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DIANA GOLONEK
Our File No. 30.01.1474

<p>DIANA GOLONEK,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BOROUGH OF SADDLE RIVER, SADDLE RIVER POLICE DEPARTMENT, and JOHN AND JANE DOES 1-10.</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO. BER-L-</p> <p>Civil Action</p> <p>COMPLAINT AND JURY DEMAND</p>
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Plaintiff Diana Golonek, by way of Complaint against the Defendants, Borough of Saddle River, Saddle River Police Department, and John and Jane Does 1-10, says:

THE PARTIES

1. Plaintiff Diana Golonek, residing in the Borough of Totowa, in the County of Passaic, in the State of New Jersey, is a police officer in the Saddle River Police Department ("Department").
2. The Borough of Saddle River ("Borough") is a municipal subdivision organized pursuant to the laws of the State of New Jersey and operates by funding, staffing, supervising, and otherwise controlling the Department's operations.
3. The Borough is a non-civil service jurisdiction which must be regulated through the Superior Court of New Jersey, pursuant to New Jersey Constitution, Art. VI, §5, paragraph 4 and New Jersey Court Rule 4:69.

4. The Department, located at 83 E. Allendale Road, Saddle River, New Jersey is a “Chief’s Test” law enforcement agency and currently employs approximately 16 sworn officers.
5. The Department is the public entity in the Borough empowered to act as the police force and delegated with the task of enforcing the laws of the State of New Jersey. At all relevant times, the Borough had the duty to exercise its powers and authority over the Department pursuant to N.J.S.A. 40A:14-118, et seq., and to provide training, supervision and/or management of the Department.
6. The Borough and the Department are public employers, as defined by the New Jersey Law Against Discrimination (“NJLAD”), the New Jersey Conscientious Employee Protection Act (“CEPA”), and the New Jersey Civil Rights Act (“NJCRA”), as provided by the laws of the State of New Jersey. At all relevant times listed herein, the Borough and the Department were the Plaintiff’s employer.
7. The Borough and the Department are liable for the acts of the Defendants alleged herein either as the direct employer of Plaintiff, the direct-acting party, and/or as a responsible party for the acts of its employees under the doctrine of *Respondeat Superior*. All actions alleged against the Borough and the Department were carried out under the color of state law.
8. All the Defendants and the individuals mentioned herein are listed based upon their specific, individual acts of civil rights violations and discrimination directed toward Plaintiff and/or their failure to prevent co-workers, superiors, and subordinates of Plaintiff from engaging in conduct that was obviously discriminatory, harassing, and retaliatory in nature toward Plaintiff. Defendants are also listed herein based upon their direct acts and

the failure to act when action was required, which created a hostile work environment and caused harm to Plaintiff.

9. Defendants John and Jane Does 1 through 10 are or were at all relevant times police officers and/or supervisory officers at the Department or are or were employed or appointed by the Department and/or the Borough and/or were elected officials in the Borough. These John and Jane Does also include persons who are or were agents of the Department and/or the Borough or whose conduct was intended to further the unlawful and/or discriminatory efforts of these Defendants. Said Defendants are fictitiously named herein since their current identities are unknown to Plaintiff.
10. These fictitiously named Defendants are listed herein based upon their acts of performing overt violations of civil rights, of punishing Plaintiff for the lawful exercise of her civil rights, of failing to report acts of clear deprivation of Plaintiff's civil rights and/or creating a hostile work environment. All allegations against any of the specifically named Defendants should be deemed to include and list these fictitiously named Defendants automatically by reference. As the true identities of these Defendants are made known to Plaintiff, said John and Jane Doe Defendants shall be designated by proper name.

STATEMENT OF FACTS

A. Background Facts

11. At all times relevant to this action, Plaintiff Diana Golonek was employed by the Department, holding either the rank of patrol officer or sergeant.
12. She has served as a member of the Department for approximately eleven years.

13. Plaintiff is a highly competent employee of the Department, meriting further advancement and recognition.

14. On multiple occasions, she “blew the whistle” by exposing misconduct on behalf of her coworkers and supervisors, which caused her to be subjected to a hostile and retaliatory work environment.

15. Plaintiff is currently the sole female officer in the Department and was the first woman ever hired as a patrol officer.

B. Chief Cosgriff’s Animosity Toward Plaintiff And Disparate Treatment Of Her

16. The current Chief of Police, Jason Cosgriff, was not part of the hiring process when Plaintiff secured employment at the Department. Chief Cosgriff did not support the decision to hire Plaintiff and has exhibited disdain for her since she began in the Department due to his misogynistic nature.

17. A culture of toxic masculinity permeates the Department, and Chief Cosgriff has cultivated and encouraged this chauvinistic atmosphere where women are disrespected and disregarded. Plaintiff has been subjected to disparate treatment and has been treated as inferior to her male counterparts solely based on her gender.

18. In the Department, male officers can act with impunity, can speak with disrespect and a lack of courtesy to female supervisors, and can violate various enactments and laws, including but not limited to: New Jersey Attorney General Directives; the New Jersey Attorney General Guidelines on Internal Affairs Policy and Procedures (“IAPP”);¹ the New

¹ Pursuant to N.J.S.A. 40A:14-181, the IAPP are binding and mandatory on all law enforcement agencies of the State. See IAPP 1.03; McElwee v. Borough of Fieldsboro, 400 N.J. Super. 388, 395 (App. Div. 2008); F.O.P. Lodge 12 v.

Jersey Law Against Discrimination (“NJLAD”); the New Jersey Civil Rights Act (“NJCRA”); the New Jersey Conscientious Employee Protection Act (“CEPA”), etc., on a regular basis and face no repercussions whatsoever. Meanwhile, female officers are held to the highest standards, heightened scrutiny and an unwavering, strict application of any policy or face discipline.

19. And, the Borough has condoned such misconduct and has allowed police administration to lead the Department in such an unchecked, bullying and sexist manner for years. Any officers who dare to challenge the disparate standards at play are silenced by being penalized and/or threatened with discipline whereas officers who remain blindly loyal and submissive (and “kiss the ring”) are afforded preferential treatment. Plaintiff has experienced this vindictive atmosphere directly and felt it most keenly after engaging in the protected speech activity explained herein.

20. Chief Cosgriff declines to recognize or laud women in law enforcement, does not want female officers in his Department and does not support them.

21. Against this sordid backdrop, Plaintiff’s contributions have always been belittled and demeaned by Cosgriff. By way of a prime example, on August 29, 2017, then-Captain Cosgriff sent an email to all Department members to instruct them only to utilize Urban AutoSpa Car Wash. Plaintiff then informed the Police Chief at the time, Timothy McWilliams, that she could save the Borough a great deal of money on car washes if the Department switched to Classic Auto Spa, because she was friendly with the owner.

City of Newark, 244 N.J. 75, 105-108 (2020) (noting that the IAPP carry the force of law and stating, “There is no flexibility on that point.”)

22. Classic Auto Spa had been contracted to wash the patrol vehicles of the Upper Saddle River Police Department and gave the Department a lower price than the car wash company then-Capt. Cosgriff recommended. Chief McWilliams wanted to switch and appeared interested when Plaintiff spoke with him. When then-Capt. Cosgriff found out what Plaintiff had suggested, he went to Chief McWilliams and stated that he oversaw the fleet, that Plaintiff's input was neither needed nor welcome, and that the Department would not be changing its car wash company.
23. Cosgriff has always been dismissive of the Plaintiff and her contributions and recommendations, even to the Department's detriment, and has joined in the cruel bullying and mocking of Plaintiff. Members of the Department have ridiculed the Plaintiff for enjoying pastimes that are considered masculine. Chief Cosgriff has not only condoned such sexist behavior but has knowingly participated in and allowed such a work environment to thrive.
24. For example, Plaintiff owns and rides a motorcycle. Department members began spreading a rumor that, due to this activity, she is a member of a motorcycle gang, much to the bemusement of her fellow officers. The teasing at Plaintiff's expense included leaving a book about motorcycle gangs in her mailbox.
25. Plaintiff understood that the Chief was going to reinstate a dormant bicycle unit at the request of a fellow officer, but, despite requests, Chief Cosgriff would never establish a motorcycle unit because Plaintiff would likely be the only one to apply for it, and he would never want to reward her with an enjoyable or beneficial assignment.
26. Chief Cosgriff did not limit his negative feelings for the Plaintiff to just her job

performance, he also targeted Plaintiff's fiancé. Chief Cosgriff first met Plaintiff's fiancé at the 2018 Department Holiday/Christmas Party. The following day, after learning of the relationship, the Chief contacted the head of the Borough's DPW threatening to have Plaintiff's fiancé's truck towed out of the Borough parking lot, despite the Chief having already been informed that the fiancé had permission to park in the lot.

27. Chief Cosgriff has also targeted officers who are friendly with and have dared to associate with Plaintiff, and such officers have become "collateral damage."

28. Chief Cosgriff has gone after Officer Grant Novak, who works under the Plaintiff, because they are friends. The Chief has denied Officer Novak's requests to attend field training officer training three separate times without explanation; he has made a mockery of Officer Novak's Uniform Committee; he has written up and spoken to Officer Novak for body worn camera ("BWC") infractions several times when no other officer was disciplined for engaging in the same behavior; he has denied Officer Novak commensurate training opportunities that is routinely afforded to other officers.

29. Chief Cosgriff also knew that Plaintiff was friendly with Lt. John Gaffney, who has since retired.² Unlike Cosgriff, Lt. Gaffney mentored the Plaintiff and tried to protect her from the hostile work environment and disparate treatment whenever he could—much to Cosgriff's chagrin. This only increased Cosgriff's animosity for both Gaffney and the Plaintiff, whom he would disdainfully and condescendingly refer to as "John's girl."

² Gaffney sued the Department and the Borough when he was bypassed for a promotion to captain when the Borough instead selected Cosgriff for political reasons. He wound up settling his civil suit for \$450,000 according to media reports.

30. Officer Maryan Beskaly was also “collateral damage.” She was the second female officer ever hired by the Department in May 2022. Curiously, the Chief and Lt. Edward Giannotti followed up by expressing to Plaintiff that they believed she would be upset with the hire. Officer Beskaly was terminated during her first year after voicing complaints about the Department and after becoming aligned with the Plaintiff.

31. Beskaly was an excellent patrol officer, learned quickly and, upon information and belief, received no criticisms of her performance during her probationary year, no discipline or warnings and no performance improvement suggestions.

32. However, she was strictly warned by several male officers not to associate with or get close to Plaintiff because she is a pariah and is known to be disliked and disfavored by the Chief. Beskaly was further told not to listen to or heed any advice from Plaintiff and was falsely informed that Plaintiff was not a good officer.

33. But, Officer Beskaly disregarded the warnings and gravitated toward Plaintiff as the only two female officers working in a testosterone-charged environment.³ Plaintiff and Beskaly grew close and looked out for one another, and Beskaly refused to shun or disparage Plaintiff. They also united and voiced similar complaints over a mandatory belt equipment requirement that had a disparate impact on women due to its weight as explained in further detail *infra*.

34. The Plaintiff was surprised when the Department hired Officer Beskaly. It became evident that the Chief did not expect or wish them to be congenial and supportive of each other.

³ Beskaly was actually told at work by a male supervisor that she should take testosterone so her voice would be lower and that it was too high and squeaky (too feminine) for a patrol officer.

Chief Cosgriff was displeased when Officer Beskaly and Plaintiff posted a picture of themselves together on the Department's Facebook page, even though it was done to support Women's History Month.

35. Officer Beskaly was questioned about her friendship with the Plaintiff and whether she spent time with her outside of work. Det. Michael Cooper made many remarks to Officer Beskaly, referring to Plaintiff snidely as "her friend."
36. Evidently, the Department fears "girl power" and female bonding, and the Chief clearly worries that the gender discrimination will be further challenged and exposed if the female employees work together and realizes there is strength in numbers. Chief Cosgriff contacted supervisors to ensure the new female officer would not switch shifts with Officer Novak because that would have Officer Beskaly working with Plaintiff. The Chief did not like his female officers interacting and working together and had hoped to instead pit them against each other; when that did not work, he wanted them kept apart.
37. Beskaly was then let go in late April 2023 at the end of her one year probationary period. No legitimate reason existed for her termination. Unsurprisingly, Chief Cosgriff terminated Beskaly at the end of her probationary period for the simple reason that she was a woman and dared to associate with and support the Plaintiff. Beskaly also filed a Notice of Tort Claim ("NOTC") against the Department and Borough detailing similar complaints of blatant, gender discrimination and a hostile work environment and confirming many of the Plaintiff's factual statements included herein. She has indicated she will also be filing suit against the Borough.

38. After her termination, Beskaly confided to Plaintiff that, during her field training, she was told that the Chief hired her to "upset" Plaintiff with a female competitor, and the Chief did not want "the girls to get along" from the beginning. Apparently, Chief Cosgriff believed that Plaintiff would dislike a new female officer because Plaintiff was known to be the first and only female officer in the Department. Beskaly was also advised that the Chief wanted her to be "the opposite" of Plaintiff because the administration was unhappy with how she conducted herself. Beskaly further informed Plaintiff of numerous, additional, negative statements made to her about Plaintiff.
39. Both Beskaly and Plaintiff believe that Beskaly was terminated because she was getting too close to Plaintiff, sympathizing and empathizing with her, and validating the hostile work environment for women in the Department. The blatant attempts to make sure the two never worked on any shifts together confirmed the Chief's desire to have them develop a competitive rivalry rather than have them foster an amicable working relationship.
40. Cosgriff has also stymied Plaintiff's advancement within the Department in numerous ways since his promotion to Chief.
41. In February 2020, Lt. Giannotti and Detective Edward Riedel recommended that Chief Cosgriff consider assigning Plaintiff as the Animal Control Officer. However, Chief Cosgriff inexplicably refused and instead assigned Det. Riedel who did not want the position. Chief Cosgriff chose to inconvenience another officer rather than reward or recognize Plaintiff.

42. Det. Cooper, a close confidante of Chief Cosgriff, was made a Detective several years ago. Despite having seniority over Det. Cooper, Plaintiff was never given the opportunity to apply or even be considered for the position despite her superior qualifications.
43. In 2021, Chief Cosgriff created two unnecessary positions solely to reward his favorite male officers—a Traffic Division Officer and a Police Service Unit (“PSU”) Officer. Such positions are superfluous in all police departments like the Plaintiff’s. The Chief created the unwarranted positions solely to reward loyalty and to curry favor with the selected male officers.
44. The PSU Officer was used as a floater to cover shifts on numerous occasions when male officers would call out; however, Chief Cosgriff refused to utilize the PSU to cover for Plaintiff when she requested two days off in June 2021 with appropriate notice.
45. The Plaintiff repeatedly requested a reply on whether her days would be approved, ultimately receiving a last-minute denial despite no manpower shortage issues. Plaintiff then called out sick for both days, as she needed the days off for health reasons. A coworker then told her that Chief Cosgriff was very angry with her and doubted the legitimacy of her sick day usage - something he never questioned of his male officers.
46. On her second day off, the Chief sent Lt. Giannotti to her house to check on the Plaintiff and to try “catch” her in some fashion. The Plaintiff, legitimately off for health reasons, had to wave at Lt. Giannotti from her window.
47. Upon information and belief, this was the first (and only time) during Plaintiff’s employment with the Department that a supervisor visited an officer calling out sick to investigate whether the officer was faking illness or not at her place of confinement. Upon

arriving at Plaintiff's house, Lt. Giannotti telephoned her and stated, "The Chief is making me do this. Go to the window and wave out so I can see you."

48. Male officers calling out sick are always believed without question, while the sole female officer in the Department was doubted when she legitimately needed to use her sick time.

49. The Chief doles out training and assignments based on his affinity for his male officers rather than their seniority or merit. As noted, blind loyalty is recompensed, and those officers that exhibit the most disdain and contempt for Plaintiff also seem to receive highly, preferential treatment. And, the officers who have dared to be kind to her or treat her with respect have suffered repercussions like Gaffney, Beskaly and Novak.

50. The officers who have supported the Chief and have mistreated Plaintiff are highly rewarded. Officers for whom the Chief has bestowed preferential treatment include Lt. Giannotti, Sgt. Paul Passaretti, Det. Riedel, Det. Cooper, Officer Ryan Holdsworth and Officer Daniel Strasser. The Chief's preferred officers report information to him and are then rewarded and protected. They formed a unit that spends much of its time together. In that time, they would watch BWC videos together and ridicule other officers, have secretive, private, closed-door meetings in the Chief's and Lieutenants' office, and decide which officers will be given which assignments, which officers will be punished, etc.

51. This led to the Plaintiff feeling extremely ostracized due to her gender. She was never part of any clique, let alone part of the Chief's favored group, and she sharply felt the disparate treatment. Plaintiff is mostly ostracized and ignored, and workplace bullying on

“mobbing”⁴ has been a regular occurrence suffered by her throughout her tenure with the Department.

52. The Chief has gone so far as to take direct, spiteful actions to ensure Plaintiff’s coworkers will despise and alienate her. For example, the Chief informed numerous officers, in the Fall 2023, that it was Plaintiff’s fault that promotions could not occur and was due to her impending lawsuit. Chief Cosgriff has ensured that Plaintiff’s male counterparts will dislike her, ignore her and treat her with disdain through such malicious actions.

53. The Chief’s favored officers enjoy special privileges, including access to specialized and advanced training in martial arts, firearms, and tactical issues. They also benefit from assignments to special county-wide units and task forces. Chief Cosgriff has gone out of his way to ensure his “boys” receive varied and prestigious assignments, trainings and positions so he can groom them for promotional preference. In contrast, he never considered Plaintiff for same because he believes that, due to her gender, she would not be able to handle such roles or duties and does not deserve them.

⁴ Mobbing in the context of human beings means bullying of an individual by a group in any context. Identified as emotional abuse in the workplace to a member who is different (or in a protected class), such as “ganging up” by co-workers, subordinates or superiors, to force someone out of the workplace through rumor, innuendo, intimidation, humiliation, discrediting and isolation; it may also be referred to as malicious, nonsexual, nonracial, general harassment. See Mobbing: Emotional Abuse in the American Workplace, Noa Davenport, Ruth D. Schwartz and Gail Pursell Elliott, 3rd Edition (2005). In the book Mobbing: Emotional Abuse in the American Workplace, the authors identify mobbing as a particular type of bullying that is not as apparent as most, defining it as “...an emotional assault. It begins when an individual becomes the target of disrespectful and harmful behavior. Through innuendo, rumors, and public discrediting, a hostile environment is created in which one individual gathers others to willingly, or unwillingly, participate in continuous malevolent actions to force a person out of the workplace.” Id. In the 1980s, professor and practicing psychologist Heinz Leymann, first applied the term to ganging up in the workplace. See “The Unkindly Act of Mobbing,” Kenneth Westhues, Academic Matters: The Journal of Higher Education (Fall 2006).

54. Chief Cosgriff does not permit officers to apply for open positions and specialized assignments and never posts same; the Chief just continuously awards such positions and assignments to his sycophants.

55. For example, Det. Sgts. Riedel and Passaretti have been rewarded for undertaking a disciplinary investigation on Plaintiff and for making the exact, negative (albeit farcical) findings against her sought by the Chief. In fact, shortly after they sustained the disciplinary charges on Plaintiff, they were both assigned to lieutenant duties, the lieutenants' office, the lieutenants' vehicles, etc., despite that Sgt. Jeffrey Wells has greater seniority and should be next in line to receive such assignments and benefits. Chief Cosgriff even ranked them higher in badge numbers as sergeants over Wells when they were all simultaneously promoted although Wells has greater seniority and should have received the higher ranking.

56. Sgt. Passaretti has been made the patrol commander and is now listed as part of "Administration." Det. Sgt. Riedel was appointed to the Safety Committee with the Chief and was designated as the Department's Nasal Narcan Program Coordinator with Officer Strasser as the co-coordinator. Both Riedel and Passaretti are amongst the Chief's "favorites" and are being groomed to be his successors.⁵

57. Another favorite, Det. Cooper, has also received preferential treatment and assignments and was hand-picked to review any and all patrol reports for the Chief. This came on the heels of Cooper instigating a situation to belittle Plaintiff, challenging her instructions as a

⁵ As explained *infra*, there are two existing vacancies in the rank of Lieutenant which the Department has not filled as Chief Cosgriff needs for Plaintiff to receive discipline first so he can rank her lower during promotions.

supervisor and picking an argument with her (although she outranks him and is his supervisor). Det. Cooper then aided the Chief further by reporting her so that the Chief could open a new disciplinary investigation on Plaintiff. Unsurprisingly, Cooper was not charged with or disciplined for his extreme insubordination but rewarded.

58. In keeping with the preferential treatment for his chosen boys, all three officers directly involved with Plaintiff's disciplinary matter were then designated by Chief Cosgriff as the Department's "supervisory officers" a few months later in July 2024, including Riedel, Passaretti and Cooper.

59. Meanwhile, Plaintiff instead has been selected to receive "random" drug testing more than any male officer and has been so tested on several occasions in less than two years. She was drug tested several times right after going away on vacation in the hopes of discovering illicit drug usage.

60. During her initial drug test in 2021, now retired Lt. Timothy Gerity poured red Gatorade into Plaintiff's toilet bowl to ensure she did not first dilute the water in the toilet bowl. A Ho-Ho-Kus police sergeant was present during this outrageous act and was visibly troubled by Lt. Gerity's actions. Plaintiff confronted Lt. Gerity about why he did this, and he stated, "Don't kill the messenger," which led her to believe that the Chief put him up to the task.

61. In this regard, the Department violated its own and the Office of the New Jersey Attorney General ("OAG") policies on officer drug testing, and these incidents prove the Chief continues to look for ways to discipline, charge, embarrass, humiliate, and discredit the Plaintiff.

62. The Chief even reported to headquarters on a date when he was home under quarantine in

2021 after being exposed to COVID-19 from multiple, positive family members. Chief Cosgriff went into headquarters on that occasion so he could “randomly” drug test Plaintiff after she arrived back from a vacation. The Chief told Det. Cooper and Lt. Jason Nunn on that day, “Don’t worry. I won’t infect you.” His actions directly violated Department policy and could have exposed several employees to an infectious disease. The Chief disregarded health and safety protocols and policy just so he could drug test and try and “get” Plaintiff.

63. Curiously, ever since Plaintiff filed her NOTC and complained about the not so random drug testing, Chief Cosgriff suddenly stopped subjecting her to the drug testing occurring exactly upon her return from vacations.
64. The Department never provided any training on the BWCs when they were issued. Still, the Chief later issued a BWC departmental training memo, which was stricter than the OAG Guidelines on the issue. In addition, the Department informed officers that they must use their personal cell phones to download data from the BWCs. When Plaintiff objected to having evidence and work programs stored on her personal cell phone, her concerns were repeatedly dismissed and deemed inconsequential.
65. Plaintiff thus had to use the docking station to download the videos, which resulted in more time off the road and delays in categorizing BWC footage, delays in leaving work on time, etc., and all because the Chief refused to address the issue and find an alternate solution.
66. On another instance, after a cyber-attack on a neighboring police agency, the Chief implemented a two-step authentication procedure for Department emails. This again required the use of an app to be downloaded on officers’ personal cell phones which

Plaintiff again objected to as she still did not wish to use her personal cellphone for work-related tasks.

67. Instead of addressing Plaintiff's legitimate concerns about having her cell phone used for a work program (when she expressed that she was fearful of losing any privacy rights in the confidential information contained on it), the Chief instead spitefully refused to provide Plaintiff with email access for six months. He knew there was an easy solution, allowing her to have access to login to any programs by way of a computer, but refused to address the issue to assist Plaintiff.
68. As a newly promoted Sergeant, Plaintiff had responsibilities that she needed to handle through her work email. The Chief was again setting her up for failure and punishing her for voicing valid and legitimate concerns.
69. Chief Cosgriff continually called Plaintiff into his or the Lieutenant's office to have little "chats" with her to persuade her to put the apps on her cell phone, making her feel threatened and uncomfortable. Eventually, Chief Cosgriff threatened Plaintiff by telling her, "I am going to write you up if you don't comply." Chief Cosgriff then had another officer, Lt. Nunn, pressure Plaintiff to download the mobile app on her personal cell phone.
70. In August 2021, Plaintiff was assigned to a squad overseen by Sgt. Charles Schwartz. After that, Sgt. Schwartz suffered an on-the-job injury at the beginning of 2022, which took him out of work for the remainder of the year. Plaintiff then became the Officer in Charge ("OIC") for all her shifts. Yet, despite Plaintiff successfully supervising her squad and performing exceedingly well, the Chief continued disparaging her whenever he could.
71. Chief Cosgriff told a supervisor that the Department had to get tasers because "Diana can't

handle herself out in the field.” The Plaintiff also heard that her squad was referred to by the Chief and others as the "blond, stupid squad."

72. Chief Cosgriff specifically withheld at least one written letter of appreciation from a resident addressed to Plaintiff. The letter was to express recognition and gratitude regarding how great a job Plaintiff did when responding to her house, but the Chief refused to acknowledge or maintain same. Officers (mostly new hires) have told Plaintiff they have been warned not to align themselves with or associate with Plaintiff because she is “a negative person.”

73. On January 14, 2022, Plaintiff was in the Squad Room doing a favor for Det. Riedel by typing a report to place evidence in the Department’s Evidence Room. Chief Cosgriff walked in and asked Plaintiff why she was not wearing an N95 mask despite her wearing a 3-ply mask. The Chief approached her and stated, in sum and substance, that he had previously advised her that she could only wear N95 masks in headquarters.

74. At the same time, multiple other employees including the Chief’s administrator, dispatchers and other officers, were not wearing N95 masks. The Plaintiff immediately advised that she was helping Det. Riedel with the evidence report and that she could go to her car and grab an N95 mask if necessary. The Chief replied that she should instead finish her report and stormed out only to immediately return to admonish Plaintiff that what she was doing was against policy,

75. Plaintiff agreed with the Chief about the policy rather than be insubordinate and as to not anger him more. Yet, Plaintiff felt targeted and attacked and believed that Chief Cosgriff was merely looking to single her out and find any issue to reprimand her about; Plaintiff

has never seen the Chief address this mask issue with any male coworkers or employees although Plaintiff has seen many of them without N95 masks before and after that date.

76. Female dispatchers have stated to Plaintiff that they only want to work during her tour due to the chauvinistic attitudes that abound within the Department. Shortly after making these statements, a female dispatcher was pulled off the schedule when Plaintiff was working.

77. Another female dispatcher recently advised Plaintiff that she believes the Chief noticed that she was only signing up to work Plaintiff's shifts because he suddenly began acting cold and stopped talking to her.

78. The Chief will also go out of his way to belittle Plaintiff and knock her down if he feels she has overstepped or overshadowed a male colleague. An incident occurring in late April 2023 illustrates the subtle ways Chief Cosgriff marginalizes and belittles Plaintiff. Specifically, on April 24, 2023, Plaintiff was working with Officers Novak and Strasser. They were dispatched to a call involving a dispute between family members.

79. After the call, her subordinate, Officer Strasser, questioned some of Plaintiff's decisions and claimed they were improper. Had Plaintiff questioned a male supervisor's orders, she would likely have been charged with insubordination. However, Plaintiff instead called an on-call prosecutor from the Bergen County Prosecutor's Office ("BCPO") who confirmed that Plaintiff had handled the situation appropriately. Later that shift, Plaintiff updated Officer Strasser about her call and told him he was incorrect and that her action was validated. Officer Strasser complained to the Chief about this incident.

80. A few days later, Chief Cosgriff issued a memo to the Department instructing officers not to call the BCPO or any outside agency with legal questions and to instead direct any such

questions to lieutenants and detectives within the Department because they are more familiar with such issues and will have better background context. This memo was a direct dig at the Plaintiff to let her know she had not triumphed over one of his male officers. The memo also changed past practice; since the Plaintiff has been working at the Department, officers would always call the BCPO with legal questions.

C. Plaintiff's Protected Speech And Related Retaliation

81. Plaintiff's complaints about the Department's defective, malfunctioning radios were similarly flouted and considered trivial and annoying. Officer safety should be paramount, but Plaintiff's concerns are perpetually ignored by Chief Cosgriff. Plaintiff made valid complaints about radios, flashlights, and other safety equipment which were never addressed.

82. The radio problems are a huge safety concern for the Plaintiff and the Department's officers.⁶ But, the Plaintiff is not deemed worthy of valuable input; her complaints are not considered, and she is deemed annoying and pesty for voicing such safety complaints.

83. Plaintiff's complaints about the safety of the Department's patrol cars have also been completely ignored. The Department's patrol vehicles mostly have over 100,000 miles on them. When Chief Cosgriff took over, the Borough allocated two new vehicles per year for the Department's fleet. Chief Cosgriff consistently has brand new vehicles sitting in the parking lot, unequipped and unused, sometimes for years, and refuses to put them in

⁶ Similarly, in November 2021, Plaintiff reported repeated flashlight issues to Sgt. Wells. At that time, Sgt. Wells spoke to the Chief on Plaintiff's behalf and asked him if the Department could order replacement batteries for the flashlights, and the Chief responded by stating, "Buy them yourselves." Plaintiff's fiancé was so concerned with the officers' lack of safety of not having adequate light that he went out and personally purchased all new flashlights for the whole Department.

service. The Chief would instead leave these new cars in the parking lot rather than allow Plaintiff or other officers to use them, causing officers to use old, worn-down, dangerous vehicles and equipment.

84. The Plaintiff has dealt with loose lugnuts on vehicles, batteries burning, overheating cars, issues with emergency lighting, and headlights not correctly working on many occasions, amongst other problems. Yet, despite Plaintiff writing numerous reports detailing all the repairs and issues with the patrol cars, the Chief has disregarded and neglected all her complaints on patrol car safety or has made excuses as to why the new patrol cars cannot be utilized. Her constant “whistleblowing” and complaints about safety concerns further angered and polarized Chief Cosgriff who expects blind and submissive obedience.

85. On May 2, 2022, after nine years in the Department, Plaintiff was finally promoted to the rank of sergeant along with three other patrol officers. Because the Mayor and Borough Council were involved, the Chief could not skip the Plaintiff because she performed very well during her interview.

86. Yet, the Chief has not assigned her any specialized tasks or desired positions on purpose to harm her advancement and to penalize her for voicing complaints; indeed, when it comes time for future promotions, the Chief can then attempt to use her failure to have the specialized training as a justification to skip over her for other, candidates who appear more qualified and experienced only due to the preferential treatment by the Chief.

87. Against this discouraging background, Plaintiff began her tenth year at the Department. Plaintiff encountered a troublesome issue involving the wearing of her new taser on her belt, which was causing her serious pain due to a pre-existing back injury stemming from

an incident that happened on-duty years ago where she broke her back pushing a car. Plaintiff then dared to complain about this new requirement as it was having a negative impact on her health.

88. Plaintiff eventually sought an accommodation to wear her equipment on a vest (like various male supervisors in the Department who wear their equipment on vests instead of belts, as does almost every other agency in Bergen County). When she first told the Chief that her body is shaped differently than his as a female and that the belt puts a lot of pressure on her hips, he laughed it off and did not take her concerns seriously.
89. The Chief then had Lt. Nunn and Officer Strasser discuss Plaintiff's holster belt with her. The Plaintiff felt uncomfortable when they both surrounded her and suggested "alternative options" like removing items off her holster belt and rearranging the entire belt just to suit the taser.
90. They tried the same tactics with Officer Beskaly a few days later. A supervisor then alerted Plaintiff to go assist Officer Beskaly, a new female officer, because he felt it was wrong for them to "attack her like that." The Plaintiff twice removed Officer Beskaly from similar situations as she appeared visibly distressed, shocked, and extremely uncomfortable. Officer Beskaly told Plaintiff in the bathroom, "Why are they doing this to me? I just want to come in and do my job!"
91. Thus, instead of accommodating the two female officers with the simple change to vests, both were instead "taught" how to wear and adjust their holster belts while being manhandled and grabbed while the male officers "mansplained" to them.

92. The disregard for the two female officers was amplified by the placement of the taser and camera charging units in the men's locker room. Plaintiff and Beskaly needed access to those charging units every shift and were humiliatingly forced to constantly knock and wait to see when the men's locker room would clear so they could retrieve the batteries and chargers.
93. The Plaintiff eventually produced a doctor's note and sought an accommodation for the aggravation of her back injury through the wearing of the holster belt with the taser. The Chief then called the Plaintiff and Lt. Giannotti into his office to discuss her doctor's note but did not engage in the appropriate, interactive process as legally required. Instead, Chief Cosgriff outright denied the accommodation request and advised Plaintiff that the Department's policy is that the taser is a mandatory piece of equipment and to take off other equipment from her belt instead. The Plaintiff was denied the ability to wear a vest, even though the Chief, Lt. Giannotti, and the two detectives all wear said vests for their equipment.
94. Shortly after this meeting with the Chief, he advised the Plaintiff that he was assigning her the least desirable duty of monitoring firearm applications, which entails a great deal of paperwork and requires the Plaintiff to remain inside headquarters. The Plaintiff steadfastly believes Chief Cosgriff assigned her this responsibility so he could monitor her at all times and punish her for making the accommodation request.
95. On April 19, 2023, Plaintiff went to the gym with Officer Beskaly, who informed Plaintiff that Chief Cosgriff assigned Officer John Latka to oversee defensive tactics and the Rapid Deployment Team ("RDT"). RDT is a prestigious assignment involving a multi-

jurisdictional team of officers who receive specialized training. Officer Latka is less senior and a subordinate to Plaintiff, but, once again, Plaintiff was not considered or even allowed to apply. Officers Latka and Strasser were also sent for jiu-jitsu training after that.

96. Sgt. Jeffrey Fortemps will be retiring soon and has advised the Chief that he needs to find officers to take over his responsibilities. Plaintiff would be a likely choice but will surely be overlooked by the Chief, who will not even post the position or allow officers to apply; rather, as noted, he will and has assigned his preferred male officers to any desirable position or advantageous duties and will continue to punish Plaintiff for her complaints.

97. The Plaintiff endured the abuses and mistreatment for far too long and finally decided to pursue legal action. The Plaintiff remains fearful she will never advance further under Chief Cosgriff's tenure and will continue to be subjected to disparate and discriminatorily motivated exploitation and illegal retaliation. She thus filed a NOTC to outline all of the harassment and wrongful mistreatment she has endured in July 2023 with the hopes that the Borough would finally look into her workplace situation and take remedial action.

98. Instead, she was quickly made the target of bogus disciplinary charges for revising, improving and adding accurate information to a subordinate's report. The retaliation was so predictably blatant and so frivolously concocted it is almost laughable.

99. Allegations concerning the various acts of misconduct by the Borough and its supervisory employees are plentiful; yet, the Borough protects its male employees at every turn and has not completed a valid investigation on whether any employee has violated Plaintiff's rights despite all of the complaints filed by her and on her behalf. The Borough Council has allowed all corruption, retribution, and injustices to occur under its watch. Yet, Plaintiff is

facing major discipline⁷ for correcting an incident report. The Borough has condoned the Chief's vindictive, new disciplinary charges and has thus joined in and supported the efforts of her harassers.

100. Indeed, the Plaintiff is now facing major discipline for revising an incident report and became a disciplinary target less than three months after filing her original NOTC after serving eleven years without any disciplinary matters whatsoever. The Plaintiff then had to file an Amended NOTC in April 2024 to list the ensuing acts of retaliation.

101. Almost immediately after the filing of her original NOTC, Plaintiff predictably began suffering vindictive acts as retribution to punish her for her disclosure of wrongdoing and her objections to same as listed in her NOTC. Such perceived disloyalty was bound to be punished, but the absolute audacity of the recent, adverse employment actions demonstrates how maliciously and willfully the Department's Administration acts. The Administration believes it can commit such blatant acts of retaliation with impunity and without repercussions.

102. As noted, Plaintiff was made the target of bogus disciplinary matters and performance notices shortly after filing her first NOTC. Specifically, the Plaintiff was served with a performance notice in the Fall of 2023, almost immediately after serving her

⁷ It is believed that Plaintiff is the first officer to be charged with and facing major discipline since her hiring and definitely under Chief Cosgriff. A review of the required, major discipline annual reporting with the New Jersey Attorney General's Office ("OAG") also establishes that Saddle River Police Department has had no such discipline in any recent years. Major discipline matters (for suspensions over 5 days) require a special disclosure as set forth in the IAPP, Sections 9.6.2, 9.10.3, 9.11.2 and New Jersey Attorney General Directives 2022-14 and 2019-6. By charging Plaintiff with major discipline, Cosgriff has extracted further revenge and is realizing his goal to discredit Plaintiff and her future advancement because the discipline must now be reported to the OAG, posted on the Department's website if sustained, included in the statewide, publicized annual report put out by the OAG, etc.

NOTC and received written reprimands as well. After that, despite having a pristine and spotless record for her first 10 years of employment with the Department, she thereafter (uncoincidentally) became the target of several, inane disciplinary investigations also right on the heels of her NOTC filing.

103. Then, on March 11, 2024, the Plaintiff was served with a disciplinary notice containing various bogus and contrived charges that sought a 90-day suspension despite listing no actual wrongdoing.

104. The basis was that Plaintiff revised and improved a subordinate's incident report - something that likely happens every day of the week in every police department. The charges even charge her with "plagiarism" although it remains entirely unclear as to whose words she is being accused of "copying" and "passing off as her own" as required for such a charge.

105. Although the purported "infractions" are routine occurrences within the Department as revealed during her internal affairs investigation, such as supervisors revising the reports of a subordinate, the Plaintiff is now facing extreme, inflated discipline over same due to the heightened scrutiny and disparate treatment she has been suffering in retaliation.

106. The Plaintiff also filed additional complaints against other officers and her Police Chief for various, discrete and concrete acts of harassment. Yet, unsurprisingly, the Department protected its own, and no harm came to any male officers. None of them were even investigated at all. One such officer was merely "spoken to," one was never

investigated, and the Chief also escaped any punishment or investigation despite the BCPO sending the matter back to the Borough for proper handling.

107. Outrageously, Det. Riedel even noted in an internal affairs report that he wished to charge and discipline the Plaintiff for reporting others' misconduct even though every sworn officer is required to report known violations pursuant to law and the Department's own policies. The Department's culture is so flawed and damaged that an internal affairs officer actually put in writing that a victim complaining of harassment and disparate treatment should be the one charged and investigated rather than her harassers!

108. The "old boys club" mentality is clearly alive and well and thriving in this Borough (that somehow missed the entire "MeToo" movement) and believes such abuse is allowable and that its sole, female officer should be the one punished (for being victimized.) Such an outdated and disgusting mentality is akin to arresting and charging a rape victim for exposing her rapist. One would think a police department would be a bit more sensitive to victims. Yet, in this Department and Borough, the male harassers are protected at all costs, and their victims are terrorized and abused and then further penalized for daring to report and expose all of the disgraceful misconduct.

109. The Plaintiff has thus continued to endure the abuses and mistreatment despite reporting and complaining about same. Other petty acts of ongoing disparate treatment also abound. For example, her subordinates can disrespect and ignore her orders and can have any instruction she gives them reversed or negated. Plaintiff is held to different standards on time off and other requests and benefits. She is denied training, collaboration, consideration and respect. She has been demeaned and marginalized at every turn, and her

male counterparts gleefully ignore her supervisory authority based upon the clear message sent down from the Chief who has set this tone.

110. The Borough and the Department will protect its male employees, as they have always done. They will thus continue to join in and support the efforts of her harassers to support the conspiratorial goal of wrongfully mistreating, punishing, and discrediting Plaintiff. These newly fabricated and ridiculously inflated charges are solid proof of the bad faith vindictiveness and chauvinism at play and of the constant bullying and humiliation she must tolerate daily.

111. In addition, Chief Cosgriff has knowingly brought the instant, manufactured disciplinary charges against Plaintiff and has orchestrated the matter to purposely harm her future promotional opportunities. Shortly before Plaintiff filed her original NOTC in July 2023, Lt. Nunn retired in June 2023. As stated *supra*, the Chief made it known throughout the Department that no promotions could occur because of Plaintiff's threatened litigation after she filed the NOTC. Thereafter, Plaintiff was made the target of the disciplinary investigation a few months later in October 2023. Plaintiff was formally served with the disciplinary charges in March 2024. Around this time, Lt. Giannotti then advised he planned on retiring, and he retired in July 2024.

112. Accordingly, there are two open vacancies in the rank of Lieutenant within the Department. Although he is transparently priming Passaretti and Riedel for the promotional spots by providing them with specialized trainings and assignments, Chief Cosgriff can now rely upon any sustained discipline as a valid basis for not selecting

Plaintiff for the promotion. Once again, the blatant, disparate, vindictive treatment of Plaintiff is exceedingly obvious and quite shameful.

113. The Borough has failed to take any remedial action whatsoever to curb or address her harassment despite all of Plaintiff's complaints and despite the BCPO referring the matter back to it for investigation. Plaintiff remains fearful she will never advance further under her current Police Chief's tenure and will continue to be subjected to disparate and discriminatorily motivated exploitation and illegal retaliation.

114. The Plaintiff delayed taking legal action, hoping her situation would improve after being promoted. Plaintiff loves serving the community and loves her job despite her daily torment. She met with members of the Borough Council to try and explain her situation. However, the Borough left her no choice when it chose to allow the Chief to continue to abuse her and refused to assist her despite hollow promises of coming to her aid.

COUNT ONE

(Discrimination on the Basis of Gender in Violation of the NJLAD as to All Defendants)

115. Plaintiff incorporates by reference each and every allegation made previously herein.

116. During her employment at the Department, Plaintiff was continuously subjected to disparate treatment and harassing comments and conduct because of her gender, much of it by upper-level management and/or Plaintiff's supervisors and subordinates.

117. Plaintiff was held to different standards, was treated far worse than any of her male comparators, was subjected to heightened scrutiny and petty indignities, was disregarded as a supervisor, was subjected to ridicule and disdain and was left

out of the chain of command. Plaintiff was treated disparately in many areas, such as being denied training and specialized assignments she was most qualified for.

118. The Borough did not take any efforts to investigate or remedy the ongoing, harassing, sexist misbehavior but instead punished Plaintiff for complaining that she was suffering from discrimination and harassment by fabricating frivolous and retaliatory disciplinary charges and by continuing to subject her to a sexually hostile work environment.

119. Plaintiff complained to upper level management, including to her supervisors, about the harassment, retaliation and disparate treatment to which she was being subjected. No corrective or remedial action was taken, and Plaintiff was instead further penalized and ostracized.

120. Plaintiff registered various oral complaints and then filed formal written complaints to again object to all of the ongoing, still existent harassment and unlawful mistreatment she was suffering solely due to her gender. However, no action was ever taken against the culpable parties who are protected by the Borough, which directly condoned and participated in the misconduct by allowing the aforesaid conduct to continue and by failing to conduct a proper investigation into Plaintiff's complaints and by failing to punish her harassers. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.

121. The Borough thus failed to exercise reasonable care to prevent and promptly correct the discriminatory behavior although Plaintiff reasonably attempted to take advantage of preventive and corrective opportunities.

122. Defendants are liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.

123. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of her employment rights and other rights and has lost wages and benefits and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT TWO

(Harassment on the Basis of Gender in Violation of the NJLAD as to All Defendants)

124. Plaintiff incorporates by reference each and every allegation made previously herein.

125. During her employment at the Department, Plaintiff was continuously subjected to harassing comments and conduct and rumors and innuendoes because of her gender, much of it by upper-level management and/or Plaintiff's supervisors. The overriding theme is that women do not belong in law enforcement and make inferior officers, and this mentality originated with the head of the agency and has filtered down to the rank and file.

126. Some examples of the demeaning ways in which Plaintiff was subjugated and exposed to a sexually hostile work environment include, but are not limited to:

- being continuously disrespected, disregarded and challenged by male subordinates as a female supervisor as allowed and condoned by the Administration
- being falsely accused of not being able to "handle herself" and being physically unable to defend herself
- being ridiculed and shamed for noting that women have different body types than men
- being referred to in debasing terms such as "John's girl" or "the blonde stupid squad"
- being stripped of her supervisory authority and left out of the chain of command
- being wrongly called "negative" and deemed incompetent
- being advised that feminine voices are ineffectual and frowned upon
- being treated differently and worse on benefits and time off requests and being continuously questioned and doubted
- being subjected to more rigid standards and heightened scrutiny
- being denied preferential assignments and positions and not being considered for rightful advancement
- being ignored, disparaged and marginalized when making suggestions, contributions and complaints and even when succeeding and excelling on the job

127. The conduct and comments were severe and pervasive enough to make a reasonable person believe that the conditions of her employment were altered and that her working environment was intimidating, hostile and abusive.

128. Plaintiff complained to upper level management about the harassment, retaliation, and disparate treatment to which she was subjected. However, no action was taken against the culpable parties who were protected by Defendants, who directly condoned and

participated in the misconduct by allowing the foresaid conduct to continue and by failing to conduct a proper investigation of Plaintiff's complaints. Plaintiff has thus been continually subjected to a hostile work environment and ongoing acts of retaliation.

129. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

130. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of her employment rights and other rights and has lost wages and benefits and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT THREE

(Disability Discrimination and Failure to Accommodate in Violation of the NJLAD as to All Defendants)

131. Plaintiff incorporates by reference each and every allegation made previously herein.

132. Pursuant to the NJLAD, disability discrimination is prohibited. The NJLAD prohibits discrimination on the basis of various protected categories, including against employees suffering from a disability.

133. Plaintiff's permanent medical condition, of having broken vertebrae that required major surgery, caused her to be disabled within the meaning of section 10:5-5(q) of the NJLAD.⁸ Specifically, in 2015, Plaintiff suffered an injury and fractured her L4 vertebrae requiring screws to be surgically inserted in her spine to stabilize her and requiring intensive post-operation care and rehabilitation. Plaintiff then reaggravated this injury a few years later while pushing a vehicle when on duty and needed additional surgery.

134. Plaintiff's utility belt weighs approximately 12 pounds in total. When the taser was mandated to be added to same, she began experiencing severe discomfort and numbness and constant pain due to the added weight on her back and hips. As a result, in March 2023, Plaintiff produced a doctor's note and sought an accommodation for the aggravation of her back injury through the wearing of the holster belt with the taser. Plaintiff was

⁸ The term "disabled" or "handicapped" under the NJLAD is not restricted to "severe" or "immutable" disabilities and has been interpreted as significantly broader than the analogous provision of the Americans with Disabilities Act ("ADA"). Failla v. City of Passaic, 146 F.3d 149, 154 (3d Cir.1998) (noting that the NJLAD provides a "lower standard" than the ADA because the NJLAD "definition of 'handicapped' does not incorporate the requirement that the condition result in a substantial limitation on a major life activity.") Plaintiff's injuries qualify her as being disabled under both definitions.

merely seeking permission to wear the utility vest that male supervisors wear so that she could carry all her equipment without further harming her injured back.

135. The Chief eventually called the Plaintiff into his office to discuss her doctor's note but did not engage in the interactive process as legally required. Instead, Chief Cosgriff outright and spitefully denied any accommodation at all without a discussion and advised Plaintiff that the Department's policy is that the taser is a mandatory piece of equipment and to take off other safety equipment from her belt instead. Plaintiff was directly told she could not wear the vest when she asked. No reason whatsoever was given as to why Plaintiff could not be accommodated with the vest and comfortably wear equipment like most of her male counterparts (and like how most officers throughout Bergen County carry their equipment).

136. Defendants thus failed to engage in a proper, interactive process to determine whether there existed any reasonable accommodation to allow Plaintiff to perform the essential functions of the job, and, as a result, no accommodation was made.

137. Instead of accommodating her, Defendants brought Plaintiff up on bogus disciplinary charges as punishment for requesting the accommodation and asking for an alternative method for carrying her equipment (such as by wearing the type of vest worn by male officers in the Department instead of a cumbersome belt which exacerbated her back injuries). Chief Cosgriff was particularly annoyed because he believed Plaintiff had instigated Officer Beskaly to make a similar request.

138. Defendants thus failed to accommodate Plaintiff and failed to even consider her reasonable accommodation request and penalized her for making same the first chance they got by lodging contrived, disciplinary charges against her.

139. As should be known by the Department, employer retaliation against an employee that has requested a disability accommodation is illegal. N.J.S.A. 10:5-12(d). Moreover, one of the most common and routinely granted disability accommodation request is being afforded modified equipment like ramps, chairs, computer modifications, etc.

140. Indeed, the NJLAD require employers to provide “reasonable accommodations” to allow its disabled employees to perform the essential functions of the job unless the employer can demonstrate that the accommodation would impose an undue hardship. Victor v. State, 203 N.J. 383, 423 (2010); Tynan v. Vicinage 13 of the Superior Court, 351 N.J. Super. 385, 396-97 (App. Div. 2002). The Borough will not be able to show any undue hardship because male officers in the Department were and are still allowed to wear the exact vest Plaintiff sought as an accommodation.

141. The Department did not grant Plaintiff’s vest request and never engaged in the interactive process as required by law. Defendants’ refusal to discuss the accommodation in and of itself is a violation of the NJLAD. Richter v. Oakland Bd. of Educ., 246 N.J. 507, 530 (2021). A failure to take any action by an employer when faced with an accommodation request is itself an actionable harm and a violation of the NJLAD. Id.

142. Additionally, Defendants harassed Plaintiff on the basis of her disability, engaging in conduct and making comments that would not have occurred but for Plaintiff’s disability and that was severe and pervasive enough for a reasonable person to believe that the

conditions of her employment were altered and the working environment was hostile and abusive.

143. The Department is liable for the acts of its employees pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy, and practices of the employer caused Plaintiff to be harmed.

144. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, has lost wages and benefits, and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered emotional distress, pain, and suffering. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured.

145. Defendants' acts were discriminatory, wrongful, without basis in law, in fact or in contract, arbitrary, capricious, unconscionable, contrary to constitutional, statutory and decisional law and otherwise illegal.

146. Defendants are liable for the discriminatory actions of its employees; Defendants knew about the discrimination and still failed to take prompt and effective remedial action.

147. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

148. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights and has lost wages and benefits and other emoluments. Plaintiff has sustained injury to her

reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT FOUR

(Retaliation in Violation of the NJLAD as to All Defendants)

149. Plaintiff incorporates by reference each and every allegation made previously herein.

150. Plaintiff complained to management and upper management of the Department and the Borough about the discrimination, harassment, disparate treatment and hostile work environment she endured. Plaintiff specifically complained that she was being treated in a discriminatory and disparate fashion to the Borough by way of verbal and written complaints to the Department, by the filing of her NOTC, by making verbal and written

complaints to the Borough, etc., and set forth all the ongoing harassment and unlawful mistreatment she was suffering.

151. After voicing such complaints, Plaintiff was subjected to unjustified and intense on the job harassment, intimidation, threats, humiliations, heightened scrutiny and the denial of her accommodation request. She was also served with retaliatory disciplinary charges that have no actual merit and were lodged merely as punishment by the Chief shortly after Plaintiff filed her written complaints against him with the Internal Affairs Division and shortly after she filed her NOTC.

152. By refusing to properly investigate or remediate her complaints of a hostile work environment, by failing to comply with their own policies, by refusing to put in place safeguards to address such misconduct, by allowing the Chief to vindictively disallow a reasonable accommodation, by permitting the lodging of blatantly retaliatory and frivolous disciplinary charges and by taking all of the aforementioned adverse job actions against Plaintiff, Defendants have retaliated against her for complaining of discrimination with respect to her work environment.

153. There was a causal connection between her complaints and these adverse employment actions.

154. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, *et seq.*, Plaintiff has been deprived of her employment rights and other rights and has lost wages and benefits and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work

environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT FIVE

Violations of CEPA (As to All Defendants)

155. Plaintiff incorporates by reference each and every allegation made previously herein.
156. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of her valid right to speak out and expose official misconduct and violations of law, her right to file complaints and seek redress and her right to engage in protected speech.
157. On various occasions, Plaintiff reported illegal harassing and discriminatory behavior being committed against her to the Borough, both on her own and through counsel. Through her complaints, Plaintiff objected to and disclosed that the Borough and

its supervisors and management and employees were engaging in illegal behavior and punishing her for exposing the official misconduct.

158. Plaintiff specifically and repeatedly objected to the Borough and its employees and supervisors engaging in illegal, immoral and/or improper actions pertaining to a hostile work environment, harassment, discrimination, and retaliation occurring on a continuous basis. Plaintiff also complained about the disparate, double standard that existed within the Department.

159. Plaintiff also complained and reported various safety violations regarding her faulty equipment and patrol vehicles and exposed her unsafe work environment for several years and made such complaints verbally and in writing on a regular basis. By law, the Department is obligated to provide a safe and healthy workplace environment stocked with proper, working equipment. See N.J.S.A. 34:6A-3; N.J.S.A. 34:6A-33.

160. Defendants' wrongful actions were committed in direct retaliation for Plaintiff's exposure of her unsafe work environment and the illegal misconduct and the discriminatory practices of the Borough's upper management and employees. Adverse employment action was taken against Plaintiff because of her refusal to condone and her objections to and disclosure of the Defendants' wrongful activity.

161. The swift, related retaliation for the Plaintiff's whistleblowing includes, but is not limited to, disparate treatment; the maintenance of a hostile work environment; the refusal to investigate or remediate her claims of a hostile work environment; increased surveillance and heightened scrutiny; unwarranted, bogus discipline; criticisms of her work

performance; petty acts of harassment designed to alienate her; frustration of her career progress; and other adverse employment actions.

162. As Plaintiff's employer, the Borough has violated CEPA, pursuant to N.J.S.A. 34:19-1, et seq. The Defendants are liable for the acts of their employees pursuant to the doctrine of *Respondeat Superior*.

163. As a direct result of the actions of Defendants in violation of the NJLAD, N.J.S.A. 10:5-1, et seq., Plaintiff has been deprived of her employment rights and other rights, has received wrongful discipline and has lost wages and benefits and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain, and suffering, and physical effects due to the hostile work environment. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

COUNT SIX

**Violations of NJCRA
(As to All Defendants)**

164. Plaintiff incorporates by reference each and every allegation made previously herein.
165. Defendants are liable to Plaintiff under the NJCRA, N.J.S.A. 10:6-1 to 6-2, which creates a state law cause of action for violations of a person’s statutory and/or constitutional rights. Specifically, N.J.S.A. 10:6-2(c) provides an appropriate remedy against a discriminating public defendant for an individual who establishes that she “has been deprived of any substantive rights, privileges, or immunities secured by the Constitution or laws of this State” under color of law and through official action. Accordingly, such an individual “may bring a civil action for damages and for injunctive or other appropriate relief.” N.J.S.A. 10:6-2(c).
166. Defendants violated Plaintiff’s constitutional rights including her natural and inalienable right of “enjoying and defending life and liberty...acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness,” N.J.S.A. Const. Article 1, paragraph 1, and Plaintiff’s legitimate right to freedom of speech to speak out and expose misconduct and violations of the law as guaranteed by Article I, paragraph 6 of the New Jersey Constitution.
167. Defendants’ purposeful misconduct was motivated by vengeance and was in direct retaliation for Plaintiff’s protected conduct and violated her liberty interest, freedom of speech, and other constitutional rights.

168. Plaintiff specifically and repeatedly objected to the Borough and its employees and supervisors engaging in illegal, immoral and/or improper actions pertaining to a hostile work environment, harassment, discrimination and retaliation occurring on a continuous basis in violation of the NJLAD.
169. Plaintiff thus exposed that her constitutional right to freedom of speech and right to pursue and voice grievances, as guaranteed by Article I, paragraph 6 of the New Jersey Constitution, was also violated by Defendants.
170. Defendants also violated the New Jersey Constitution by disciplining and otherwise subjecting Plaintiff to numerous, adverse employment actions in direct retaliation for Plaintiff's protected conduct.
171. Defendants have engaged in adverse employment actions and retaliation based upon Plaintiff's lawful exercise of her valid right to speak out and expose official misconduct and violations of law, her right to file complaints and seek redress and her right to engage in protected speech.
172. Defendants also violated the NJCRA by punishing the Plaintiff with bogus discipline and performance notices and by treating her disparately after she exercised her constitutional right to file grievances and seek redress and because she voiced complaints about the Defendants' unlawful course of conduct.
173. New Jersey case law, the New Jersey Constitution and New Jersey statutory law all provide protections for public employees such as the Plaintiff. The inclination to abuse official authority to interfere with a civil servant's career to carry out a private agenda or

vengeance or satisfy a personal grudge is checked by various enactments, such as N.J.S.A. 11A:2-24, *et seq.*, N.J.S.A. 40A:14-147, the IAPP, etc.

174. Plaintiff engaged in protected activity known to Defendants, and, as a result, suffered discipline and had other adverse employment actions taken against her, and Plaintiff's protected activity was the motivating cause for these adverse employment actions.

175. Defendants are liable to Plaintiff for a violation of these constitutional and statutory rights under the NJCRA, N.J.S.A. 10:6-1 to 10:6-2 and the New Jersey Constitution.

176. All actions alleged against Defendants were carried out under the color of state law.

177. Defendants' acts were discriminatory, wrongful, without basis in law or in fact, arbitrary, capricious, unconscionable, contrary to constitutional, statutory and administrative law and otherwise erroneous.

178. Defendants are liable for the acts of their employees/agents/officials pursuant to the doctrine of *Respondeat Superior*. Moreover, the custom, policy and practices of the employer caused Plaintiff harm.

179. As a direct and proximate result of the Defendants' actions, Plaintiff has been deprived of her employment rights and other rights, has lost wages and benefits, and other emoluments. Plaintiff has sustained injury to her reputation and employability. Plaintiff has also suffered and will continue to suffer emotional distress, pain and suffering and physical effects due to the hostile work environment, discrimination and retaliation. Further, Plaintiff has been compelled to retain an attorney to vindicate her rights. Additionally, Plaintiff has been otherwise injured and will continue to be injured.

WHEREFORE, Plaintiff demands judgment jointly and severally against Defendants for compensatory damages for injuries, including physical injuries and emotional distress, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages on account of Defendants' actual participation in and/or willful indifference to the discrimination and harassment committed against Plaintiff, attorney's fees and costs of suit, injunctive relief requiring remediation of Defendants' discrimination, harassment and retaliation through affirmative action, and any other relief deemed by the Court to be equitable and just.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, **GINA MENDOLA LONGARZO, Esq.** is designated as trial counsel.

DEMAND FOR TRIAL BY JURY

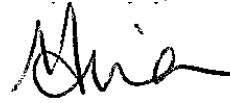
Please take notice that the plaintiff, **DIANA GOLONEK**, demands a trial by jury.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify, pursuant to R. 4:5-1, that the present matter in controversy is not the subject of any other action pending in any court, nor is any other action or arbitration proceeding contemplated.

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By:



GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
DIANA GOLONEK

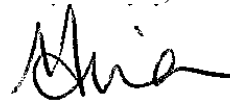
Dated: September 30, 2024

PROOF OF MAILING

I hereby certify that an original and copy of the within Complaint, Designation of Trial Counsel and Jury Demand was filed with the Deputy Clerk of the Superior Court of Bergen County, New Jersey by way of eCourts filing.

LAW OFFICES OF GINA MENDOLA
LONGARZO, LLC

By:



GINA MENDOLA LONGARZO, ESQ.
Attorney for Plaintiff
DIANA GOLONEK

Dated: September 30, 2024

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-005618-24

Case Caption: GOLONEK DIANA VS BOROUGH OF SADDLE RIVER

Case Initiation Date: 09/30/2024

Attorney Name: GINA MENDOLA LONGARZO

Firm Name: GINA MENDOLA LONGARZO, LLC

Address: 560 MAIN ST 2ND FL

CHATHAM NJ 079282122

Phone: 9736352901

Name of Party: PLAINTIFF : Golonek, Diana

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

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

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

Are sexual abuse claims alleged by: Diana Golonek? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

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

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

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

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

09/30/2024
Dated

/s/ GINA MENDOLA LONGARZO
Signed

