee Protection Act (“CEPA”); and deprivation and interference with her substantive rights guaranteed by the New Jersey Constitution in violation of the New Jersey Civil Rights Act (“NJCRA”), as further alleged below.

Identification of Parties

1. Plaintiff Kristin McConnell (“Plaintiff”) is, at all relevant times herein, a resident of the State of New Jersey and is a current employee of the Borough of Red Bank, working for the Red Bank Police Department (“RBPD”).

2. Defendant Borough of Red Bank is, at all relevant times herein, a municipal government entity with its principal place of business located at 90 Monmouth Street, Red Bank, New Jersey, 07701, and Plaintiff’s current employer.

3. Defendant Mayor William Portman (“Mayor Portman”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

4. Defendant James Gant (“Gant”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

5. Defendant Chief Michael Frazee (“Chief Frazee”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

6. Defendant Captain Robert A. Clayton (“Capt. Clayton”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

7. Defendant Captain Robert Kennedy (“Capt. Kennedy”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

8. Defendant Sergeant George Travostino (“Sgt. Travostino”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

9. Defendant Patrol Officer Michael Zadlock (“Ptl. Zadlock”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

10. Defendant Patrol Officer Nicholas Maletto (“Ptl. Maletto”) is, at all relevant times herein, an individual liable in his personal and official capacities for his own direct acts and omissions and/or on the basis of *respondeat superior* as set forth herein.

11. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff for the acts set forth herein, in their personal and/or official capacities.

General Allegations

12. Plaintiff has been a Patrol Officer with the RBPD since in or around April 2014.

13. While Chief Frazee (male) is the highest-ranking officer in the RBPB, and Capt. Clayton (male) is the second-highest ranking officer, since Chief Frazee's appointment as chief, Defendant Gant (male), as the Borough Manager, has insinuated himself as a primary decision-maker with respect to disciplinary decisions and day-to-day operations.

14. Defendant Gant's expanded Borough Manager role has infiltrated the highest level of operational decisions within the RBPB, which decisions previously resided with the Chief of Police.

15. Defendant Gant's expanded role includes deciding if an internal affairs ("IA") investigation will proceed; what the scope of any IA investigation will be; directing that the internal affairs investigator only issue a report determining whether a complaint is sustained or not; deciding what, if any, disciplinary action should be issued when a complaint is sustained; and deciding whether to pursue any formal disciplinary charges and if so, which charges.

16. Prior to Defendant Gant assuming this role, IA reports, when sustaining the complaint, would include any recommended disciplinary action, and the decisions of whether to impose discipline, whether to pursue formal charges and which to pursue lay with the highest-ranking RBPB officer.

17. Defendant's Gant expanded role in determining discipline in the event of a sustained IA complaint contradicts State of New Jersey's Internal Affairs Policy and Procedure ("IAPP") § 6.2.5, which states that "[i]f the complaint is sustained, the superior officer so authorized should determine the appropriate disciplinary action."

18. Since the inception of her employment with the RBPB, Plaintiff has been subjected to a continuous and unbroken pattern of harassment and a hostile work environment on

the basis of her sex (female), sexual stereotyping, sexual orientation (whether actual or perceived), disability (whether actual or perceived) and/or retaliation, including the following:

- a. Continuous inappropriate and offensive comments and conduct by Ptl. Maletto (male) of sexual nature made both orally in the workplace as well as via text messages despite Plaintiff's objections to same;
- b. Following Plaintiff's objections to the offensive comments and conduct, Plaintiff was subjected to further harassment and targeting, in particular by Ptl. Maletto and Ptl. Zadlock (male), designed to alienate Plaintiff and interfere with her training and promotion opportunities, including:
 - i. Circulating altered and sexualized photographs of Plaintiff wherein Plaintiff's face has been placed on the bodies of men;
 - ii. Placing condoms on Plaintiff's personal vehicle;
 - iii. Posting laminated pictures of Plaintiff in her assigned work area with the label "First Lady;"
 - iv. Intentional sabotage of the women's bathroom facilities in the workplace;
 - v. Making unfounded challenges to Plaintiff's investigations at crime scenes;
 - vi. Ptl. Maletto altering Plaintiff's report narratives without her knowledge and consent when he was assigned as the "Officer in Charge" and admitting to doing so because he finds Plaintiff "annoying;"
 - vii. Filing false complaints against Plaintiff for not answering her radio and/or being away from her post;

- c. Harassing and offensive behavior by RBPd Patrol Officer, Thomas Doremus (“Ptl. Doremus”) (male) beginning in or around 2020, when Plaintiff ended an intimate relationship with Ptl. Doremus, which behavior included:
 - i. Spreading rumors about Plaintiff among other members of the RBPd to foment distrust and hostility against Plaintiff;
 - ii. Spreading false accusations that he had caught Plaintiff “cheating” on him in their shared home;
 - iii. Spreading rumors about Plaintiff’s sexual orientation being the reason for her ending their relationship, including that she is bisexual and/or a lesbian;
 - iv. Stealing money from Plaintiff’s checking account to pay his own personal bills from 2020 through 2024;
- d. Despite Ptl. Doremus’ misconduct and harassment being the issue, then-Captain Errico Vescio (male) refused to allow Plaintiff to work light duty shifts while she was recovering from a surgery because such shifts would coincide with shifts Ptl. Doremus was working, forcing Plaintiff to use sick time and/or forego compensation;
- e. After Plaintiff made formal complaints of harassment and discrimination against Ptl. Maletto and Ptl. Zadlock, in or around September 2022, the Borough outsourced the investigation to the law firm Weiner Law Group and its Member, Attorney Mark A. Tabakin, Esq., which investigation Plaintiff alleges to have been a mere sham process which was ignored for several months and ultimately a sham conclusion that the allegations were unsubstantiated, issued in a report on or

about August 4, 2023, nearly one year after Plaintiff's complaint, and determined that no remedial action was required;

- f. The Borough's failure to discipline or correct the harassment merely emboldened Ptl. Maletto and Ptl. Zadlock's harassment and retaliatory conduct which continued and only increased;
- g. Following Plaintiff's complaint, Ptl. Zadlock retaliated by complaining to the MCPO that Plaintiff was receiving special treatment from then Chief of Police, Darren McConnell, which complaint was unfounded as determined by the MCPO's audit of the IA files finding no issues with respect to Plaintiff;
- h. Not satisfied with MCPO's audit, Ptl. Zadlock then made several false statements to the Attorney General's office and admitted he was complaining about Plaintiff because of Plaintiff's harassment complaint against him;
- i. Ptl. Zadlock further appeared to have been given improper access to Plaintiff's confidential IA files and/or information therein by Capt. Clayton, in violation of IAPP policy;
- j. In or around February 2023, after Plaintiff was ranked first on the promotion list for consideration for a sergeant rank, Chief Frazee and Capt. Clayton artificially lowered Plaintiff's rankings so that she would appear to be ranked seventh among the candidates in an attempt to justify promoting other less qualified candidates outside of her protected classes over Plaintiff;
- k. In or around October 2023, while Plaintiff was attending a religious community function representing the RBPD, Mayor Portman (male) relayed intimate and sexually graphic details regarding his wife to Plaintiff, wherein he relayed that his

wife had been bitten by a dog requiring reconstructive surgery on her face in which she had skin grafted from her vaginal area, and that his wife now gives him “the best blow jobs ever” because she has a “pussy for lips;”

- l. Plaintiff reported Mayor Portman’s inappropriate and offensive comments to then-Chief Darren McConnell, who in turn reported the complaint to Deputy Mayor Kate Trigiano;
- m. Despite Deputy Mayor Trigiano’s confirmation that she had heard Mayor Portman make these same inappropriate comments before and that it would likely “get him in trouble,” no action was taken to reprimand Mayor Portman or correct the behavior;
- n. In or around December 2023, Ptl. Zadlock made comments at an open and public Council meeting improperly revealing details of IA investigation involving Plaintiff, and identifying Plaintiff, specifically, in violation of IAPP policy, with no repercussion or discipline for doing so;
- o. After Plaintiff filed a complaint against Ptl. Doremus with the Monmouth County Prosecutor’s Office (“MCPO”) in or around January 2024, Plaintiff was the subject of two (2) “anonymous” complaints, which thereafter were attributed to Ptl. Zadlock, falsely alleging Plaintiff conducted an improper arrest as well as authored false statements in a police report in December 2023, both of which complaints were ultimately determined unfounded and Plaintiff exonerated by the MCPO on or about July 29, 2024;
- p. In or around April 2024, Chief Frazee assigned Plaintiff to a “training program” within the Traffic Bureau, converting what is otherwise deemed a highly-coveted

assignment designed to further career opportunities with advanced training and responsibility to an unprecedented assignment in which Plaintiff was denied appropriate training opportunities and responsibilities, assigned menial tasks normally handled by more junior officers, denied calls to handle fatal accidents and ultimately denied the opportunity for this assignment to count toward advancing her promotion opportunities, in stark contrast to the historical experience of male officers who have not engaged in LAD-protected activity when assigned to the Traffic Bureau;

- q. Indeed, at the same time Plaintiff was given this diminishing assignment, Ptl. Zadlock was assigned to an actual training program within the Detective Bureau, received appropriate training and ultimately receiving the Detective designation;
- r. Plaintiff complained about this diminishing assignment and its departure from how the assignment has worked for all other officers to Chief Frazee and Capt. Clayton, to no avail;
- s. When Plaintiff was removed from that role, she was replaced by a far less experienced, junior officer, Ptl. Piero Vescio (male), but once Ptl. Vescio was in the position, the full permissions, training opportunities and responsibilities were made available for him;
- t. In or around November 2024, Ptl. Zadlock, with the aid of Capt. Clayton, made further false accusations against Plaintiff for “behavioral issues” relating to Plaintiff’s handling of a burglary call in a further attempt to malign Plaintiff’s reputation and interfere with Plaintiff’s career trajectory;

- u. In or around December 2024, Plaintiff was undergoing infertility treatment, including through the use of hormonal treatment which can increase emotional lability, of which treatment Chief Frazee, Capt. Clayton and Sgt. Travostino (male) were each aware;
- v. While Plaintiff was undergoing this treatment, despite being more prone to feeling higher levels of emotion and/or expressing more of her emotions, her judgment was not impaired nor did she require or request any workplace accommodations in relation to her heightened emotions;
- w. On or about December 23, 2024, Plaintiff relayed much of the history of the harassment and retaliation she had experienced, and continued to experience, including the conduct described above, to Sgt. Travostino;
- x. Shortly after Plaintiff spoke with Sgt. Travostino, both he and Capt. Clayton attempted to portray Plaintiff as an unhinged and/or hysterical woman, falsely accusing her of making threats to harm or damage Borough property (specifically, to “burn” the place “to the ground”) and speaking unprofessionally about her colleagues;
- y. In reality, Plaintiff’s statements to Sgt. Travostino were one of Plaintiff’s several instances of her protected LAD activity reporting instances of sexual harassment, discrimination and retaliation;
- z. On or about January 13, 2025, at the direction of Defendant Gant, Chief Frazee and Capt. Clayton placed Plaintiff on paid administrative leave pending a psychological fitness for duty evaluation on the basis of these false accusations and report by Sgt. Travostino and Capt. Clayton;

- aa. Without proper or probable cause to do so, Defendants required Plaintiff to relinquish her personal firearms as well as her duty weapons on the basis of the false, sexist and ablest accusations portraying her as an “unhinged woman;”
- bb. At that time, Plaintiff was recovering from a physical injury, and was further told by Chief Frazee that they could not proceed with this mandatory psychological fitness for duty evaluation until she was otherwise medically cleared to return to work;
- cc. Despite having placed Plaintiff on paid administrative leave, as had been the practice with respect to her male co-workers, on or about January 22, 2025, Chief Frazee, at Defendant Gant’s direction, rescinded the paid leave and informed Plaintiff that she was now on unpaid administrative leave;
- dd. Despite Plaintiff pointing out the disparate treatment with respect to the paid versus unpaid status of her leave and requesting that he reinstate her paid leave status, Chief Frazee, at Defendant Gant’s direction, denied her request, forcing Plaintiff once again to use her sick time or go unpaid, in stark contrast to how Defendants have treated Plaintiff’s male counterparts and those who did not engage in LAD-protected activity;
- ee. On or about January 31, 2025, Plaintiff provided medical clearance from her doctor clearing her to return to light duty as of February 3, 2025, while she continued her physical recovery from the injury and surgery she underwent for the injury;
- ff. After complaining again about the disparate treatment of being on unpaid leave status to Chief Frazee, Defendant Gant and IFP doctor Lew Schlosser, the

defendants finally placed Plaintiff back on paid administrative leave pending the psychological fitness for duty evaluation that was still required before the Borough would allow her to return to work;

gg. Plaintiff completed her mandated psychological fitness for duty evaluation with IFP doctor Krista Dettle on or about February 20, 2025, during which she was deemed psychologically fit for duty, but advised that she would be required to complete a pre-determined twelve (12) counseling sessions before being permitted to return to full duty, and that she was allowed to retain her personal firearms, but not allowed to have her duty weapons until she completed the pre-determined counseling sessions;

hh. Upon information and belief, the mandatory psychological fitness for duty requirement and counseling sessions were unprecedented in the Borough and RBPD's history for any law enforcement officer;

ii. In addition, Plaintiff was assigned to light duty assignments with rotating midnight shifts of up to twelve (12) hours, also in derogation of past practice for light duty assignments which historically consisted of eight (8) hour day shifts Monday through Friday, which interfered with Plaintiff's ability to promptly schedule and complete the pre-determined 12 counseling sessions the Borough was requiring before she could return to full duty or receive her service weapons back;

jj. On or about March 31, 2025, after Plaintiff completed her first of the 12 mandatory counseling sessions, Capt. Clayton violated Plaintiff's confidential and

protected health information in an email to a third party civilian Borough

employee notifying the employee that Plaintiff had attended a counseling session;

kk. Plaintiff promptly objected to Capt. Clayton's violation of Plaintiff's confidential and private medical and personnel information;

ll. Plaintiff's objection to Capt. Clayton's improper disclosure of Plaintiff's confidential and private medical and personnel information constituted protected activity under CEPA;

mm. Two (2) days following Plaintiff's CEPA-protected activity objecting to Capt. Clayton's improper disclosure, Capt. Clayton issued Plaintiff an IA target letter for the same false allegations upon which her administrative leave issued 79 days prior was based;

nn. Plaintiff was further advised that these allegations could result in formal disciplinary charges being brought against her;

oo. Plaintiff notified both Capt. Clayton and Chief Frazee that she obtained counsel to represent her with respect to this new IA target letter in consideration of the possibility of formal disciplinary charges;

pp. Notwithstanding advising the Borough of her represented status with respect to this IA investigation, on or about May 2, 2025, Capt. Robert Kennedy insisted on interviewing Plaintiff as part of the IA investigation, despite Plaintiff reiterating that she was represented by counsel with respect to these accusations, and despite conducting this interview while Plaintiff was working in dispatch actively answering and dispatching calls for service, rather than conducting the interview in a private area or even recording the interview;

- qq. Capt. Kennedy insisted that the interview was simply a “silly formality” and indicated that Sgt. Travostino is known for exaggerating statements;
- rr. On or about May 15, 2025, Capt. Clayton made a comment sexualizing Plaintiff’s attire at a retirement function that Plaintiff attended, despite Capt. Clayton not having been in attendance, in which Capt. Clayton remarked, incorrectly, that Plaintiff’s dress was very low cut and tight;
- ss. Notwithstanding the procedural violations of Capt. Kennedy’s IA investigation and insistence that the interview of Plaintiff without her counsel present was merely a “silly formality,” Capt. Kennedy issued a report sustaining the allegations;
- tt. On the basis of Capt. Kennedy’s improper IA investigation, the Borough issued a 5-day suspension to Plaintiff and initiated formal disciplinary charges on or about June 9, 2025;
- uu. On or about June 16, 2025, the Borough issued a further IA target letter to Plaintiff regarding a DWI arrest at which Plaintiff was present in June 2021;
- vv. Neither the arresting officer, Patrol Officer Preston Mellaci (male) nor the senior officer on the scene, Patrol Officer Tanner Shea (male), were investigated – only Plaintiff was;
- ww. Notwithstanding this further disparate treatment, and the Borough’s initial finding that the arrest was proper, the Borough now sustained its IA investigation of only Plaintiff;
- xx. On or about September 17, 2025, the Borough issued a fifteen (15) day suspension to Plaintiff, and initiated further formal disciplinary charges against

Plaintiff relating to the June 2021 DWI arrest conducted and supervised by other male officers, who were not charged;

yy. In or about August 2025, Plaintiff interviewed in the promotional process with Capt. Clayton and Chief Frazee, during which the promotional process, for the first time, included the most basic of questions one could ask any law enforcement officer, including multiple choice answers about the use of deadly force when confronting an active shooter;

zz. For the first time during this promotional process, the Borough did not provide either scores or the matrix used for the interview and promotion process in selecting the successful candidates for promotion;

aaa. Plaintiff was once again improperly denied promotion to the sergeant rank, despite having better experience and records than the selected candidates, who were neither female nor had complained about either LAD or CEPA violations;

bbb. Moreover, when Plaintiff's union ultimately succeeded in forcing the Borough to share any information about the candidates' scores, after the promotions were already made, Chief Frazee provided erroneous scores, which he then attempted to correct, but no matrix showing how the scores were tabulated.

19. The hostile work environment and pattern of offensive comments and conduct have only continued in the absence of the Borough's willingness to address and correct it as summarized above.

20. On or about August 13, 2025, Ptl. Maletto made an offensive and sexually explicit comment at work to both Sgt. Lovick and Capt. Kennedy, with Plaintiff present, regarding a fellow officer struggling after the birth of twin children, stating “that’s why I only do anal.”

21. Plaintiff immediately complained to both Sgt. Lovick and Capt. Kennedy about the offensive nature of this comment.

22. After Ptl. Maletto left the bulding, Sgt. Lovick advised Plaintiff that Ptl. Maletto would be written up for his comments.

23. After no such write-up or other corrective action was taken against Ptl. Maletto for these comments, Plaintiff made numerous attempts to follow up and inquire with the administration about how the Borough would address this, including sitting for a video-recorded interview regarding the incident.

24. To this date, Plaintiff has received no information of any disciplinary or corrective action issued to Ptl. Maletto for this or any other offensive and inappropriate comments and conduct.

25. Indeed, on or about November 13, 2025, Plaintiff reported yet further sexually offensive conduct by Ptl. Maletto, who made sexually explicit and groping gestures towards another officer in front of Plaintiff in the dispatch center.

26. Plaintiff reported this additional sexually offensive conduct to Sgt. Garrett Falco, both verbally and in writing, and to her knowledge, still no corrective action has been taken by the Borough to correct this ongoing conduct by Ptl. Maletto.

27. On the other hand, Plaintiff continued to be subject to formal disciplinary charges for her LAD- and CEPA-protected activity.

28. In or around October 2025, a hearing was conducted regarding the formal charges initiated by the Borough against Plaintiff, only, relating to the June 2021 DWI arrest conducted and supervised by other male officers.

29. This hearing was ultimately adjourned without completion after testimony unfavorable to the Borough's case was taken.

30. After several more months, on March 10, 2026, the Borough finally withdrew the formal charges contained in the September 17, 2025 Notice against Plaintiff relating to the June 2021 DWI arrest conducted and supervised by other male officers who were not charged.

31. The Borough has yet to proceed with, or withdraw, the formal charges initiated in June 2025, mischaracterizing Plaintiff's LAD- and CEPA-protected activity as violations of Borough and/or RBPDP policy and procedure.

32. The Borough continues to treat Plaintiff less favorably and differently than male officers and officers who have not engaged in LAD- and CEPA- protected activity with respect to selective discipline and targeting.

33. On or about October 3, 2025, Plaintiff reported a comment made by a civilian employee of the Borough and RBPDP, in which said employee told another civilian employee who had been speaking with Plaintiff, that Plaintiff should have let the RBPDP "burn to the ground," which was the primary accusation by Sgt. Travostino, that Plaintiff had made such a comment, and which comment Defendants purport to be the reason Plaintiff was improperly placed on leave and continues to face formal disciplinary charges to this day.

34. Notwithstanding this report, no actions have been taken by the Borough and RBPDP to address the comment made by the civilian employee, in which the civilian employee expressed that Plaintiff should have let the RBPDP "burn to the ground."

35. On or about February 6, 2026, Plaintiff observed Ptl. Maletto's blatant insubordination to Sgt. Lovick during a phone call and extreme disrespect towards other members of the RBPd, including Ptl. Maletto challenging a co-worker to a physical fight, all of which occurred in the presence of Capt. Kennedy who had to de-escalate the situation.

36. Despite these serious infractions of RBPd and Borough policy by Ptl. Maletto, no IA investigation, disciplinary action, charges or other corrective steps have been taken to address Ptl. Maletto's misconduct.

37. In addition, with respect to the 3rd degree criminal theft by Ptl. Doremus perpetrated on Plaintiff, Defendants opted not to pursue any disciplinary charges against him, but rather, delayed taking any action at all until after Ptl. Doremus retired, and then, only cutting back a portion of his unused and banked paid time off.

38. The above-described harassment was:

- a. severe or pervasive;
- b. continuing in an unbroken pattern creating a hostile work environment since in or around 2014;
- c. based on one or more of Plaintiff's following protected classes:
 - i. Plaintiff's sex (female) and/or sexual stereotype based on Plaintiff's sex;
 - ii. Plaintiff's sexual orientation (actual or perceived);
 - iii. Plaintiff's disability (actual or perceived) and/or
 - iv. Plaintiff's LAD-protected activity objecting to the unlawful harassment, discrimination and retaliation above in violation of the LAD;

d. to such a degree that an objective, reasonable person similarly situated to Plaintiff would have felt that the terms and conditions of their employment had been altered such that the work environment had become hostile, intimidating and/or abusive;

e. to such a degree that the work environment did so alter and become hostile, intimidating and/or abusive for Plaintiff, specifically;

f. conducted by both supervisory and non-supervisory employees of the Borough, including the highest ranking members of the Borough in charge of setting and enforcing Borough policies and procedures; and

g. reported by Plaintiff multiple times to supervisory and high-ranking officials of the Borough, placing the Borough on actual and/or constructive notice of the harassment such that liability for all harassment above is imputed to the Borough for failing to take appropriate and reasonable corrective measures to prevent further harassment from occurring.

39. The Borough's failure to address and prevent further harassment demonstrates that any policy the Borough may claim to have or have had to prohibit unlawful harassment was nothing more than a sham.

40. The adverse employment actions that the defendants have taken against Plaintiff as described above were motivated by one or more of the following:

- a. Plaintiff's sex (female) and/or sexual stereotype based on Plaintiff's sex;
- b. Plaintiff's sexual orientation (actual or perceived);
- c. Plaintiff's disability (actual or perceived);
- d. Plaintiff's LAD-protected conduct; and/or
- e. Plaintiff's CEPA-protected conduct.

41. Defendants' conduct described above has further deprived and/or interfered with Plaintiff's rights guaranteed under the New Jersey Constitution as follows:

- a. Plaintiff's right to due process;
- b. Plaintiff's right to equal protection under the law;
- c. Plaintiff's right to be secure against unreasonable seizures; and
- d. Plaintiff's right to promotion decisions to be made according to merit and fitness.

42. As detailed above, the Defendants Borough, Gant, Chief Frazee, Capt. Clayton and Capt. Kennedy specifically violated the IAPP in failing to properly investigate and discipline Ptl. Maletto, Ptl. Zadlock and Ptl. Doremus, pursuant to § 6.0.1 which states: "All allegations of officer misconduct shall be thoroughly, objectively, and promptly investigated to their logical conclusion in conformance with [the IAPP], regardless of whether the officer resigns or otherwise separates from the agency."

43. In contrast, the same defendants' retaliatory zeal in targeting Plaintiff for investigation and discipline violated Plaintiff's statutory rights and the IAPP as follows:

- a. By charging Plaintiff at least 79 days after the initial IA complaint was received, violating:
 - i. N.J.S.A. 40A:14-147, establishing the "45-day rule," requiring disciplinary charges to be filed within 45 days of receiving sufficient information to charge;
 - ii. IAPP § 6.0.1's requirement of investigating IA complaints "objectively" and "promptly" and in conformance with the IAPP;

iii. IAPP § 6.1.4, requiring notification when the IA investigation cannot be completed within the 45-day rule and specification of what the reasons for the extended investigation are;

- b. By insisting upon interviewing Plaintiff in a non-private area, without a representative present and without making an audio recording of the interview, violating IAPP §§ 8.1.1, 8.1.6, 8.4.8 and 8.4.9;
- c. By divulging confidential information regarding the IA investigation to Ptl. Zadlock, who in turn disclosed such information in a public Council meeting, violating IAPP §§ 9.5.1, 9.5.2 and 9.6.1.

44. To the extent that Defendants proffer any legitimate, non-discriminatory and/or non-retaliatory reasons for any of their actions taken against Plaintiff described above, such reasons are merely pretext for one or more of the unlawful reasons articulated above.

45. To the extent that any legitimate, non-discriminatory and/or non-retaliatory reasons proffered by Defendants actually exist for any of their conduct described above, Defendants would not have engaged in such conduct but for one or more of the unlawful reasons articulated above such that a mixed motive analysis would be required.

46. As a result of the defendants' actions and omissions above, Plaintiff has been forced to suffer both economic and emotional harm, including emotional pain and suffering.

47. Because the actions of the defendants were under taken by members of upper management and/or their designees, who were willfully indifferent to the unlawful nature of their failure to correct the hostile work environment and by exacerbating same, and because these actions and omissions were especially egregious and/or malicious, punitive damages are warranted.

COUNT I

LAD – Harassment/Hostile Work Environment Based on Sex/Sexual Stereotype
Against the Defendant Borough

48. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

49. Based on the foregoing, Plaintiff contends that the Borough is liable for creating, condoning and/or maintaining a hostile work environment based on sex and/or sexual stereotype based on Plaintiff's sex (female).

WHEREFORE, Plaintiff demands judgment against the defendants, jointly and/or severally, together with compensatory damages for non-economic harm, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT II

LAD – Harassment/Hostile Work Environment Based on Sexual Orientation
Against the Defendant Borough

50. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

51. Based on the foregoing, Plaintiff contends that the Borough is liable for creating, condoning and/or maintaining a hostile work environment based on sexual orientation, whether actual or perceived.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly and/or severally, together with compensatory damages for non-economic harm, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT III

LAD – Harassment/Hostile Work Environment Based on Disability
Against the Defendant Borough

52. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

53. Based on the foregoing, Plaintiff contends that the Borough is liable for creating, condoning and/or maintaining a hostile work environment based on disability, whether actual or perceived.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly and/or severally, together with compensatory damages for non-economic harm, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT IV

LAD – Harassment/Hostile Work Environment Based on Reprisal
Against All Defendants

54. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

55. Based on the foregoing, Plaintiff contends that all defendants are liable for creating, condoning and/or maintaining a hostile work environment based on retaliation for Plaintiff having engaged in LAD-protected activity.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly and/or severally, together with compensatory damages for non-economic harm, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT V

LAD – Discrimination Based on Sex/Sexual Stereotype
Against the Defendant Borough

56. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

57. Based on the foregoing, Plaintiff contends that the Borough is liable for discrimination based on sex and/or sexual stereotype based on Plaintiff's sex (female).

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT VI

LAD – Discrimination Based on Disability
Against the Defendant Borough

58. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

59. Based on the foregoing, Plaintiff contends that the Borough is liable for discrimination based on disability, whether actual or perceived.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT VII

LAD – Retaliation
Against All Defendants

60. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

61. Based on the foregoing, Plaintiff contends that all defendants are liable for retaliation based Plaintiff's LAD-protected activity.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT VIII

LAD – Aiding and Abetting *Against All Individual Defendants*

62. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

63. Based on the foregoing, Plaintiff contends that all individual defendants are liable for aiding and abetting the Borough's harassment and discrimination described above in violation of the LAD.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT IX

CEPA *Against the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy*

64. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

65. Based on the foregoing, Plaintiff contends that the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy are liable for retaliation based on Plaintiff's CEPA-protected activity.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT X

NJCRA – Due Process Violation

Against the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy

66. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

67. Based on the foregoing, Plaintiff contends that the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy are liable for violating Plaintiff's constitutional right to due process in violation of the NJCRA.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT XI

NJCRA – Equal Protection Violation

Against All Defendants

68. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

69. Based on the foregoing, Plaintiff contends that all defendants are liable for violating Plaintiff's constitutional right to equal protection in violation of the NJCRA.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT XII

NJCRA – Freedom from Unreasonable Seizures

Against the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy

70. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

71. Based on the foregoing, Plaintiff contends that the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy are liable for violating Plaintiff's constitutional right to be free from unreasonable seizures in violation of the NJCRA.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT XIII

NJCRA – Violation of Guaranteed Promotion Decisions Based on Merit

Against the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy

72. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

73. Based on the foregoing, Plaintiff contends that the Defendant Borough, Defendant Gant, Defendant Chief Frazee, Defendant Capt. Clayton and Defendant Capt. Kennedy are liable for violating Plaintiff's constitutional right to have promotion decisions be made based on merit and fitness in violation of the NJCRA.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages for economic and non-economic harm, punitive damages, equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT XIV

Request for Declaratory and Equitable Relief

67. Plaintiff hereby repeats and re-alleges each of the preceding paragraphs as though fully set forth herein.

68. In addition to the judgment and relief requested above, plaintiff requests the following declaratory and equitable remedies and relief in this matter:

- a. Plaintiff requests a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein;
- b. Plaintiff requests that this Court order the defendants to cease and desist engaging in the unlawful conduct alleged herein going forward, both as to the specific plaintiff and as to all other individuals similarly situated;

- c. Plaintiff requests equitable back pay, front pay, reinstatement and/or instatement to include the full value of all lost wages, benefits, fringe benefits and other remuneration of which plaintiff was deprived due to the defendants' unlawful acts such that the equitable remedies ordered make plaintiff whole;
- d. Plaintiff requests that the Court equitably order the defendants to pay all costs incurred by plaintiff and/or her attorneys in connection with this litigation and all of plaintiff's reasonable attorneys' fees along with statutory and required enhancements to said attorneys' fees;
- e. Plaintiff requests that the Court order the defendants to have all personnel undergo and complete an initial training within 90 days of such order, and thereafter annual training, on the prevention of employment practices prohibited by the LAD and CEPA, as well as the constitutional violations alleged herein, and to require that such training be conducted by an independent consultant with specific expertise in such training and prevention and who is not otherwise employed by or in any contractual relationship with the defendants;
- g. Plaintiff requests that the Court order the defendants to have all supervisory and Human Resources personnel undergo and complete an initial training within 90 days of such order, and thereafter annual training, on the employer's obligations to investigate and address complaints of harassment prohibited by the LAD and CEPA, and to require that such training be conducted by an independent consultant with specific expertise

in such training and prevention and who is not otherwise employed by or in any contractual relationship with the defendants;

- h. Plaintiff requests that the Court order that any future employment and/or personnel decisions involving Plaintiff, including any internal affairs investigations and determinations and decisions regarding whether to initiate formal disciplinary proceedings and/or issue disciplinary or corrective actions, be made by the Monmouth County Prosecutor's Office and that any promotion decisions involving Plaintiff's candidacy be reviewed by the Monmouth County Prosecutor's Office to ensure proper procedure was followed and such decision was based on merit and fitness of all candidates, including Plaintiff;
- i. Plaintiff requests that the Court order that the defendants withdraw and expunge from all records any reference to the plaintiff's discipline and/or disciplinary charges that are determined in this lawsuit to be the result of unlawful conduct and/or motivation by any defendants and that the defendants be restricted from furnishing any information about such discipline and/or disciplinary charges unless legally required to produce other information; and
- j. Plaintiff requests that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, the plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with economic and non-economic compensatory damages, punitive damages, declaratory relief and equitable relief to include equitable reinstatement, back pay and front pay, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COSTELLO & SILVERMAN, LLC

Dated: March 25, 2026

By: /s/ *Miriam S. Edelstein*
Miriam S. Edelstein

DEMAND TO PRESERVE EVIDENCE

1. All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

COSTELLO & SILVERMAN, LLC

By: /s/ Miriam S. Edelstein
Miriam S. Edelstein

JURY DEMAND

Plaintiff hereby demands a trial by jury.

COSTELLO & SILVERMAN, LLC

By: /s/ Miriam S. Edelstein
Miriam S. Edelstein

RULE 4:5-1 CERTIFICATION

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.

2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

COSTELLO & SILVERMAN, LLC

By: /s/ Miriam S. Edelstein
Miriam S. Edelstein

DESIGNATION OF TRIAL COUNSEL

Miriam S. Edelstein, Esquire, of the law firm of Costello & Silverman, LLC, is hereby-designated trial counsel.

COSTELLO & SILVERMAN, LLC

By: /s/ Miriam S. Edelstein
Miriam S. Edelstein

