

CIVIL CASE INFORMATION STATEMENT
(CIS)

Use for initial Law Division - Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY NAME/PRO SE NAME

GEORGE T. DOUGHERTY, ESQUIRE

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COUNTY OF VENUE

MERCER

FIRM NAME (If applicable)
KATZ & DOUGHERTY, LLC

DOCKET NUMBER (When Available)

OFFICE ADDRESS:
4020 Quakerbridge Road
Mercerville, New Jersey 08619

DOCUMENT TYPE VERIFIED COMPLAINT

JURY DEMAND _____ YES XX NO

NAME OF PARTY (e.g. John Doe, Plaintiff)
MARIA RICHARDSON, PLAINTIFF

CAPTION RICHARDSON V. CITY OF TRENTON, TONY MACK AND HAROLD HALL

CASE TYPE NUMBER (See Reverse Side for Listings)

616

IS THIS A PROFESSIONAL MALPRACTICE CASE
____ YES XX NO

IF YOU HAVE CHECKED YES, SEE N.J.S.A. 2a:53a-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT

RELATED CASES PENDING
____ YES XX NO

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING ANY PARTIES
(ARISING OUT OF SAME TRANSACTION OR OCCURRENCE)

____ YES XX NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

____ NONE XX UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? XX YES _____ NO RELATIONSHIP XX EMPLOYER/EMPLOYEE
____ FRIEND/NEIGHBOR ____ OTHER (EXPLAIN _____ FAMILIAL _____ BUSINESS

B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? XX YES _____ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

DO YOU OR YOUR CLIENT HAVE ANY NEEDS UNDER THE AMERICANS WITH DISABILITIES ACT?

____ YES XX NO IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION _____

WILL AN INTERPRETER BE NEEDED?

____ YES XX NO IF YES, WHAT LANGUAGE _____

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

ATTORNEY SIGNATURE

Revised Effective 9/2009, CN 10517

CIVIL CASE INFORMATION STATEMENT
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Use for initial pleadings (not motions) under Rule 4:5-1

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

Track I - 150 days' discovery

151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT
505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
506 PIP COVERAGE
510 UM OR UIM CLAIM
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
599 CONTRACT/COMMERCIAL TRANSACTION
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

TRACK II - 300 days' discovery

305 CONSTRUCTION
509 EMPLOYMENT (OTHER THAN CEPA OR LAD)
602 ASSAULT AND BATTERY
603 AUTO NEGLIGENCE - PERSONAL INJURY
605 PERSONAL INJURY
610 AUTO NEGLIGENCE - PROPERTY DAMAGE
699 TORT - OTHER

TRACK III - 450 days' discovery

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

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

156 ENVIRONMENT/ENVIRONMENTAL COVERAGE LITIGATION
280 ZELNORM
303 MT. LAUREL
508 COMPLEX COMMERCIAL
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

248	CIBA/GEIGY	281	BRISTOL/MYERS ENVIRONMENTAL
266	HORMONE REPLACEMENT THERAPY (HRT)	282	FOSAMAX
271	ACCUTANE/ISOTRETINOIN	284	NUVARING
274	RESPERDAL/SEROQUEL/ZYPREXA	284	NUVARING
278	ZOMETA/AREDDIA	286	LEVAQUIN
279	GADOLINIUM	287	YAZ/YASMIN/OCELLA
283	DIGITEK	601	ASBESTOS

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

Please check off each applicable category:

Putative Class Action

Title 59

KATZ & DOUGHERTY, LLC
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609 587 1199 fax 609 587 0550
Attorneys for Plaintiff

MARIA RICHARDSON, :
 :
 : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION - MERCER COUNTY
 :
 Plaintiff, :
 :
 v. : DOCKET NO.: MER-L-
 :
 The CITY OF TRENTON, a :
 : MUNICIPAL CORPORATION OF
 : THE STATE OF NEW JERSEY,
 : TONY MACK, INDIVIDUALLY
 : AND AS MAYOR OF THE
 : CITY OF TRENTON, AND
 : HAROLD HALL, INDIVIDUALLY
 : AND AS AN OFFICER AND AGENT
 : OF THE CITY OF TRENTON,
 :
 Defendants. :

Plaintiff, Maria Richardson, residing at 844 Berkeley Avenue, Trenton New Jersey by way of complaint against the defendants, says:

1. At all times pertinent to this matter, the defendant, Tony Mack was and is the Mayor of the City of Trenton having ultimate administrative authority over the conduct of the City's business through his subordinate officers and administrative employees.
2. At all times pertinent hereto, defendant Harold Hall was and is an employee and officer of the City of Trenton serving,

since September 2011, as the Acting Director of the Department of Public Works, and prior thereto as the Director of the Division of Public Property within the Department of Public Works.

3. At all times pertinent to this matter and for a period of 11 years, the plaintiff was a resident of the City of Trenton and an employee of the City of Trenton, most recently in the capacity of Youth Opportunity Coordinator of the Department of Recreation, Natural Resources and Culture.
4. Prior to her employment with the City of Trenton, and after earning an Engineering degree in Agriculture from Universidad Nacional Pedro Henríquez Ureña, the plaintiff had been employed with the Organization of American States (OAS) and with several non-profit service organizations as a Technical Assistant Coordinator and Executive Director, and enjoyed the pursuit of challenges associated with improving the quality of life for children and families in the urban environment.
5. Plaintiff's duties as Youth Opportunity Coordinator for the City of Trenton included the management of State and Federal grant funds to be meted out to qualified recipients engaged in serving the health and recreational needs of Trenton's youth population.

6. At the inception of the administration of defendant Mack, July 1, 2010, the Director of the Department of Recreation, Natural Resources and Culture was fired effective July 1, and replaced by the appointment of Acting Director, Jean Shaddow who served nine months until her retirement March 1, 2011.
7. Due to a shortage of personnel within the Department of Recreation including the absence of a Department Director, the scope of plaintiff's duties expanded to include the general administration of the departmental budget for operations and the maintenance of its parks and facilities.
8. Under the circumstances prevailing during fiscal year 2010-11, plaintiff was the person within the Department of Recreation, Natural Resources and Culture who had direct responsibility to conserve and manage both its grant funds for fair and efficient distribution to qualified recipients and for the conservation and management of the Department's budget for operations and capital expenditures.
9. As of February, 2011, defendant Harold Hall, a retired Trenton police officer, was the Director of the Division of Public Property within the Department of Public Works.
10. At that time, even though the Department of Recreation, Natural Resources and Culture was operating under Acting Director Shaddow, Hall declared himself to be in charge of

the Department and instructed Acting Director Shaddow, the plaintiff and her co-workers to discontinue referring to her office as the "Department of Recreation, Natural Resources and Culture", and to use "Division of Public Property" instead, because, as he put it, that Department "no longer existed".

11. Although no official notice was ever issued, and although the City Ordinances have not been amended to remove the Department of Recreation, Natural Resources and Culture, defendant Hall directed all employees within the Department to report to him, as the Division of Public Property Director.
12. Not willing to report to a Division Head in a separate Department, Acting Director Shaddow retired effective March 1, 2011.
13. In the discharge of her Recreation, Natural Resources and Culture Department duties, plaintiff was committed to adhere to the requirements of State and federal law in the administration of both the Departmental budget and the grant funds entrusted to her management.
14. During the first ten years of her work in the Department of Recreation, Natural Resources and Culture, plaintiff was permitted to perform her duties in a lawful and businesslike manner.

15. However, as set forth in greater detail below, after the defendant Mack became Mayor the plaintiff was placed under increasing pressure by defendants Mack and Hall to do certain things which were unlawful and to turn a blind eye to their conduct and the conduct of others in the Administration which were unlawful and amounted to a waste of public assets and an abuse of the privileges and powers of their offices in the management of employment opportunities and other discretionary resources.
16. Because she knew that it would have been unlawful or otherwise improper for her to carry out certain orders issued by the defendants, she refused, explaining her reasons.
17. In reaction to her refusal to carry out his clearly unlawful orders, the defendant Mack expressed his anger to plaintiff directly and on occasion through defendant Hall, who warned her that her acts of interference with defendant Mack's plans would cost her her job.
18. During the period of one year, beginning with inauguration of defendant Mack as Mayor of Trenton on July 1, 2010, the plaintiff witnessed a marked change in the manner by which defendant Mack treated her individually, commencing with very pleasant and warm greetings during the course of City work activities and at public events and eventually

deteriorating into nasty exchanges, the unrestrained use of the foulest language and total snubbing during public encounters.

19. As set forth in detail below, the defendant Mack progressively punished the plaintiff by unjustifiable changes in her work assignments and locations, displacing her without notice from offices and reassigning her administrative management duties to clerical staff, and ultimately targeting her for "layoff" using the pretext that her removal was for purposes of "economy and efficiency".
20. The unlawful acts which the plaintiff refused to comply and was exposed to include but are not limited to the events set forth below.

Misuse of Grant Funds

21. During the period of August 2010 to December 2010, the City of Trenton solicited and received grant applications from prospective service providers under the Community Development Block Grant (CDBG) program.
22. The CDBG program originates with a grant of money to the City of Trenton by the federal Department of Housing and Urban Development to be re-issued to fund community-enriching services and projects using a fair and open procedure to select worthy applicants from among all who submit applications.

23. The grant application and review process requires a substantial amount of effort both by the grant applicant and the grant review authority, the typical application taking approximately twelve to sixteen weeks, including obtaining the application forms, preparation, submission, review and final approval or rejection.
24. In April, 2011, most of the CDBG funds had been awarded to applicants who had completed the required application forms such that the issuing authority and its funding source could be assured of the proper and effective use of the funds by a qualified and responsible grant recipient.
25. On or about April 15 2011, plaintiff received a directive from defendant Hall on behalf of defendant Mack directing her to "give" \$47,000.00 in grant money to Greg Grant, a local basketball player of considerable renown.
26. Greg Grant was known to plaintiff as having previously worked for the City of Trenton and having also performed services in the form of community recreational activities in the past, but she was also aware that he had not prepared or even picked up application forms for any form of grant available through her office.
27. For that reason, plaintiff told defendant Hall that it was not possible consistent with the law to give such money to Mr. Grant.

28. Defendant Hall responded to plaintiff by invoking the authority of defendant Mack directing her to "by-pass" the application process in order to provide the money to Greg Grant "*right away*", reminding plaintiff that Greg Grant was the "Mayor's friend" and that she did not want "*to get in trouble*".
29. Hall's unmistakable message had the desired effect on plaintiff causing her immediate and continuing anxiety over the consequences to her and her family of not simply giving unauthorized funds to the Mayor's friend.
30. However, despite Hall's warning, plaintiff refused to do so, telling Hall it would be illegal to just give money to the Mayor's friends, drawing a clear sign of disgust from him.
31. However, trying to find a legal means of accommodating the Mayor under the circumstances, plaintiff asked for a description of the kind of services Grant would perform for the money he was seeking.
32. Although Hall denied having any knowledge, plaintiff learned from another person present at the time that it would be the operation of a summer camp for youth.
33. Knowing that plans were underway to solicit competitive bids from operators of such summer camps, plaintiff offered the suggestion that Greg Grant be encouraged to submit a bid, as he had done in previous years.

34. To that Hall simply stated: "*You can circumvent that*".
35. In response, plaintiff replied: "*And why would I do that knowing that is illegal?*".
36. Approximately twice weekly thereafter defendant Hall would ask plaintiff if she had "*given the money to Grant*".
37. Eventually, however, Grant entered the bidding process and, on the basis of a properly submitted proposal in a fair and open process, was awarded a summer camp project contract for \$46,000 on or about June 15, 2011, approximately ten weeks after plaintiff was ordered to by-pass the application process.
38. During the Spring of 2011 the misuse of City funds was also a point of contention between the plaintiff and the defendants as plaintiff was approached by Connie McKithen, a former employee of the City of Trenton.
39. McKithen had been asked by the Mayor to organize a major musical concert with the Whispers, Charlie Wilson and other national acts to take place in August, 2011 at the Waterfront Park baseball stadium at a cost of approximately \$150,000.
40. After advising McKithen that she had no authority to satisfy such a request, the plaintiff was summoned to the Mayor's office regarding the money requested by Mr. McKithen for the proposed concert.

41. During the meeting, May 26, 2011, attended by defendant Hall and Seasonal Park Ranger Robert Mendez, plaintiff was again directed by the Mayor to "*get the \$150,000 from the Operating Budget.*"
42. Knowing that there would be repercussions, the plaintiff found it necessary to remind the Mayor that her Department did not have any such budgeted funds in the operating budget.
43. Expressing his frustration and displeasure at such a negative response, defendant Mack directed plaintiff, in that case "*to use grant money*" for the concert project.
44. In this instance the plaintiff found herself again in the position of having to refuse defendant Mack's demands to "*use grant funds*" as though they were able to be spent on whatever the Mayor wished for.
45. As anticipated, her negative response drew a response from defendant Mack which she could only interpret to mean that she could not continue to defy his orders without suffering adverse consequences.
46. Not giving up on a means for finding funds to fund the concert, the defendant Mayor asked plaintiff how the "boat ramp fee" receipts were handled, and whether plaintiff could transfer the boat ramp proceeds to be used to fund the concert.

47. The defendant Mayor's abrupt reference to the boat ramp revenues and his question of "*how were they handled*" surprised the plaintiff at first, until she realized that Park Ranger Mendez, present at the meeting when she arrived, was quite familiar with the boat ramp revenues.
48. Although demoted from a full time Ranger position to a seasonal or part-time Ranger position by Civil Service Commission, Robert Mendez had established himself as close confident of the defendant Mack.
49. Because the Park Rangers handled the boat ramp fees sales which occurred on-site at the ramp as cash transactions, plaintiff assumed that the defendant Mack learned from Mendez about this income stream.
50. Nevertheless, Plaintiff explained to the Mayor on May 26, 2011, that according to former Finance Director, Ronald Zilinski, the money taken in by the City from the sale of seasonal ramp passes to boaters cannot be diverted to purposes other than the maintenance of the boat ramp.
51. Showing his displeasure at plaintiff's negative response to the use of boat ramp revenues the Mayor cursed and dismissed plaintiff from the May 26 meeting, continuing on with defendant Hall and seasonal Park Ranger Robert Mendez.
52. Plaintiff left the Mayor's office on May 26, 2011 emotionally upset and fearing that the job that she enjoyed

- under the prior administration was becoming a source of friction with the current administration.
53. From November, 2010 until June, 2011 plaintiff's work day had been divided between two offices: The first half of each work day at her office in City Hall and the second half at an office at the Sam Naples Center in the East Ward.
 54. By email dated June 1, 2011, the second business day following the May 26 "boat ramp proceeds" discussion, Mayoral Aide Anthony Roberts notified plaintiff that the Mayor had transferred all of her duties (including her supervision of the boat ramp revenue receipts) to Mayoral Aide, Bishop Johnnie Vaughan Jr.
 55. In response to plaintiff's request for clarification, Roberts advised plaintiff that she was being put out of City Hall, saying that she was to report to the Sam Naples Center not mentioning anything to her about what she was to do there or what her new responsibilities were to be.
 56. Seeking a clearer explanation of what her re-assignment entailed, plaintiff sent out several email requests to which she received extremely limited responses, such as an email from the Business Administrator's secretary stating only that plaintiff was to report to the Sam Naples Center and that her hours would be the standard City Hall working hours (8:30 AM to 4:30 PM).

57. By phone call to Lauren Ira, the Mayor's Director of Policy, plaintiff learned that she would continue to have her job but that the Mayor wanted her *"out of City Hall immediately."*
58. Ms. Ira also informed plaintiff that John Vaughan will be her "supervisor".
59. Bishop Johnnie Vaughan Jr. was and is the religious and business director of the Calvary Christian Fellowship Ministries of Ewing Township, New Jersey.
60. In 2010, Vaughan publicly endorsed defendant Mack for election as Mayor in 2010, and sang the National Anthem at his inauguration.
61. On June 2, 2011, when plaintiff went to City Hall to transfer papers, projects, etc. to Bishop Vaughan, plaintiff attempted, over a period of two days, to prepare him to assume her duties as was her understanding of the directions she received, reviewing with him the variety of tasks that she had been assigned to perform.
62. After learning what the scope of his duties was to be, Vaughan declared *"No way! I would not even know where to begin to do all those things. I am going to talk to the Mayor, you need to stay here. I can't do your job"*.

63. Vaughan left and did not come back to his office for the next three 3 weeks approximately, making no contact with the plaintiff or anyone else to her knowledge.
64. On her return from a scheduled vacation, June 14, 2011, before reporting to the Sam Naples Center, the plaintiff reported to City Hall in order to collect her personal belongings.
65. Therefore, on her return from vacation on June 14, 2011, plaintiff met with defendant Hall and posed to him her still unanswered question as to why she had been transferred out of City Hall to an office at the Sam Naples Center.
66. Defendant Hall confirmed plaintiff's suspicion that her removal from City Hall was at the direction of defendant Mack, adding that "*the Mayor was so pissed off*" at her.
67. Knowing that defendant Hall had a close personal rapport with defendant Mack, the plaintiff asked Hall to tell her what she was supposed to be doing at the Sam Naples center or anywhere else.
68. In response, defendant Hall said that plaintiff was to do "*everything*".
69. Having learned from other workers that, during her time away on vacation, Johnnie Vaughan had not appeared at his office and made only one or two brief appearances at City Hall, plaintiff also asked defendant about that strange situation.

70. Hall confirmed the reports that Vaughan had not been at work for the last two weeks, except for a couple of short appearances.
71. Realizing that her new duty assignments would be added to the ones that Vaughan was being paid to do without being required by the defendants Mack and Hall to even be present, the plaintiff expressed her dissatisfaction to Hall with the prospects of having to bear responsibility for the absentee's duties.
72. Plaintiff told defendant Hall that she was tired of being "pushed around" and treated with hostility and with no clear understanding of the scope of her duties.
73. In response to plaintiff's demand that he at least tell her what her priorities were, Hall eventually stated that he wanted her to focus on the Summer Feeding Program, the pools and Heritage Days Festival.
74. Because defendants Hall and Mack knowingly allowed Vaughan to remain on the payroll without having to show up for work, plaintiff remained stationed at City Hall for the next three weeks with her computer and other office equipment stationed in the reception area while "Vaughan's office" remained unoccupied and the only other available office being assigned to Darlene Herring, a secretary who was being paid

as an employee of the Trenton Water Utility but assigned to work in "Recreation" on June 2, 2011.

75. On July 5th, plaintiff persuaded defendant Hall that she should be permitted to resume the use of her former office left vacant by Vaughan because it was very hard to perform her job from the reception area, with visitors, etc.
76. During this time period, the plaintiff received many phone calls each week requesting Mr. Vaughan, being informed each time by the plaintiff that she had last seen him on June 3rd.
77. Being concerned as a taxpayer of the State of New Jersey and of the City of Trenton that the defendants' clear approval of Bishop Vaughan's being paid without having to report for work amounted to an gross abuse of public funding resources, plaintiff reported this situation to a citizen known for his use of the Open Public Records Act ("OPRA") requesting that he obtain official records of Vaughan's job title, pay information, and time records.
78. The results of the OPRA request for Vaughan's employment status revealed that he was being paid \$39,999.96 per year as a Mayor's Aide without having to submit time sheets as required for all other employees.

MISSING PUBLIC PROPERTY

Boat Ramp Pass Revenue

79. Before she was made to give up control over the boat ramp fee records as of June 2, 2011, immediately following her confrontation with defendants Mack and Hall over the restrictions on their use, the decal sales were handled both at City Hall and at the boat ramp by the Park Rangers.
80. All the transactions were entered by plaintiff on records maintained at her desk at City Hall.
81. It had been her procedure to log the money, mostly in cash and in some cases checks, as receipts and turn them over to the City Finance Director on a regular basis.
82. Typical receipts for the month of June, the opening of the boating season on the Delaware River, amounted to at least \$10,000, being sold at the rates of \$25 Trenton resident' \$50 non-resident and \$250 out of state resident.
83. Based on prior years' sales levels, a normal volume of sales of boat ramp passes would amount to no less than \$10,000 during the month of June, the beginning of the season.
84. On June 20 or 21, 2011, weeks after being ordered off the job of managing the boat ramp revenues, plaintiff received an inquiry from an accountant in the City's Finance Department pointing out to plaintiff two odd features of the June receipts.

85. First, the receipts were low for June, by several thousand dollars, and second, the amount of money turned in was not an even multiple of the 25, 50 and 250 prices.
86. Not having had charge of the June receipts herself, plaintiff requested the secretary, Darlene Herring, to show her the June records and found to her surprise that there was no income recorded other than \$832.00 but, most unusually, the supply of unsold decals was missing.
87. Sensing that she was at risk in doing so, but realizing that she had no alternative in such matters, plaintiff immediately reported her findings and suspicions to Harold Hall.
88. On July 11, 2011, less than three weeks after reporting a shortage in the June boat ramp revenues and the disappearance of unsold permit decals, plaintiff was again displaced from the Recreation office by Sonya Wilkins.
89. Ms. Wilkins, while being paid as a secretary for the Department of Health and Human Services, was assigned to take over plaintiff's desk and functions.
90. After pointing out to her replacement the location of the business files, the plaintiff assembled only those personal things from her desk and took them with her, leaving all other office materials and files in place.

91. Weeks later, on or about August 15, 2011, while plaintiff was at home on sick leave, she received a phone call from defendant Hall accusing her of "taking City of Trenton files home" without authorization.
92. Despite plaintiff's firm denials of any such taking, Hall repeated his accusations to Business Administrator Eric Berry who directed his aid, Colin Cherry to gather information about the allegations, leading Cherry to interview Landscape Architect, Randy Baum.
93. When plaintiff realized that she was the subject of an investigation based on Hall's baseless accusation, she advised the City's law department personnel to remind Hall that all of her actions in leaving her office were within range of the surveillance cameras and that she would expect any doubt to be resolved by reference to the recordings.
94. While plaintiff was mindful of the investigation into the unfounded allegations of her unauthorized taking of City files, to plaintiff's knowledge no investigation was conducted into the missing boat ramp decals or the cash receipts they represented.
95. The disinterest demonstrated by defendants Hall and Mack in obtaining an accounting for the missing boat ramp fees, combined with their overt condoning of Bishop Vaughan's unearned income and benefits, and the persistent misuse of

Trenton Water Utility employees to perform non-Utility work water and their demands upon her to misappropriate funds and to by-pass qualification requirements for employing friends and family members reinforced plaintiff's feeling that she was working in a lawless environment which was intolerable.

Trenton Festival Tents

96. For all of the time that plaintiff had been working in Recreation, the City of Trenton owned twelve outdoor tents which it used for public events such as Heritage Days and which were stored at the "cottage" in Cadwalader Park when not in use.
97. On July 7, 2011, plaintiff received a hostile reaction from defendant Hall when she reported to him that the City's supply of outdoor tents was "missing".
98. The twelve tents, had last been seen by her in their normal storage place at "the Cottage" in Cadwalader Park between City events which required such tents.
99. In preparation for the July 9-10, 2011 Heritage Days Festival, plaintiff found that they were missing from their storage place.
100. Upon reporting the missing tents to defendant Hall, he told plaintiff "*The Mayor took them.*"
101. In response to plaintiff's admonition that the tents were "*not the Mayor's property but were public property*", Hall

retorted: *Any property of the City is the Mayor's property, if you want them, go ask him yourself*" leaving no doubt that he had no intention of taking any steps to justify or to rectify a bold misappropriation of the public property.

102. Plaintiff drew a further hostile reaction from defendant Hall by stating her opinion that "*if the Mayor actually took these tents, that means he stole them*".
103. The plaintiff subsequently learned that Seasonal Park Ranger Robert Mendez had *also* confirmed to one of her co-workers who had been assisting in the Heritage Days preparations that the defendant Mayor had taken the tents and that the City would have to rent replacements.
104. As a consequence, in order to equip the Heritage Days Festival, the City was forced to rent the tents it once owned.

CIRCUMVENTING THE STATE PURCHASING AND CONTRACTING LAWS

Cadwalader Park Pump House

105. During the Spring of 2011, defendant Hall demonstrated his intention to circumvent the State law governing the procurement of goods and services required to be subjected to competitive bidding, putting pressure on the plaintiff to join with him in the unlawful practices.
106. In particular, the defendant contacted the plaintiff with the request that she find funds within the Department of

Recreation, Natural Resources and Culture which would cover the cost of "demolition" of a pump station situated in Cadwalader Park.

107. Hall stated that the pump house "had a crack" and needed to be demolished at a cost of \$8,500.
108. Hall left plaintiff with the impression that the demolition of the pump house was the totality of what was needed and that the \$8,500 would cover it.
109. The plaintiff was given an invoice from Kris D. Construction claiming to have a business operating at 612 Mulberry Street in the City of Trenton, by defendant Hall and proceeded to log in a requisition thinking that it was a reasonable and necessary expenditure.
110. However, within a week of Hall's request for the demolition money, Hall contacted plaintiff again requesting that she find another \$16,000 for the "reconstruction" of the building.
111. Subsequently, Hall presented the plaintiff with a third invoice in the amount of \$7,000 for the same project)
112. At that moment the plaintiff recognized that she had been tricked into participating in an unlawful "splintering" of a contracted service to bring the amount of the services and goods below the price which would require the City to seek competitive bids to obtain the best price and to avoid

favoring one contractor over others in a non-bid negotiated contract.

113. The plaintiff stated in plain language to defendant Hall that she would not participate in such a process, advising him to take the matter to the City Council and to pursue a contract through bidding.
114. In response Hall declared that it was too late, because the work was "*already done*".
115. At this stage, defendant Hall pressured the plaintiff to prepare a purchase order for the entire project, however she refused.
116. In fact, the plaintiff had not approved the first invoice for \$8,500 or the subsequent two invoices because she did not believe the project was being processed legitimately.
117. In attempting to persuade the plaintiff to cooperate with the irregular procurement scheme, Hall told plaintiff that the work was deemed "*an emergency*" to which the plaintiff replied that "*There are no emergencies in Recreation.*"
118. To test whether Hall's "*emergency*" justification was legitimate, plaintiff prepared the appropriate paperwork which Hall could take to the Department of Inspections for approval if it agreed that there had been an emergency justifying the avoidance of public bidding and the need for the work to be done as it was.

119. However, after reporting her experiences to the Acting Director of the Department of Inspections, Cleveland Thompson, he refused to sign the "emergency" paperwork, stating he never said that was an emergency.
120. Then, around the third week in June, Kris (the owner of the company) came to plaintiff's office and said that Hall had sent him to see her to get his payment.
121. Plaintiff refused, not being comfortable at all with this project and its origins, telling the vendor to get whatever payment he was due from Mr. Hall.
122. Between May and June, 2011, in an effort to circumvent plaintiff's refusal to allow him to procure payment illegally, defendant Hall sent a request to Alphonso Jones, in the Department of Administration, to allow him and his secretary absolute computer access to all Department of Recreation accounts.
123. Upon being made aware of this request, plaintiff sent an e-mail to Alphonso Jones requesting that Hall be barred from accessing the accounts, not being comfortable with their having any power over those accounts.
124. The documents which were assembled by defendant Hall in support of his retroactive attempt to have the splintered demolition and rebuild project ratified as an "emergency"

demonstrate that the total cost of the Kris D services and materials exceeded \$35,000.

125. Plaintiff reported her knowledge and concern about this fraudulent practice to the City's landscape architect, Randy Baum seeking his knowledge of the condition of the pump house and as to whether it was needed emergency demolition or repairs.
126. In response to her report, Baum advised the plaintiff that he had been well aware of certain cracks in the pump house but brushed them off as being of no concern, and not a cause for any substantial work.

Cooper Park Girls Softball Field

127. On April 20th 2011, at a ground breaking ceremony at Cooper Park, the defendant Mayor announced the construction of a softball field for girls, saying that the field was going to be ready "before school year was over."
128. When plaintiff expressed her concerns to defendant Hall about the Department's lack of funding to buy new fences, stadium seats, etc., Hall replied: "*You better find the money so that you don't piss the Mayor off*".
129. A few days later, when Hall told plaintiff that they needed to install the fences "right away", plaintiff asked for the fence specifications to start the bidding process.

130. Hall got a vendor to measure the fencing needs, estimating a price of \$26,000.
131. A few days later, long before a the bidding process could take place, defendant Hall informed plaintiff by telephone that there was a vendor installing fencing at Cooper Field, and requesting that she confirm authorizing that to be done.
132. The plaintiff, surprised by Hall's announcement and request, stated that there was no such authorization, urging Hall to stop the vendor, warning that he would not be able to be paid.
133. Hall then went to Cooper Field and called plaintiff from there. He said, "I totally forgot. I authorized it. The Polish guy gave me a good price, approximately \$14,000 and I gave him the okay".
134. The plaintiff replied "we still needed 3 quotes before approving it", to which Hall replied "*you know that the Mayor wants this to happen. Don't get yourself in trouble. Just do what he says and if is not okay, then you let him (the Mayor) handle it*".
135. Plaintiff never heard of this again, until July 11th in the morning when Hall came to her office and gave her an invoice and said "*pay this invoice immediately*".
136. Noticing that it was the Cooper Field *fencing* invoice, plaintiff asked Hall for the required 3 quotes.

137. In reaction, Hall screamed "*I am so sick of you. You are giving me hell. I just had a 3-hour meeting with the Mayor about you*".
138. Minutes later, Sonya Wilkins, a secretary for the Department of Health and Human Services, came to plaintiff's office saying "*Oh, you are still here?.*"
139. In reply to plaintiff's "*Where I am supposed to be?*", Ms. Wilkins said "*Nobody told you? The Mayor has asked me to be the new director; I am replacing you*".
140. Plaintiff told Ms. Wilkins that she had not been advised of this, but offered to finish what she was doing, pick her personal belongings, and turn the office over to her.

Batting Cages

141. In March, 2011, plaintiff received an unusual request from the Acting Purchasing Agent asking for the account numbers she could use to honor a request from the Mayor, via Anthony Roberts, to purchase batting cage equipment for West End Little League and North Trenton Little League.
142. Since plaintiff has a fiduciary responsibility to maintain confidentiality as to account numbers, she did not give her any account and instead, requested a copy of the equipment to be purchased.
143. After reporting this unusual request to Randy Baum, City's Landscape Architect, and to the former Division of Natural

Resources Director, Jean Shaddow, plaintiff learned that most of the equipment was not needed and refused to purchase it.

144. When Mr. Baum and Ms. Shaddow told plaintiff that North Trenton league did not need any additional equipment and that West End might need some things repaired, she decided to purchase the West End ones, for which a competitive bidding process was necessary.
145. Although to process this properly and legally several weeks are needed, the plaintiff learned that the defendant Mayor wanted the equipment to be available "immediately".
146. In pursuit of the Mayor's directive to get the batting cage "immediately", defendant made several phone calls to plaintiff who advised him that she could not break the law and that the proper procurement process would have to be followed.
147. On May 27th, around 1:30 pm plaintiff received a phone call from defendant Hall stating that he was in the presence of the Mayor and asking plaintiff if the equipment has been ordered.
148. Plaintiff responded that she was waiting for the vendor to send the business certificate to be able to proceed with the order.

149. To that, Hall said *"You need to make this purchase immediately. You are really pissing the Mayor off."*
150. Feeling the pressure which was intended to be felt and realizing that her choice was to protect her future with the Mayor or to protect her reputation by complying with the law, the plaintiff explained that she could not by pass the required procedure and that she was not happy to have to resist what the Mayor and he seemed to be demanding, saying *"I still need to go through the right process. I am not going to jail"*.
151. Defendant Hall asked plaintiff if she was ordering the equipment for both West End and North Trenton, as requested by the Mayor, to which plaintiff responded that she was ordering only for West End since North Trenton league did not need any additional equipment. Displaying his anger, Hall told plaintiff *"You really like problems. You know that the Mayor is very mad at you."* and hung up.
152. Plaintiff became quite disturbed by the foregoing incident because she knew that eventually it would cost her the job which, under the prior Administration, she had enjoyed performing and considered to be the foundation of a career.
153. While plaintiff was on the phone with defendant Hall discussing the batting cage status, Mr. Mark Bailey, the

City's Pools Coordinator, came to her office and remarked that she looked ill and disturbed.

154. Bailey asked plaintiff if she needed medical assistance and proceeded to turn her computer off, recommending that she go home and escorting her to her vehicle.

**CIRCUMVENTING HIRING PRACTICES FOR BENEFIT
OF RELATIVES AND FRIENDS**

Summer Food Program Hiring

155. Apart from managing community service grant funds which was awarded to qualified providers of recreation services, the plaintiff was required each summer to hire "food safety monitors" who had been trained and accredited by the N.J. Department of Agriculture to check on the conditions under which summer feeding programs were being carried out.
156. The Department of Agriculture set standards of competency and certified those qualified to be retained by the City under its grant funding to examine into each of the several feeding services at playgrounds, the YMCA and CYO organizations and other such facilities.
157. During 2011, the plaintiff received from the defendant Tony Mack, via Defendant Harold Hall, a list of people who she was directed by the Mayor to hire as food safety monitors.
158. In response, plaintiff made it known that all persons hired into the program had to be qualified and he Department of Agriculture stipulations.

159. Defendant Hall told plaintiff in so many words: "*We were not going to hire people from the past, but that we will hire whoever the Mayor wants to hire.*"
160. To that the plaintiff said that she had no time to deal with people who were new to the job and did not have the minimum knowledge of the job to be performed.
161. So determined was defendant Hall to have his way regarding the hiring of friends and family members of Hall and Mack that he by-passed plaintiff entirely, going directly to the secretary charged with putting the paperwork through for the program and directing her to process whatever employment papers he presented to her.
162. Hall made it clear that he wanted the daughter of his secretary hired along with her friend and a special friend of the Mayor's brother, Ralphiel, all as monitors, not merely aides, despite their lack of qualifications.
163. Plaintiff was approached by the secretary to whom Hall gave the hiring directions, saying that she did not like the manner in which Hall directed her, and expressed her fear that she would lose her job if these people were not hired.
164. Upon realizing that defendant Hall had taken over the hiring program plaintiff turned over to him all the applications that had been submitted, stating that she would not

participate in the hiring of the unqualified friends of the Mayor and Hall.

165. Regarding Ralphiel Mack's special friend, defendant Hall directed plaintiff to hire her as a supervisor, stating that the Mayor had *promised her a job making \$20/hr.*
166. Plaintiff advised Hall that State Department of Agriculture would not approve a \$20/hr pay rate, noting that the highest pay contemplated in the grant was \$15/hr for the program Secretary and the Bookkeeper, neither of which were within the skill range of this woman.
167. Plaintiff also reminded Hall that this woman could not be a monitor because the training for monitors had already passed and hiring untrained individuals was not allowed by State regulations, as stipulated in the grant contract.
168. When this woman showed up for her position, plaintiff offered her the only position for which she was qualified: site aide.
169. Being very upset about that offer, the woman left, saying that she would "talk to the Mayor" about this.
170. Approximately three days later, plaintiff received a phone call from the personnel office reporting that defendant Mack had "*hired that person as a Monitor*" adding that plaintiff was obligated to schedule her for the required drug test.

Summer Pool Program Hiring

171. In a similar vein, the plaintiff's management of the summer program for engaging certified life guards and other pool safety personnel for the 2011 summer pool operations
172. Plaintiff explained to defendant Hall that the City's pool operations were required to be guarded by seasonal employees who had successfully completed a water safety course offered over a three-month period prior to the opening of the season
173. Nevertheless, in June, 2011, defendant Harold Hall insisted that the plaintiff hire his grandson as a life guard, even though he had not enrolled in the required training and certification program.
174. Not willing to accept the plaintiff's advice that the hiring of life guards by the City was limited to those applicants who had earlier been certified as qualified in water safety and rescue in the off-season, Hall told plaintiff that his grandson "had been a lifeguard" and should not need to have enrolled in the certification program to be hired.
175. When Hall directed his request to Mark Bailey, the City's pool coordinator, Bailey arranged for defendant Hall's grandson to have his life guard skills tested in the water.
176. The matter was dropped by defendant Hall only after his grandson was found unable to swim and had to be removed from the water.

177. As a citizen and taxpayer of Trenton, the plaintiff was incensed at the thought that, in a time of severe economic shortages with the police and other key employees being laid off and demoted, defendant Mack would indulge a supporter such as Bishop Johnnie Vaughan by maintaining him as absentee Mayoral Aide drawing a salary of nearly \$40,000 per year plus benefits without having to appear or account for his time.
178. Plaintiff shared with other City employees her meeting with Mr. Vaughan and her observation of Mr. Vaughan's total disappearance after declaring that he would not do the job that he was assigned to as a supervisor in her place.
179. Upon disclosing her observations she learned from other co-workers that they too had noticed that Mr. Vaughan had no discernible work responsibilities and made few if any appearances at or around any municipal buildings or sites.
180. The plaintiff had similar discussions with co-workers regarding the use of Trenton Water Works employees to perform exclusively City of Trenton jobs in recreation, including Charles Hall, nephew to defendant Harold Hall.
181. Charles Hall, while being carried on the payroll of the Trenton Water Utility as a Water Meter Reader, has been for the past four months assigned exclusively to work in the recreation office and more recently, upon the termination of

landscape architect Randy Baum, has been assigned to fulfill his duties, despite his lack of skill or experience in the field of landscape architecture and related tasks.

182. Having openly defied the defendant Hall and Mack in their attempt to brow beat her into committing clear misconduct in office with the misappropriation of grant funds, boat ramp revenues and other sources of funding to meet the demands of the defendant Mayor, and having uncovered the false premise of defendant Hall's attempt to justify, as an "emergency" the unauthorized expenditure of public money for the demolition and rebuilding of a pump house without public bidding or even notice to the City Council of the emergency, the plaintiff has become marked by the defendants for termination by layoff on the pretense of accomplishing "economy and efficiency" in the operation of the City of Trenton.

183. Having been forced to resist enormous personal pressure from the defendants Mack and Hall to perform unlawful acts for the benefit of their friends and family members, and having been made to suffer retaliation in the form of personal insults, indignities humiliation and adverse job actions, the plaintiff realized that she was also being exposed to a persistent demonstration of the misuse of public resources ranging from the defendant's assertion that the Mayor was

entitled to claim the City's tents as his personal property to the Mayor's allowing John Vaughan to receive full salary and health benefits without having to perform any services or to account for his time.

184. The unlawful acts of the defendant Mack with the support and approval of defendant Hall and the retaliatory actions taken against her for her overt disapproval and refusal to participate combined to cause plaintiff emotional distress for which she sought medical attention.
185. When she received her preliminary notice that she was to be laid off, plaintiff realized that her fears about being targeted for punishment for refusing to participate in the unlawful demands of the defendants and for expressing her disapproval of the Mayor's unlawful misuse of public resources were not imagined when she received a notice of layoff for reasons of "economy and efficiency".
186. Having witnessed firsthand the manner in which defendant Mack personally "targeted" employees for retaliatory layoff, the plaintiff realized that the decision to remove her, instead of Bishop Johnnie Vaughan Jr., was not actually based on the need to "economize" or to become "efficient".
187. On July 12th 2011, the plaintiff reported out of work on medical leave due to stress and, pursuant to her doctor's recommendation remained out of work on sick leave until she

was terminated by the defendants effective September 16, 2011 on the pretext that her removal was for purposes of economy and efficiency.

COUNT I

(Conscientious Employee Protection Act Violation)

188. All prior allegations are incorporated herein by reference as though set forth in full.
189. The Conscientious Employees Protection Act (N.J.S.A. 34:19-3) prohibits adverse employment action in retaliation against the actions of employees who refuse to cooperate or participate in unlawful conduct committed or condoned by the employer or who report such conduct to a law enforcement authority.
190. The plaintiff was and is the victim of a series of adverse employment actions beginning with admonishments directed at her by the defendants Mack and Hall causing her to fear the loss of her job security as a direct consequence of her insisting on complying with the law in refusing to accept orders to violate the law governing the disbursement of grant funds and other monetary and valuable resources of the City of Trenton, as well as her refusal to violate the law and public policy governing the procurement of goods and services and the laws which protect against the distribution

of money, benefits and employment opportunities based on personal or political favoritism.

191. The defendants made no pretense of their intention to abuse their powers of termination in retaliation for the plaintiff's persistent resistance to orders which were clearly unlawful or were intended to bring about a result which would have been unlawful or at minimum contrary to public policy.
192. For her avowed refusal to participate in such practices and for her exercise of her legal right to pursue remedies through the electoral process against the defendant Mack, the plaintiff was increasingly penalized in terms of the reduction of her work assignments and her becoming deliberately and purposefully ostracized from her fellow employees at City Hall and repeatedly dislodged from her work stations before being targeted for removal on the pretext that her removal was for the purpose of "economy and efficiency."
193. Because the plaintiff's work assignments had been transferred to co-employee John Vaughan who was permitted by the defendants Mack and Hall to be paid a full salary and benefits despite his declared refusal to undertake the work of the plaintiff, his vaunted chronic absence from his work station, and the absence of any time sheets recording any

actual time worked or services performed by him, the acts of the defendant Mack in targeting the plaintiff for termination combined with the omission of any effort by defendant Mack or Hall to exact any work or accountability from Vaughan, the plaintiff asserts that the acts of defendants Mack and Hall in targeting the plaintiff for lay off constitutes bad faith *per se* and actual malice for which punitive damages are warranted.

194. As the direct and foreseeable consequence of the progressive hostility and adverse job actions taken by the defendants Mack and Hall against the plaintiff, the plaintiff suffered emotional distress for which treatment was sought in addition to actual monetary damages from the loss of her job by layoff.

195. Due to the level of authority vested in the defendant Mack as the Chief executive officer of the City of Trenton his acts and the acts of his subordinate defendant Harold Hall which were done with his knowledge are imputed to the defendant City of Trenton.

WHEREFORE, judgment is demanded against the defendants the City of Trenton, Tony Mack, and Harold Hall, jointly and severally, for compensatory, punitive and injunctive relief together with interest, costs of court, and attorneys' fees.

COUNT II

(Wrongful Discharge - Hostile Workplace)

196. All prior allegations are incorporated by reference as though set forth herein.
197. By making persistent demands upon the plaintiff to perform acts which would have violated the law and by overtly displaying a sense of being above the law, and by taking punitive measures against the plaintiff for her refusal to participate with or go along with the defendants' unlawful schemes, the defendants created a hostile work environment adversely affecting the plaintiff's health from which she was forced to withdraw on medical leave.
198. The acts of the defendants constituted progressively adverse employment actions leading to her unlawful termination by pretextual "layoff for reasons of economy and efficiency" effective September 16, 2011.
199. As a direct consequence of the wrongful discharge, the plaintiff has been suffered the loss of salary in the amount of \$88,558 per year and annual health benefits of \$31,220 in addition to the non-economic damages suffered in the form of emotional distress and humiliation in the presence of her co-workers arising from the adverse employment measures imposed punitively by the defendants with the purpose of forcing her to resign.

WHEREFORE, the plaintiff seeks judgment against defendants, jointly and severally, awarding compensatory and punitive damages together with counsel fees and costs.

DESIGNATION OF TRIAL COUNSEL

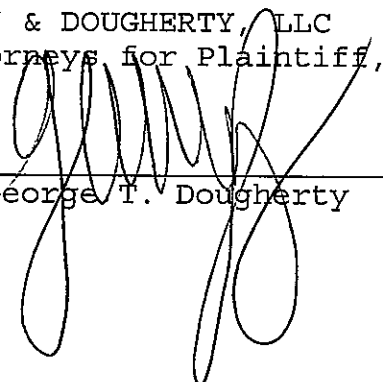
In accordance with R. 4:25-4, George T. Dougherty is hereby designated as trial counsel for the plaintiff in the above matter.

CERTIFICATION OF NO ACTIONS PENDING

Pursuant to R. 4:5-1, I hereby certify that to the best of my information, knowledge, and belief the matter in controversy is not the subject of any other action or arbitration proceeding and no other action or arbitration proceeding is contemplated. I also certify that to the best of my information, knowledge, and belief that there are no other parties who should be joined in this.

Dated: 10/25/11

KATZ & DOUGHERTY, LLC
Attorneys for Plaintiff,

By: 
George T. Dougherty

CERTIFICATION

Maria Richardson, being of full age and duly sworn upon his oath says:

1. I am the plaintiff in the foregoing complaint.
2. I have read the foregoing Complaint and am familiar with its contents.
3. All the allegations contained in the Complaint are true to the best of my personal knowledge, information and belief.
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 10/25/2011


MARIA RICHARDSON

FAX CERTIFICATION

I, Mary Anne Holt, of full age, hereby certify as follows:

1. The affiant, Maria Richardson, has acknowledged the genuineness of the signature on the facsimile copy and the document or a copy with original signature will be filed if requested by the Court or a party.

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: 10/25/11

By: 
MARY ANNE HOLT