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<p>WANDA STOJANOV, DAWN CURRAN, CLAIRE KRAUCHUK, & REBECCA HOTCHKIN</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF NEW JERSEY, STATE OF NEW JERSEY DIVISION OF STATE POLICE, SUPERINTENDENT AND COLONEL PATRICK CALLAHAN (in his official and individual capacity), LIEUTENANT COLONEL GEOFFREY NOBLE (in his official and individual capacity), AND LIEUTENANT COLONEL SCOTT EBNER (in his official and individual capacity) (jointly and severally)</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">SUPERIOR COURT LAW DIVISION MERCER COUNTY</p> <p style="text-align: center;">Docket No. MER-L-002619-21</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">AMENDED COMPLAINT, JURY DEMAND</p> <p style="text-align: center;">AND</p> <p style="text-align: center;">DEMAND FOR LITIGATION HOLD TO PREVENT DESTRUCTION OF EVIDENCE AND DOCUMENTS</p>
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Plaintiffs, Wanda Stojanov (residing in Burlington County), Dawn Curran (residing in Monmouth County), Claire Krauchuk (residing in Monmouth County), and Rebecca Hotchkin (residing in Ocean County), by way of the Complaint against the Defendants, say:

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PRELIMINARY STATEMENT

Plaintiffs are all long-time female employees of the State of New Jersey State Police. Plaintiffs have been discriminated against because of their gender and related protected classes in employment with respect to promotions, assignments, selective enforcement of discipline, and the manner in which they are treated, which has been hostile and retaliatory. Plaintiffs have been wrongfully treated in the terms and conditions of employment in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (“LAD”).

Plaintiffs also allege violations of their state substantive statutory rights including those found at N.J.S.A. 53:1-1 et seq. and so further allege violations under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2. et seq., including free speech retaliation by Defendants after speaking out against and objecting to Defendants’ flagrant disregard for and failure to abide by the merit-based promotion process (and engaging in cronyism and conflicts of interest).

JURISDICTION AND VENUE

1. This matter is properly before the State Superior Court Law Division pursuant to N.J. Ct. R. 4:3-1(a)(5).
2. The conduct giving rise to the claims described herein occurred primarily in Mercer County, where the Plaintiffs work and where the Defendants are located and conduct business.
3. Venue is properly laid in Mercer County pursuant to N.J. Ct. R. 4:3-2, and other applicable law.
4. This Court has subject matter jurisdiction over Plaintiffs’ claims under N.J. Const., Art. VI, §3, ¶2 et seq., N.J.S.A. 10:5-13, N.J.S.A. 10:6-2, and other applicable law.

5. This Court has personal jurisdiction over Defendants pursuant to N.J. Ct. R. 4:4-4 and other applicable law.

IDENTIFICATION OF PARTIES AND KEY WITNESSES

6. Plaintiff, **Wanda Stojanov** (“Stojanov” or “Plaintiff-Stojanov”), has been employed by the New Jersey State Police (“NJSP”) from on or about December 22, 1995, to the present.
7. Stojanov holds the rank of Captain within the NJSP.
8. Stojanov is a female and an “employee” within the definition under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-5.
9. Plaintiff, **Dawn Curran** (“Curran” or “Plaintiff-Curran”), has been employed by the NJSP from on or about November 13, 1998, to the present.
10. Curran holds the rank of Lieutenant within the NJSP.
11. Curran is a female and an “employee” within the definition under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-5.
12. Plaintiff, **Claire Krauchuk** (“Krauchuk” or “Plaintiff-Krauchuk”), has been employed by the NJSP from on or about June 27, 2008, to the present.
13. Krauchuk holds the rank of a Trooper within the NJSP.
14. Krauchuk is a female and an “employee” within the definition under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-5.
15. Plaintiff, **Rebecca Hotchkin** (“Hotchkin” or “Plaintiff-Hotchkin”), has been employed by the NJSP from on or about May 31, 2001, to the present.
16. Hotchkin holds the rank of Lieutenant within the NJSP.

17. Hotchkin is a female and an “employee” within the definition under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-5.
18. Defendant, State of New Jersey Division of State Police (“NJSP” or “Defendant-NJSP”), is a division within the Department of Law & Public Safety of New Jersey.
19. NJSP functions to provide statewide enforcement of laws, the prevention of crime, the pursuit and apprehension of offenders, and the gathering of legal evidence to ensure conviction of such offenders. In certain municipalities, the division is the sole provider of these general police services. This function also includes the protection of state officials and properties, as well as the security of national and international officials while in the state.
20. NJSP is an “employer” of all Plaintiffs within the meaning of N.J.S.A. 10:5-5.
21. NJSP consists of the Office of Superintendent, an Administration Branch, a Homeland Security Branch, an Investigations Branch, and an Operations Branch.
22. Defendant, Colonel Patrick Callahan (“Callahan” or “Defendant-Callahan”), is the Superintendent of the NJSP and as such, he is the agency’s top executive officer and an employee of the NJSP.
23. Callahan is responsible for the supervision of the Division of State Police’s branches and eight sections and the Office of Professional Standards.
24. Callahan is an “employer” of all Plaintiffs within the meaning of N.J.S.A. 10:5-5.
25. Callahan is a “supervisor” of Plaintiffs within the meaning of the case law interpreting the New Jersey Law Against Discrimination.

26. At all times relevant to the Complaint, Callahan was acting as a policymaker of the NJSP and/or the State of New Jersey and under color of state law and in this capacity was aided and abetted in his ability to discriminate and/or engage in unlawful activities.
27. Callahan is charged with acts which aided and/or abetted the other Defendants in unlawful activities.
28. Defendant, Geoffrey Noble (“Noble” or “Defendant-Noble”) was a Lieutenant Colonel and the Deputy Superintendent of the NJSP and as such, he was the agency’s second in command executive officer, and an employee of the NJSP. He retired on or about January 1, 2022, after the filing of the original Complaint in this matter.
29. Noble was responsible for the supervision of the Division of State Police’s operations and oversaw the promotional process and was a decision-maker into the promotional process of troopers to the rank of Major and Lieutenant Colonel.
30. Noble was an “employer” of all Plaintiffs within the meaning of N.J.S.A. 10:5-5.
31. Noble was a “supervisor” of Plaintiffs within the meaning of the case law interpreting the New Jersey Law Against Discrimination.
32. At all times relevant to the Complaint, Noble was acting as a policymaker of the NJSP and/or the State of New Jersey and under color of state law and in this capacity was aided and abetted in his ability to discriminate and/or engage in unlawful activities.
33. Noble is charged with acts which aided and/or abetted the other Defendants in unlawful activities.
34. Defendant, Scott M. Ebner (“Ebner” or “Defendant-Ebner”) is a Lieutenant Colonel and the Administration Branch Commander of the NJSP and as such, he is the agency’s first

in command executive officer of the Administration Branch, and an employee of the NJSP.

35. Ebner is responsible for the supervision of the Division of State Police's administration and oversees and is a decision-maker involved in the promotional process of troopers to the rank of Major and Lieutenant Colonel.
36. Ebner is an "employer" of all Plaintiffs within the meaning of N.J.S.A. 10:5-5.
37. Ebner is a "supervisor" of Plaintiffs within the meaning of the case law interpreting the New Jersey Law Against Discrimination.
38. At all times relevant to the Complaint, Ebner was acting as a policymaker of the NJSP and/or the State of New Jersey and under color of state law and in this capacity was aided and abetted in his ability to discriminate and/or engage in unlawful activities.
39. Ebner is charged with acts which aided and/or abetted the other Defendants in unlawful activities.
40. Major Brian J. Foody ("Foody") was an employee of the NJSP and/or the State of New Jersey, and was previously the Troop A Commander. As of October 30, 2021, Foody was a Major in the Special Investigations Section. On January 1, 2022, Foody retired from the NJSP, after the filing of the original Complaint in this matter.
41. Jeffrey D. Mottley ("Mottley") is a retired Lieutenant Colonel (Operations Branch Commander) and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
42. Mach Jackson ("Jackson") is a retired Major (Troop A Commander) and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.

43. Robert Linden (“Linden”) is a retired Major (Deputy Branch Commander) and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
44. Ronald Bambo (“Bambo”) is a retired Major and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
45. Al Rawding (“Rawding”) is a retired Captain and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
46. Major Matthew Lubertazzi (“Lubertazzi”) was an employee of the NJSP and/or the State of New Jersey, and was the Office of Executive Protection (“OEP”) Commander. On January 1, 2022, Lubertazzi retired from the NJSP, after the filing of the original Complaint in this matter.
47. Captain Carmine Bagnuolo (“Bagnuolo”) is an employee of the NJSP and/or the State of New Jersey, and Executive Officer of the Office of Executive Protection.
48. Lieutenant Kevin Young (“Young”) is an employee of the NJSP and/or the State of New Jersey.
49. Edward Bietka (“Bietka”) is a retired Sergeant and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
50. Sergeant First Class Bernie Lopez (“Lopez”) is an employee of the NJSP and/or the State of New Jersey, and an Assistant Zone Supervisor in the Protective Services Unit.
51. Major Jeanne Hengemuhle (“Hengemuhle”) is an employee of the NJSP and/or the State of New Jersey, and the Deputy Branch Commander of the Administration Branch.
52. James Parker (“Parker”) is a retired Major and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.

53. Albert Ponenti (“Ponenti”) is a retired Lieutenant Colonel and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
54. Alfred Peters (“Peters”) is a retired Major and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
55. Colonel Joseph R. Fuentes (“Fuentes”) is a retired Colonel and former Superintendent of the State Police and, at times relevant, was an employee of the NJSP and/or the State of New Jersey.
56. All the preceding and subsequently mentioned current and former employees of the NJSP and/or the State of New Jersey were working within the course and scope of their employment, as agents, and/or on the basis of delegated authority of the NJSP and/or the State of New Jersey during times relevant to the Complaint.

FACTUAL ALLEGATIONS

NJSP’s History of Discrimination

57. The NJSP has a long and notorious history of engaging in patterns and practices of gender discrimination in all aspects of employment (and with civilians).
58. In 1975, the United States Department of Justice filed a lawsuit against the New Jersey State Police. The Justice Department charged the State Police with engaging in a pattern and practice of discrimination based upon race, sex, and national origin in all aspects of employment. At the time the complaint was filed, the State Police employed 1,765 troopers: 13 were Black, 5 were Hispanic and 1 was female.
59. The State Police entered into a Consent Decree on October 7, 1975. The Consent Decree established minority hiring goals, and provided for monitoring and oversight of the policies and practices of the State Police by the Justice Department.

60. On October 19, 1992, (nearly 17 years later) the Consent Decree was dissolved. Freed from outside monitoring and oversight by the Justice Department, the State Police reverted to business as usual: minority recruitment declined, minority troopers were subjected to unfair and unequal treatment in the terms and conditions of employment, and gender hostility increased.
61. The State Police hierarchy systematically refused to consider or promote minority troopers to supervisory positions.
62. In or about 1975, Gail Cornelius Just (“Just”) graduated from the New Jersey Police Academy and became the first female state trooper in New Jersey.
63. In 1990 Gail Cornelius Just, New Jersey's first female state trooper, sued the state, claiming she was sexually harassed and discriminated against and was forced to spy on women recruits to determine if they were lesbians.
64. According to Just, her orders included spying on the women through small openings in walls to see if they engaged in lesbian activity. Just also claimed she was unfairly denied promotion to sergeant and was removed from leadership of a squad in the narcotics task force.
65. Nilda Rivera, a legal secretary with the NJSP, joined the lawsuit filed by Just claiming she resigned as a civilian employee because of sexual harassment.
66. Just and Rivera were successful in their legal claims against the NJSP.
67. On February 10, 1999, former Attorney General Peter Verniero appointed a State Police Review Team headed by then incoming First Assistant Attorney General Paul H. Zoubek to conduct a comprehensive review of the State Police.

68. In or about 1999, the Review Team also focused on allegations of race and gender discrimination within the State Police. These included allegations of sexual harassment, hostile work environment and disparate treatment in promotions and assignment, and other matters on the basis of race or gender.
69. As the Team began its examination, it became apparent that there were also concerns about allegations of disparate treatment based upon gender and about the operation of the EEO/AA process at State Police.
70. As a first step, the Review Team inquired into the status of EEO/AA related complaints generated within the State Police. A review of administrative discrimination complaints filed against State Police personnel indicates that since 1995, 72 internal complaints were filed.
71. From 1996 through 1999 six separate complaints of gender discrimination were filed against the NJSP.
72. The state attorney general's office has also been accused of taking a lenient approach to harassment complaints. One trooper, Jennifer Morse, filed a sexual harassment complaint and a civil lawsuit claiming that she had been harassed and verbally abused for years by a lieutenant. Ms. Morse's lawyer, Phil Moran, said the supervisor repeatedly touched her hair and body and humiliated her in front of co-workers by making unwelcome sexual advances and forcing her to listen to his sexually explicit fantasies about his stepdaughter.
73. In August, Attorney General John Farmer found that most of her charges were substantiated, although the lieutenant admitted to touching her in a different way than she

alleged. Mr. Farmer ordered the lieutenant to undergo counseling, but he remains on the force.

74. In or about 1999, Rosanne Manghisi filed a gender discrimination suit against the New Jersey State Police, alleging that once she complained about gender discrimination and bias, she was retaliated against. Douglass A. Campbell, *Trooper's Suit Cites Sex Discrimination....*, *The Philadelphia Inquirer* (August 11, 1999).

75. Beyond retaliation, Manghisi's suit also alleged that male troopers used the women's restrooms, making "no effort, apparently, . . . to avoid urinating on the seat and toilet." *Id*

76. In 2007, Katherine Klemp, who was sworn in as a state trooper in 1998, filed a complaint of gender discrimination and a hostile working environment against the New Jersey State Police. *Klemp v. State*, 2010 N.J. Super. Unpub. LEXIS 52, 2010 WL 58881 (App.Div. January 11, 2010).

77. In 2010, the New Jersey Superior Court, Appellate Division, determined that Klemp's complaint did "sufficiently allege that she was subjected to hostile work environment discrimination because of her gender" and thereby remanded the matter for further consideration by the trial court. *Id.* at *10.

78. Between 2000 and 2015, there were "at least a dozen [lawsuits] filed by female troopers against the State Police...alleging sexual harassment or discrimination in a white male-dominated environment." Sergio Bichao, *N.J. troopers posed as prostitutes, and years of 'sexism' scandal ensued Mycentraljersey.com* (August 30, 2015).

79. In the case of Trooper Georgina Sirakides, she alleged that she was retaliated against and told by her director that she "needed to get laid," "was an insecure girl," and had to "deal with" the hostility. *Id.*

80. In or about 2014, a female trooper, Justine Poser, reported that her supervisor was downloading pornography on his computer and alleged retaliation under CEPA for reporting the downloading of pornography by her supervisor. Poser claimed “she was retaliated against and transferred to a job in the basement of division headquarters because she blew the whistle on a male trooper who was downloading adult pornography.”
81. In or about September 2014, Trooper Rachel Trent filed a gender discrimination complaint in the Mercer County Superior Court alleging a “male-dominated culture” in the NJSP which did create a hostile working environment.
82. In or about 2016, female then-Acting Sergeant Jaclyn Jiras filed a retaliation complaint against the NJSP for her being retaliated against for objecting to and reporting violations of law, rule, and/or regulation in the hiring process. On or about June 11, 2019, this claim settled in favor of Jiras for \$115,000.
83. On January 21, 2016, Darian Mammen, a female Trooper, filed a gender discrimination action against the NJSP in the Mercer County Superior Court, alleging, among other things, that she was discriminated against in the promotional process because she is a woman.
84. On January 26, 2016, then-Captain Sherri Schuster filed a complaint of gender discrimination and retaliation against the NJSP alleging, among other things, that there was a gender-based hostile working environment, and that the NJSP retaliated against her for filing an EEO complaint.

85. On November 16, 2016, Lieutenant Dawn Shyner, a female Trooper, filed an action in the Mercer County Superior Court alleging discrimination and retaliation against her, including failure to promote.
86. In or about 2017, Marcella Friedman, a highly qualified radio communications technician in the NJSP, filed a complaint in Mercer County Superior Court alleging gender discrimination, and, among other things, that “she was treated differently from the other men in the unit,” and she “was given the worst vehicles, the worst jobs, and set up for failure, simply because she was a woman.”
87. On or about June 4, 2018, Darcy Hill, a security officer for the NJSP, filed a complaint in the Mercer County Superior Court alleging, among other things, that she was sexually harassed, and that subsequent to reporting it, the same person who harassed her was made her supervisor. Hill alleged that the man who became her supervisor put his hands down his pants in front of her, and openly discussed his use of viagra.
88. In 2019, a female recruit to the Sea Girt Training Academy filed a lawsuit alleging “endless sexual harassment and unwanted sexual advances” by her Academy instructor, Stephen Spitaleri, which settled to the tune of approximately \$100,000.
89. Spitaleri, the lawsuit alleged, would routinely pull the recruit out of the lunch line and handcuff her. It is common practice for recruits to engage in handcuffing exercises at the academy, but not for instructors to do so on recruits, according to the lawsuit. In one instance, the lawsuit claims Spitaleri grabbed her hand “to touch her inappropriately.”
90. The recruit also alleged that Spitaleri told her that she was missing training on how to conduct pat-downs, but that he was going to give her a lesson “one-on-one,” according to the lawsuit.

91. Spitaleri once allegedly blocked the exit of a door and told the recruit, “I bet you look different outside of here, but I still think you look good. If I’m in your area over the weekend and invited you to dinner, would you go?”
92. On or about March 18, 2021, Laura Wheeler filed a complaint against the NJSP in Mercer County Superior Court alleging that “the New Jersey State Police does not have a policy for maternity or paternity leave” and that she was retaliated against for complaining about the discrepancies in the way employees were treated for using sick time for childbirth and recovery.
93. Unfortunately, despite being on notice due to these and many other gender discrimination claims against the NJSP, the state and the NJSP have done little to remedy the wrongs against women in the workplace.
94. The discriminatory environment continues to this day. For instance, in or about May 2021, Major Foody attempted to transfer a female officer (J.C.) into the Victims Services Unit because she is a woman. He said that there’s never been a woman in that position and domestic violence victims would feel more comfortable speaking with a woman.
95. However, this attempted transfer was objected to because it was discriminatory. Simply because someone is a woman does not mean that person would be a good fit for the position within the Victims Services Unit, and J.C. was more interested in other positions that would better advance her career, such as the Criminal Investigation Office (“CIO”) position that this officer had applied for and was seeking.
96. Despite these objections, Major Foody continued to attempt to transfer this female officer into a unit that could potentially stifle, and certainly not advance her career, solely because she is a woman.

97. The Plaintiffs in this action, Stojanov, Curran, Krauchuk, and Hotchkin, in the years preceding the filing of this lawsuit, did repeatedly attempt internal reports to correct the many acts of gender discrimination within the NJSP.
98. Regardless of their reports, things have not changed, and the Plaintiffs have no recourse left but to file this lawsuit with the hope that it may influence the change of the pervasive discriminatory practices against women in the NJSP.
99. The NJSP continues to mistreat and discriminate against women. In the over forty-five (45) years since the first woman graduated from the Academy and joined the NJSP as a trooper in 1975, the NJSP has not implemented a pregnancy or breastfeeding policy to protect the many women who have since entered the force.

Factual Allegations of Plaintiff, Wanda Stojanov

100. Stojanov is employed by the State of New Jersey as a New Jersey State Trooper.
101. At the time of filing the original Complaint in the above-captioned matter, Stojanov held the rank of Captain and was assigned as a Region Commander in the Operations Branch, Field Operations Section, Troop A. After the filing of the Complaint in this matter, on January 1, 2022, Stojanov was promoted to Major, Commanding Officer of the Forensic & Technical Services Section, which falls under the Investigations Branch.
102. In her over twenty-five years with the NJSP, Stojanov has served in a variety of functions including Field Operations, in the Tactical Patrol Unit, as an undercover operative, in the Auto Unit's Document Fraud Squad, as a Squad Leader for the Missing Person's Unit, as a Squad Leader for the Auto Unit, as the Child Abduction Response Team (CART) Coordinator in the Missing Persons Unit, as an Assistant Unit Head in the Missing Persons Unit, as an Assistant Office Supervisor in the Office of Chief of Staff, as

an Office Supervisor in the Office of Superintendent, as an Office Supervisor in the Office of Labor Relations, and as an Office Supervisor in the Office of Peer Assistance.

103. At the time of the filing of the original Complaint in the above-captioned matter, Stojanov was the only female Captain in the Troops (A, B, C, D) which are operational and command a Region. The Operations Branch has approximately 1,971 enlisted personnel within that Branch.
104. The Operations Branch has over half of the Division's enlisted personnel. The number of women enlisted personnel within the New Jersey State Police comprise approximately 6% of the total number of enlisted personnel.
105. There are four (4) Branches within the New Jersey State Police which are the Administrative Branch, Operations Branch, Homeland Branch, and Investigations Branch. There is also one (1) quasi-Branch that includes the Colonel's Office and Deputy Superintendent along with the Office of Professional Standards, Office of Equal Employment Opportunity, and the Office of Employee Relations and Community Outreach (diversity office).
106. Defendants Callahan, Noble, and Ebner are responsible, in large part, for discretionary promotions to the rank of Major and Lieutenant Colonel.
107. While promotions of women above the rank of Captain have been made to Major under the tenure of Defendants Callahan, Noble, and Ebner, those promotions have been made only in the Administrative Branch and to the quasi-Branch under the Deputy Superintendent, which are not viewed as para-military.
108. The other Branches, such as the Operations Branch, are dominated by men which have established networks for promotion and mentoring.

109. There are currently only three women who hold a rank higher than Captain. Those three women have been promoted to the rank of Major. Two are in the Administrative Branch and, at the same time as the retirement of a woman Major (Thomas) who served in the Deputy Superintendent in the Office of Employee Relations and Community Outreach (the diversity office), Stojanov became Major under the Investigations Branch, in the Section known as the Forensic and Technical Services Section, which effectively keeps the number of women in the rank of Major at three both before and after Stojanov was promoted.
110. Women, including Stojanov, have been excluded from promotion and at times, excluded even from the promotional process for the rank of Major and Lieutenant Colonel.
111. The “Confidential” promotions which are solely subjective and non-competitive are saved predominantly for males. The last four openings in “Confidential” Major positions have been filled with males, one of which is now a Lieutenant Colonel (Korte).
112. The Operations Branch, Homeland Branch, and Investigative Branch are male-dominated and controlled and women in those branches are viewed adversely for command positions.
113. Stojanov began as a trooper in the NJSP on or about December 22, 1995.
114. On or about March 9, 2002, Stojanov was designated a Detective within the Division of Motor Vehicles Squad of the NJSP.
115. On or about December 22, 2002, Stojanov was redesignated a Detective II within the Division of Motor Vehicles Squad of the NJSP.

116. On or about July 25, 2005, Stojanov was redesignated a Detective I within the Missing Persons Unit - Squad South.
117. On or about October 15, 2011, Stojanov was promoted to Detective Sergeant within the Missing Persons Unit - Squad South.
118. On or about March 3, 2014, Stojanov was promoted to Detective Sergeant First Class within the Missing Persons Unit.
119. On or about February 21, 2015, Stojanov was promoted to Lieutenant within the Office of the Chief of Staff.
120. On or about September 26, 2016, Stojanov was promoted to Captain within the Office of the Superintendent.
121. Between 1997 and 2016, Stojanov received fourteen (14) commendations from NJSP Colonels for her exceptional service to the NJSP and the public she serves. Eleven (11) of these commendations were from Colonel Williams for her arrests relating to drugs, vehicles, and fugitives. Stojanov also received eight (8) compliments and three (3) letters of appreciation.
122. Stojanov was the first female hostage negotiator in the history of the NJSP.
123. Stojanov is a founder of the Office of Peer Assistance and the first female Resiliency Program Officer (RPO).
124. Stojanov was a detective for over 13 years and currently supervises detectives in Troop A, Field Operations. She has commendations from being a detective and a green ribbon where she was the affiant and testified in court, which led to a conviction for the murder of a victim killed by his wife.

125. Stojanov created new programs in the NJSP like the Child Abduction Response Team (which she was asked to create on behalf of the Attorney General's Office and the NJSP) and the Office of Peer Assistance (where she realized a need, wrote a proposal, and formed a committee as the "Chair").
126. Stojanov helped to create and presented the proposal to Colonel Fuentes to create the first Captain position in Labor Relations. Stojanov also served as the Office Supervisor to Colonel Fuentes.
127. Stojanov was the first NJSP female negotiator and led critical incidents where lives were on the line. She has also authenticated, activated, and led AMBER Alerts, coordinating multiple law enforcement agencies when children's lives are on the line.
128. Stojanov has a senior badge number (#5405).
129. Stojanov was a member of the Superior Officers Association (SOA) union, and served as a trustee, and then on the board in 2020 as the Recording Secretary.
130. In February 2022, Stojanov will complete two years in Field Operations as a Region Commander.
131. In Field Operations, Stojanov worked with the integrity officer (liaison to internal affairs) and maintained familiarity with upcoming legislation. She served in the riots in Atlantic City with the men and women troopers, she worked in the trenches during COVID-19 during which she helped address trooper and civilian safety in the region, and she led the efforts addressing the situation when one of her detectives was shot.
132. Stojanov is also a private pilot and has a green belt in Judo.

133. Stojanov has served as the Office Supervisor of multiple offices within the NJSP including the Office of the Superintendent, Office of Labor Relations, and the Office of Peer Assistance.
134. Beginning in 2017, Stojanov's career began to stall as she simultaneously began experiencing increasing discrimination and hostility due to her being a woman in law enforcement.
135. In particular, she began to suffer discriminatory treatment by Defendant-Ebner, who tried to have her ousted from the Colonel's office and began making false accusations against her.
136. On February 15, 2017, Defendant-Ebner tried to move Stojanov to a position out of the Colonel's office because of her gender. Ebner said Stojanov had no choice in the matter and this move was approved. Ebner said it was his idea to move her and told Stojanov to tell the office staff that she was leaving.
137. On February 16, 2017, Stojanov objected openly in the Colonel's office that she was being moved because of her gender. Shortly afterward, Ebner said he changed his mind and Stojanov was not transferred.
138. Then in June of 2017, Ebner attempted to move Stojanov again and ultimately transferred her out of the Colonel's office on a personnel order. When Ebner's behavior was learned, Stojanov's transfer was subsequently rescinded (rescinding a transfer from the Chief of Staff who was second in command to Colonel Fuentes is a rare occurrence within the NJSP).

139. Ebner also made an inquiry into Stojanov's personal sick leave balances (pertaining to medical history) without Stojanov's permission or knowledge, thereby treating Stojanov differently than other members in the Colonel's office.
140. Soon thereafter, Ebner was promoted from Major to Lieutenant Colonel, which made him eligible to decide which officers are interviewed for promotions for Major and Lieutenant Colonel.
141. On or about December 23, 2019, "D.E" was promoted to Major. Stojanov had, on information and belief, been a Captain for longer than "D.E", and should have been considered for this promotion.
142. In January and February 2020, Stojanov applied for six more promotable positions to the rank of Major, but was not even selected for an interview by Ebner, Noble, and their male colleagues. Including the promotion that went to "D.E.", there were at least seven instances of failure to promote Stojanov since December 2019.
143. In January and February 2020 promotions were in fact made to the rank of Major.
144. Promotions to the rank of Major went to five males and one female.
145. The female who was promoted is Sherri Schuster ("Schuster") who had been involved in active litigation against NJSP for gender discrimination. Upon information and belief, Schuster withdrew her lawsuit as part of a negotiated settlement as a term of her promotion.
146. After these attempts at promotions in January through February 2020, Stojanov met with Noble, in accordance with the Operations Instructions, Review Procedures for Appointment to Executive Level Command (Major & LTC) for a professional development meeting to determine why she was not afforded an interview nor was she

promoted despite the facts that her resume, training, experience, supervisory responsibilities, and knowledge of the Division overall were better than the candidates selected for interview and promotion.

147. That is, Stojanov was better qualified for the position of promotion to the rank of Major at this time.

148. The second promotional opportunity was a Confidential position to the Office of Executive Protection that went to a male, "M.L."

149. The third promotion was to a major position in the Special Investigations Section within the Investigations Branch which went to a male, "J.M."

150. The fourth promotion was to a major position in Field Operations, Troop D within the Operations Branch which went to a male, "T.C."

151. The fifth promotion was to a major position in Field Operations, Troop C within Operations Branch which went to a male, "G.G."

152. The sixth promotion was to a major position in the Regional Operations & Intelligence Center Section within the Investigations Branch to a male, "J.M."

153. The seventh promotion was to a major position which went to a female, "S.S." This was in the Administration Section within the Administrations Branch where all women promoted above the rank of Captain are assigned and within the Diversity Section. These positions involve paperwork. Women are routinely excluded from operational commands involving critical incidents.

154. Noble told Stojanov that in order to be promoted she would have to lead something bigger such as being an executive officer responsible for the supervision of more people under her command.

155. Noble's statement to Stojanov was nonsensical and not based on reality.
156. There are a number of male troopers who lacked command experience, unlike Stojanov.
157. Indeed, Stojanov has commanded a large number of people in critical incidents.
158. Stojanov responded that she had been involved in a hostage situation in or around May 2013. It involved a high profile, highly publicized murder- captive victims tactical incident where Stojanov was required to exercise critical thinking, was involved in the negotiation process, exercised critical crisis decision-making, and which resulted in a hugely successful outcome.
159. Noble did not respond to Stojanov after she explained that she had the requisite command experience.
160. Moreover, in or around December 2017 Stojanov created, implemented, and operated the Office of Peer Assistance and received praise by Attorney General Gurbir Grewal and the Department of Criminal Justice as a leading model for law enforcement throughout the country in resiliency. This was an extremely difficult feat in that she started an office from scratch requiring the creation of brand new policies and training all with no independent resources/funding.
161. Noble totally discounted the extraordinary and exemplary command experience of Stojanov and dismissively stated that the number of members she supervised in the Office of Peer Assistance was not enough for her to be afforded an interview for Major.
162. Stojanov stated to Noble she commanded 25 voluntary regional peers, reported to the Colonel or a Lieutenant Colonel, was on call 24 hours a day, 7 days a week, created an office that was recognized nationally, and saved trooper and civilian lives from potential

suicide. Noble kept making excuses for not promoting Stojanov, and told her to look for a position as a Bureau Chief or Executive Officer which he and she knew was akin to telling her to go look for a needle in a haystack.

163. In reality, the continuous excuses made by Noble for not promoting Stojanov were really motivated by his desire to prevent a woman from becoming Major.

164. In June and July 2020, Stojanov applied for two more promotable positions but was not selected for an interview by Ebner, Noble, and their male colleagues.

165. One of the Major positions went to a white male member with less time in the State Police and less time as a Captain than Stojanov. This member (“S.K.”) was promoted to Major in a “Confidential” position in the Deputy Superintendent’s Office. This member did not “command a large group of troopers,” which Stojanov was told was, as an excuse for not promoting her, a prerequisite to the promotion to Major.

166. The second promotion to rank of Major in or around June 2020 went to a lesser qualified male (“D.P.”) in the Administration Branch.

167. Since on or about February 15, 2020, Stojanov has served as the Region Commander for Troop A, within the Field Operations Section, where she supervises over 150 enlisted members. She is one of three Captains that reports to the Major within Troop A.

168. Troop A has a reputation for being the hardest Troop of the 4 Troops (A, B, C, and D) within the Operations Branch particularly if one is a minority.

169. Presently, Stojanov is the only woman commander serving in Troop A and holds the highest rank in all operational troops as a Region Commander (including Troops A, B, C, and D). In Troop A, Stojanov is the only woman within the ranks of all Majors, Captains, Lieutenants, and Sergeant First Class.

170. Then, in April 2020, Stojanov was blindsided by an unfounded negative performance notice which falsely alleged that Stojanov had disobeyed a direct order not to discuss state benefits with another officer. Stojanov did not discuss the benefits with the officer, but was falsely accused and reprimanded for doing so.
171. This negative performance notice, a form of discipline, was ordered to be given to Stojanov by Lieutenant Colonel Mottley, with involvement from Major Linden and Major Jackson. A Lieutenant Colonel is not usually involved in the discipline of a member, especially a Captain. It is rare that a Captain receives a negative performance notice, and this notice was merely pretext for discrimination.
172. Stojanov was forced to undergo a Performance Notice review with representation from her union, and the timing of this discipline, when Stojanov was “a leading candidate for the position of Major,” was aimed at eliminating her opportunity for promotion.
173. The negative performance notice was intended to eliminate Stojanov from being a candidate for promotion and/or seriously jeopardize her opportunity for promotion.
174. Stojanov won the Review the day of the meeting but was not told. Major Jackson knew this and retaliated against Stojanov by not telling her, causing Stojanov more mental anguish. Stojanov had to approach Jackson after ten (10) calendar days to request a response. Jackson said he did not know how to take the performance notice out of the system and asked Ebner to assist him.
175. Since Stojanov was promoted to Captain, there have been at least twenty-five (25) opportunities for promotion to Major which she was eligible for.

176. In or about December 2020, the only promotion Stojanov was allowed to interview for was in the Office of Employee Relations and Community Outreach. This is the diversity office.
177. Stojanov interviewed along with two enlisted members, one a black female and the other a black male.
178. Stojanov was never allowed to interview against a white male.
179. The interviews and hiring often take place in a “confidential” manner, and the men who select candidates for interview favor men, and do not allow women to interview for the positions because they do not want women in too high of command positions.
180. Many women within the NJSP have filed complaints identifying gender discrimination within the NJSP, but the NJSP has failed to take prompt and remedial action to correct the wrongs against them.
181. Due to these complaints, and related discrimination in the NJSP, in or about August 2020, the Department of Law and Public Safety’s Office of Diversity and Inclusion began the Working Group on Gender Equity in Policing which ran a series of 4 sessions referred to as the State Police Women’s Listening Sessions.
182. The working group has not attained equity, equality, or corrected the discriminatory wrongs women, including Stojanov, are facing in the NJSP.
183. In or about August 2020, Stojanov reported the challenges faced by NJSP women to the OAG Diversity working group and the Chief Diversity Officer in an email. Stojanov specifically noted the challenges to be: promotion (most women are in the Administration Branch), navigating Division regarding role models/mentors (if outside the Administration Branch), and the retention of females.

184. In or about October 2020, the Attorney General's Office hired a law firm to conduct a review of allegations of inequity in hiring, retention, and promotion in the NJSP. This firm reached out to Stojanov but she could not participate in the investigation due to a mandated COVID-19 quarantine. The results of the review were not made public.
185. In or about January 2021, Stojanov was again denied the opportunity to interview for a promotion to Major, within Troop A, where Stojanov worked as a Region Commander. Stojanov, if selected for Major, would have been the first female Major in Troop A since 1921 (out of 48 previous males) when the NJSP was founded.
186. A lesser qualified white male ("B.F.") was promoted over Stojanov.
187. On or about February 11, 2021, Stojanov met with Noble and Lieutenant Colonel Mottley to discuss her career development and why she (again) did not even get interviewed, and they had divergent explanations for why not. Noble inconceivably said it was Stojanov's Performance Notice (that was rescinded), she needed to do more, and she cares too much for the members.
188. Mottley, on the other hand, said he thought her interview for the Office of Employee Relations and Community Outreach counted as an interview for the Troop A Major position.
189. Mottley's statement above was nonsensical in that he was essentially saying that an interview for a position in an administrative position was equivalent to an interview for an operations position. The two positions are like day and night.
190. Stojanov told Noble and Mottley that she accepted an additional assignment in Troop A (Metro Unit) which is reserved for the Deputy Commander (Stojanov was not selected

as the Deputy Commander even though she had more years as a Captain over the selected Captain).

191. Stojanov was excluded from the retirement party of Troop A Commander, Major Jackson. Stojanov later learned that Ebner and many from Troop A were invited.

192. Only one person was interviewed for the Troop A Major position, Major Foody, who is a white male.

193. Captain Parkinson was invited to interview, even though he did not have one year as a Captain and was in his probationary period. This is against Division rules unless the Colonel, with the approval of the Attorney General, allows it. Captain Parkinson did not interview. Stojanov was never offered an interview.

194. The real reason she was not interviewed is because she is a woman in law enforcement.

195. On or about May 5, 2021, in the evening, Major Foody and Stojanov had a lengthy conversation on the phone. During this conversation, Foody asked Stojanov to sit in on a meeting with him and a female officer, who he believed would be a good fit within the Victims Services Unit because she is a woman. He said that there's never been a woman in that position and domestic violence victims would feel more comfortable speaking with a woman.

196. In response, Stojanov told Foody that just because someone is a woman does not mean that person would be a good fit for the position within the Victims Services Unit.

197. Stojanov added that having a meeting with a female ("J.C.") because Foody wants a female in a particular position is not a good idea, and that she ("J.C.") may not even want that position, but may be more interested in other positions that would better advance her

career, such as the Criminal Investigation Office (“CIO”) position that this officer had applied for.

198. Foody said to Stojanov that as long as the female officer gets promoted, he doesn't see the problem with it.

199. Stojanov declined to attend the meeting the next day because of a scheduling conflict.

200. The next day, on or about May 6, 2021, at about 8:24 am Foody texted Stojanov asking if she would be taking the whole day off because he wanted to make sure the locator was accurate and she responded that she would be in by 1:30 pm or 2:00 pm.

201. At or about 1:28 pm, “D.P.” texted Stojanov asking her estimated time of arrival at headquarters.

202. Stojanov then called “D.P.” who told her that the meeting with the female officer was pushed back to 1:30 pm so that Stojanov could attend. This was the first that Stojanov had heard of the time change because Foody never contacted Stojanov to tell her the meeting time was changed.

203. Stojanov responded that she didn't think the meeting was a good idea and would not be in until around 2:00 pm.

204. Around 4:00 pm, Foody approached Stojanov outside and was upset because she did not attend the meeting that she had previously objected to.

205. Foody then said that he wanted Stojanov in the meeting because she was a female who is in the female officer's command.

206. Stojanov responded that she felt like Foody was using her due to her gender to influence another woman to take a position solely because she is female.

207. Stojanov reported that she had been left out of meetings before and excluded because she is a woman.
208. Foody said that this was different, and continued to berate Stojanov and told her that he didn't feel he could trust her anymore, that he didn't feel the same way about her anymore, and Stojanov was overcome with feelings of despair because she knew Foody could influence her future promotions.
209. As a result, Stojanov apologized if she disappointed Foody. He first said that he accepted her apology then continued to berate her for not being at the meeting.
210. At this time, on or about May 6, 2021, Foody thereafter left for an awards ceremony that he excluded her from, stating all of the tables were full and there would be no seating for her.
211. In reality, there was room for Stojanov but it was clear that Foody did not want her to attend the event.
212. Stojanov immediately began to fear she would be retaliated against for the reports of gender inequality and discrimination that she made to Foody.
213. On or about May 8, 2021, Stojanov contacted the EEO office to inform them of the event and that she feared retaliation.
214. Stojanov thereafter, on or about May 17, 2021, filed an EEO complaint.
215. It has, to date, been more than five (5) months, nearly half a year, since the EEO office has been in possession of Stojanov's complaint and nothing has been done to advance an investigation into the matter.
216. On or about July 7, 2021, Stojanov was contacted by Noble who said that Captain Buck (a black male) would be transferred to the Captain position in Field Operations.

217. This Captain's position is above all other troop Captain positions, including Stojanov's position. Buck had no recent Field Operations experience, with the only limited experience in Field Operations being at the beginning of his career where all troopers begin.
218. Noble said Buck was LTC Carroll's (commander of the Operations Branch) choice because they used to work together at the Academy as instructors and are friends.
219. Stojanov was not offered this higher Captain's position, which could benefit her with her promotional process. Noble contacted Stojanov to see if she was interested in Buck's position that he was being transferred out of.
220. Stojanov told Noble that Foody is rumored to retire and she would like to stay in her position to hopefully receive an interview for the Troop A Major position. Stojanov continues to be the highest-ranking female and Region Commander in all of the Troops (A, B, C, D).
221. On or about July 14, 2021, Foody emailed Stojanov who was on vacation to set time aside when she returns so they can go over her biannual evaluation. Foody had not given Stojanov a previous evaluation from January to March of 2021 so she began to fear that she was going to suffer further retaliation through this evaluation, and it caused her unnecessary stress while on vacation.
222. On or about July 22, 2021, Foody asked Stojanov to go over her biannual evaluation and invited Captain Parkinson to the meeting. Foody waited until Stojanov's shift was almost over and only the three of them remained at headquarters. Foody asked Stojanov for clarifications of past events before they discussed the evaluation.

223. Stojanov realized that what she would say regarding the evaluation would be used against her. Foody criticized her command and stated she cares too much about the troopers and told her that if she gives the troopers too much leeway, that they will not produce.
224. Foody said he felt like Troop A was competing for Stojanov's attention. Foody wanted Stojanov to reveal who she talks to from the Division and share her information. Foody said that being a voluntary, regional peer takes too much of her time. Foody asked Stojanov to share who she is speaking to, and Stojanov responded that these conversations are confidential.
225. Foody then wanted to discuss the incident on May 5, 2021, and May 6, 2021 (involving the female he wanted in a position). Foody said that people are hand-picked all the time for positions and he doesn't see what the problem is. Foody said there are no victims here. Stojanov disagreed with Foody's pretextual justifications.
226. Stojanov then explained several possibilities to Foody about how the female enlisted member and male enlisted members could be wronged. Foody asked, "what can the white males really do about it?" Stojanov says they could bring a lawsuit against the Division. Foody asked, "who will pay for that?"
227. Foody accused Stojanov of "ducking the meeting" and admits he didn't contact her so she would show up to the meeting. Stojanov started to write Foody's words down in her notebook and Foody got defensive. Foody threatened Stojanov that she "needs to be careful."
228. Stojanov asked Foody why he was bringing her into a meeting to set her up for a bad evaluation. Foody said he didn't know if he was going to give her an evaluation or not.

Foody sat back in his chair, put his hands behind his head, and said, “I haven’t decided yet.”

229. Stojanov left the meeting not knowing if she was receiving an evaluation or not.

Stojanov felt that Foody was using his power of the evaluation, which could hurt her for promotion, as a means of controlling and silencing her about the incident on May 5th and 6th, 2021.

230. On or about May 23, 2021, Stojanov nonetheless reported this incident to EEO and also contacted the Office of Professional Standards for a violation of the NJSP Standard Operating Procedures regarding Stojanov’s evaluation, violations of the Promotional Operations Instructions, and the threat made to Stojanov “to be careful.”

231. To add insult to injury, on or about October 1, 2021, Buck was promoted to Major of Troop B, Field Operations Section. Stojanov was not even offered an interview for this position even though she has more time as a captain than him, she has more time in Field Operations, and she is senior to Buck in badge number.

232. During the promotional process which led to Buck’s promotion to Major, they chose interviews off of an expired list.

233. In or about October 2021, the NJSP command transferred a white male Major, with no Field Operations experience (at least, none since his early days as a trooper) and who was less senior than Stojanov to the Troop A Major position and transferred the retiring Troop A Major to the Special Investigations Section.

234. Stojanov had previously made it known to Noble when he was attempting to transfer her to the Office of Employee Relations and Community Outreach, that she would like an

opportunity to interview for the Troop A Major position. She was not given this opportunity.

235. Due to this transfer of Majors, the Troop A Major position will not open. This blocks Stojanov from being afforded the opportunity to interview for the position in which she has the command experience. This transfer was done to block Stojanov from attaining the position because she is a woman, and would have then become the first female Major in Troop A.
236. The NJSP has been under scrutiny for their promotional practices because the statewide police force was “one of only two in the nation to rely almost entirely on the opinions of supervisors” (nj.com, May 19, 2013) to promote its enlisted members. Attorney General Jeffery Chiesa created a panel to review NJSP promotional policies.
237. The NJSP promotional process was reported to be “overhauled” because of the 2013 inquiry. Taxpayers paid ”millions” in legal settlements. This was reported in the media, with the headline that the “NJ State Police overhaul promotion process after claims of abuse and favoritism” (nj.com, April 15, 2015).
238. In or about February 2015, Stojanov was assigned to the Colonel’s office at the inception of the new promotional process. Stojanov stated the process was created by troopers with no specialized training regarding promotional processes. These troopers were working with the Attorney General’s Office, and neither an outside firm nor specialists of any type were consulted.
239. Despite the supposed reforms, to this day there are still no oral interviews for the rank of Sergeant and Sergeant First Class. Instead, promotions are based on the opinions of

supervisors. Despite the headlines, the NJSP did not overhaul the promotional process abuses from 2013. Instead, it simply reconfigured it to give the illusion of reform.

240. The NJSP command created a system which has allowed for proliferating abuses, including the selecting of friends for promotion (cronyism) and the blocking of women from promotion, including Stojanov (gender discrimination).

241. The NJSP is aware of more transparent, objective promotional processes. In or about October 2021, Stojanov was asked to sit on an independent law enforcement board for Maryland-National Capital Park Police and the New York State Police. Other law enforcement agencies utilize outside law enforcement agencies for objectivity, so there is no favoritism.

242. Assessment centers are being used by other law enforcement agencies. The assessment centers use situational scenarios to assess candidates for promotion. Ironically, Noble told Stojanov (when he tried to transfer her to the Office of Employee Relations and Community Outreach) that if the NJSP utilized these scenario-based promotional systems, most of the NJSP command would not be in charge.

243. Stojanov has also been a victim of a failed EEO and Office of Professional Standards (OPS) system. One NJSP investigator in EEO stated to Stojanov that her case could realistically be completed in a month, but cases are stalled at the Attorney General's Office, and her case was not completed in a month and is ongoing.

244. The prolonging of Stojanov's EEO investigation continues to allow Stojanov to be subjected to discrimination and retaliation, which has, in turn, increased Stojanov's stress, anxiety, and suffering.

245. On many occasions, including in the last two years, Stojanov spoke out against and objected to the NJSP's promotional process and system, the corruption, cronyism, failure to abide by merit-based criteria, and conflicts of interests inherent in the way the NJSP was issuing promotions.

246. In summary, Stojanov has been discriminated against and retaliated against in violation of laws prohibiting gender discrimination and retaliation in employment with respect to promotions, assignments, selective enforcement of discipline, and the manner in which she is treated, which has been hostile and retaliatory and the same is ongoing. Although, after the filing of the original Complaint in the above-captioned matter, on January 1, 2022, Stojanov was finally promoted to Major, she has still suffered damages, including back-pay, for the discriminatory failures to promote her prior to this date.

Factual Allegations of Plaintiff, Dawn Curran

247. Curran is employed by the State of New Jersey as a New Jersey State Trooper.

248. Curran currently holds the rank of Lieutenant assigned to the Office of Executive Protection (OEP).

249. Curran has consistently received positive performance evaluations at the NJSP, and has received numerous commendations including a shining letter of commendation from former Lt. Governor Kim Guadango, dated January 11, 2018, wherein the Lt. Governor praised Curran for "her tremendous capabilities and proactive approach to problem-solving in a high-stress, fast-paced environment."

250. Curran received a commendation from Bambo on November 5, 2018, for her "outstanding performance" for her work relating to Governor Murphy and the First Lady's first international trade mission to Frankfurt Germany.

251. Curran also received a commendation from Jeff Johnson, former OEP and then-Captain of PEER, on or about November 24, 2020, for her “exceptional leadership skills” and praising her as an “excellent supervisor” who is “intelligent, honest, fair, creative, confident, self-motivated, selfless, knowledgeable,” and someone who would be “an outstanding Captain and Major.”
252. Curran started her career with the NJSP in 1986 as a Clerk and became a full-time employee with the NJSP in 1988. Even then, when working as a security guard while a part-time college student, Curran was subjected to mistreatment from male troopers.
253. Curran commenced her career as a Trooper for the NJSP on or about November 13, 1998, after completing the six-month NJSP Academy. She was selected as a recruit following a rigorous and highly selective process.
254. Upon graduating from the Academy, Curran’s first assignment was at the Port Norris Station, where she very quickly noticed inequities between men and women.
255. Among those inequities, she noticed the women’s locker room at Port Norris Station was particularly small - there were only four or five lockers. She also learned there was no female locker room at all at the Woodbine Station and that later the Kingwood Station, which was built in 2000, also did not include a female locker room.
256. Curran recalled thinking while getting dressed at the Port Norris Station that “they are not planning on enlisting many more females.” In fact, Curran’s classmate at the Woodbine station had to report to work in full uniform while the male troopers were able to arrive at work in civilian clothes because there was no facility for female troopers to use to change clothes at the Woodbine station. Curran was the sole female trooper at the Port Norris station as was her classmate at the Woodbine station.

257. In or about October 2002, then-Sergeant Deb Baker (ret.), reached out to Curran to ask her to apply to join the Governor's Protection detail. Curran applied, was interviewed, received a top score, and was accepted into the Governor's Protection detail, which is now referred to as the Office of Executive Protection (OEP) or sometimes as the Executive Protection Unit (EPU).
258. During her distinguished tenure in OEP, Curran served to protect many executives and their families, including Governor McGreevey, Governor Codey, Governor Corzine, Governor Christie (during transition), Lt. Governor Guadagno, and Governor Murphy. Curran worked as a member of various teams protecting the state's Governors through providing "in the field" security protection and by driving the executives and their families.
259. In March 2020, Curran moved into a senior office-based administrative role which no longer requires her to work in the field.
260. Being afforded the opportunity to work "in the office" or being asked to "go into the office" is considered an unofficial promotion in OEP; that is, those troopers who leave the field and are asked to "go into the office" are considered the "next generation" of OEP leadership and have consistently achieved the ranks of Captain and/or Major over the last 15 years.
261. The goal of most troopers in the field is to attain an "Office" position within the OEP. Indeed, this role is considered to be part of the OEP promotional pipeline, and Curran was blocked from entering the pipeline for promotion.
262. Not since Sergeant Deb Baker (ret.) left OEP about a decade before has a woman trooper been assigned to the "Office" until Curran was assigned in March 2020.

263. In or about 2006, during Governor Corzine's Administration, Curran was assigned the Chief of Staff (COS) detail. In addition to the COS detail, she was also charged with handling all of the members' daily job responsibilities and assignments which are informally referred to as the "Battle Sheets."
264. At this time, OEP was still a Unit and the Chief of Staff detail was responsible for daily scheduling assignments.
265. Curran was both handling the Chief of Staff detail and all of the OEP's daily scheduling assignments for nearly one year from October 25, 2006, through August 31, 2007.
266. This creation of the "Battle Sheets" is significant because when a trooper is initially "asked to go into the office" this is the first task the trooper assumes. Notably, Curran worked on and mastered the development of the "Battle Sheets" more than 15 years ago in addition to her responsibilities which included working in the field as the security lead for the then-Chief of Staff.
267. After the change in state leadership, from in or about 2009, Curran started with the newly founded Lt. Gov. Guadagnano detail. Curran was asked to serve as the detail leader, that is, the senior trooper for this newly formed detail.
268. During this time, without support or guidance from the leadership of the OEP, Curran created and implemented all of the security protocols for the inaugural Lieutenant Governor's detail. Curran worked closely with the Lieutenant Governor's staff to ensure a smooth day-to-day running of the schedule while also ensuring the Lieutenant Governor's incredibly busy and challenging schedule was capably staffed and always running flawlessly.

269. Due to Curran's hard work and dedication, Curran was promoted to the rank of Sergeant and a few years later to Sergeant First Class.
270. At the same time, Tom Cartnick, a male Sergeant, was "tapped" to come into "the office" by then-Captain Al Ponenti. This required Cartnick to assume the role of scheduling and handling the "Battle Sheets," a role Curran previously mastered almost five (5) years prior. The reason Curran was given by Ponenti was that Cartnick was "exhausted" by the Governor's schedule.
271. Curran was senior to Cartnick as a Sergeant, had previous experience handling the "Battle Sheets" yet she was not even considered for the position.
272. As described above, the role of scheduling the "Battle Sheets" position is an entry-level position within the office, insofar as it permits a trooper the opportunity to leave the grind of the day-to-day fieldwork, and once in that spot, it is a gateway to a very significant promotional opportunity.
273. After Curran's years of hard work in developing the inaugural Lieutenant Governor's security detail, Curran earned her promotion to Lieutenant in June 2016.
274. In or about the transition period between Governor Christie and Murphy, in or around January 2018, Curran was called into the OEP office by then-Captain Bambo who told her that there was no leadership role for her and he was bringing Lt. Bagnuolo into "the office" to assume the day to day scheduling role.
275. Curran was once again bumped out of the entry-level scheduling role once again by Bambo who gave the role to Bagnuolo, who not only had 3 years less OEP experience than Curran including less supervisory experience than Curran, but he had no "office"

experience or daily assignment scheduling (“Battle Sheet”) experience. Bambo was once again setting up a male trooper for a promotion.

276. Bambo then told Curran that she would only be permitted to stay within the OEP if she did line security work for the Governor - in Residence detail or Advance details (truly entry-level assignments in OEP) with no supervisory role. Entry-level meaning “Rookie” assignments and Curran had been working in OEP for 16 years and worked in every OEP assignment capacity.

277. During the transition from Governor Christie to Governor Murphy, in or about January 2018, Curran was called into a meeting with then-Major Ron Bambo (“Bambo”) and then-Captain Al Rawding (“Rawding”), during which they informed her that she was “too senior” to stay in the Office of Executive Protection and they had no supervisory role for her because they had to take care of “Christie’s guys” first, and so she would have to be transferred.

278. “Christie’s guys” were all male (with the exception of female and co-Plaintiff in this action, Claire Krauchuk). Bambo stated in this meeting that because Krauchuk was so junior, that she was easy to place back in a squad position. Simply stated, since Curran was senior and a female, she had to leave because she was clearly a threat to “Christie’s guys” and “the office” had to ensure there was enough room for the male troopers to assume leadership roles.

279. However, at this time Curran was more senior in rank and had more experience in OEP than the men who were receiving preferential treatment over her. These men had anywhere from three (3) to six (6) years less experience.

280. The preferential treatment granted to the male troopers included giving the male troopers leadership roles, better equipment, and better vehicle assignments. Curran was not allowed to be a "P" despite more supervisory experience and rank. This was intended to block Curran from a leadership role and humiliate her.

281. A "P" refers to Principal or P-Duty which is the governor leadership role that supervises the Governor's team for the day.

282. Curran posed a threat to the male leadership because of her superior qualifications and thus needed to be eliminated in terms of competition.

283. Subsequently, Bambo called Curran once again and told her that she could stay in OEP if she would work in residence security or advance work with no supervisory role, which is a major diminution in authority, status, and prestige within OEP - a role which rarely even first-year troopers are asked to take on and certainly not someone with 20 years of experience. Bambo informed Curran that the Division needed help with "Background Investigations" for Trooper Applicants and that she and Rebecca Hotchkin would be "a good fit for the role."

284. Some of the leadership roles included but were not limited to P-Duty. Curran was excluded from this role with Governor Murphy.

285. In short, Curran was excluded from the "team activities" and basically was being put out to pasture.

286. Bambo then said that if Curran wanted to leave OEP, that she could go to background investigations in Division, which is also a diminution in authority, status, and prestige and not a place where those with Curran's extensive experience are typically placed.

287. In her 19 years in OEP, Curran has never seen a trooper transferred to do background investigations on applicants until she and Becky Hotchkin, both females, were told they should.
288. Curran explained that she was more than qualified and deserved a leadership role within OEP, and was not interested in moving down the professional ladder into these subordinate positions.
289. A few days later, Bambo began placing Curran on the Pass list, which is the assignment roster they use, with various assignments but not a supervisory role which is the “P” role.
290. The “P” assignment is given to a senior trooper who is tasked with leading the Governor’s security on a given day. This is very much a leadership role.
291. Bambo told Curran that if she were put in the “P” role, that the other male troopers would be upset and complain because they would have less “P” roles if she were to be on the Pass list.
292. Instead of recognizing Curran’s seniority, and that she had more time and well-rounded experience in OEP than any of the men given the “P” role, Bambo penalized Curran and set her aside, thereby diminishing her authority within the OEP.
293. Bambo continuously asked Curran when she was planning to retire because he knew she had previous public service to qualify for service credits within the pension.
294. He said she could handle Residence details or Advance work until she retired. This was a quintessential “slap in the face.”
295. Bambo further indicated that her presence was upsetting Christie’s male troopers because they would have less “P” roles.

296. Bambo would regularly call Curran “Erin” instead of by her actual name - mixing her up with another female trooper in OEP, who looked and acted nothing at all like Curran. This was done intentionally and maliciously to embarrass and demean Curran.
297. Rawding, who was working with Bambo to make these decisions about Curran’s career, once was heard saying that he didn’t like working for a “Broad.” He was, at one time, working under now-retired LTC Deb Baker, and hated it.
298. Approximately six months after Governor Murphy’s inauguration, in or about June 2018, Rawding and others were transferred. At this time, a new Captain, Matt Lubertazzi (“Lubertazzi”), came into OEP. Bambo and Bagnuolo remained and brought Kevin Young into “the office” over Curran. Again a junior and less experienced male in terms of time in grade and overall experience.
299. After months of humiliation, Curran followed the chain of command and requested a meeting with Major Jim Ryan, Colonel Callahan’s then Chief of Staff, which he denied and sent the matter back to Bambo and Lubertazzi. Curran asked Lubertazzi for a meeting and was blown off time and time again. However, minor improvements were made by Lubertazzi who assigned Curran to the “P” role and assigned her a newer vehicle.
300. Prior to Lubertazzi’s arrival, and despite that Curran was the most senior trooper in OEP, she was assigned the oldest and most beat-up car of anyone in the unit which had over 200,000 miles on it. The other senior male troopers in the unit, “Christie’s guys,” were assigned brand new 2018 Chevy Suburbans to serve as their assigned troop cars.
301. Curran would report to work in meeting spots in the morning in her much-older vehicle and be supervised by much more junior and less experienced troopers as she

drove the Governor. Driving the Governor is usually reserved for junior troopers, but she was assigned the task as a Lieutenant.

302. In Curran's over twenty years in service, a Lieutenant had never driven the Governor, and generally, most troopers stop driving the Governor when they attain the rank of Sergeant or SFC - this was unprecedented in her time at OEP, and an embarrassment in front of junior troopers that further diminished her authority and status within OEP.

303. On the day prior to Lubertazzi arriving, Bambo moved Lt. Kevin Young into the "office" which is part of the OEP promotional pipeline and assigned him to the role of scheduler of the "Battle Sheets," which Curran had handled years earlier, for the third time leaving Curran to a diminished role and still working in the field as a part of the day-to-day operations of the Governor's security detail.

304. Curran was given no explanation for this from Bambo other than he had to take care of "Christie's guys." Meanwhile, Governor Christie was long gone from office. Curran pointed out to Bambo that Young is three (3) years her junior as a trooper, over six (6) years her junior in time in grade/experience in Executive Protection, and he has less supervisory experience in OEP and no previous experience in scheduling or office experience. Bambo had no explanation other than it was his decision to make.

305. After Lubertazzi arrived, he assigned Curran a new vehicle. At first, it appeared that Lubertazzi was there to correct the wrongs and mistakes made by the previous leadership by assigning Curran a newer vehicle and the P role, but, upon Bambo's retirement, he moved into Bambo's position as Major and, at this time, Lubertazzi selected a less experienced and junior in grade male trooper, Carmine Bagnuolo, to move into a Captain's position, instead of Curran.

306. Lubertazzi now has placed Young instead of Curran in position to get the next Captain position, because when Curran started working in the office in March of 2020, she assumed the entry-level role of the scheduler of the “Battle Sheets” she handled almost 15 years prior.
307. When Curran asked Lubertazzi why he offered no explanation other than “It was Ron’s decision” and “that chair is the one open.” Lubertazzi continuously places Young over Curran on the Pass List despite her seniority and experience and role as Administrative Officer while Young is the Unit Head.
308. Lubertazzi’s purposeful failure to recognize Curran’s seniority in the role over Young can only be described as intentional and a daily action to purposefully diminish Curran’s day-to-day work and contributions and to keep her “in her place.”
309. At the time of transition from Governor Christie to Governor Murphy, there were only four (4) women in the OEP, two of which were told to leave OEP because they were “too senior” (Curran and Hotchkin), one of which was very junior (Krauchuk), and one of which was encouraged to apply elsewhere (Carter). Curran and Hotchkin were told they were too senior and would upset Christie’s guys who deserved the promotions for “working so hard for him.”
310. Bambo encouraged Carter to apply to the new position pertaining to Lt. Governor Sheila Oliver, but he became frustrated when Carter asked if it would be a promotional opportunity. Bambo told Carter to “just stay where she was, if she was concerned about a promotion because he had no idea if it would be.”
311. Curran then made multiple reports of the unequal treatment of women within the OEP, first to the Colonel’s then-Chief of Staff, Major Jim Ryan, who remanded the matter

back to Bambo and Lubertazzi. Curran had already been told by Bambo that she had to go to Background investigations or serve entry-level positions for Governor Murphy and his family and was perplexed by a second meeting with Bambo and Lubertazzi. After seeking assistance with her professional development from Ryan, which accomplished nothing, Curran then reported the discrimination to Governor Murphy's Chief of Staff, George Helmy.

312. On or about January 3, 2020, Curran reported to Helmy that women in the OEP were being treated unfairly and discriminatorily compared to the men. As a result, Helmy forwarded Curran's report to the EEOC which investigated and concluded, at that time, that the way women were treated was unrelated to gender.

313. Shortly thereafter, in or about March 2020, Curran was assigned to the office as the Administrative Officer. Curran was only assigned to the "office" after her report of gender inequality to Helmy. Curran was immediately treated worse because of her gender and was subordinated to the men in the office. Curran is being retaliated against on a daily basis for speaking up about discrimination.

314. Curran, who is the Administrative Officer, and this role, Division-wide, is superior in authority to a Unit Head is treated by the men in charge and others as lesser in authority and rank than a male Unit Head. Curran has never seen a Trooper diminished in this role in her over 23 years as an enlisted member.

315. For instance, not only is she placed in a diminished capacity, Curran is repeatedly excluded from important conversations and decisions about promotions and opportunities for the troopers.

316. Another indication of the way in which Curran is treated poorly is that she is assigned the parking spot of the much more junior officer, Kevin Young, when he was elevated over her with no explanation.
317. Shortly thereafter, Carter had to fight to keep her role as detail leader for the Attorney General detail role by Lubertazzi who claimed it was because she “lives too far from him.” Carter was able to maintain her role after explaining that she had family in the area if she needed a place to stay if she had a “late night.”
318. Ironically, Curran was assigned in OEP for three years longer than Bagnuolo, trained him when he first arrived in OEP, was in charge of day to day scheduling with Bambo during Corzine’s administration, was the senior Lieutenant for all of OEP, and was Bagnuolo’s supervisor during the Corzine administration when they worked the Chief of Staff detail together.
319. She was nonetheless subordinated to him, and, on or about January 15, 2020, Bagnuolo was promoted to Captain over Curran.
320. Curran was then informed that Bambo requested that Young be put in authority over her. This is another instance of “Christie’s guys,” then men in OEP, receiving preferential treatment over the women.
321. Bambo repeatedly asked Curran when she would retire and leave and explained to her that she was losing money by staying employed, and not retiring. He let her know she, as a woman, was not welcome there.
322. On many occasions, including in the last two years, Curran spoke out against and objected to the NJSP’s promotional process and system, the corruption, cronyism, failure

to abide by merit-based criteria, and conflicts of interests inherent in the way the NJSP was issuing promotions.

323. Curran's authority has been diminished because she is a woman in law enforcement and in retaliation for her reports of discrimination, and she is suffering stress, anxiety, insomnia, and depression due to the hostility she faces from men at work. She has been passed up for promotion because she is a woman while lesser qualified men were promoted ahead of her.

Factual Allegations of Plaintiff, Claire Krauchuk

324. Krauchuk is employed by the State of New Jersey as a New Jersey State Trooper.

325. Krauchuk currently holds the rank of Trooper I assigned to the Protective Services Unit, which falls within the Office of Executive Protection (OEP).

326. In her over thirteen (13) years with the NJSP, Krauchuk has worked a variety of assignments, including assignments at the Perryville Station, Washington Station, Bloomfield Station, Holmdel Station, the Protective Services Unit, a detachment in the NJSP Academy, the Lt. Governor's Security Unit, the Selection Process Unit, and the Office of Executive Protection.

327. Krauchuk has been awarded over twenty-five (25) commendations for serving the public as a trooper including commendations for arrests and recognition of her exceptional performance.

328. Krauchuk began working for the NJSP on or about June 27, 2008, and shortly after, beginning in or about 2009, she was sexually harassed by her then-Staff Sergeant, Edward Bietka ("Bietka").

329. Bietka repeatedly called Krauchuk when he was drunk and off duty, invited her to go with him to a strip club in Sayreville, put his arm around her against her wishes, and would regularly stare at her butt and ogle her physique.
330. Krauchuk's squad-mates began to joke about it, and would leave small cut-out posters of Bietka to make light of the situation.
331. On one occasion, in or about 2009, Krauchuk's squad-mates put Bietka's DMV photo on someone who was arrested with a caption that read "Last seen in Sayreville" (commenting on his strip club invitation). On another occasion, around this same time period, they placed a picture of Bietka's face on a Buddha that was cut out of a magazine that read "Sexual Sorcerer." These "jokes" were Krauchuk's squad-mates' informal way of letting Bietka know that what he was doing to Krauchuk was inappropriate.
332. At this time, Krauchuk feared filing a sexual harassment complaint because she was in her first year or so on the job, and didn't want to be "that female trooper" who filed a claim against her Staff Sergeant in her first year.
333. Another Sergeant then reported that Krauchuk was being harassed by Bietka, and Krauchuk's commander (Lt. Iannone) then requested Krauchuk meet him at his house to discuss the incident, away from Bietka. During that meeting at her commander's house, Krauchuk explained what happened to her, and requested a transfer to another station. Krauchuk feared reporting the harassment because she was concerned she would be treated differently by her coworkers if she reported the harassment, and her commander assured her it would be handled at a station level and not reported.
334. Krauchuk was then called by an EEO representative (Trooper Berry) and asked to meet at a restaurant on her day off where she was interviewed by the EEO representative

regarding the sexual harassment, on information and belief, because someone familiar with her situation called the EEO office and reported that she was being sexually harassed.

335. After sharing the details of her situation at the restaurant, Krauchuk was later called into the EEO office by a Lieutenant who threatened her, saying that she was going to be written up for candor, saying that she was not telling the whole truth, and threatening that no one will work with her because she is a liar.

336. Following these threats, Krauchuk broke down in tears on more than one occasion. She was suffering from stress and fear that her career was over before it had even gotten started.

337. These events led to significant stress and anxiety, and Krauchuk found herself crying over the phone to one of the investigating troopers, and she was then treated rudely by the Trooper for crying.

338. Bietka was, during the EEO investigation, transferred to another unit, redesignated from Staff Sergeant to Sergeant, and eventually retired.

339. Krauchuk continued to fear she would be branded as “that female trooper” who filed a sexual harassment complaint against her Sergeant and faced retaliation for speaking out about the harassment. Within the NJSP, females are subjected to a “male-dominated” environment, and, as a female in the NJSP, she feared she would lose the trust of her male colleagues if she reported Bietka’s behavior.

340. In or about January 2014, Krauchuk was invited to join and detached to the Governor’s Security Unit, aka, the Office of Executive Protection (OEP), and, because of her excellent performance, about a year later she was permanently assigned to OEP.

341. It didn't take long for Krauchuk to notice inequitable treatment between men and women within the OEP.
342. For instance, men were given preferential treatment when it came to traveling with the Governor and/or his family.
343. When women were sent on a traveling assignment, they would have to pay for an additional room to house the female trooper, but if men were sent, they could put two or three men in the same room to save costs.
344. The cost-savings measure was just an excuse to prevent women from going on travel. Indeed, the Unit would often give a man an unscheduled day (overtime), rather than bring a woman along with them, and paying a male trooper overtime resulted in significantly more costs than paying for a hotel room for a female trooper. While this did not happen with every assignment, Krauchuk was refused travel assignments (which would not have required paying her overtime), while simultaneously a male trooper was assigned to that assignment instead of her (and he received overtime pay for the assignment).
345. It is widely recognized within the OEP that there are a lot of benefits to traveling with the Governor and his family. It is something that is sought after by many troopers because the troopers who work while traveling get to see new places, meet new people (often celebrities), try different foods and restaurants, get "face time" with the Governor and his family during a vacation (also good for promotions), often make overtime, develop stronger relationships with other troopers who travel (coworkers), and gain experience (which also helps with promotions).
346. On at least three occasions, Krauchuk expressed interest and availability in going on travel assignments, and other male troopers were assigned instead of her. These male

troopers had not even put in to go on these trips but were assigned to travel over Krauchuk who had put in to go on these trips.

347. In one instance, in or about summer 2018, Major Bambo told Krauchuk that she could not go on a trip to the Hamptons because there were no hotels within almost two hours of the location. However, Krauchuk looked up hotels and found at least six (6) within range that were comparable to the ones the men had booked there. Obviously, his excuse for not sending her was not worthy of credence, and the real reason was he did not want to send her because she is a woman. Krauchuk was told to take a vacation day, when she wanted to work on this assignment, and instead a male trooper was assigned and was paid overtime for going.

348. In or about August 2018, Krauchuk reported the issues about females getting worse treatment about travel to then-Lieutenant Bagnuolo. Bagnuolo acknowledged that women received worse treatment regarding travel, but did not take any remedial action.

349. In another instance, in or about October 2018, Krauchuk again reported to then-Captain Lubertazzi that the unit was sexist and that she was picked as a “token” female officer on a first lady (wife of the Governor) detail. Lubertazzi responded that “he was here to make it better,” a statement, which unfortunately never panned out as the discrimination continued.

350. There were a variety of other disparities between men and women in OEP, including the assignment of vehicles. Krauchuk was given a troop car that had a floor that was rotting out and was eventually totaled.

351. Krauchuk was subsequently issued a vehicle with steering wheel and brake problems which ultimately was towed from her house because the brakes were locking up.

352. While the men in the OEP were asked what kind of cars they wanted and were given preferential treatment, the women, including Krauchuk, were given rotting, older, and unsafe vehicles, with no concern for their preferences.
353. A specific instance, in or about summer 2019, when it was Krauchuk's turn to get a new car, Bagnuolo called Krauchuk and asked her if she wanted the car. Krauchuk said "yes." Despite Krauchuk's confirmation, Bagnuolo gave the car to Trooper Formosa (a junior male member by almost 3.5 years in the unit).
354. In or about November 2018, Krauchuk began undergoing fertility treatments. The fertility treatments continued until in or about July 2019 when Krauchuk became pregnant. The fertility treatment appointments required Krauchuk to take time off from work as women going through treatment generally need around 6-8 flexible days for egg collection and transfer and time to go for numerous scans and consultations.
355. The NJSP does not have any policy that covers women who are trying to get pregnant. As a consequence, male supervisors within the NJSP were not understanding about Krauchuk's fertility treatment. Indeed, Krauchuk could have easily been accommodated without having to take sick time if the NJSP had been open to discussions.
356. Indeed, in the over forty-five (45) years since the first woman entered the NJSP, the NJSP has not found it necessary to develop policies for pregnant or breastfeeding women.
357. On or about February 14, 2019, Krauchuk had discussions with the troop doctor about how the men in the OEP were not accommodating her fertility treatments, and the troop doctor recommended she return to work 3 days a week for 8-10 hour shifts maximum and could work any duties she normally would. Among other things, Krauchuk needed minor

schedule changes and light duty because she had to be home every night to be injected with fertility shots.

358. Infertility is a medical issue and fertility treatment involves a significant time commitment, along with regular shots, doctor's appointments, and other medical treatment and procedures. Krauchuk shared the fact that she was undergoing in vitro fertilization with her employer in an effort to be as transparent and honest as possible.

359. Employment decisions related to infertility treatments implicate Title VII and the New Jersey Law Against Discrimination. Because surgical impregnation is intrinsically tied to a woman's childbearing capacity, an inference of unlawful sex discrimination may be raised if, for example, an employee is penalized for taking time off from work to undergo such a procedure. The United States Supreme Court has also held that infertility is a disability.

360. Later that day, Krauchuk then called Lieutenant Kevin Young to inform him that she would be returning to duty the next week and explained her doctor-mandated scheduling accommodation. Young did not immediately answer but called her back and told her that he was concerned about if she was full duty status, or if she could react quickly enough if something were to happen to the Governor.

361. Krauchuk explained to Young that she could do anything but work nights or shifts longer than ten hours, in accordance with the troop doctor's mandates. Young then inquired into whether she could work residence details, which are lower stress details but are 12-hour shifts.

362. The troop doctor then inquired if Krauchuk was comfortable with residence detail, and the 12-hour shifts and she said yes because they are usually not too stressful.

363. The next day, on or about February 15, 2019, Lieutenant Bagnuolo called Krauchuk to tell her that she would be working residence detail and that she would be working three residence details that week in the trailer. He said that since she would be working Tuesday and Thursday, and that she is not coming back until Wednesday, that she would have to make up a day on Friday.
364. On February 15, 2019, Bagnuolo said she'd be working Monday through Wednesday in the trailer the next week as well. Bagnuolo then said that with the 8 hour holiday on Monday, that she would have forty hours per week, for these two weeks. Krauchuk then explained to Bagnuolo that she was told by the troop doctor that she should return to work only part-time and work 3 days a week, 8-10 hour days, and that the doctor was okay with her working residence detail because it was not a heavy lift.
365. Still, on February 15, 2019, Krauchuk also informed Bagnuolo that she was only missing Tuesday because of a doctor's appointment. Bagnuolo informed Krauchuk that she should schedule her doctor's appointments on her days off, but she explained that the doctor decides when the appointments are and she goes when the doctor tells her to. (Bagnuolo said that this was as per "the major," Bambo).
366. Krauchuk then, on February 15, 2019, reported to the Medical Services Unit, the Troop Doctor, and SFC Bernie Lopez that her commanders were trying to maximize her time, and not abide by the troop doctor's mandate that she has a lower stress and reduced hour workload.
367. In essence, her commanders had turned a mandated 24-30 hour workweek into a 36-40 hour work week, and, in doing so, created more stress by forcing her to work three (3) twelve (12) hour shifts back-to-back-to-back.

368. SFC Bernie Lopez seemed irritated during the February 15, 2019 call, but said he would call the office and try to clear things up.
369. On or about February 19, 2019, SFC Bernie Lopez called Krauchuk back even more irritated and told her she would have to figure it out on her own.
370. Krauchuk then received a call from a coworker who was upset because they removed her from residency detail so that Krauchuk could take it, and that another trooper was upset because they removed him from residency detail so that Krauchuk could take it. In both instances, the NJSP could have sought alternative options, but created resentment against Krauchuk by mishandling the situation.
371. A coworker relayed to Krauchuk that she felt Krauchuk was being discriminated against, told her that it is weird what they are doing to her, and to “hang in there.”
372. On or about February 20, 2019, Krauchuk called the Medical Services Unit again to report that in her first two weeks back in the cycle, she was assigned to 88 hours, which is far from the “part-time” accommodation schedule that the troop doctor had ordered.
373. Subsequently, Major Bambo called Krauchuk and decided Krauchuk could work 36 hours a week in residency detail, and that she would be paid for the 8 hours of overtime from the two weeks she was scheduled for.
374. As to residency detail, there was stress in the trailer and Krauchuk was supposed to have a low-stress environment for fertility treatment purposes. The shifts were 12 hours, with no breaks. Krauchuk was confined to the trailer for 95% of her shift, sitting in front of the monitors. The amenities were deplorable. The trailer was filthy and had never been professionally cleaned. There was urine all over the floor in the bathroom and mold in the air conditioning.

375. Bambo created a rule that no one was allowed to be on the property (the trailer) before picking up the Governor or first lady. Krauchuk was essentially alone and isolated from her co-workers during her nine (9) months of light-duty. Krauchuk called her Sergeants (Squire-Tibbs and Gumina) crying one day because she didn't want to be stuck in the trailer anymore, and she wanted to be out in the field. Bambo said that Krauchuk was not allowed to do anything other than a residence detail.
376. In a previous instance in or about December of 2016, in her first day of detachment at the Academy, the then-Captain (now Major) Jeanne Hengemuhle (“Hengemuhle”) threatened Krauchuk that “if you have children within the first year of being here, I will ship you out of here quicker than you got here.” Hengemuhle never had children and she and other NJSP members refer to female troopers that have children as "breeders." It is their derogatory term for women who bear children.
377. In or about December 2016, Krauchuk reported this statement to her then-Sergeant and SFC, but did not file a formal complaint for fear of retaliation.
378. Again, in or about December 2016, Hengemuhle oversaw the Academy and Krauchuk’s report about her discriminatory comment eliminated Krauchuk from further opportunities within the Academy, and further led to more negative gossip about Krauchuk within the OEP, which did increase the stress and anxiety. She was retaliated against for her report about Krauchuk’s comments.
379. Between February 2019 and February 2020, Krauchuk was stuck in that trailer. Usually, when people are put on light duty, they are put in “the office” and not in a trailer. There had never been another pregnant female in Krauchuk’s unit ever, and she was treated differently than men who were placed on “light duty” by being placed in that

trailer. Krauchuk was isolated from her peers in the trailer and was left there alone in terrible conditions.

380. On or about February 22, 2020, Krauchuk went on family leave, to give birth to her son, who was born on March 31, 2020. She returned to work after a very traumatic birth, but was only given 6 weeks off. It was the height of the Covid-19 pandemic and Krauchuk was uncomfortable going back to work full-duty. Krauchuk informed the troop doctor that she had symptoms consistent with uterine prolapse, and it was very uncomfortable doing day-to-day tasks, let alone protecting the Governor.

381. Uterine prolapse occurs when the muscles and tissue in the pelvis weaken which allows the uterus to drop down into the vagina. Common symptoms include leakage of urine, fullness in the pelvis, bulging in the vagina, lower-back pain, and constipation.

382. The troop doctor decided that Krauchuk could work from home for a month. The NJSP did not have work for Krauchuk this time, and told her to “shelter in place.” Other troopers on the Governor's Security Detail were also “sheltering in place” during this time. Krauchuk returned to work full-duty on or about June 13, 2020.

383. On or about July 22, 2020, Michael Garvey was promoted to Sergeant. At this time, Krauchuk was eligible for this promotion but was not given the promotion. The practice in this unit is that a trooper did not have to apply for a position. Instead, promotions were based on a trooper's time in the unit and badge number. Krauchuk was senior, by one year, to Garvey, in both times in the unit and badge number.

384. Shortly thereafter, on or about July 27, 2020, Krauchuk had a professional development meeting with Lubertazzi and Young and expressed her surprise that she was not promoted over Garvey given her superior qualifications, experience, and seniority.

385. Lubertazzi expressed that there were others more senior than her, but, in fact, those he named were not senior in experience and within the OEP. Lubertazzi named Chris Gable and Alain Del Rio as more "senior in experience" troopers. Krauchuk reminded Lubertazzi that she and Gable graduated on the same day, so he was not senior to her and she also had a year more than Gable in the unit. Krauchuk also reminded Lubertazzi that she was senior to Del Rio in the unit by almost 4 years.
386. In or about August 2020, Curran informed Krauchuk that one of the reasons she did not attain Sergeant was because she did not travel as much as the other men, but she was not permitted to travel as much as the men because she is a woman. She never had an equal opportunity to travel and gain the experience and benefits that come along with it.
387. There is no promotional system in OEP, and positions are appointed. For the last 7 years promotions were given to members based on their time in the unit, and badge number. Guys referred to it as "who's turn" it was for Sergeant. When it was Krauchuk's turn, the major said that he changed the process, and made it a vote by the other Sergeants on the line because they had more first-hand knowledge of who deserves the promotion.
388. Krauchuk was told by SFC Stazo that it shouldn't be held against Garvey that he had more "body of work" in the unit than she did. Krauchuk was senior to Garvey in the unit and the SP by a year. The only reason Krauchuk didn't have the body of work was because she was on residence detail (light duty) for fertility treatments, her pregnancy and because she was not allowed to travel.
389. SFC Stazo also stated that placing Krauchuk on permanent residence detail was "poor leadership from our office" and "their plan was a detriment to me." Stazo stated that he sympathizes with her because his wife had to undergo fertility treatments, and that timing

couldn't be any worse (that is, the timing for Krauchuk was that she came back from giving birth right when the Sergeant spots opened up).

390. On or about July 28, 2020, SFC Lopez scolded Krauchuk in front of Mason and Bagnuolo and refused to allow her to use the bathroom to pump her breast milk. Lopez was upset with something Krauchuk had done that day and penalized her by making her take the first watch at the desk by the Governor's office at a time she should have had her pumping time, and she did not get a break to pump the entire day.

391. Between August and October 2020, Krauchuk repeatedly discussed with other troopers, including her superiors, that she was passed up for promotion because of her pregnancy, gender, and infertility treatments. She reported to, among others, Veronica Carter, that she felt she was being treated differently (worse) than others because she is a woman. During this time period and beyond, Krauchuk has consistently been in fear of retaliation for her reports and discussions of discrimination.

392. Since Krauchuk had her child, she had been breastfeeding and had trouble finding times and places to pump while on duty. While there is a closet referred to as the "lactation room" in the State House, where Krauchuk used to work, she has had to pump in a dirty closet at Drumthwacket (embarrassingly surrounded by guys she works with), and has had to pump in troopers cars, and in other odd places.

393. Despite requests and knowledge by NJSP of the lack of lactation facilities, the NJSP has failed to accommodate Krauchuk's pumping and breastfeeding.

394. As far as lactation facilities, Krauchuk spoke with members of the NJSP to devise a plan for her pumping. The NJSP came up with a "lactation room" which was a closet on the third floor of the State House. It had an old chair, a small table to put her things on,

and a trash can. The closet was full of old water jugs and Tupperware and miscellaneous items. Krauchuk had to wash her pumping equipment in the ladies' bathroom and stored her milk in her cooler or the OEP office. She was locked out of the lactation closet a handful of times and had to pump in her car, the downstairs bathroom, or a troop car. Krauchuk would pump in random places when she was the team lead or F (in the governor's motorcade), without adequate facilities.

395. Multiple times between June 2020 and March 2021, Krauchuk complained about the lack of accommodations for pumping. Krauchuk had to regularly pump in troop cars and random other places, including coworker's offices, due to a failure to provide accommodations for her lactation. In one instance, she was required to pump in a car in Atlantic City with hundreds of people at an event, while people were looking in the windows of the car while she was pumping. Krauchuk repeatedly discussed, complained about, and reported these issues to her supervisors, including Stazo, Squire-Tibbs, and other Sergeants she worked under.

396. On or about August 12, 2020, Krauchuk attended a listening session for the Women's Working Group, and, that same day, reported to Captain Kristin Visalli, in the EEO Office, the gender discrimination, pregnancy discrimination, that she was recently passed over for promotion because of a pregnancy, about how Bambo was telling her to take care of her medical issues on her days off, the sexual harassment from her first year on the job, and related issues.

397. Then, on or about February 17, 2021, Krauchuk filed a complaint with the EEO office memorializing her previous report from August 2020.

398. The NJSP prohibited Krauchuk from pumping breastmilk at work for more than one year after her son was born, and she was required to stop pumping at work approximately one year after her son was born.
399. Because of her erratic pumping schedule and stress, Krauchuk's milk supply seriously decreased around 6 or 7 months. If she had access to a pumping room, with timed pumping sessions, her supply would not have decreased. Krauchuk reported these issues relating to her milk reduction to her supervisors.
400. In addition to not having a place to pump, there were not adequate facilities to clean and sterilize the pumping equipment.
401. On or about August 18, 2021, the male trooper, Alain Del Rio, was promoted to Sergeant. Krauchuk was senior in the unit to Del Rio by 3 or 4 years, although he was senior in badge number. Because, at this time, time in the unit was the number one consideration for promotion within the unit, and, because Krauchuk had more experience in that unit, Krauchuk should have been promoted over Del Rio.
402. On or about October 6, 2021, Krauchuk had a conversation with Colonel Callahan while performing her duties. Callahan asked Krauchuk how she was doing and how the job was treating her. Krauchuk stated she was unhappy because she was passed over twice for promotion since she had her child.
403. In this conversation, Callahan asked Krauchuk if she wanted to transfer to go elsewhere. Krauchuk stated no not yet, because of the promotional system. She said she had too much time vested in the unit. When Callahan asked where she would like to be assigned, Krauchuk responded that she would like to go "where she would not get discriminated against for having children." Callahan laughed uncomfortably and said

“that’s tough” and said “I know a guy” and “we’re going to get back to this.” Callahan said that he appreciated Krauchuk's honesty. Krauchuk has not heard from the command (Callahan) since.

404. On many occasions, including in the last two years, Krauchuk spoke out against and objected to the NJSP’s promotional process and system, the corruption, cronyism, failure to abide by merit-based criteria, and conflicts of interests inherent in the way the NJSP was issuing promotions.

405. In summary, Krauchuk has faced a repeatedly hostile working environment, sexual harassment, gender discrimination because of her infertility treatments, and because of her pregnancy and breastfeeding, and has been retaliated against and treated worse than the men in the unit.

Factual Allegations of Plaintiff, Rebecca Hotchkin

406. Hotchkin is employed by the State of New Jersey as a New Jersey State Trooper.

407. Hotchkin currently holds the rank of Lieutenant and is assigned to the Administration Section.

408. Hotchkin has been repeatedly recognized by the NJSP and other organizations for her exemplary work, including (but not limited to): numerous commendations from the NJSP throughout her career, a February 2005 letter from the Superintendent expressing his appreciation for her work with a recruitment campaign, a certificate of commendation from the County of Bergen, an outstanding community service and participation award from Habitat of Humanity, a certificate of commendation from the Office of Bergen County Sheriff, a Certificate of Commendation from the Bergen County Board of Chosen

Freeholders, recognition for her leadership work after Hurricane Katrina by Habitat of Humanity, an August 2016 letter of recognition for her role in securing Commission on Accreditation for Law Enforcement Agencies (“CALEA”) Accreditation, and a September 2020 letter of appreciation from CALEA.

409. Hotchkin has been employed by the NJSP since on or about May 31, 2001, and even prior, since her time in the Academy, she was subjected to discrimination and negative treatment because she is a woman in law enforcement.

410. From the very beginning at the Academy, one of the instructors, retired Lieutenant Al Peters, began to berate and demean Hotchkin because she was a woman.

411. Among the many examples, the male instructor, Peters, would make negative comments about Hotchkin’s size and abilities, would write her up for things that did not happen, and would overall focus negative attention on her because she is a woman, such as calling her “fragile” and “too small to be a trooper.” He did not comment to smaller males about their size. Hotchkin’s size was focused on because she is a woman and Peters wanted her to quit.

412. Peters also commented on her age stating how it negatively affected her physical abilities because her “body would only deteriorate.” He did not make similar comments to the men.

413. During one of the weapon retention classes, he did not allow the self-defense coordinator to pair Hotchkin up, which was the procedure. Instead, he paired Hotchkin against other recruits much larger than her for weapon retention so she would fail and ultimately be dismissed.

414. Hotchkin persevered despite the fact that Lieutenant Peters would make her life harder than others and repeatedly singled her out and threatened to dismiss her from the Academy. Ironically, even at this time, two of her classmates approached her, unprovoked, and said that she could use them as witnesses in her lawsuit - because the sexism was apparent to everyone.
415. In approximately May 2001, Hotchkin was first stationed in the newly built Kingwood station which was built without a women's locker room because female troopers were not important to the Division. She was told they “forgot” to build a women's locker room, so NJSP put a couple of lockers in the women’s restroom, requiring only one woman trooper to change there at a time because of space constraints.
416. From approximately May 2001 through December 2001, Hotchkin was assigned to the Kingwood station. There were two (2) female troopers assigned to that station. There were no tables and nothing to put equipment on in the women’s restroom that was used as a “locker room” and only one person could be in there at a time because it was too small, essentially the women were forced to change in a bathroom stall. At the time there were about 20 male troopers. The men had a locker room. Locker rooms are important to have because troopers have to change at work because they cannot drive personal vehicles with the uniform on. The men had benches and a lot of room to take off their equipment and clothing. This sent a message that a newly built facility was not constructed with a women's locker room which shows the utter lack of consideration and lack of importance the NJSP has for their female troopers.
417. In or about September 2001, Hotchkin was assigned to a post at the State House when a male trooper approached her and said that he had been a member of the interview board

for which Hotchkin participated in the oral interview phase of the hiring process which was being conducted for the candidates of the 118th class. This same male trooper told Hotchkin that it was not right what the other members of the oral interview had done to her during the interview and that he had fought for her but was unsuccessful. He advised that she did not get into the 118th class because the interview board felt she was too small and timid. She had to wait for the next State Police process which took over two years.

418. Hotchkin was treated differently than many of the male candidates from the 118th class who were similarly small in stature and seemingly reserved yet were hired as a result of the interview process.

419. In or about October 2004, Hotchkin was assigned to the Office of Executive Protection (OEP) which involved the protection of the Governor, Governor's family, and other dignitaries.

420. In her two years at OEP, she identified that women were almost never sent on travel with the Governor and/or his family because the State Police did not want to pay for an additional hotel room.

421. Hotchkin only went on a total of two (2) trips in her two (2) years there, while junior male members were consistently going on trips, thereby gaining more experience, which, in turn, helped their careers and their resumes.

422. The trips that the male troopers assigned to the OEP were permitted to go on included any out of state or out of the country trips which often afforded many opportunities to the male trooper for networking, post-retirement connections, and afforded an advanced experience in complex security detail and tactics which furthered promotional opportunity.

423. In addition, Hotchkin was deprived of the opportunity for overtime pay from these trips, unlike her male counterparts.
424. In or about October 2006, Hotchkin was assigned to drive Colonel Fuentes, the Superintendent of the NJSP. Fuentes would exclude Hotchkin from certain events because she was a woman whereas he would have a male driver take him to the event. At one point Colonel Fuentes even questioned how she got the detail.
425. Fuentes excluded Hotchkin from other key elements of the job such as not permitting her to ride with him on a helicopter to scheduled events or job-related locations. Fuentes even excluded Hotchkin as his driver for police week in Washington DC, instead, he had a male trooper drive him to police week.
426. Fuentes made rude and disparaging comments about women in the presence of Hotchkin. On one occasion, Fuentes commented that he wouldn't mind having "sloppy seconds" with the male trooper's girlfriend (referring to sex).
427. Another time, Hotchkin was driving Fuentes and then-Lieutenant Colonel Thomas Gilbert and they were talking about the charity group called the "Lady Blue and Gold," a group of predominantly female troopers, in a derogatory manner and made it clear that he was not in favor of this group. Fuentes then derisively commented to Hotchkin "you're the secretary of that group, aren't you?"
428. Ultimately, Fuentes dismissed Hotchkin as his driver but claimed repeatedly that she had asked to leave the position. She was the only female of Fuentes's four drivers and was the only one to be involuntarily removed from the unit. Also, she was the only driver to not get promoted from Sergeant to the next rank of Sergeant First Class within

Fuentes's office. The other three male drivers were promoted and one retired as a Major due to Fuentes's assistance.

429. In or about January 2010, after Hotchkin was told she was involuntary leaving Fuentes's detail and to select a place to go, she was assigned to the Compliance Unit.

430. The Compliance Unit oversees members who are on sick leave, military leave, or suspended, along with other duties. Less qualified male officers were "parachuted" into Hotchkin's unit and promoted ahead of Hotchkin despite her seniority in the unit.

431. In fact, while in the Compliance Unit, Hotchkin was detached to the Office of Executive Protection to protect Lieutenant Governor Kim Guadagno as part of her security detail which involved driving Lt. Governor Guadagno to events. Guadagno informed Fuentes that she wanted Hotchkin promoted to Sergeant First Class and requested that Hotchkin be permanently assigned to her security detail.

432. Security detail drivers were typically promoted based on the recommendation and request by the dignitaries.

433. Fuentes contacted then-Major Albert Ponenti and said "take care of this," meaning to honor the request of Lt. Governor Guadagno to promote Hotchkin and to permanently assign her to Guadagno's detail.

434. Then-Major Albert Ponenti then called Hotchkin into his office and told her she was not getting promoted because there were three men he wanted to promote. All three men: "T.C.", "C.B.", and "O.H." had just reached one year as Sergeants, and, at this time, Hotchkin was better qualified for promotion, and had served as a Sergeant for much longer than these more-junior men (at this time, for four and a half years). She had

seniority and the Lieutenant Governor backing her, but the NJSP still refused to promote her because she is a woman.

435. In or about the summer of 2013, while attending a Survivors of the Triangle annual event in Seaside, NJ to honor the families of NJSP troopers killed in the line of duty that draws a very large crowd, Fuentes walked up to Hotchkin, while she was on duty assigned to a security detail and kissed her on the cheek, against her wishes and in front of many other troopers. Hotchkin thereafter commented to two of her colleagues that Fuentes would never kiss a male trooper, especially while on duty.

436. On January 25, 2014, Hotchkin was finally promoted to Sergeant First Class in the Policy and Procedures Unit.

437. Shortly thereafter Hotchkin, a Sergeant First Class, was approached for the Assistant Administrative Officer position in the Administration Branch. There was no process (interview) for the position and then Lieutenant Colonel Callahan, the Branch Commander, chose a newly promoted male Sergeant over Hotchkin. This male is now the rank of Captain.

438. Hotchkin was then moved from Policy & Procedures to CALEA (Commission on Accreditation for Law Enforcement Agencies), within the same bureau on or about October 31, 2015. She was in the process for a Lieutenant's promotion on August 9, 2016. Hotchkin was in the top tier and was the only candidate in both the Section and Bureau. A less qualified male was chosen over Hotchkin even though she had more experience.

439. In or around 2016, while again assigned to drive the Lieutenant Governor Kim Guadagno, Hotchkin was given an old car that broke down while the men received newer

cars that worked. She was told there were no cars, yet junior male unit members were driving less miles and had better cars. Hotchkin was kicked off the unit by Bambo after the election against her wishes. She was told there was no Sergeant First Class spot for her, however, they promoted a male to Sergeant First Class rather than put her in that spot.

440. Hotchkin was thereafter transferred to the Professional Development Unit as the Unit Head, on or about October 13, 2018. During this assignment, Hotchkin was slated to receive a decent car, a brand new Ford Explorer, but the Captain, Lou Andrinopoulos, gave it to SFC "P.K.", a male, instead.

441. On or about August 17, 2019, Hotchkin was transferred to the Office of Professional Standards. Major James Parker was then transferred into the Office of Professional Standards.

442. Hotchkin advised her supervisors that Parker's transfer was going to pose problems for her (because of past experiences with him), but her concerns were downplayed as she was told that it would be fine. At about this time, Hotchkin began applying for other Lieutenant positions and was repeatedly denied promotional opportunities that went to lesser qualified men.

443. On or about August 22, 2019, there was a posting for a promotional vacancy to Lieutenant in the Personnel Bureau that Hotchkin applied for, interviewed for, scored 100, and was the number one candidate.

444. On or about December 7, 2019, Hotchkin was nonetheless passed over for promotion. Instead a less qualified male, ("P.K."), who was the last person in the tier and scored almost 7 points lower than Hotchkin, was promoted. Hotchkin scored 100 on her

interview, while “P.K.” scored 73.30. Hotchkin was senior in grade (rank), time of service in the NJSP, and time in the bureau when she was passed over for promotion in favor of this male.

445. Soon after Hotchkin was not selected, in or about December 2019, she reported her objections to this discriminatory promotion and other discriminatory practices to her Non-Commissioned Officers union and her union reported the discrimination to Lieutenant Colonel Noble, but they took no action to correct it.

446. On or about January 21, 2020, there was another posting for a promotional vacancy for Lieutenant (Administrative Officer-Office of Professional Standards). Hotchkin again applied, interviewed, received a 100 on the interview, and was the only candidate who met all of the preferred criteria for the position.

447. In or about February 2020, Hotchkin was diagnosed with cancer and had to undergo surgery.

448. On or about April 2, 2020, while Hotchkin was on medical leave for her cancer, another Lieutenant vacancy was posted (Administrative Internal Proceedings Unit), and not one member of the entire Office of Professional Standards told her about the vacancy, which is a violation of NJSP Promotional Operations Instructions. Hotchkin learned of it from someone else and submitted an application for the position.

449. On or about April 25, 2020, Hotchkin was for a third time passed over for the Lieutenant position, again by a male (this was for the Administrative Officer OPS position).

450. On or about May 21, 2020, interviews for the Administrative Internal Proceedings Unit were conducted, and Hotchkin was unable to interview due to her medical condition

which caused the NJSP to wait until she interviewed before they could post the scores/tiers/promotions.

451. Hotchkin was given grief for “holding up” the promotional process while she was on medical leave but policy dictated they had to interview her before posting the results. Dr. Pauch of the Medical Unit, told Hotchkin that the Command Officer stated that Hotchkin was holding up a promotion and would be required to do a telephone interview for this particular promotion.

452. Appalled, Hotchkin immediately reported this forced interview while she was on a stressful medical leave to her union president, “P.S.”. “P.S.” reported to then-Major “W.K.”, in LTC Ebner’s office, the Administration Branch, that no one had to do a phone interview for promotion before and now they are going to make the first telephone interview for a female who is out on leave for breast cancer. “W.K.” reversed the highly harassing and discriminatory order.

453. Due to a series of medical complications, Hotchkin did not return to work until August 3, 2020, on limited duty status. James Parker (“Parker”) came into the office at that time and said “look the superstar is back” in a sarcastic tone. Parker had not checked to see how Hotchkin was doing the entire time she was out on medical leave.

454. After returning, Hotchkin interviewed for the Administrative Internal Proceedings Unit and got another 100, and came out first in the tier for the position. Defendants nonetheless promoted a male over her, who had come in as second in the tier. This was the fourth time Hotchkin was passed up for promotion to Lieutenant. Prior to this, the previous six candidates that got promoted in OPS had all come out number one in the tier

and were all males. This time, they failed to pick the number one candidate who was a female.

455. Hotchkin also received a retaliatory evaluation score. Her evaluation score for the fourth quarter of 2019 was perfect with the comment that her “work is flawless.” While Hotchkin was out on medical leave for much of the first quarter of 2020, Defendants lowered her score without justification. This evaluation impacted her ability to score again in the top tier of future promotional processes. Hotchkin’s supervisors used her medical condition against her in her evaluation because they did not want to promote a female.

456. At this time, there were only three females in all of the Office of Professional Standards, and it was known that Parker had a problem with women in law enforcement, and one female was put in for a transfer because she was sick of “the boy’s club.”

457. Hotchkin met with her supervisor and reviewer about the less than perfect evaluation, and they, in turn, retaliated against her by stripping her of some of her supervisory responsibilities and assigned her some of her subordinate’s duties.

458. Hotchkin then submitted a grievance with her union about her evaluation and the union agreed it was not scored correctly.

459. On or about August 27, 2020, Hotchkin attended a listening session for the Women’s Working Group and followed up with an email to Lora Fong regarding gender inequities in the NJSP, where she again reported the discriminatory practices.

460. At this time, an unfortunate situation was occurring in the Administrative Internal Proceedings Unit, wherein the Attorney General’s Office had the opportunity to fairly evaluate the process/candidates, but failed to do so.

461. In August 2020, Hotchkin put in for two more promotional opportunities for Lieutenant, and, in one, she was for the fifth time passed up in favor of a male candidate.
462. On or about October 21, 2020, Hotchkin again reported the discriminatory practices, this time to LTC Noble and Major “S.K.”. She reported, among other things, that lesser qualified males were being selected for promotion over her, that Parker did not like women in law enforcement, how badly she was treated on sick leave, and that she was being penalized because she was a woman.
463. Shortly after this meeting, Hotchkin was finally promoted to Lieutenant, beginning December 5, 2020, and was placed in the Research and Legislative Services Unit.
464. The repeated failures to promote Hotchkin have prevented her from attaining the full Lieutenant pension amount (due to mandatory retirement), and have thereby caused her significant long-term economic losses.
465. On many occasions, including in the last two years, Hotchkin spoke out against and objected to the NJSP’s promotional process and system, the corruption, cronyism, failure to abide by merit-based criteria, and conflicts of interests inherent in the way the NJSP was issuing promotions.
466. Despite repeated reports of discriminatory practices, the NJSP took no action to correct the wrongs against women in the NJSP, including the wrongs against Hotchkin, Krauchuk, Curran, and Stojanov. The NJSP did not take prompt action to remediate the conduct.
467. The ongoing harassment, disparate treatment, and hostile working environment constitute a continuing violation, and were substantially more than discrete acts, but

rather consisted of a pattern of retaliatory animus, and significant and recurrent intimidation by Plaintiffs' coworkers and supervisors over the course of many years.

Continuing Retaliation and Discrimination

468. Defendants Callahan, Noble, and Ebner are aware of the corruption in the promotional process and contribute to it by retaliating against those, including the Plaintiffs in this action, who speak out against the promotional process, blocking them from promotion, and instead promoting their white male allies to positions of power and prestige within the NJSP.

469. On or about November 5, 2021, the draft complaint in the above-captioned matter was sent to the State of New Jersey and Colonel Callahan, in an effort to resolve these issues prior to proceeding to litigation.

470. On or about November 19, 2021, Stojanov received an email stating, "please see the correspondence below from Lieutenant Colonel Noble," informing her that the current Major process, which has been in place for many years, was being modified to "enhance transparency."

471. The timing of this new "enhanced" process is simply putting lipstick on a pig. It's yet another example of how the State Police chooses to be reactionary to complaints or serious issues of discrimination, rather being than proactive in methodically and thoughtfully addressing the culture of white male favoritism that prevails throughout the organization.

472. The November 19, 2021 email stated that the resumes would be reviewed by a Committee consisting of the five Lieutenant Colonels and an Assistant Attorney General (independent).

473. Part A - "The Committee will select a number of Captains from the full group (of Captains) to proceed to an interview before the Committee".
474. Part B- "Following the preliminary interviews, the Deputy Superintendent and Branch Commanders (no mention of the independent) will deliberate and decide on the final number of Captains to proceed to the final interview with Colonel Callahan and the Attorney General."
475. From information learned, there were only five votes counted on Part A. If the independent voted there would be six votes.
476. The five Lieutenant Colonels, all men, vote regarding which members proceed to Part A (interview in front of the Committee).
477. Defendant-Noble's edict stated that the additional interview "will be designed to evaluate the members (sic) potential to perform at the rank of Major, not a particular command."
478. The reality of this new edict is the Division has been utterly inconsistent with whether a captain vying for the rank of major had to be a subject matter expert (SME) for the section he/she was competing for. The Division only used SME criteria when it suited their purposes and to give an illusion of legitimacy. There have been multiple examples of command staff members either being promoted to or moved laterally to positions in which they had very limited experience and expertise. For instance, Lieutenant Colonel Noble, as a Major of the Forensic & Technical Services Section was promoted to the branch commander of the Administration Branch with no administrative experience. Similarly, Major Matt Lubertazzi, was promoted to Major of the Executive Protection Unit with no prior experience.

479. Then, on or about November 22, 2021, Lieutenant Colonel Ebner accidentally texted Stojanov. Ebner's text is believed to be addressed to one of the Lieutenant Colonels because only they vote.
480. Ebner text reads, "Wanda is suing Division and you and Terry recommend her.....ffffff"'
481. Ebner is referring to Lieutenant Colonel Terence Carroll. The "ffffff" portion of the the message is text slang to mean the profane word, "f*ck."
482. Ebner is the Division's Ethics Officer.
483. Ebner's Branch oversees all promotions and his signature is on every promotion and Personnel Order.
484. Ebner oversees the Promotional Systems Unit, which is in charge of all promotions.
485. Ebner's text is retaliatory against Stojanov in that he expresses disappointment and indignation to two other Lieutenant Colonels over the fact they voted to grant her an interview for Major despite the fact she is "suing" the Defendants.
486. Ebner attempted to use his position to influence and coerce the other Lieutenant Colonels into unlawfully precluding Stojanov from advancing in the selection process for appointment to the rank of major.
487. Ebner has been using his influence for several years to block Stojanov from promotion and as is evidenced by his errant text message. He is still creating a hostile work environment for Stojanov by using his rank to coerce the command staff.
488. It is known by the several women in the State Police that Ebner treats women differently and has a clear bias against female enlisted members.

489. Following these events, on December 10, 2021, the Complaint in the above-captioned was filed in the Mercer County Superior Court.
490. On December 14, 2021, Dawn Curran also experienced retaliation as a direct result of her reports of discrimination, and the filing of the Complaint.
491. In response to anonymous letters submitted to former Attorney General (“AG”) Gurbir Grewal, he started a Women’s Equity Group.
492. The purpose of the Equity Group was to look into the various complaints in the anonymous letters regarding the lack of diversity within the State Police.
493. AG Grewal hosted the initial listening session via telephone conference call on or about August 15, 2020, where he admitted during that call that the anonymous letters were the catalyst that prompted the AG’s office to act.
494. The AG’s office then scheduled multiple smaller group listening sessions with the women members of the NJ State Police, various members of the AG’s office, and members of Colonel Callahan’s Command Staff in attendance.
495. Curran attended one of the listening sessions scheduled in August 2020. This was the first of the smaller group listening sessions, although Callahan did not attend.
496. Not long after these listening sessions took place, Curran was subsequently informed by a colleague that she was not getting promoted because they suspected she was one of the troopers who “wrote a letter to Loretta Weinberg.” Curran was confused by the comment but thought nothing of it at the time because so many female troopers had spoken up during the multiple listening sessions regarding their own personal experiences of discrimination within the NJ State Police.

497. However, on or about December 14, 2021, Curran went to retrieve a document she printed out from her desktop. She shares this printer with Lubertazzi and Young. The printer is located in Young's cubicle. Upon retrieving the pages that she printed, she noticed other papers in the printer that were not hers and placed them on Young's desk and said "these must be yours." As Young sifted through the printed documents and took a close look he said "they're not mine, they must be Matt's." Curran then looked over Young's shoulder to make sure none of the pages were hers and immediately noticed that it appeared to be a copy of the front of an envelope addressed to Weinberg and the beginnings of a letter to Weinberg. Curran began to read the first few lines that discussed the lack of diversity and inclusion in the State Police.

498. Apparently, someone had emailed the letter to Matt Lubertazzi and he printed it to a copier that he shared with Curran. Matt Lubertazzi is friends with Callahan according to Lubertazzi.

499. When Lubertazzi learned that Curran had seen this letter he responded with "sh*t" and whispered some things to Kevin Young which Curran could not hear. Curran noticed Young shaking his head in a "no" motion and thought Lubertazzi must be asking him if Curran saw anything. Curran was immediately reminded of the comment by her colleague that she was not getting promoted because of an alleged letter. Curran realized she was once again being retaliated against.

500. Regardless of the many reports received by Callahan, Noble, and Ebner about favoritism, bias, and corruption in the promotional process, they continue to block Plaintiffs from attaining promotion because they are women and in retaliation for their

reports of discrimination and complaints about Defendants not following merit-based criteria in the promotional process.

501. As the Superintendent of the NJSP, Defendant-Callahan, along with Defendants Ebner and Noble have willingly and knowingly created an environment where nepotism, cronyism, and favoritism are rife within the promotional process and have failed to mitigate its problems.

502. Defendants Callahan, Ebner, and Noble have promoted troopers with extensive disciplinary history which includes falsifying official records, domestic violence, and alcohol related incidents.

503. Defendant-Callahan intentionally withheld the report from an outside agency investigating the problems with the promotional system, knowing the system is manipulated and failing to improve the promotional system.

504. Defendant-Callahan ignores complaints of the manipulation of the oral boards and refuses to listen to recommendations to record the interviews for transparency.

505. Defendants Callahan, Ebner, and Noble intentionally abused the confidential promotions for the benefit of white male candidates.

506. Defendants Callahan, Ebner, and Noble have moved members from confidential positions into competitive positions which blocks qualified minority candidates from competing for those positions.

507. Defendants Callahan, Ebner, and Noble continue to approve O.I.'s for promotions that are subjective and open for abuse and manipulation.

508. Defendants Callahan, Ebner, and Noble allowed additional phases to be added in the December of 2021 promotional process for Major which were subjective.

509. Defendants Callahan, Ebner, and Noble knowingly maintained a promotional system that hindered diversity.

510. Defendants Callahan, Ebner, and Noble failed to seek the guidance of experts to provide professional input into the creation and changes to the promotional system.

511. Defendant-Callahan permitted the Ethics Officer (LTC) to remain on the interview board for Majors after a gross violation and intentional retaliation towards members who spoke out against the promotional system and hired counsel to bring forth a complaint about the negative impact they experience as a result of the subjective promotional system.

512. Defendants Callahan, Ebner, and Noble failed to hold members under his command accountable for intentionally intervening in the promotional process for the benefit of others.

513. Defendants Callahan, Ebner, and Noble failed to promote the most qualified candidates based on their knowledge, skills, and abilities as outlined in the promotional O.I.'s. Instead, Defendants promote based on cronyism, favoritism, bias, and to curry political favor.

LEGAL CLAIMS

COUNT I

New Jersey Law Against Discrimination-

Retaliation in Violation of N.J.S.A. 10:5-1 et seq.

(All Plaintiffs Against all Defendants)

514. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.

515. The LAD makes it illegal “[f]or any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act...” *N.J.S.A.* 10:5-12(d).
516. Defendants are “employers,” “supervisors,” and “persons” under the definitions contained within the LAD.
517. Plaintiffs are female and employees of Defendants who were subjected to harassment, discrimination, a hostile working environment, and Plaintiff-Krauchuk was further subjected to pregnancy and/or breastfeeding-related violations.
518. Plaintiffs engaged in protected activity known to the employer-Defendants, by reporting harassment, gender discrimination, a gender-based hostile working environment, and, Plaintiff-Krauchuk further reported pregnancy and/or breastfeeding-related violations.
519. Plaintiffs were subjected to adverse employment decisions and actions including, but not limited to: loss of status, a clouding of job responsibilities, diminution in authority, disadvantageous transfers or assignments, and/or toleration of harassment by other employees.
520. Plaintiffs’ engagement in protected activity did cause, both directly and proximately, the adverse employment actions against them, and thereby reputational and financial loss, back pay, and front pay.
521. Plaintiffs’ protected activities were both reasonable and made in good faith.
522. Any proffered reason for these adverse employment actions against Plaintiffs shall be shown to be a pretext.

COUNT II

New Jersey Law Against Discrimination-

Gender-Based Hostile Working Environment in Violation of N.J.S.A. 10:5-1 et seq.

(All Plaintiffs Against all Defendants)

523. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.
524. Plaintiffs are female.
525. Defendants are “employers,” “supervisors,” and “persons” under the definitions contained within the LAD.
526. Plaintiffs have suffered from conduct that occurred because of their sex.
527. A reasonable woman would consider such conduct sufficiently severe or pervasive to alter the conditions of employment and create an intimidating, hostile, or offensive working environment.
528. Plaintiffs reported the conduct.
529. The Defendants did not investigate the conduct or take any prompt or reasonable steps to remediate the conduct.
530. Plaintiffs have continued to suffer from the hostile environment, and have suffered damages because of it including, but not limited to: loss of status, a clouding of job responsibilities, diminution in authority, disadvantageous transfers or assignments, toleration of harassment by other employees, reputational and financial loss, back pay, and front pay.

531. As a result of this conduct, Plaintiffs have suffered stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry, high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

532. The ongoing harassment and hostile working environment constitutes a continuing violation, and was substantially more than discrete acts, but rather consisted of a pattern of retaliatory animus, and significant and recurrent intimidation by their coworkers and supervisors over the course of many years.

COUNT III

New Jersey Law Against Discrimination-

Gender-Based Disparate Treatment in Violation of N.J.S.A. 10:5-1 et seq.

(All Plaintiffs Against all Defendants)

533. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.

534. The LAD, at *N.J.S.A. 10:5-12(a)*, prohibits among other things, an employer from discriminating against employees on the basis of sex.

535. Defendants are “employers,” “supervisors,” and “persons” under the definitions contained within the LAD.

536. Plaintiffs were, at all times relevant, employees who could and did perform their job functions satisfactorily.

537. Plaintiffs are female.

538. *N.J.S.A. 10:5-4* prohibits discrimination in the workplace and states: “All persons shall have the opportunity to obtain employment ... without discrimination because of ...

sex ... subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.”

539. Defendants did subject Plaintiffs to differential, worse, and intentionally discriminatory treatment based on their gender, as set forth in the preceding paragraphs.

540. As a direct and proximate cause of Defendants’ LAD violations, Plaintiffs have suffered damages because of it including, but not limited to: loss of status, a clouding of job responsibilities, diminution in authority, disadvantageous transfers or assignments, toleration of harassment by other employees, reputational and financial loss, back pay, and front pay.

541. The adverse employment actions by Defendants also caused Plaintiffs to suffer stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry, high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

542. Any reason proffered by Defendants for their disparate treatment of Plaintiffs shall be shown to be a pretext.

543. The ongoing disparate treatment constitutes a continuing violation, and was substantially more than discrete acts, but rather consisted of a pattern of retaliatory animus, and significant and recurrent intimidation and differential treatment by their coworkers and supervisors over the course of many years.

COUNT IV

New Jersey Law Against Discrimination-

Failure to Promote in Violation of N.J.S.A. 10:5-1 et seq.

(All Plaintiffs Against all Defendants)

544. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.

545. Plaintiffs are women, and thus members of a protected class under the NJLAD. Plaintiff-Krauchuk was also a pregnant and breastfeeding woman.

546. Plaintiffs were qualified for the positions and/or ranks that they sought.

547. Plaintiffs were denied the promotions and/or ranks they sought.

548. Others, and particularly men, with similar or lesser qualifications achieved the rank and/or positions they sought.

549. Therefore, Plaintiffs have made a prima facie case of failure to promote discrimination in violation of the NJLAD. See *Dixon v. Rutgers, the State Univ.*, 110 N.J. 432, 443, 541 A.2d 1046 (1988).

550. The failure to promote also caused Plaintiffs to suffer stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry, high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

551. Any reason proffered by Defendants for their failure to promote Plaintiffs shall be shown to be a pretext.

COUNT V

New Jersey Law Against Discrimination-

Failure to Accommodate Pregnant/Breastfeeding Woman

in Violation of N.J.S.A. 10:5-1 et seq.

(Plaintiff-Krauchuk Against all Defendants)

552. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.
553. Defendants are “employers,” and/or “supervisors,” of the Plaintiff who is an “employee” under the definitions contained within the LAD. See *N.J.S.A. 10:5-5*.
554. Plaintiff was, at times relevant, pregnant and/or breastfeeding.
555. Plaintiff requested reasonable accommodations for her pregnancy and breastfeeding, and the Defendants knew or should have known of the Plaintiff’s need for accommodations.
556. Defendants failed to provide a reasonable accommodation.
557. Plaintiff thereby makes a prima facie case of failure to accommodate her pregnancy and/or breastfeeding. See *Delanoy v. Township of Ocean*, 2021 N.J. LEXIS 173, *1 (N.J. March 9, 2021).
558. As a direct and proximate cause of Defendants’ LAD violations, Plaintiff has suffered damages because of it including, but not limited to: emotional distress, embarrassment, reputational and financial loss, back pay, and front pay.
559. The actions of Defendants also caused Plaintiff to suffer stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry,

high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

560. Any reason proffered by Defendants for their failure to accommodate Plaintiff's pregnancy and breastfeeding shall be shown to be a pretext.

COUNT VI

New Jersey Law Against Discrimination-

Unequal Treatment of Pregnant/Breastfeeding Woman in Violation of N.J.S.A. 10:5-1 et seq.

(Plaintiff-Krauchuk Against all Defendants)

561. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.

562. Plaintiff was, at times relevant, a pregnant and/or breastfeeding woman.

563. N.J.S.A §10:5-12(s) makes it illegal

For an employer to treat, for employment-related purposes, a woman employee that the employer knows, or should know, is affected by pregnancy or breastfeeding in a manner less favorable than the treatment of other persons not affected by pregnancy or breastfeeding but similar in their ability or inability to work. In addition, an employer of an employee who is a woman affected by pregnancy shall make available to the employee reasonable accommodation in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring, or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of her physician, requests the accommodation, and, in the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area for the employee to express breast milk for the child, unless the employer can demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer. The employer shall not in any way penalize the employee in terms, conditions, or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid or unpaid leave provided to an employee affected by pregnancy or breastfeeding shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy

or breastfeeding but similar in their ability or inability to work. This subsection shall not be construed as otherwise increasing or decreasing any employee's rights under the law to paid or unpaid leave in connection with pregnancy or breastfeeding....

564. N.J.S.A §10:5-12(s) further provides that “For the purposes of this section “pregnancy or breastfeeding” means pregnancy, childbirth, and breastfeeding or expressing milk for breastfeeding, or medical conditions related to pregnancy, childbirth, or breastfeeding, including recovery from childbirth....”

565. Defendants violated N.J.S.A §10:5-12(s) by treating Plaintiff unequally and unfavorably due to her pregnancy and breastfeeding. See *Delanoy v. Township of Ocean*, 2021 N.J. LEXIS 173, *1 (N.J. March 9, 2021).

566. As a direct and proximate cause of Defendants' LAD violations, Plaintiff has suffered damages because of it including, but not limited to: emotional distress, embarrassment, reputational and financial loss, back pay, and front pay.

567. The actions of Defendants also caused Plaintiff to suffer stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry, high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

568. Any reason proffered by Defendants for their unfavorable and unequal treatment of Plaintiff shall be shown to be a pretext.

COUNT VII

New Jersey Law Against Discrimination-

Aiding and Abetting in Violation of N.J.S.A. 10:5-1 et seq.

(All Plaintiffs Against Defendants Callahan, Noble, and Ebner)

569. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated here in their entirety.
570. The LAD, *N.J.S.A.* 10:5-12(e) makes it illegal for any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.
571. The Defendants aided each other with performing wrongful acts that did cause injuries to Plaintiff.
572. The Defendants were aware of their role as part of the overall illegal activity at the time each provided the assistance to the other.
573. The Defendants knowingly and substantially assisted each other in the principal violations of the Law Against Discrimination.
574. As a direct and proximate cause of Defendants' LAD violations, including aiding and abetting each other, Plaintiffs have suffered damages because of it including, but not limited to: loss of status, a clouding of job responsibilities, diminution in authority, disadvantageous transfers, or assignments, toleration of harassment by other employees, reputational and financial loss, back pay, and front pay.
575. The actions by Defendants also caused Plaintiffs to suffer stress, unnecessarily so, which in turn caused and continues to cause anxiety, depression, sleeplessness, worry,

high blood pressure, exacerbation of intestinal illness, and loss of everyday enjoyment of life.

COUNT VIII

Plaintiff's New Jersey Civil Rights Act, N.J.S.A. 10:6-2 for violation of New Jersey State

Statutory Rights, including those found in N.J.S.A. 53:1-1 et seq.

(All Plaintiffs Against Defendants Callahan, Noble, and Ebner)

576. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated herein in their entirety.

577. Defendants are public employers and/or public officials with final policy making authority as it pertains to the operations of the NJSP and/or supervisors who had personal involvement in the wrongs as alleged in this matter.

578. N.J.S.A.10:6-2(c) provides relief for either the deprivation of a statutory substantive right or the interference with such a right by threats, intimidation, or coercion. *Tumpson v. Farina*, 218 N.J. 450 (2014).

579. N.J.S.A. 10:6-2(c) provides: Any person who has been deprived of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief. The penalty provided in subsection e. of this section shall be applicable to a violation of this subsection.

580. New Jersey Statutory law, including those laws found in N.J.S.A. 53:1-1 et seq. ensure that state troopers are promoted based on training, qualifications, and experience, and not for reasons of cronyism, favoritism, or subjective criteria.

581. N.J.S.A. 53:1-4 provides that “The superintendent, the deputy superintendent and the executive officer of State Police, as well as the captain or lieutenant of each troop, in order to be eligible to an appointment as such, shall be a citizen of the United States and shall be appointed on the basis of training, experience and administrative qualifications required for the responsibilities of the office.”

582. It should be emphasized that N.J.S.A. 53:1-4 utilizes the mandatory language of “*shall* be appointed on the basis of training, experience, and administrative qualifications” (emphasis added).

583. N.J.S.A. 53:1-5.3 further requires the superintendent to create job titles and positions which list qualifications and skills necessary for titles and positions. And that “each troop headquarters and all other division facilities and adequate time is given to permit interested and qualified enlisted members to apply.” It further requires that the “notice shall include, but not be limited to, a description of the special title or position and the special qualifications or skills that are necessary for appointment.”

584. N.J.S.A. 53:1-9 provides that “No person shall be appointed a member of the State Police unless he shall be a citizen of the United States between the ages of 21 and 35 years, preferably a resident of this State, of good health and good moral character. No one shall be appointed who has not applied for and taken an examination conducted by the Division of State Police, and established to the satisfaction of the superintendent,

evidence of his mental and physical fitness and ability to perform the duties of a member of the State Police.”

585. These merit-based and examination criteria are consistent with New Jersey Constitution, N.J. Const. Art. 7, §1, ¶2, The Public Officers and Employees Clause which provides that “Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law.”

586. To the extent that the statutory scheme in N.J.S.A. 53:1-1 et seq. makes Defendants subject to N.J. Const. Art. 7, §1, ¶2, it too has been violated by Defendants.

587. N.J.S.A. 53:1-10 provides that “The superintendent shall, with the approval of the governor, make all rules and regulations for the discipline and control of the state police, and provide the necessary preliminary and subsequent instruction to the troopers in their duties as police officers.”

588. Pursuant to N.J.S.A. 53:1-10, the superintendent, with the approval of the governor, has enacted rules, regulations, and policies which have resulted in favoritism and cronyism. They are not carried out in accordance with the intended merit-based written promotional policies enacted pursuant to rules and regulations of the Superintendent, with the approval of the Governor, as required by N.J.S.A. 53:1-10.

589. Plaintiffs are intended beneficiaries of the laws cited herein. As a direct and proximate result of Defendants' violation of Plaintiffs' rights, Plaintiffs have been caused to suffer damages.

590. As policy makers, Defendants are collectively liable for the intentional violation of Plaintiffs' substantive rights as identified above.

591. Defendants engaged in deliberate indifference to the fact that employees are entitled to merit-based decision-making as it affects the terms and conditions of their employment.

592. The illegal actions of Defendants have caused Plaintiffs to suffer serious and grave economic consequences such as loss of financial income, back pay, front pay, and other losses.

593. The adverse employment actions by Defendants also caused Plaintiffs to suffer stress, unnecessarily so, which in turn caused, and continues to cause anxiety, sleeplessness, worry, loss of every day enjoyment in life due to interference from the worry and anxiety about the bad acts of Defendants as well as the stress and worry about their respective future.

594. The individual state officers are not subject to immunity because the CRA claims are brought against them in their individual capacity and in their official capacity for prospective injunctive relief.

COUNT IX

Plaintiff's New Jersey Civil Rights Act, N.J.S.A. 10:6-2 for violation of New Jersey State

Constitutional rights found at Article I, §§1, 2, 6, 18 and 19

(All Plaintiffs Against Defendants Callahan, Noble, and Ebner)

595. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated herein in their entirety.

596. Defendants are public employers and/or public officials with final policy-making authority as it pertains to the governance of the NJSP and/or the operations of the NJSP.

597. The Plaintiffs engaged in protected public concern activity under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2.

598. N.J.S.A.10:6-2(c) provides relief for either the deprivation of a statutory substantive right or the interference with such a right by threats, intimidation, or coercion. *Tumpson. v. Farina*, 218 N.J. 450 (2014).

599. N.J.S.A. 10:6-2(c) provides: Any person who has been deprived of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief. The penalty provided in subsection e. of this section shall be applicable to a violation of this subsection.

600. The CRA is "modeled on the federal civil rights law which provides for a civil action for deprivation of civil rights (42 U.S.C.A. § 1983)." *Ramos v. Flowers*, 429 N.J. Super. 13 (2012).
601. The New Jersey Constitution provides "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it." [N.J. Const. art. I, ¶ 2.]
602. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. [N.J. Const. art. I, ¶ 6.]
603. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances. [N.J. Const. art. I, ¶ 18.]
604. Persons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to, and make known to the State, or any of its political subdivisions or agencies, their grievances, and proposals through representatives of their own choosing. [N.J. Const. art. I, ¶ 19.]
605. In *State v. Schmid*, 84 N.J. 535, 557, 423 A.2d 615 (1980), appeal dismissed sub nom., *Princeton Univ. v. Schmid*, 455 U.S. 100, 102 S.Ct. 867, 70 L.Ed.2d 855 (1982), the New Jersey Supreme Court characterized those provisions as "more sweeping in scope than the language of the First Amendment." See also *N.J. Coal. Against War in the Middle E. v. J.M.B. Realty Corp.*, 138 N.J. 326, 353 (1994) (the New Jersey Constitution

provides free speech guarantees "broader than the right against governmental abridgment of speech found in the First Amendment"), cert. denied, 516 U.S. 812, 116 S.Ct. 62, 133 L.Ed.2d 25 (1995).

606. "No monetary value we place upon constitutional rights can measure their importance in our society or compensate a citizen adequately for their deprivation." *Herrera v. Valentine*, 653 F.2d 1220, 1227 (8th Cir. 1981).

607. The acts as described in more detail above demonstrate violations by Defendants of Plaintiff substantive rights under the New Jersey Constitution, Article I, ¶¶ 2, 6, 18, and 19.

608. Plaintiffs are intended beneficiaries of the New Jersey Constitution.

609. Plaintiffs spoke out and acted on matters of public concern as a citizen and not as part of their official duties.

610. Plaintiffs also opposed and/or refused to participate in activities in violation of laws, rules, and/or regulations.

611. At all times relevant, Plaintiffs were engaged in a constitutionally protected activity.

612. Defendants took retaliatory employment actions against Plaintiffs.

613. The retaliatory employment actions by Defendants against Plaintiffs would and did have the effect of deterring and/or chilling persons of ordinary firmness from continuing to engage in that activity.

614. The Plaintiffs' speech and actions were substantial and/or motivating factors for the adverse employment actions.

615. As a direct and proximate result of Defendants' violation of Plaintiffs' rights, Plaintiffs have been caused to suffer damages.

616. The retaliatory conduct by Defendants caused Plaintiffs to suffer serious and grave economic consequences such as loss of financial income, back pay, front pay. The retaliatory actions by Defendants also caused Plaintiffs to suffer stress, unnecessarily so, which in turn caused, and continues to cause anxiety, sleeplessness, worry, high blood pressure, loss of everyday enjoyment in life due to interference from the worry and anxiety about the bad acts of Defendants as well as the stress and worry about their respective future.

617. The individual state officers are not subject to immunity because the CRA claims are brought against them in their individual capacity and in their official capacity for prospective injunctive relief.

COUNT X

New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 for violation of Plaintiff's right to be free from disability discrimination, harassment, hostile working environment, failure to promote, disparate treatment, aiding and abetting, and retaliation

(Plaintiff Krauchuk Against All Defendants)

618. All of the foregoing and subsequent paragraphs are incorporated herein by this reference as if stated herein in their entirety.

619. New Jersey's Law Against Discrimination provides all persons with the opportunity to obtain "all the accommodations, advantages, facilities, and privileges of any place of public accommodation" without discrimination due to disability. This opportunity is recognized as and declared to be a civil right." N.J.S.A. 10:5-4.

620. The New Jersey Supreme Court has liberally construed the LAD to further the Legislature's broad remedial objectives. See *Viscik v. Fowler Equip. Co., Inc.*, 173 N.J. 1,

13 (2003); see also N.J.S.A. 10:5-3 ("[T]his act shall be liberally construed in combination with other protections available under the laws of this State."). Moreover, New Jersey courts have advised that "the more broadly [the LAD] is applied the greater its anti-discriminatory impact." *Ptasynski v. Uwaneme*, 371 N.J. Super. 333, 345 (App. Div.), certif. denied, 182 N.J. 147 (2004).

621. Plaintiff suffered from a disability in the form of infertility and uterine prolapse which did not adversely affect her ability to perform her job. *Ferren v. Foulke Mgt. Corp.*, No. 1:15-cv-03721, opinion (D.N.J., Feb. 16, 2017); *A.D.P. v. Exxonmobil Research and Engineering Company*, 428 N.J. Super. 518 (App. Div. 2012). The United State Supreme Court has recognized infertility as a disability. *Bragdon v. Abbott*, 524 U.S. 624, 118 S. Ct. 2196, 141 L. Ed. 2d 540 (1998); see also *Brodsky v. Osunkwo*, 2012 N.J. Super. Unpub. LEXIS 771, *6 (App. Div. April 10, 2012) (recognizing infertility as a physical disability in malpractice contexts).

622. Plaintiff was the subject of disability discrimination and retaliation, including the denial of a promotion, harassment, retaliation, and hostile work environment as a direct and proximate result of Defendants' actions as described above.

623. The discriminatory actions by Defendants caused Plaintiff to suffer serious and grave economic consequences such as loss of financial income, back pay, front pay, inability to secure future employment to date, despite job searches and other mitigating damages actions. The adverse employment actions by Defendants also caused Plaintiff to suffer stress, unnecessarily so, which in turn caused, and continues to cause anxiety, sleeplessness, worry, high blood pressure, loss of every day enjoyment in life due to

interference from the worry and anxiety about the bad acts of Defendants as well as the stress and worry about their respective future.

PRAYER FOR RELIEF

WHEREFORE, these premises considered, Plaintiffs request this court enter judgment in her favor on all counts and specifically:

1. An order that Defendants institute and carry out policies, practices, and programs that provide equal employment opportunities for all employees regardless of gender and that it eradicate the effects of their past and present unlawful employment practices;
2. An order requiring Defendants to provide adequate facilities, including women's locker rooms and lactation facilities, at all its locations across the state;
3. An order requiring Defendants to develop and institute objective standards for assigning job opportunities and making promotion decisions;
4. An order appointing a monitor to ensure that Defendants comply with the injunction provisions of any decree that the Court orders;
5. An order retaining jurisdiction over this action to ensure that Defendants comply with such a decree;
6. An order restoring Plaintiffs to their rightful positions, or in lieu of reinstatements and/or promotions, an order for front pay benefits;
7. An order awarding Plaintiffs' back pay (including interest and benefits);
8. An order awarding Plaintiffs' damages sustained as a result of Defendants' conduct, including damages for emotional distress, humiliation, embarrassment, and anguish, according to proof;

9. An order awarding Plaintiffs compensatory damages for all monetary and financial losses, including (but not limited to): past and future loss of income and benefits of employment, lost career and business opportunities and advancement, and other past and future pecuniary losses in an amount to be determined by an enlightened jury;
10. An order awarding Plaintiffs compensatory damages for non-pecuniary injuries including (but not limited to): emotional stress, anxiety, shame, embarrassment, humiliation, powerlessness, and indignity, in an amount to be determined by an enlightened jury;
11. An order awarding Plaintiffs exemplary and punitive damages in an amount to be determined by an enlightened jury;
12. An order awarding Plaintiffs reasonable attorneys' fees and costs of this action, including expert fees, and other fees and costs permitted by law;
13. An order awarding Plaintiffs other monetary damages, including treble damages, to which they may be entitled to under law;
14. An order awarding Plaintiffs appropriate pre-judgment and post-judgment interest; and
15. An order awarding Plaintiffs such other relief, including equitable relief and costs, as may be appropriate, fair, and just.

DESIGNATION OF TRIAL COUNSEL

Michelle J. Douglass, Esq., and Philip S. Burnham, II, Esq. are hereby designated as trial counsel in the above-captioned matter.

CERTIFICATION OF NO OTHER ACTIONS PURSUANT TO RULE 4:5-2

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(c)

I certify the 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 R. 1:38-7(b).

NOTICE OF LITIGATION HOLD

The parties are hereby required to preserve all physical and electronic information that may be relevant to the issues to be raised, including but not limited 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, close circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spreadsheets, 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, LinkedIn, 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.

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

The obligation to preserve evidence begins when a party knows or should have known that the evidence is relevant to future or current litigation. You are on notice of litigation and therefore have an obligation to suspend your routine document retention/destruction policy and put in place a ‘litigation hold’ to ensure the preservation of relevant documents.” Failure to do so has been found to be ‘grossly negligent’ and may subject you to punishment.

JURY DEMAND

The plaintiff hereby demands a trial by jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Respectfully submitted,

BURNHAM DOUGLASS
Attorneys for Plaintiffs, Wanda Stojanov,
Dawn Curran, Claire Krauchuk,
& Rebecca Hotchkin

/s/ Michelle J. Douglass
Michelle J. Douglass, Esq.

/s/ Philip S. Burnham, II
Philip S. Burnham, II, Esq.

Date: February 9, 2022