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**ATTORNEYS FOR PLAINTIFF**

<p>CHERIE BURGAN,</p> <p>Plaintiff,</p> <p>v.</p> <p>EGG HARBOR TOWNSHIP, ADMINISTRATOR PETER MILLER, MAYOR PAUL HODSON, CHIEF RAYMOND DAVIS, CAPTAIN MICHAEL HUGHES, CHIEF MICHAEL STEINMAN, AND JOHN DOES 1 THROUGH 50, INCLUSIVE, FICTITIOUS NAMED DEFENDANTS, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE,</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY CIVIL DIVISION – ATLANTIC COUNTY</p> <p>Docket No.:</p> <p>Civil Action</p> <p><b>COMPLAINT, DEMAND FOR JURY TRIAL, DESIGNATION OF TRIAL COUNSEL, AND DEMAND PURSUANT TO RULE 1:4-8</b></p>
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Plaintiff Cherie Burgan, residing in the County of Atlantic, State of New Jersey, by way of Complaint against Defendants says:

**FIRST COUNT**

1. At all relevant times herein, Defendant Egg Harbor Township (“Defendant EHT”) was a municipal governmental entity and the employer of Plaintiff and the individually named Defendants Peter Miller (“Defendant Miller:”), Paul Hodson (“Defendant Hodson”) Raymond Davis (“Defendant Davis”), Michael Hughes (“Defendant Hughes”) and Michael Steinman (“Defendant Steinman”) and certain other John Doe Defendants.

2. At all relevant times Defendant EHT was a public entity created pursuant to law and had obligations pursuant to certain New Jersey statutes and the New Jersey Constitution.

3. At all relevant times Defendants had an affirmative duty under the New Jersey Law Against Discrimination (“LAD”) to maintain employment conditions free of disparate treatment on the basis of protected characteristics under the LAD and to promptly remediate and repudiate any known or reported instances of same.

4. Plaintiff is a member of a protected class under the LAD insofar as Plaintiff is a woman.

5. At all relevant times Defendants had an affirmative duty under the anti-retaliation provision of the LAD and under the New Jersey Conscientious Employee Protection Act (“CEPA”) to refrain from taking adverse employment action against or otherwise creating a hostile work environment for Plaintiff in retaliation for Plaintiff engaging in protected conduct in reporting what Plaintiff reasonably believed to be violations of the LAD.

6. At all relevant times herein Defendant Hughes was Plaintiff’s superior officer and direct supervisor within Defendant EHT’s Police Department and acted within and outside the scope and course of his employment to violate Plaintiff’s statutory and civil rights.

7. At all relevant times herein Defendant Steinman was Plaintiff’s superior officer within Defendant EHT’s Police Department and acted within and outside the scope and course of his employment to violate Plaintiff’s statutory and civil rights.

8. On information and belief Defendants failed to provide proper training and supervision to prevent workplace discrimination.

9. On information and belief Defendants failed to provide proper training and supervision to prevent workplace retaliation for the exercise of protected legal rights.

10. Plaintiff was hired by Defendant EHT in 2001 as a police officer.

11. At all material times Plaintiff performed the essential duties of her job competently, diligently, and professionally and held many different positions with the Department as she rose through the ranks and brought in significant grant monies to help the Department and EHT.

12. By way of example, but without limitation Plaintiff served in the Traffic Safety Unit, as the School Resource Officer, a Drug Recognition Expert, DRE Instructor, Juvenile Detective, Special Operations Unit Detective, Patrol and Traffic Sergeant, Detective Sergeant Police Academy Physical Fitness Instructor, and Patrol Lieutenant.

13. Plaintiff was promoted to the rank of Sergeant in May of 2013.

14. Plaintiff is the first and only female ever to be promoted to the rank of Sergeant in Defendant EHT's police department.

15. Plaintiff was promoted to Lieutenant in January of 2019.

16. Plaintiff is the first and only female ever to be promoted to the rank Lieutenant by Defendants.

17. In or around Spring of 2019, an opening within Defendant EHT's Police Department was available for promotion to the rank of Captain.

18. At that time Plaintiff was an 18-year veteran of Defendant EHT's Police Department.

19. As a Lieutenant Plaintiff was the first female member of Defendant EHT's Police Department to ever qualify for promotion to the rank of Captain.

20. However, Plaintiff was not permitted to interview for promotion to Captain.

21. For the first time since Plaintiff joined Defendant EHT's Police Department no interviews were conducted as part of the promotional process and the officer promoted to the open Captain's position was selected by upper management and /or the Township of Egg Harbor without any formal application process.

22. Only after she writing a letter regarding the promotion to Captain was Plaintiff finally advised that she had not even been considered for promotion to Captain, as she initially believed that she would be as all of Plaintiff's similarly situated qualified male fellow officers were considered for promotion to the rank of Captain.

23. On May 31, 2019, then Chief of Police Defendant Raymond Davis announced that the open Captain's position was given to Lieutenant Spano, a male officer.

24. On or around June 10, 2019, Plaintiff reached out directly to the highest-level upper management personnel within Defendant Township to report what Plaintiff reasonably believed to be disparate treatment on the basis of sex.

25. Plaintiff specifically contacted the Office of the Mayor of Defendant EHT and reported that the Township had passed her over for promotion in a manner which grossly deviated from standard promotional procedures, and seemed purposefully targeted to adversely affect her and only her.

26. Defendant EHT at this time was aware that Plaintiff was the only female applicant and the first female officer ever to be quailed for promotion to Captain.

27. Immediately after reaching out to the Mayor's office Plaintiff noticed a change in her working environment.

28. Defendant Davis retired on July 1, 2019, Defendant Steinman became Chief and Spano officially was promoted to Captain.

29. Defendants Hughes and Steinman became aggressive and confrontational with Plaintiff and excessively critical of her, the officers on her squad, and the way Plaintiff chose to lead her squad – focusing their criticism generally on Plaintiff’s leadership style more so than her work.

30. Defendants Hughes and Steinman began ostracizing and diminishing Plaintiff by excluding her from work emails and instructing other employees not to share information with her making it extremely difficult for the Plaintiff to perform her job duties.

31. Plaintiff was also excluded from morning meetings with the “command staff” where important information was shared and decisions are made on a daily basis.

32. Plaintiff was served with notice of an Internal Affairs (“IA”) investigation against her on or around July 4, 2019; less than a month after engaging in protected conduct under the LAD and CEPA by reporting gender discrimination to the Mayor of Defendant EHT’s office.

33. The charges against Plaintiff were frivolous and blatantly retaliatory.

34. One such charge of purported disciplinary misconduct was that Plaintiff had violated departmental rules and procedures by bringing her complaint of discrimination to the Mayor’s office rather than to a superior officer.

35. Defendants specifically charged: “Employees having a dispute *regarding the terms or conditions of employment* shall address the matter directly to their department heads... They shall not bypass their Department Heads under whose jurisdiction they serve *in any matter concerning the operation of their Department.*”

36. The substance of the charge is an explicit admission that Plaintiff was targeted in retaliation for bringing a complaint of disparate treatment discrimination to the Mayor’s office.

37. To the extent Defendants actually maintain as a matter of departmental policy that employees are not allowed to bring such complaints to Defendant EHT's upper management and that doing so is a disciplinary offense; Defendant's policies are unlawful on-their-face as they violate individuals' statutory rights under the LAD and CEPA to a workplace free from retaliation for the exercise of legally protected rights and establish a regular course of conduct of violating same.

38. Despite the charges against Plaintiff being completely frivolous and retaliatory, the "investigation" lingered and the charges hung over Plaintiff's head for eight (8) months.

39. This was done purely to intimidate, further discriminate, retaliate and harass Plaintiff.

40. Defendants finally admitted that Plaintiff had done nothing wrong and ended the "investigation" by determining that Plaintiff was exonerated in February of 2020.

41. Plaintiff's patrol squad has fewer patrol officers than the rest of the patrol squads.

42. Plaintiff continues to be employed by Defendant EHT and Defendants Hughes and Steinman continue to perpetuate a retaliatory and a hostile work environment.

43. The above-cited facts are just an example and not meant to be an exhaustive list of the discrimination, hostile work environment on the basis of gender/sex, and retaliation Plaintiff has been subjected to.

44. It is also anticipated that Plaintiff will continue to be subjected to disparate treatment, a hostile work environment, and retaliation into the future.

45. As a result of the aforementioned acts and omissions by Defendants, Plaintiff's rights under the LAD to be free from discrimination and retaliation for engaging in protected reporting of same have been violated in a most egregious manner.

46. Defendants' conduct was knowing, intentional, and occurred with actual malice in with wanton disregard for Plaintiff's rights.

47. Plaintiff has been damaged as a result.

48. Plaintiff has suffered annoyance, inconvenience, stress, anxiety, humiliation, depression, severe emotional distress and pecuniary loss.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, injunctive relief, back pay, front pay, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

### COUNT TWO

49. Plaintiff repeats and re-alleges paragraphs 1 through 48 as though set forth at length herein.

50. Plaintiff by complaining to the mayor's office on or around June 10, 2019 engaged in CEPA protected conduct.

51. Thereafter, Plaintiff was subjected to the aforementioned retaliatory disciplinary charges and hostile work environment.

52. Defendants' harassment of Plaintiff was motivated by and would not have occurred but-for Plaintiff's protected conduct.

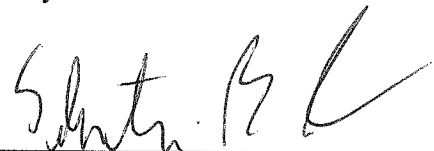
53. As a result of same, Plaintiff's rights under CEPA to be free from adverse employment action in retaliation for engaging in CEPA protected conduct have been violated in a most egregious manner.

54. Plaintiff has been damaged as a result.

55. Plaintiff has suffered annoyance, inconvenience, stress, anxiety, humiliation, depression, severe emotional distress and pecuniary loss.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, back pay, front pay, injunctive relief, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

IONNO & HIGBEE, LLC  
Attorneys for Plaintiff

BY:   
SEBASTIAN B. IONNO

Dated: 5-6-20

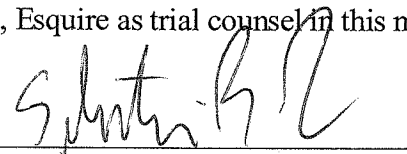
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

BY:   
SEBASTIAN B. IONNO

**DESIGNATION OF TRIAL COUNSEL**

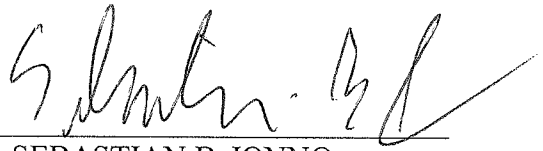
Plaintiff hereby designates Sebastian B. Ionno, Esquire as trial counsel in this matter.

BY:   
SEBASTIAN B. IONNO



**CERTIFICATION**


The undersigned counsel certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to the present action at this time. I certify the foregoing to be true. I am aware if the above is willfully false, I am subject to punishment.

BY:   
SEBASTIAN B. IONNO

DATED: 5-6-20

**RULE 1:4-8 DEMAND**

Plaintiff and his counsel hereby demand, pursuant to Rule 1:4-8, that the Defendants or their agents, servants, or employees, or attorneys provide any and all facts and documents upon which they base any contention that this Complaint was instituted or continued in whole or in part for improper reasons, or that the claims are, in whole or in part, frivolous or without basis in law or fact.

BY:   
SEBASTIAN B. IONNO