

Thaddeus P. Mikulski, Jr. (7141983)
116 Washington Crossing Road
Pennington, NJ 08543
(609) 303-0222

Attorney for Plaintiff, Renee Doersch

Renee L. Doersch

Plaintiff

vs.

**State of New Jersey, Legislative
Services Commission, Office of
Legislative Services**

Defendant

RECEIVED

JAN 30 2017

MERCER VICINAGE
FINANCE DIVISION

() Cash (X) Check
() MO () Charge
Fee Paid & Entered

JAN 31 2017

_____ 4230
Amount \$ _____ 250 -
Batch # _____ 494
Sue Regan
Deputy Clerk of Superior Court

**Superior Court of New Jersey
Mercer County - Law Division**

Civil Action

Docket No: MER. L. 213-17

**Complaint
and Jury Demand**

FILED

JAN 30 2017

SUPREME COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION

Plaintiff, Renee L. Doersch, by way of Complaint against Defendants,
avers:

1. Plaintiff, Renee L. Doersch, is an individual residing at 15 Springhill Lane, Burlington, New Jersey 08016.

2. Defendant, Office of Legislative Services, is an agency of the Legislative Branch of the State Government of New Jersey that is governed by the New Jersey Legislative Services Commission.

3. On February 7, 2005, Plaintiff, Renee Doersch, began employment as a secretary with the Office of Legislative Services.

4. In 2009, Plaintiff became a follower of the Hindu religion. Thereafter,

FILED

JAN 30 2017

SUPERIOR COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION

ENTERED

her coworkers and her supervisor, Veronica Lupo, at the Office of Legislative Services learned that she was a follower of Hinduism, chiefly through conversations related to the religious basis for her vegetarianism.

5. On a date in either 2012 or 2013, her supervisor, Veronica Lupo, accused Plaintiff of "putting curses" on herself and her husband, who had died in 2010. During this conversation Veronica Lupo accused Plaintiff of being responsible for her husband's death through the use of the curses of Indian deities. Plaintiff considered these statements to be discriminatory and the product of an irrational mind. Plaintiff complained to the Director of the Office of Legislative Services, Marvin Jiggetts, and its Human Resources Director, Eugene E. Howard, Jr., who took no action concerning Plaintiff's complaint about the inappropriate and discriminatory comments of Veronica Lupo.

6. In October, 2015, Plaintiff brought a statue of Lord Shiva, a deity of the Hindu religion, to work and placed it on her desk. After observing the Lord Shiva statue, Plaintiff's supervisor, Veronica Lupo, told Plaintiff that the statue was putting curses on her. Veronica Lupo complained about the presence of the Lord Shiva statue on the Plaintiff's desk to her superiors. Shortly thereafter, Plaintiff was confronted and challenged about the Lord Shiva statue in a public meeting by Eugene E. Howard, Jr., Director of Human Resources, Maureen McMahan, Assistant Director, Mary Ann Hutchinson, Coordinator of Secretarial Services and Section Chief, Robert Levin.

7. During the meeting Eugene E. Howard, Jr. printed out a "google search" which included, as Plaintiff recalls, the words "Indian curse gods". The search documents revealed the identity of multiple Hindu deities, including Lord Shiva. Plaintiff told Eugene E. Howard, Jr. that she knew nothing about his list of alleged "Indian curse gods" and informed him that the statute on her desk was that of Lord Shiva, who to many Hindu believers is a god similar to the Christian Jesus. Plaintiff tried to explain the trinity deity of the Hindu religion consisting of Brahma, Vishnu and Shiva. However, Eugene E. Howard, Jr. repeatedly verbally attacked Plaintiff by telling her that she was putting curses on her supervisor. Plaintiff responded that she had no knowledge of Hindu curses and she did not believe in curses. She told Eugene E. Howard, Jr. that his statements were outrageous.

8. Despite her attempts to explain Hindu beliefs to him, Eugene E. Howard, Jr. repeatedly attacked her in the meeting. He then ordered Plaintiff to take the Lord Shiva statue home and to never bring it into the office again. Plaintiff responded by telling him that if she was not allowed to have a Lord Shiva statue on her desk then she did not want to see figurines of Jesus or Mary or any other religious items on other employees' desks. Eugene E. Howard, Jr. responded by saying that Plaintiff was putting curses on her supervisor and he made the outrageous statement that disciplinary action would be taken against her for her expression of her religious beliefs.

9. Later that day, Plaintiff complained to Janet Perilli, Principal Human Resources Assistant, that Eugene E. Howard, Jr. and other managers had harshly attacked her and discriminated against her on account of her religious beliefs. Plaintiff went to Ms. Perilli's office discuss her complaint and Janet Perilli said she did not want to discuss the matter and that Plaintiff had to talk to Eugene E. Howard, Jr. directly. Plaintiff told Janet Perilli that she would not talk to the person who had viciously attacked and humiliated her by accusing her of putting curses on individuals through her Lord Shiva statue.

10. The aforesaid wrongful acts of Eugene E. Howard, Jr. and the willful indifference of Defendant's managers to his misconduct were severe enough to make a reasonable person believe that the terms and conditions of her work environment were altered and the working environment was hostile and abusive.

11. The public attacks by Eugene E. Howard, Jr. and other managers of Plaintiff's religious beliefs, the directive by Eugene E. Howard, Jr. to Plaintiff to remove her Lord Shiva statue from the workplace, and the refusal of Janet Perilli to consider her complaint, made Plaintiff believe that the conditions of her employment were altered and her working environment was abusive.

12. On December 23, 2015, Plaintiff took a leave of absence due to the mental stress caused by the discriminatory conduct to which Plaintiff was subjected.

13. In early April 2016, Plaintiff spoke to Eugene E. Howard, Jr. about her return to work and her need for a transfer as she could not work for a person, who accused her of placing religious curses upon her, including a curse that had allegedly killed her husband. In this conversation, Eugene E. Howard, Jr., became increasingly belligerent and loud and again accused Plaintiff of placing curses on Veronica Lupo.

14. On April 12, 2016, Laura A. Romano, Plaintiff's treating Nurse Practitioner wrote a note for Plaintiff to present to Defendant, which stated that

It is our recommendation that (Renee Doersch) is moved to either an office outside of Legislative Services or a different office within Legislative Services, other than Local Government, with the same or similar duties on account of Plaintiff's medical condition.

15. Plaintiff presented this note to Eugene E. Howard, Jr., who did not respond to Plaintiff's request for an accommodation. On June 3, 2016, Eugene E. Howard, Jr., sent Plaintiff a letter stating that if he did not hear from Plaintiff prior to July 1, 2016 "we will assume that you do not intend to return to work" and "we will terminate your employment."

16. On June 30, 2016, Plaintiff sent an email to Mr. Howard which stated:

In response to your letter of June 3, 2106, please note that I sent the attached letter of April 12, 2016 from my medical provider. You have not responded to my request for an accommodation. I am willing to return to work under the conditions outlined Ms. Romano's note. I have no intention of resigning.

17. Mr. Howard did not respond to Plaintiff's second request for an

accommodation. Instead, Defendant terminated the employment of Plaintiff.

COUNT ONE
VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION BASED ON RELIGION

18. Plaintiff repeats the allegations of Paragraphs 1 through 17.

19. As a result of the acts of the Defendant and its managers and employees, the Plaintiff was required to endure a work environment hostile to her, created and condoned by Defendant, and its managers and supervisors, who participated in and/or willfully failed in their duty as supervisors to respond to the unlawful discriminatory conduct to which Plaintiff was subjected.

20. The severe and/or pervasive misconduct of the Defendant and its employees constitutes unlawful harassment on the basis of religion in violation of the New Jersey Law Against Discrimination.

21. The Defendant, by and through the acts of its management personnel and employees, has condoned and ratified the wrongful discriminatory conduct of its supervisory personnel and managers.

22. The aforesaid wrongful acts of the Defendant constitutes violations of the New Jersey Law Against Discrimination, as a direct and proximate result of which the Plaintiff has suffered economic injury, humiliation, anguish, embarrassment, emotional and mental distress and other damages.

223. The willful and deliberate discriminatory acts of Defendant were outrageous and beyond all bounds of decency, justifying the imposition of punitive damages.

24. The conduct of Defendant and its managers, who created, allowed and condoned a work environment hostile to the Plaintiff, warrants an award of punitive damages as the willful participation of upper management justifies the imposition of punitive damages for the Defendant's reckless indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff, Renee Doersch, demands judgment against Defendant, State of New Jersey, Legislative Services Commission, Office of Legislative Services, for compensatory damages, including damages for emotional distress, personal injury, back pay, front pay, consequential damages, punitive damages, pre-judgment interest, reinstatement, enhancements for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

COUNT TWO
VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION BASED
ON DISABILITY

25. Plaintiff repeats the allegations of Paragraphs 1 through 24.

26. Plaintiff went on disability leave on December 23, 2015.

27. Plaintiff requested consideration of an accommodation for her disability.

28. Defendant refused to respond to Plaintiff's request for an accommodation or to engage in a good faith interactive process with the Plaintiff, as required by law, including *N.J.A.C. 13:13-2.5(b)(2)*, concerning her request for an accommodation, as a means of avoiding the termination of Plaintiff's employment.

29. The termination of Plaintiff's employment on the grounds that Defendant assumed Plaintiff did not intend to return to work or on the grounds that six months of leave had expired, as well as Defendant's failure to consider Plaintiff's request for an accommodation, constituted discrimination on the basis of Plaintiff's actual or perceived disability.

30. The aforesaid wrongful acts of Defendant constitute violations of the New Jersey Law Against Discrimination, as a direct and proximate result of which the Plaintiff has suffered economic injury, humiliation, anguish, embarrassment, emotional and mental distress and other damages.

31. The willful and deliberate discriminatory acts of Defendant were outrageous and beyond all bounds of decency, justifying the imposition of punitive damages.

32. The conduct of Defendant and its managers warrants an award of punitive damages as the willful participation of upper management justifies the

imposition of punitive damages for the Defendant's reckless indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff, Renee Doersch, demands judgment against Defendant, State of New Jersey, Legislative Services Commission, Office of Legislative Services, for compensatory damages, including damages for emotional distress, personal injury, back pay, front pay, consequential damages, punitive damages, pre-judgment interest, reinstatement, enhancements for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

COUNT THREE
VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION
ON ACCOUNT OF RETALIATION FOR REQUESTING AN ACCOMMODATION
FOR A DISABILITY

33. Plaintiff repeats the allegations of Paragraphs 1 through 32.

34. Defendant terminated the employment of Plaintiff in retaliation for Plaintiff's exercising her rights to request a reasonable accommodation.

35. The termination by Defendant of Plaintiff's employment constitutes a violation of the New Jersey Law Against Discrimination, as a direct and proximate result of which the Plaintiff has suffered economic injury, humiliation, anguish, embarrassment, emotional and mental distress and other damages.

36. The willful and deliberate discriminatory acts of Defendant were outrageous and beyond all bounds of decency, justifying the imposition of punitive damages.

37. The conduct of Defendant and its managers warrants an award of punitive damages as the willful participation of upper management justifies the imposition of punitive damages for the Defendant's reckless indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff, Renee Doersch, demands judgment against Defendant, State of New Jersey, Legislative Services Commission, Office of Legislative Services, for compensatory damages, including damages for emotional distress, personal injury, back pay, front pay, consequential damages, punitive damages, pre-judgment interest, reinstatement, enhancements for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

COUNT FOUR
VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION
DISCRIMINATION ON THE BASIS OF RELIGION

38. Plaintiff repeats the allegations of Paragraphs 1 through 37.

39. Defendant terminated the employment of Plaintiff in retaliation for her complaints of religious discrimination and/or on account of her religious beliefs and the exercise thereof.

40. The termination by the Defendant of Plaintiff's employment constitutes a violation of the New Jersey Law Against Discrimination, as a direct and proximate result of which the Plaintiff has suffered economic injury, humiliation, anguish, embarrassment, emotional and mental distress and other damages.

41. The willful and deliberate discriminatory acts of Defendant were outrageous and beyond all bounds of decency, justifying the imposition of punitive damages.

42. The conduct of Defendant and its managers warrants an award of punitive damages as the willful participation of upper management justifies the imposition of punitive damages for the Defendant's reckless indifference to the rights of Plaintiff.

WHEREFORE, Plaintiff, Renee Doersch, demands judgment against Defendant, State of New Jersey, Legislative Services Commission, Office of Legislative Services, for compensatory damages, including damages for emotional distress, personal injury, back pay, front pay, consequential damages, punitive damages, pre-judgment interest, reinstatement, enhancements for tax consequences, reasonable attorney's fees enhanced under the New Jersey Law Against Discrimination, costs of suit, and any other relief this Court deems just.

JURY DEMAND

Plaintiff, Rene Doersch, hereby demands a trial by jury as to all issues.

DESIGNATION OF COUNSEL

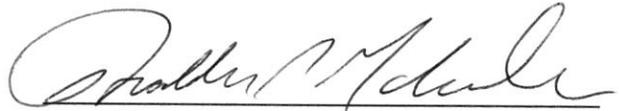
Please take notice that Thaddeus P. Mikulski, Jr., Esquire, is hereby designated trial counsel for Plaintiff pursuant to the Rules of the Court.

CERTIFICATIONS

Pursuant to *Rule 4:5-1*, the undersigned certifies that this matter in controversy is not the subject of any other action pending in any Court or arbitration forum, nor is any other action or arbitration proceeding presently contemplated and all known parties have been joined in this action.

Dated: _____

1/27/17



Thaddeus P. Mikulski, Jr.