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<p>KEITH VANDERBROOKE, HANNA              AROSTEGUI, AND ANDREA              ALPHONSUS,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>LUV2HOWL ANIMAL RESCUE A NJ              NONPROFIT CORPORATION,              MICHAEL HODANISH,</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY              LAW DIVISION              OCEAN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;"><b>COMPLAINT AND DEMAND              FOR JURY TRIAL</b></p>
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Plaintiffs Keith Vanderbrooke (“Plaintiff Vanderbrooke”), Hanna Arostegui (“Plaintiff Arostegui”), and Andrea Alphonsus (“Plaintiff Alphonsus”), by way of Complaint against Defendant Luv2Howl Animal Rescue A NJ Nonprofit Corporation, associated name Howling Woods Farm (“Corporate Defendant”; “Defendant Howling Woods Farm”; “Defendant HWF”)

and Defendant Michael Hodanish (“Defendant Hodanish”) (collectively “Defendants”), allege as follows:

### **INTRODUCTION**

This is matter concerns Defendant Hodanish – New Jersey’s proverbial “Wolf King.” Defendant Hodanish owns and operates Defendant Howling Woods Farm, which is supposed to be, and is portrayed to the public as, a sanctuary for Wolves and other animals. Behind closed doors, however, Defendant Hodanish subjects the Wolves to horrid treatment and openly retaliates against employees who dare challenge his conduct – not unlike Joseph Maldonado-Passage, also known as “Joe Exotic,” in the film, “Tiger King.”<sup>[1]</sup> In fact, for years, the employees of Defendant HWF circumvented Defendant Hodanish in an attempt to provide proper care and nutrition to the animals. They also were forced to endure Defendant Hodanish’s hostile nature as an employer, and even had to frequently work for free, in order to satisfy this goal. This inevitably reached a breaking point, leading to their unlawful termination and this lawsuit, where Plaintiffs seek redress for violations of New Jersey’s Conscientious Employee Protection Act (“CEPA”) and Wage and Hour Law (“NJWHL”).

### **PARTIES**

1. Plaintiff Vanderbrooke is an individual residing in Newton, Pennsylvania and, at all times relevant hereto, was employed by Defendant HWF at its location in Jackson, New Jersey.

2. Plaintiff Arostegui is an individual residing in Manalapan Township, New Jersey and, at all times relevant hereto, was employed by Defendant HWF at its location in Jackson, New

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<sup>[1]</sup> See *Tiger King: Murder, Mayhem and Madness* (Netflix 2020); see also, e.g., *How ‘Tiger King’ became a tale more about people than big cats*, WASHINGTONPOST.COM, Apr. 6, 2020, <https://www.washingtonpost.com/science/2020/04/06/tiger-king-joe-exotic/>.

Jersey.

3. Plaintiff Alphonsus is an individual residing in Holmdel, New Jersey and, at all times relevant hereto, was employed by Defendant HWF at its location in Jackson, New Jersey.

4. Defendant HWF is a non-profit corporation organized and existing under the laws of the State of New Jersey, with its principal place of business located at 1371 W Veterans Highway, Jackson, New Jersey 08527. Defendant HWF operates a sanctuary for wolves and wolfdogs. At all times relevant hereto, Defendant HWF is an “employer” as defined under CEPA, N.J.S.A. 34:19-1, et seq.

5. Defendant Hodanish is an individual and, at all times relevant hereto, the owner of Defendant HWF. Upon information and belief, Defendant Hodanish is a New Jersey resident. This claim is brought against Defendant Hodanish in his individual capacity and as the owner of Defendant HWF.

### **FACTS COMMON TO ALL CLAIMS**

6. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

7. Plaintiff Vanderbrooke commenced employment with Defendant HWF in or about October 2019 as a volunteer. Plaintiff Vanderbrooke was promoted to staff member, a paid position, in November 2020.

8. Plaintiff Arostegui commenced employment with Defendant HWF in or about November 2019 as a volunteer. Plaintiff Arostegui was promoted to staff member, a paid position, in or about October 2020.

9. Plaintiff Alphonsus commenced employment with Defendant HWF in or about June 2019 as a volunteer.

10. Plaintiffs were responsible for giving tours at Defendant Howling Woods Farm, as well as caring for the animals and maintaining the premises.

11. Defendant HWF houses wolves and wolfdogs.

12. Defendant Hodanish oversaw Defendant HWF and its employees, both paid staff members and volunteers, by way of a private Facebook group titled “HWF Weekday Schedule.” (“Facebook Group Page”).

13. Defendant HWF’s Facebook Group Page was used to distribute employee hours, instructions, announcements, and other information relevant to employment and operations at Defendant Howling Woods Farm.

### **TREATMENT OF EMPLOYEES**

14. In Defendant HWF’s Facebook Group Page, Defendant Hodanish constantly subjected employees to verbal abuse and threats of termination.

15. On numerous occasions, Defendant Hodanish furthered a toxic work environment in which employees, including Plaintiffs, worried about the stability of their employment.

16. Defendant Hodanish attempted to regulate all aspects of his employees’ lives, even going as far as to say that if someone remained friends with a former employee, their employment would also be terminated.



17. These threats and aggressive posts were considered status quo by employees of Defendant HWF, with Defendant Hodanish verbally attacking someone in the Facebook group seemingly on a daily basis.

18. Defendant Hodanish's poor treatment of employees did not stop with threats and harassment – he also required paid staff members to work without pay on a regular basis.



19. On numerous occasions Defendant Hodanish threatened employees that he would withhold their wages for whatever reason he came up with that day.



20. These threats became common place for employees of Corporate Defendant, and eventually Defendant Hodanish began to withhold wages, describing the money not paid to the employees as “contributions” to the Corporate Defendant.



21. Both Plaintiff Vanderbrooke and Plaintiff Arostegui have been victims of these deceitful practices by Defendant Hodanish, and both have received paychecks in which the money they received was less than the amount earned based on the number of hours worked.

22. Clearly, Defendant Hodanish had no regard for his employees. Inevitably, Plaintiff Arostegui fell victim to his unfair ways.

23. On February 2, 2021, Plaintiff Arostegui posted to Defendant HWF's Facebook

Group Page that she could not attend work due to the ongoing nor'easter winter storm, which was subject to Governor Philip Murphy's Executive Order Number 218, which declared a State of Emergency in New Jersey from January 31, 2021 through February 2, 2021.

<https://nj.gov/infobank/eo/056murphy/pdf/EO-218.pdf> (last visited May 13, 2021).



24. Immediately, Defendant Hodanish ridiculed Plaintiff Arostegui on the Facebook Group Page, stating "I find it hard to believe those who live less than one hour away could not come in." Shortly thereafter, in complete disregard of the Governor's Executive Order, Defendant Hodanish terminated Plaintiff Arostegui's employment.



25. To work for Defendant HWF essentially required submission to harassment on a near daily basis. Additionally, it meant accepting the fact that you would likely not be paid in full for the work you had done. It is without question that Defendant Hodanish's treatment of Defendant HWF employees was appalling and unlawful.

### TREATMENT OF ANIMALS

26. In addition to the constant harassment, arbitrarily subtracted of earned wages, and threats of termination, employees of Defendant HWF were in constant fear for the animals they cared for, as they were forced to live in poor conditions due to Defendant Hodanish's blatant abuse and neglect.

27. Among the most alarming procedures implemented by Defendant Hodanish was his mandates to staff to not feed the animals for three days at a time.



28. This practice ultimately resulted in many of the animals becoming sick and emaciated, as well as one animal's death after not eating for three days.

29. Despite this, Defendant Hodanish felt it was appropriate to continue to withhold food from the animals, and often aggressively questioned employees to make sure the animals were not fed in contravention of his orders. As a result, the animals continued to become emaciated and lethargic, and were frequently vomiting and experiencing diarrhea.



30. Many employees of Defendant HWF secretly fed the animals due to their deep concern that Defendant Hodanish's policies would lead to further sickness and death. Employees additionally have paid for food to secretly feed the animals out of their own pockets.

31. Defendant Hodanish also disregarded the safety of the animals by ordering animals that were known to be contentious towards one another in the same pen. Defendant Hodanish would frequently forget giving such orders, a constant theme in his communications with his employees. Unsurprisingly, this led to animals engaging in physical violence and causing injuries.

32. While Defendant Hodanish gave the orders that led to the injuries suffered by the animals, he would often instruct his employees, "if there is a problem, deal with it." Defendant Hodanish refused to take responsibility for the injuries that he caused.

33. In addition to his careless decision-making placing contentious animals in close proximity to each other, Defendant Hodanish also repeatedly refused to send animals to the veterinarian despite their injuries.

34. Seemingly only concerned with the potential cost of keeping the animals healthy, not the animals themselves, Defendant Hodanish instructed employees not to bring animals to the

veterinarian for what he described as “minor injuries.”

35. Additionally, Defendant Hodanish threatened to charge employees for any veterinarian bills that were not approved by him, no matter how serious the injury to the animal, and further would mock the severity of the animals’ injuries.



36. Defendant Hodanish regularly allows minor injuries and illnesses to the animals to become severe, and even then he argues with staff over the extent of treatment necessary. In the meantime, the animals at Defendant HWF suffer.

Oct 30, 2020 · 📷

Raven has a deep tear in between is paw pad. His back right. Limping. Anti biotics and Rimadyl for 1 week? [Michael Hodanish](#) tried calling you



Jul 19, 2020 · 📷

Luna's wound



Jul 19, 2020 · 📷

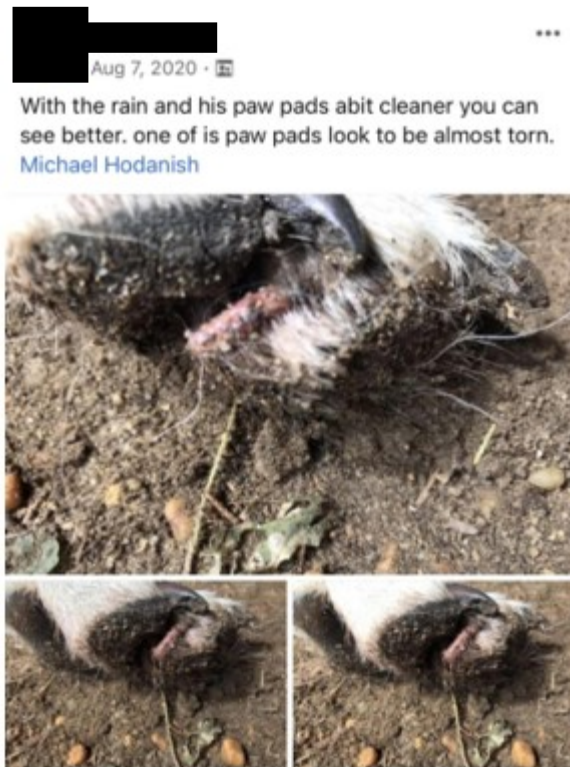
Kira's eye wound today, it is split open



Jan 21 · 📷

[Michael Hodanish](#) it looks like Kotori's cyst has burst open.







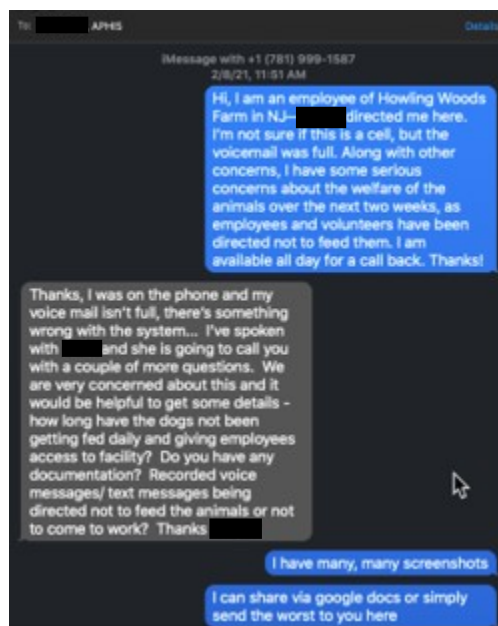
37. Evident by the photographs, the animals at Defendant HWF have suffered numerous injuries and illnesses. The animals' injuries and illnesses were regularly inadequately addressed by Defendant Hodanish, who would frequently argue with employees seeking to take the animals to the veterinarian, or alternatively would seek to limit the extent of treatment performed on the injured or sick animals. Undoubtedly, Defendant Hodanish prioritized saving money over the animals' well-being.

#### **PLAINTIFFS VANDERBROOKE AND AROSTEGUI "BLOW THE WHISTLE"**

38. On or about February 3, 2021, Plaintiff Vanderbrooke observed one of the animals not taking food, acting lethargically, suffering from diarrhea and vomiting, and his ribs and hips were extremely prominent. Plaintiff Vanderbrooke contacted Plaintiff Arostegui, who agreed that action needed to be taken to protect the animal. When they approached Defendant Hodanish, he allowed them to take the animal to the veterinarian, but insisted that they "bargain" with the vet on the price of the emergency visit. Defendant Hodanish additionally instructed that no tests be performed on the animal at the vet, clearly to save on costs.

39. On or about February 8, 2021, Defendant Hodanish posted to Defendant HWF's Facebook Group Page that he would be closing Howling Woods Farm for the week. Defendant Hodanish subsequently told Plaintiff Vanderbrooke that he wanted to "teach the staff a lesson."

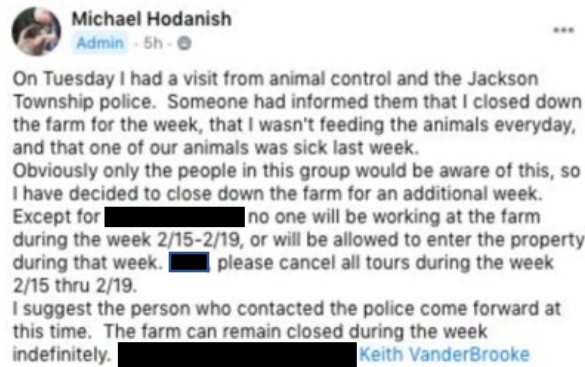
40. Knowing full well that Defendant HWF's closing meant that the animals would be largely unfed and neglected the entire week, Plaintiffs Vanderbrooke and Arostegui contacted the Jackson Township Police Department ("JTPD") and the Animal and Plant Health Inspection Service ("APHIS"), to inform them of the unsafe conditions the animals were living in. In fact, Plaintiffs Vanderbrooke and Arostegui contacted APHIS on the same day that Defendant Hodanish posted that he was closing the farm for the week – February 8, 2021.



41. Officers from JTPD visited Defendant HWF in response to the farm being closed and the unlawful feeding schedules that Defendant Hodanish was implementing.

42. In response to the visit from JTPD, Defendant Hodanish closed down Howling Woods Farm for an additional consecutive week and, in direct and most blatant retaliation, publicly pressured the then-unnamed whistleblowers to "come forward," otherwise "[t]he farm can remain closed during the week indefinitely." Thus, Defendant Hodanish was threatening to hold hostage

the health, safety, and well-being of the animals in exchange for the whistleblowers to reveal themselves to Defendant Hodanish.



43. Defendant Hodanish was undeniably eager to retaliate against whoever informed JTPD of Defendant HWF policies and practices.

44. Defendant HWF employees were permitted back on the farm for the first time since the February 8, 2021 closing on February 14, 2021. Tragically yet unsurprisingly, the employees discovered the animals were not properly fed or watered, were emaciated, chewing on garbage, vomiting, suffering from diarrhea, and were not taking food. Multiple animals had vomit scattered in their pens and appeared ill.

45. While Defendant HWF was closed for the second consecutive week, Plaintiff Vanderbrooke revealed to Defendant Hodanish his and Plaintiff Arostegui's role in reporting Defendant HWF to JTPD and APHIS due to "the horrific treatment of employees and animals at Howling Woods [Farm]." Defendant Hodanish mocked Plaintiff Vanderbrooke, demanding he "enlighten us all" by "explain[ing] in detail examples of horrific animal abuse at the farm."



46. Rather than stoop to the level of Defendant Hodanish, who continuously and publicly bullies his employees on Facebook, Plaintiff Vanderbrooke instead messaged Defendant Hodanish privately. In response, Defendant Hodanish promptly terminated Plaintiff Vanderbrooke in the clearest of retaliation.

Mike, here are a few instances, since you asked.

On one of my first days as an employee at the farm, I came in to find a dead animal with a distended stomach. According to your facebook post, the animal, Storm, had not been fed for several days. The staff generally concluded that Storm died of bloat, a condition that is more likely to result in animals with inadequate feeding schedules.

On January 23, you directed staff and volunteers to place Raven, Jack, and Hades together. Perhaps you did not remember, but you were informed on multiple occasions that this combination of animals would result in a fight. A fight broke out, and, rather than taking responsibility for this, you created a spectacle of humiliating [REDACTED]

On March 26, you fired [REDACTED] for feeding the animals an adequate diet. Repeated facebook posts reiterated that you would punish any disagreement with your demands regarding the feeding schedule. Full content wolves in the wild require a minimum of 2 and a half pounds of food a day to survive. In order to remain healthy, wolves require more than double this number. With few exceptions, the animals at the farm are not wolves or high content wolfdogs. One or two chicken quarters given every other day or every three days is not an adequate amount of food. On tours, animals that have not been fed become extremely interested in children and aggressively take treats from tour guides. As the animals have become more desperate, I have received wounds on my hands that take a week or more to heal. We have brought this up to you and you have dismissed it.

On February 3, Thor had become so emaciated that he could hardly move. He was vomiting and resting in his own excrement. Only through a secret, carefully regimented feeding schedule did he begin to exhibit normal behavior. I cannot speculate on his current condition, as the farm has been closed to staff for no reason. Employees tried to reach out to you to make sure that you administered his medicine during this closure, but you seemed to have made no effort to locate it.

On several occasions, I have come to the farm in the morning to find that Nalche and Chante have been allowed into the yard with both gated areas open, exposing them to other animals who they might easily fight with unhindered. The yard was littered with debris, trash, and open alcohol containers. I found that Nalche had vomited styrofoam, as he had evidently been chewing on garbage. I found what appeared to be rotting takeout food in the pens with the animals.

You have refused to review valid adoption applications, including Thunder's, who you refused to allow [REDACTED] to foster over a personal vendetta. Thunder, who is alone constantly, has begun to exhibit signs of extreme anxiety. He now spends all day pacing in a circle and stepping in his excrement.

Despite many complaints from staff, you require that Orion be included on tours and that guests pet him while being photographed. Orion exhibits clear signs of anxiety and discomfort while this is happening, and has begun to regularly bite people. Though he rarely draws blood, when he bites staff, you ignore this. When he bites guests, you tell them not to report an incident, and take no steps to ensure that dangerous situations do not continue to arise.

You scream at and berate employees and volunteers. You forget entire conversations. You do not care for your property or yourself. How then might one logically conclude that you are capable of caring for your animals?

Keith, you are not a veterinarian. Bloat often results from over eating or exercise following over eating.

I will continue to instruct our staff and volunteers to feed certain animals every other day or every three days. I have been doing such since the days I open the rescue, without anyone's help.

Wolves in the wild can go several days without eating. The same is true of wolfdogs. However, I have never subject around them all to such a long duration without food. In addition, even on days when they are not fed chicken leg quarters, they have a whole day where they are given treats during tours. Usually by the end of the day they aren't even hungry. I grew concerned that a diet of so many treats, so we switched the treats from hotdogs and lunchmeat to roasted turkey and ham.

The awkward attempt by you and Hanna to have an investigation completed at the farm resulted in absolutely nothing. Police and animal control have no problem if I feed the dogs every two or three days. I explained that to them that very day. They went to visit Thor, who is doing very well. He was not emaciated then, and he was not emaciated on the day you observed him. You obviously are making things up due to some personal vendetta you have with me.

I did not mean to have Jack, Raven, and Sayen in the same pen together. That was a typo on my part.... I originally wrote Luna and Raven, then changed it to Sayen and Jack, and did not delete the word 'Raven'. Steve should have known better. And when an altercation began between the dogs, Steve ran away with his tail tucked instead of going in to help a brand new volunteer.

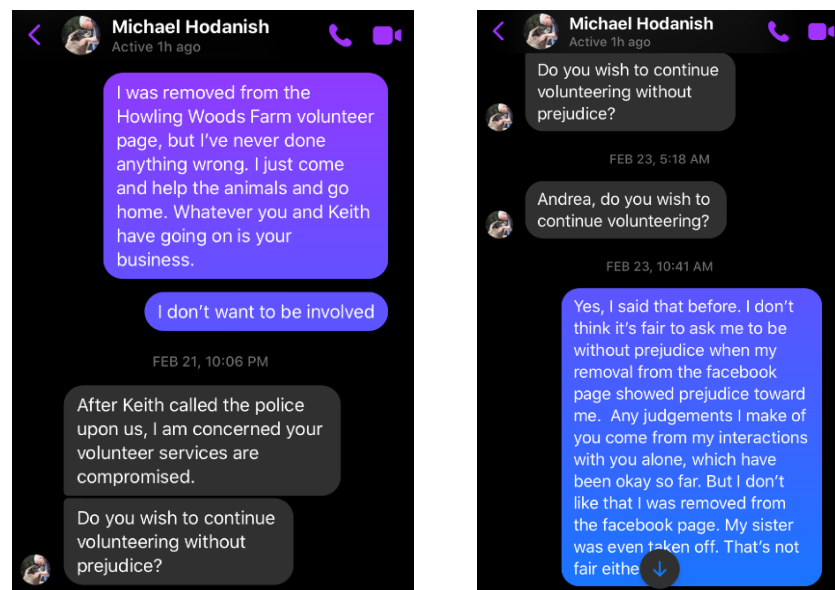
When I was discussing with other weekday staff members about using you to be paid staff, concerns were raised that you were afraid of the animals. Based on what you write above, I see now that they were right and it was a mistake to allow you to continue doing tours at the farm.

There was an entire week without staff and volunteers at the farm, and I had no problems with taking care of the animals during that time. I built this place by myself, and took care of the animals by myself years before I had fearful volunteers like you coming to the farm.

Do not step foot on my property again.

47. After Plaintiff Vanderbrooke was terminated for alerting the authorities of the animal abuse occurring at Defendant HWF, Defendant Hodanish effectively terminated Plaintiff Alphonsus due to her relationship with Plaintiff Vanderbrooke. Specifically, Plaintiff Alphonsus was removed from Defendant HWF's Facebook Group Page, where all employee scheduling and assignments were posted.

48. Plaintiff Alphonsus promptly complained to Defendant Hodanish for his decision to terminate her. Once again, Defendant Hodanish was crystal clear that he terminated Plaintiff Alphonsus in retaliation of Plaintiff Vanderbrooke's actions.



49. Plaintiff Alphonsus added: "I also don't like this line of questioning either. It's not fair either." Defendant Hodanish responded: "Considering the actions taken upon the farm recently, I believe it is reasonable to have doubts about the motives of certain people."

50. Defendant Hodanish invited Plaintiff Alphonsus back into Defendant HWF's Facebook Group Page, effectively reinstating her employment as a volunteer. However, Plaintiff Alphonsus was again removed from Defendant HWF's Facebook Group Page, again effectively terminating her employment from Defendant HWF. Clearly, Plaintiff Alphonsus was terminated

due to her relationship with Plaintiff Vanderbrooke.

51. Defendant HWF regularly exhibited a hostile work environment for all employees in which no one was sure whether they would be paid, the amount they would be paid, whether they would be arbitrarily terminated, or whether they would be forced to mistreat the animals they were hired to care for.

52. Defendant Hodanish bullied, harassed, and threatened Defendant HWF employees on numerous occasions.

53. Employees of Defendant HWF, including but not limited to Plaintiffs Vanderbrooke and Arostegui, were ridiculed and ultimately punished for their attempts to ensure that the animals were treated properly.

54. Through the individual actions of Defendant Hodanish, Defendant HWF has not only violated CEPA, but it has continuously placed innocent animals in danger while solely focusing on financial gain.

## **COUNT I**

### **RETALIATION IN VIOLATION OF CEPA N.J.S.A. 34:19-1 to -14**

55. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

56. CEPA's legislative purpose "is to protect and encourage employees to report illegal or unethical workplace activities and to discourage . . . employers from engaging in such conduct." Lippman v. Ethicon, Inc., 222 N.J. 362, 378 (2015) (quoting Abbamont v. Piscataway Twp. Bd. of Educ., 138 N.J. 405, 431 (1994)).

57. CEPA specifically provides:

An employer shall not take any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or another employer, with whom there is a business relationship, that the employee reasonably believes:
  - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
  - (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or
- c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
  - (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care

professional, constitutes improper quality of patient care;

- (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
- (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

[N.J.S.A. 34:19-3 (emphases added).]

58. In the course of his employment with Defendant HWF, Plaintiff Vanderbrooke observed that Defendant Hodanish failed to adequately care for Defendant HWF animals.

59. In the course of his employment with Defendant HWF, Plaintiff Vanderbrooke, Plaintiff Arostegui, and numerous other employees repeatedly objected to Defendant Hodanish's mandates to feed the animals every other day and/or every three days, provide proper medical care for the animals, accomplish compatible grouping, and other activities that obstructed the well-being of Defendant HWF animals. Most employees of Defendant HWF, including Plaintiffs Vanderbrooke and Plaintiff Arostegui, refused to participate these activities, policies, and practices of Defendant HWF.

60. In the course of his employment with Defendant HWF, Plaintiffs Vanderbrooke and Arostegui reasonably believed that Defendant Hodanish's activities, policies, and practices regarding the failure to adequately care for the animals at Defendant HWF constituted a "violation of a law, or a rule or regulation promulgated pursuant to law." N.J.S.A. 34:19-3(a)(1), (c)(1).

61. Specifically, Plaintiffs Vanderbrooke and Arostegui reasonably believed that Defendants' activities, policies, and practices were in violation of the Animal Welfare Act of 1966,

7 U.S.C. § 2131 et seq. (“the Act”), and the rules and regulations promulgated “in order to effectuate the purposes of this Act,” 7 U.S.C. § 2151.

62. 9 C.F.R. § 3.9(a), promulgated pursuant to the Act, provides:

Dogs<sup>[1]</sup> and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal’s age and condition.

63. Additionally, 9 C.F.R. § 3.7(d), promulgated pursuant to the Act, provides that “[d]ogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible[.]”

64. 9 C.F.R. § 3.7(a), promulgated pursuant to the Act, provides, “Potable water must be continuously available to the dogs, unless restricted by the attending veterinarian or except as provided in § 3.17(a).” Further, “Water receptacles must be kept clean and sanitized in accordance with § 3.11(b) and before being used to water a different dog or cat or a different social grouping of dogs or cats.” 9 CFR § 3.10(c).

65. Furthermore, Plaintiffs Vanderbrooke and Arostegui reasonably believed that Defendants’ activities, policies, and practices were in violation of N.J.S.A. 4:22-17(a)(4) and (c)(2).

66. N.J.S.A. 4:22-17(a)(4) provides: “It shall be unlawful to . . . [f]ail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.”

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<sup>1</sup> Since Defendant HWF’s animals are wolfdogs, they are “dog-hybrid cross” animals that are defined as “dog[s]” under the Act. 9 C.F.R. § 1.1.

67. N.J.S.A. 4:22-17(c)(2) provides: “It shall be unlawful to purposely, knowingly, or recklessly . . . [c]ause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care . . . .”

68. Plaintiffs Vanderbrooke and Arostegui reasonably believed that Defendants’ activities, policies, and practices were in violation of these laws, rules, and regulations, among others. With these reasonable beliefs, Plaintiffs Vanderbrooke and Arostegui disclosed Defendants’ activities, policies, and practices to JTPD and APHIS, among other authorities.

69. Plaintiff Vanderbrooke notified Defendant Hodanish that he and Plaintiff Arostegui reached out to and caused JTPD and APHIS to inspect Defendant HWF. Simultaneously, Plaintiff Vanderbrooke objected to Defendant HWF’s activities, policies, and practices,

70. Once Plaintiff Vanderbrooke notified that he and Plaintiff Arostegui were responsible for the authorities coming to Howling Woods Farm, Defendant Hodanish had knowledge of Plaintiffs’ complaints, objections, and/or protests.

71. As a direct result of Plaintiff Vanderbrooke admitting to contacting the authorities, Defendants took immediate retaliatory and adverse employment action against Plaintiff Vanderbrooke, by terminating his employment with Defendant HWF.

72. Additionally, Defendant Hodanish extended this retaliatory action toward Plaintiff Alphonsus by effectively terminating her employment with Defendant HWF.

73. As a direct result of her association with Plaintiff Vanderbrooke, Plaintiff Alphonsus was removed from the Howling Woods Farm Facebook group, effectively resulting in her termination.

74. In turn, Plaintiff Alphonsus objected to Defendant Hodanish’s decision to terminate her, with the reasonable belief that Plaintiff Vanderbrooke’s termination was “in violation of a

law, or a rule or regulation promulgated pursuant to law.” Moreover, Plaintiff Alphonsus reasonably believed that to terminate her based on her association with Plaintiff Vanderbrooke was “in violation of a law, or a rule or regulation promulgated pursuant to law.”

75. While Defendant Hodanish initially took corrective action by reinstating Plaintiff Alphonsus’ employment, he subsequently terminated Plaintiff Alphonsus again, due to her connection with the employee who exposed his unlawful practices, Plaintiff Vanderbrooke.

76. Finally, Plaintiff Arostegui observed that Defendant HWF was failing to comply with Governor Phil Murphy’s Executive Order 218.

77. Executive Order 218 declared a State of Emergency across New Jersey due to a severe nor’easter across the State.

78. In the course of her employment with Corporate Defendant, Plaintiff Arostegui reasonably believed that Defendant Hodanish’s activities regarding the failure to comply with Executive Order 218 constituted a “violation of a law, or a rule or regulation promulgated pursuant to law,” N.J.S.A. 34:19-3(a)(1), (c)(1), and was “incompatible with a clear mandate of public policy concerning the public health, safety or welfare,” N.J.S.A. 34:19-3(c)(3).

79. Once Plaintiff Arostegui stated that she would not be coming into work due to the State of Emergency declared by the Governor, Defendant Hodanish immediately retaliated against her.

80. As a direct result of Plaintiff Arostegui’s compliance with Executive Order 218, Defendants took retaliatory action against Plaintiff by taking adverse employment action culminating in her termination.

81. Defendants are vicariously, strictly, and/or directly liable to Plaintiffs for an unlawful retaliatory discharge in violation of CEPA, pursuant to N.J.S.A. 34:19-1, et seq.

82. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained damages.

**WHEREFORE**, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre-and post-judgment interest, attorney’s fees and costs of suit, and for such other relief that the Court deems equitable and just.

### **COUNT III**

#### **NJWHL VIOLATIONS**

83. Plaintiffs repeats each and every allegation set forth above as if set forth fully herein at length.

84. At all times relevant hereto, Corporate Defendant was an “employer” as defined by the New Jersey Wage and Hour Law (“NJWH”). N.J.S.A. 34:11-56(a)(1)(g).

85. At all times relevant hereto, Plaintiff Vanderbrooke and Plaintiff Arostegui were “employees” as defined by the NJWHL. N.J.S.A. 34:11-56(a)(1)(h).

86. New Jersey law states that as of January 1, 2021 an employee must be paid a minimum wage of at least \$12 per hour for every hour worked. Prior to this increase the minimum wage was \$11 per hour in 2020 and \$10 per hour for the second half of 2019. N.J.S.A. 34:11-56(a)(4).

87. Plaintiffs Vanderbrooke and Arostegui, along with all other paid employees of Corporate Defendant, were regularly required to work “volunteer shifts” in which they were not paid for their labor. Corporate Defendant required each paid employee to work two weekends per month without pay.

88. Additionally, Plaintiffs Vanderbrooke and Arostegui both received paychecks on

numerous occasions in which they were not compensated for all of the hours they had worked and tours they had given, for which they were owed a commission.

89. The foregoing actions of Defendant HWF constitute violations of New Jersey law.

90. Defendant HWF intentionally and willfully failed to pay and refused to pay Plaintiffs minimum wages, in violation of New Jersey Wage Payment Law, N.J.S.A. 34:11-4.7, the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a, and the New Jersey Wage and Hour Regulations, N.J.A.C. 12:56-1.2(a)6.

91. Defendant HWF's violations of New Jersey labor law entitle Plaintiffs to recovery of their unpaid wages in an amount to be proven at trial, reasonable attorneys' fees and costs of the action to be determined by the court, plus interest.

#### **DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to *Rule 4:10-2(b)*, demand is made that Defendants disclose to Plaintiffs' attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgement and provide Plaintiffs' attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

#### **DEMAND FOR TRIAL BY JURY**

Plaintiffs demand a trial by jury on all issues.

McOMBER, McOMBER & LUBER P.C.  
*Attorneys for Plaintiffs, Keith  
 Vanderbrooke, Hanna Arostegui, & Andrea  
 Alphonsus*

By: /s/ Matthew A. Luber, Esq.  
Matthew A. Luber, Esq.

Dated: May 17, 2021

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to *Rule* 4:25-4, MATTHEW A. LUBER, ESQUIRE is hereby designated as trial counsel for Plaintiffs.

**CERTIFICATION**

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER, McOMBER & LUBER P.C.  
*Attorneys for Plaintiffs, Keith  
Vanderbrooke, Hanna Arostegui, & Andrea  
Alphonsus*

By: /s/ Matthew A. Luber, Esq.  
Matthew A. Luber, Esq.

Dated: May 17, 2021

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<p>KEITH VANDERBROOKE, HANNA              AROSTEGUI, AND ANDREA              ALPHONSUS,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>LUV2HOWL ANIMAL RESCUE A NJ              NONPROFIT CORPORATION,              MICHAEL HODANISH,</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY              LAW DIVISION              OCEAN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p><b><u>FIRST SET OF DOCUMENT REQUESTS,              INTERROGATORIES, PUNITIVE              DAMAGES, AND DEPOSITION NOTICES              TO DEFENDANT(S)</u></b></p>
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**PLEASE TAKE NOTICE** that, McOmber McOmber & Lubber, P.C., attorneys for Plaintiffs Keith Vanderbrooke, Hanna Arostegui, and Andrea Alphonsus (“Plaintiffs”) demand that Defendants Luv2Howl Animal Rescue A NJ Nonprofit Corporation, associated name Howling Woods Farm (“Corporate Defendant”; “Defendant Howling Woods Farm”; “Defendant HWF”) and Defendant Michael Hodanish (“Defendant Hodanish”) (collectively “Defendants”), produce true and

complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatories answers shall be typed beneath the questions and the original shall be returned in accordance with *Rule 4:17-4(c)* and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to *Rule 4:17-7*. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

### **DEFINITIONS**

1. “Plaintiff” shall mean, individually and collectively, each Plaintiff identified in the above-captioned action. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

2. “Defendant HWF” shall mean Luv2Howl Animal Rescue A NJ Nonprofit Corporation, associated name Howling Woods Farm, and any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Hodanish” shall mean Michael Hodanish, Defendant in the above captioned action.

4. “Defendant(s)” shall individually and collectively mean all Defendants in the above-captioned action.

5. The term “Corporate Defendant(s)” shall individually and collectively any Defendant company, corporation, partnership, union, joint venture, sole proprietorship,

association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

6. The term “Individual Defendant(s)” shall mean any defendant in this matter sued in his/her individual capacity or as an agent/servant of any Corporate Defendant.

7. The terms “you,” “your,” or “yours” shall mean the party answering these interrogatory questions.

8. “Entity” shall mean any company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

9. “Person” shall mean any natural Person, partnership, corporation, or other business entity and all present and former officers, directors, agents, employees, attorneys and others acting or purporting to act on behalf of such natural Person, partnership, corporation or other business entity.

10. The term “Action” shall mean the civil action captioned above.

11. The “Complaint” shall mean the Complaint filed by Plaintiff(s) in this Action.

12. The term “Answer” shall mean any Answer to the Complaint filed by any party in this Action, which specifically includes all Affirmative Defenses, Denials, and Counterclaims, and was filed with the Court in the above-captioned Action.

13. The term “Investigation” shall mean any investigation, inquiry, analysis, review, examination, research, study, interview, interrogation, and/or collection of evidence, statements (oral or written), and documents.

14. The term “Grievance” shall mean any complaint, grievance, accusation, allegation, protest, and/or objection (formal or otherwise) by Plaintiff(s) or any Person concerning any of the Defendant(s) and Plaintiff.

15. “Document” or “documents” is defined in accordance with New Jersey Court *Rule* 4:18-1 and includes the original and any identical or non-identical copy, regardless of origin or location, of any written, reported, filmed, magnetically stored, or graphic matter, or record of any type or description, whether produced, reproduced, or producible on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including, but not limited to, memoranda, notes, minutes, records photographs, computer programs, correspondence, telegrams, diaries, bookkeeping entries, specifications, source code, object code, flow charts, financial statements, charts, studies, reports, graphs, statements, notebooks, handwritten notes, application, feasibility studies, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations or voicemails, emails, inter-office or intra-office communications, handwritten or other notices, diaries, invoices, purchase orders, bills of lading, work papers, and also including, but not limited to, originals and all copies which are different from the original, whether by interlineation, receipt stamp, notation, indication of copy sent or received, or otherwise, and drafts, which are in the possession, custody or control of the present or former agents, representatives, employees, or attorneys of Defendant(s), or all persons acting on Defendant(s)’ behalf, including documents at any time in the possession, custody or control of such Individuals or entities who are known by Defendant(s) to exist. Include any catalog, brochure, or any other data compilations from which information can be obtained and translated if necessary, or any other written, recorded, stored, transcribed, punched, taped, filed or graphic matter however produced or reproduced, to which Defendant(s) have or have had access.

16. The term “communication” means any conversation, correspondence, discussion, meeting, message, record of phone calls, or other occurrence in which data, conclusions, information, opinions, or thoughts are exchanged between two or more persons, whether it be written, oral, or electronically transmitted.

17. The terms “all” and “any” shall both be construed as “any and all.”

18. The terms “and,” “or,” and “and/or” shall be construed in both the disjunctive and conjunctive to permit the broadest possible reading of the request so as to bring within the scope of the request documents and other material that might otherwise be construed to be outside the request.

19. The term “concerning” means concerning, comprising, constituting, containing, commenting on, dealing with, describing, discussing, embodying, evidencing, illustrating, pertaining to, referring to, reflecting, regarding, relating to, responding to, stating, or supporting in any way, either directly or indirectly.

20. The phrases “relating to” or “relate to” or “relates to” or “refer to” or “refers to” or “referred” or “relating to” and/or “regarding” shall be construed in the broadest possible sense to mean, *inter alia*, concerning, referring to, embodying, constituting, describing, connected with, commenting on, responding to, evidencing, identifying, supporting, contradicting, rebutting, pertaining to, and/or relating in any way.

21. The term “including” or “include” shall mean “including without limitation.”

22. Masculine forms of any noun or pronoun shall embrace and be read to include the feminine or neuter, as the context may make appropriate.

### **INSTRUCTIONS**

1. In addition to the specific instructions enumerated below, the following Document Requests and Interrogatories shall be subject to the New Jersey Rules of Court.
2. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.
3. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and last known place of employment.
4. These Document Requests and Interrogatories shall be deemed continuing in nature so as to require prompt supplementation if, as, and when obtain additional information.
5. If anyone identified in response to any of the Document Requests and/or Interrogatories was formerly, but is no longer, employed by you, please so state in the answer and provide the former employee’s current address and telephone number (business or home), if known. If the current address and telephone number are not known, then please provide the former employee’s last known address and telephone number.
6. You shall be under a continuing obligation to supplement answers to the Document Requests and Interrogatories.
7. If you cannot respond to any of the following Document Requests and/or Interrogatories in full after exercising due diligence to secure the information to do so, then respond to the extent possible and explain your inability to provide a complete answer. State whatever information or knowledge you have about the unanswered portion of any Document Request and/or Interrogatories.
8. Whenever a Document Request and Interrogatories asks for a date, state the exact day, month and year, if ascertainable or, if not, the best approximation thereof.

9. Documents shall be produced in their original state (i.e., in their original file folders in the exact order as found) without removal or rearrangement of anything contained therein.

10. Each document request that seeks information relating in any way to communications to, from, or within a business or entity is hereby designated to mean, and should be construed to include, all communications by and between that business and/or entity's present or former representatives, employees, agents, and servants of the business and/or entity.

11. All documents shall be organized and labeled to correspond with the numbered paragraphs of these document requests. If there are no documents responsive to a particular document request, Defendant(s) shall so state in writing.

12. All electronically stored information shall be produced in a reasonably usable form, and it shall not be converted from the form in which it is ordinarily maintained to a different form that would make it more difficult or burdensome for Plaintiff to use such information.

13. In the event that any document or portion thereof is withheld on the basis of any privilege or otherwise claimed to be protected against production, such document shall be identified by stating: (a) the nature of the privilege or reason for withholding which Defendant(s) contend applied; (b) the factual basis for Defendant(s)' assertion of privilege or the reason for withholding; (c) the type of document (e.g., letter, memorandum, etc.); (d) all authors and addressees; (e) all indicated and blind copies; (f) all persons to whom the document was distributed, shown, or explained; (g) the document's date; (h) a summary description of the document's subject matter; (i) the number of pages and attachments or appendices comprising the document; and (j) its present custodian.

14. Whenever a claim of privilege concerns any oral communication or statement, identify the participants to the communication and the person giving and receiving the statement,

and set forth the date and place of the communication or statement and state the general subject matter thereof and state the basis for the claim of privilege.

15. If any document was, but is no longer, in Defendant(s)' possession, or subject to Defendant(s)' control, or in existence, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding any such disposition, including the authorization of the disposition, the date of destruction or discard, the manner of destruction or discard and reason for destruction or discard, the persons who authored and carried out such destruction or discard, whether any copies of the document presently exist, and, if so, the name of the custodian of each copy.

16. An objection or claim of privilege directed to part of a request does not constitute an excuse for failure to respond to the parts of the Document Request and/or Interrogatories for which no objection to claim of privilege is made.

17. If a refusal to answer a Document Request and/or Interrogatories is based on the grounds that the request is overly burdensome, identify the number and nature of documents needed to be searched.

18. Punitive Requests relate to Corporate Defendant(s)' financial condition for purposes of punitive damages. "Case law recognizes the defendant's financial condition as a relevant factor in all punitive-damage awards." *Herman v. Sunshine Chemical Specialties, Inc.*, 133 N.J. 329, 339, (1993). In order to properly determine the appropriate punitive damage award amount, the trier of fact "must consider evidence of the Defendant's financial condition." *Id.* at 342. "The degree of punishment resulting from a judgment must be, to some extent, in proportion to the means of the guilty person. *Restatement (Second) of Torts* 908 comment d (1977)."

*McDonough v. Jorda*, 214 N.J. Super. 338, 349 (1986), *certif. denied*, 110 N.J. 302,(1988) *cert. denied*, 489 U.S. 1065 (1989).

### **DOCUMENT REQUESTS TO DEFENDANT(S)**

1. All documents relating to any insurance policy or reinsurance policy that may be used to pay all or part of any judgment entered against Defendant(s) in this Action.

2. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.

3. A complete copy of the personnel file Defendant(s) maintained pertaining to Plaintiff, including but not limited to copies of documents (written or electronic) relating to the following: (a) medical records and reports; pay and benefits provided to Plaintiff; attendance, sick time, disability time, personal time and/or vacation time; (d) commendations and/or performance reviews regarding Plaintiff; (e) job title or job status changes; (f) documents relating to any leave of absence; and (g) employer policy information provided to Plaintiff, if any.

4. A complete copy of the personnel file Defendant(s) maintained pertaining to any Defendant, including but not limited to copies of documents (written or electronic) relating to the following: Copies of the following from the personnel file of any Individual Defendants: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Individual Defendant; (b) performance evaluations that were conducted for any Individual Defendant; and (c) job title or job status changes for any Individual Defendant.

5. A copy of any and all written complaints and/or verbal complaints reduced to writing made about any Defendants(s)' personal conduct (other than related to his/her job performance) during his/her tenure of employment with employer Defendant, if any.

6. A written job description for each position that Plaintiff held during his/her

employment with employer Defendant.

7. A written job description for each position each Individual Defendant held during his/her tenure of employment with employer Defendant.

8. A copy of any and all documents (written or electronic) authored by any Defendant (or agent of employer Defendant) pertain to the decision to terminate Plaintiff's employment, if applicable.

9. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2014 in which an allegation was made and/or a lawsuit filed alleging that Defendants engaged in whistleblower retaliation in violation of New Jersey's Conscientious Employee Protection Act. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you investigated, handled, processed, and/or ultimately disposed of each and every such matter.

10. A copy of Defendant(s) written policy concerning reporting legal, fraud, deception, safety, health, policy, or regulatory violations or incidents.

11. All statements, documents, or communications that relate to federal or state inspection and/or investigation of Defendant(s) in the last five (5) years.

12. All statements, documents, or communications that relate to reporting misconduct, safety or health violations or incidents, and/or unlawful conduct to any regulatory or governmental authority.

13. All statements, documents, or communications that relate to all notices, violations, and/or warnings received by Defendant(s) over the past ten (10) years from any State and/or

Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline Defendant(s) operations, and/or Defendant(s)' employees.

14. All statements, documents, or communications that relate to all laws, regulations, policies, or guidelines Defendant(s) follows or is required to follow in connection with its business.

15. A copy of any and all documents which pertain to any investigation conducted by Defendant(s) into the allegations made by Plaintiff or which is referenced in the complaint.

16. All statements, documents, or communications concerning or made by the Plaintiff that relate to this Action.

17. All statements, documents, or communications concerning or made by Defendant(s) that relate to this Action.

18. All statements, documents, or communications concerning or made by the Plaintiff that relate to the allegations asserted in the Complaint.

19. All statements, documents, or communications concerning or made by Defendant(s) that relate to the allegations asserted in the Complaint.

20. All statements, documents, or communications relating to statements of witnesses provided to Defendant(s) that relate to this Action.

21. All statements, documents, or communications concerning or made by the Plaintiff that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

22. All statements, documents, or communications concerning or made by Defendant(s) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

23. All statements, documents, or communications concerning or made by any Person (including any employees or coworkers) that relate to the allegations asserted in the Complaint.

24. All statements, documents, or communications concerning or made by any Person (including any of Defendant(s)' employees or coworkers) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

25. All statements, documents, or communications that support any defense or factual allegation asserted by Defendant(s) this Action.

26. All statements, documents, or communications concerning any agreement or contract between the Plaintiff and Defendant(s).

27. All statements, documents, or communications relating to any Person contacted in connection with this Action.

28. All statements, documents, or communications relating to any Person interviewed in connection with this Action.

29. All statements, documents, or communications concerning any Person who has knowledge and/or information relating to this Action.

30. All statements, documents, or communications between the Plaintiff and Defendant(s) that relate to this Action.

31. All statements, documents, or communications concerning any admissions by or of Defendant(s) that relate to this Action.

32. All statements, documents, or communications concerning any admissions of Plaintiff that Defendant(s) contends support his/her defenses in this Action.

33. All statements, documents, or communications concerning any admissions of the Plaintiff that Defendant(s) contend support the defenses in this Action.

34. All statements, documents, or communications concerning each of Defendant(s) Affirmative Defense(s) set forth in the Answer filed on behalf of Defendant(s).

35. All statements, documents, or communications concerning any of Defendant(s) denials of allegations set forth in the Complaint.

36. All statements, documents, or communications concerning any employee anti-retaliation training completed by Defendant(s).

37. All documents any expert who may testify on Defendant(s) behalf and which Defendant(s) intend to use or may rely upon at trial.

38. Copies of all books, documents, drawings, plans, photographs or other tangible things upon which Defendant(s) will rely in support of its defenses.

39. All statements, documents, or communications relating to any incident reports by the Plaintiff.

40. All statements, documents, or communications relating to any Grievance made by the Plaintiff concerning Defendant(s).

41. All statements, documents, or communications relating to any Grievance made by Defendant(s)' employees concerning Defendant(s).

42. All statements, documents, or communications relating to any Grievance made by Defendant(s)'s customers or clients concerning Defendant(s).

43. All statements, documents, or communications concerning a Grievance relating to Defendant(s).

44. All statements, documents, or communications relating to any Investigation concerning Defendant(s).

45. All documents Defendant(s) intend to use for any purpose in this litigation, including but not limited to the data it intends to use in depositions or at trial.

46. All documents relating to any insurance policy or reinsurance policy that may be

used to pay all or part of any judgment entered against Defendant(s) in this Action.

47. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.

48. All statements, documents, or communications concerning any Investigation that relates to Defendant(s).

49. All statements, documents, or communications concerning any Investigation that relates to Plaintiff.

50. All reports (including drafts) relating to any Investigation concerning Defendant(s) and/or the Plaintiff.

51. All statements, documents, or communications between Defendant(s) and any Person relating to any Investigation of Defendant(s).

52. Any written statements made by any parties to this lawsuit, including agents, representatives, employees of Defendant(s).

53. Any reports relevant to this matter written by an expert utilized by Defendant(s).

54. Copies of any and all books, treatises, pamphlets or other printed material upon which Defendant(s) or any experts retained by Defendant(s) will rely, including using as an exhibit at trial.

55. All statements of witnesses taken by Defendant(s), including Defendant(s)' agents or representatives.

56. All documents or written statements rendered by any persons contacted or interviewed in connection with this matter at Defendant(s) direction.

57. All documents relating to and/or containing any admissions Defendant(s) intend to use at trial.

58. All documents relating to any incident reports or Grievances taken concerning the Plaintiff.

59. All documents and electronic data that relate to, refer to, discuss or memorialize the Plaintiff's hiring.

60. All documents and electronic data that relate to, refer to, discuss or memorialize the termination, demotion, suspension, separation, and/or resignation of Plaintiff.

61. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Plaintiff.

62. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Defendant(s)' agents, servants or representatives.

63. All documents relating to this Plaintiff performance of his/her job duties.

64. All statements, documents, or communications concerning Plaintiff's performance of his/her job duties for the past ten (10) years, including but not limited to employee evaluations.

65. All documents and electronic data that relate to, refer to, discuss or memorialize the job performance of the individual or individuals who assumed the Plaintiff in this matter's job duties after his/her employment.

66. All statements, documents, or communications concerning Defendant(s)' performance of his/her job duties for the past ten (10) years, including but not limited to employee evaluations.

67. All statements, documents, or communications concerning any communication between Defendant(s) and Defendant(s)' Human Resources department regarding Plaintiff.

68. All documents identified or referenced in Defendant(s)' Answers to Plaintiff's First

Set of Interrogatories to Defendant(s).

69. Produce a copy of the employee handbook in force and effect at the time of the Plaintiff's employment with Defendant(s).

70. Produce a copy of Defendant(s)' written policy concerning retaliation.

71. All documents relating to Defendant(s)' policy or policies concerning electronic data retention and preservation.

72. All documents relating to the Plaintiff's hiring by Defendant(s).

73. All documents relating to the Plaintiff's compensation during his/her employment with Defendant(s).

74. All documents relating to any employee benefits or benefit plan in which the Plaintiff was/were eligible to participate during his/her employment with Defendant(s).

75. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning employees' use of laptops and management, preservation and/or deletion of data on such laptops.

76. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning employees' use of desktop computers from home or remote locations, and the management, preservation and/or deletion of data created or transmitted to or from such computers.

77. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning employees' use of e-mail, including but not limited to the management, preservation and/or deletion of email.

78. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning the management, preservation and/or deletion of data related to the

Plaintiff's employment.

79. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning the management, preservation, and/or deletion of data related to any tangible employment action taken against Plaintiff.

80. All documents or electronic data relating, reflecting or referring to the management, preservation and/or deletion of electronic media that may contain information or data relevant to issues in this litigation, including but not limited to the "routine" destruction of replaced computer memories, hard drives, computers, computer systems, laptops, etc.

81. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning electronic data retention and preservation.

82. All documents or electronic data relating, reflecting or referring to Defendant(s) policy or policies concerning Defendant(s) employees' use of its computers, computer system(s) and/or networks.

83. All documents or electronic data relating, reflecting or referring to Defendant(s) ability to restore archived electronic data relating to the Plaintiff's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

84. All statements, documents, or communications concerning any occasion in which Defendant(s) reprimanded or disciplined Plaintiff.

85. All statements, documents, or communications concerning Defendant(s) receiving any sensitivity training or any training regarding appropriate workplace language and conduct.

### **INTERROGATORIES TO DEFENDANT(S)**

1. Identify by full name, job title, last known address, phone number and tenure of employment, all Persons Defendant(s) contends comprises its Litigation Control Group in this action and for each such identified person, the reasons for their inclusion in this group.

2. State the reasons why Plaintiff's position of employment was terminated or otherwise subjected to adverse employment action.

3. Identify by full name, job title, last known address and phone number the person or persons who made the decision to terminate Plaintiff's position of employment or otherwise subjected to adverse employment action.

4. Identify by full name, job title, last known address and phone number each person who provided information to Defendant(s) that was relied upon on deciding to terminate Plaintiff's employment. For each such person, identify in detail the information provided, to whom it was provided and when it was provided.

5. What facts are information did Defendants provide that was relied upon in deciding to terminate Plaintiff's employment otherwise subjected to adverse employment action.

6. Identify by full name, job title, last known address and phone number each person who provided information to Defendant that was relied upon in deciding to terminate Plaintiff's employment otherwise subjected to adverse employment action.

7. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken.

8. Identify each Person answering these Interrogatories by stating his or her:

- a. full name;
- b. address,
- c. title and relationship to the party upon whom these Interrogatories were served;
- d. his/her duties and responsibilities with the party upon whom these Interrogatories were served;
- e. the date when the employment of the person answering these Interrogatories commenced;
- f. the date upon which these Interrogatories were answered; and
- g. whether you read and complied with the general instructions and definitions

set forth in these Interrogatories (If not, explain in detail exactly how you failed to comply with these directions.);

- h. any custodians of records with relevant knowledge of documents produced in this matter.

9. State if information set forth in the answers to these Interrogatories is based on personal knowledge. If not based on personal knowledge, set forth with specificity the sources of information and belief.

10. Identify each person, not a party to the action, who assisted or participated in preparing and/or supplying any of the information given in answer to or relied in answering these Interrogatories.

11. Indicate whether the individual or individuals certifying these Interrogatory answers had the opportunity to review the typed responses.

12. Identify all documents used in responding to these Interrogatories. State whether the facts set forth in the answers are based on personal knowledge.

13. State the name, last known address, and last known telephone number of all persons who have knowledge of facts relating in any way to this matter, and specify the subject matter of each such person's knowledge.

14. State the name, last known address, and last known telephone number of each person whom Defendant(s) may expect to call as a witness at trial and indicate those facts to which each such witness is expected to testify.

15. State the names and business addresses of any and all proposed expert witnesses whom Defendant(s) have retained for this matter.

16. With respect to each proposed expert witness referred to in the preceding Interrogatory, provide the following:

- a. field of expertise;

- b. educational background;
- c. the names of any and all books, periodicals, or other writings that he or she has written or to which he or she has contributed;
- d. the date, time, and place at which any oral opinion was rendered, specifying to whom that opinion was rendered and describing the content of that opinion;
- e. true and accurate copies of any and all written reports or opinions, including drafts;
- f. the name, last known address, last known telephone number, job title, and current employer of each person with whom the expert has met in connection with formulating his or her opinion or preparing his or her report(s);
- g. true and accurate copies of any and all documents that the expert created, obtained, or reviewed in connection with the formulation of his or her opinion or the preparation of his or her report(s);
- h. all tangible things upon which your expert(s) may rely as an exhibit at trial and identify the name and address of the person in whose custody the above identified tangible things are at the present time and;
- i. if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories.

17. With respect to each proposed expert witness referred to in the preceding Interrogatory, set forth in summary form the substance of the opinion to which each is expected to testify, including a summary of grounds for each opinion.

18. Identify the names and addresses of any persons other than those named in the preceding three Interrogatories, who have been retained, specifically employed, or consulted by Defendant(s) in anticipation of litigation or preparation for trial and who may not be called as witnesses at trial and as to each:

- a. state the subject matter on which he/she was consulted;
- b. state his/her field of expertise;
- c. set forth the full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person. (As to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received);
- d. attach to the answers to these Interrogatories copies of all written reports submitted to you (or detailed resume if report was oral) of each such expert;

- e. state whether or not there are any other reports in existence from the particular experts named, either written or oral (if any such reports, either written or oral, subsequently become known to you, or become available, submit copies thereof of supplemental answers to these Interrogatories);
- f. set forth completely all expert opinions rendered by the named expert(s) which are not in writing;
- g. identify each document that has been relied upon by each expert witness in the formulation of his or her opinion; and
- h. state a summary of the grounds for each opinion.

19. List chronologically each job title held by the Plaintiff while employed by any Defendant(s) indicating the time period during which each position was held.

20. For any position held by the Plaintiff while employed by Defendant(s) for which there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

21. State the required qualifications and skills for each and every job title that the Plaintiff held while employed by any Defendant(s).

22. State whether the Plaintiff was/were ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

23. State whether the Plaintiff was/were ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;

- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

24. List chronologically each job title held by Defendant(s) while employed by any Defendant(s), indicating the time period during which each position was held.

25. For any position held by Defendant(s) while employed by any Defendant(s) which there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

26. State the required qualifications and skills for each and every job title that Defendant(s) held while employed by any Defendant(s).

27. State whether Defendant(s) was/were ever promoted while employed by any Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

28. State whether Defendant(s) were ever demoted while employed by any Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;

- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

29. State the full name of each manager that worked with or oversaw the Plaintiff.

30. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken.

31. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken. Identify those who Defendant(s) contacted or assigned to conduct each specific investigation or inquiry, who was questioned, what was discovered, and what corrective action was taken to the best of Defendant(s)' knowledge. Provide copies of any examinations, audits, findings, reports, or notices in Individual Defendant(s)' possession.

32. Identify and provide full details concerning any Investigation relating to any denials or defenses asserted in the Answer, including but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken.

33. Identify all persons employed by Defendant(s) who are responsible for Human Resources, personnel matter, training, orientation, and personnel monitoring for the previous five (5) years to the best of Defendant(s)' knowledge.

34. Identify and annex hereto any performance evaluations or review of the Plaintiff conducted by Defendant(s) from her/his date of employment to the present.

35. Identify and annex hereto any performance evaluations or review of Defendant(s) conducted by Defendant(s) from their respective dates of employment to the present.

36. Identify and annex hereto any performance evaluations or review of the Plaintiff

conducted by Defendant(s) from the Plaintiff's date of employment to the present.

37. State whether any Defendant(s) received or went through an orientation program when he/she was hired to work at Defendant(s) and describe said program. If so:

- a. provide a description of the system(s) or procedure(s) used for orientation for the past five (5) years; and
- b. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

38. State whether Defendant(s) maintain a system or procedure for recording, investigating, and/or resolving employee complaints or grievances of retaliation. If so:

- a. provide a description of the system(s) or procedure(s) used for the past five (5) years to present; and
- b. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

39. Identify and provide full details concerning all harassment and discrimination prevention training conducted by Defendant(s) in the past five (5) years.

40. In connection with Defendant(s)' response to the preceding Interrogatory, provide full details of such training including the dates, and provide any written materials used in such training. If the training was provided by a third party, please forward the third party's name, business address, and last known phone number, together with the third party's qualifications to perform such training.

41. State whether any civil or criminal actions have ever been filed charging Defendant(s) with harassment, discrimination and/or retaliation in the past ten (10) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;

- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

42. Please describe in detail complaints or Grievances (formal or otherwise) made by the Plaintiff with regard to discrimination, harassment, hostile workplace environment, and/or unfair favoritism regarding fellow employees and/or Defendant(s).

43. Describe, in detail, all complaints or Grievances (formal or otherwise) by any employees of Defendant(s) relating to discrimination, harassment, hostile workplace environment and/or unfair favoritism by Defendant(s) in the past ten (10) years.

44. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances of discrimination, harassment, hostile workplace environment and/or unfair favoritism by Defendant(s) in the past ten (10) years.

45. Identify each and every document relating to any and all complaints or Grievances made by Defendant(s)' employees of relating to Defendant(s) in the past ten (10) years. Annex hereto a copy of each said document

46. Describe, in detail, all complaints or Grievances (formal or otherwise) by any of Defendant(s)' clients or customers relating to Defendant(s).

47. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to complaints or Grievances by any clients or customers relating to Defendant(s).

48. Identify each and every document relating to any and all complaints or Grievances (formal or otherwise) made by Defendant(s)' clients or customers relating to Defendant(s). Annex

hereto a copy of each said document.

49. Describe, in detail, the facts and circumstances relating to the method and process by which complaints or Grievances are handled and resolved with the Human Resources Departments (or similar departments) at Defendant(s).

50. Please describe, in detail, the method by which an employee transfer (such as a transfer to another department or location) is conducted by Defendant(s).

51. Please describe, in detail, if there are any limitations on employee transfers (such as a transfer to another department or location) at Defendant(s).

52. Identify every paper, writing, memorandum or document of every kind and description of which Defendant(s) have knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Defendant(s) in any manner, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Defendant(s)' answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Defendant(s) will rely in support of Defendant(s)' claims/defenses/affirmative defenses state:

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

53. Describe in detail the factual basis for each of Defendant(s) denials of the allegations of the Complaint.

54. Identify each document in Defendant(s)' possession or control, in addition to the documents referred to in other answers to these Interrogatories, which is in any way related to the subject matter of this litigation. Annex hereto a copy of each said document.

55. Are there any documents that Defendant(s) know or believe to be in existence, although not in Defendant(s)' possession or control, that in any way relate to the subject matter of this litigation? If so, identify each such document, set forth the source of Defendant(s)' information or belief regarding the existence of such document, and identify the person or entity in whose possession or control such document is known or believed to be.

56. Identify each and every document, which supports, tends to support or is claimed by Defendant(s) to support any of Defendant(s)' answers to these Interrogatories. As to each such document, identify those facts to which each document refers or relates. Annex hereto a copy of each said document.

57. Have any admissions been made by party or parties propounding these Interrogatories, or any of his/her/its/their agents, servants or representatives concerning the subject matter of this litigation? If the answer to this Interrogatory is in the affirmative, set forth in detail the following:

- a. the time, date and place of each admission;
- b. the content and substance of each admission;
- c. the name and address of each person making an admission;
- d. if the admission was an oral communication, the names and addresses of all persons present when the admission was made;
- e. if the admission was made in a document, attach a copy thereof to Defendant(s)' answers to these Interrogatories;
- f. if the admission was made in an oral communication, describe verbatim, to the extent possible, what was said by each party to such oral communication.

58. Set forth whether Defendant(s) have obtained a statement from the party or parties propounding these Interrogatories. If the affirmative, state:

- a. if written, attach a true copy of the statement;
- b. if oral, set forth a verbatim recitation of the statement and advise whether the statement was recorded, the manner of recording and the person who has custody of the statement; and
- c. the date the statement was obtained.

59. Set forth whether Defendant(s) have obtained a statement from any person not a party to this action. If your answer is in the affirmative, state:

- a. Name and address of the person who gave the statement, and date statement obtained;
- b. if written, whether signed by the person;
- c. if oral, name and address of the person who obtained the statement, and if recorded, the nature and present custody of recording;
- d. attach a copy of all said written statements; and
- e. if oral, set forth completely the substance of said statements.

60. Attach to your answers to these Interrogatories any correspondence between or among the parties to this action, or their agents, servants or employees, upon which Defendant(s) may rely at the time of trial to establish any of your claims or defenses/affirmative defenses.

61. Attach to your answers to these Interrogatories any correspondence between or among the parties to this action, or their agents, servants or employees.

62. Please set forth the existence and contents of any insurance agreement pertaining to the issues in the case, insuring the party answering this Interrogatory. This request is made pursuant to *Rule 4:10-2(b)*.

63. State the policy limits of any insurance policies naming Defendant(s) as an insured which cover the claims in this litigation, along with the name of the insurance carrier and policy number, the amount of any applicable deductible, and if the claim is being defended under a Reservation of Rights Agreement or letter, attach a copy of said Reservation of Rights Agreement or letter.

64. If the party or parties answering these Interrogatories believes that some person, not a party to this action, is in some way responsible for the injuries and/or damages alleged, please set forth the name and address of such person, and the acts or omissions and address of such person, the acts or omissions of said person which caused the injury or damage and the facts which support the belief.

65. If the person certifying the answers to these Interrogatories did not answer each and every question, then identify each person supplying information used to answer the above Interrogatories and set forth the numbers of the Interrogatories as to which each such person supplied information.

66. Will the proofs to be presented by Defendant(s) contain allegations that an adverse party, including the party or parties propounding these Interrogatories, violated or failed to comply with any law, statute, ordinance, resolution, regulation or written standard of conduct in connection with the subject matter of this litigation?

67. If the answer to the preceding Interrogatory in the affirmative, identify the law or statute, ordinance, resolution, regulation or written standard of conduct which was allegedly violated and describe, in detail, the nature of such violation(s).

68. Enumerate specifically all of the things that you contend the party serving these Interrogatories did which should not have been done.

69. State whether Defendant(s)' agents communicated with any persons or entities that are not parties to this litigation in connection with the subject matter of this lawsuit. For all such communications that were oral, specify the nature and substance of the communication, the date on which it occurred, the place at which it occurred, and the names, last known addresses, and last known telephone numbers of all persons present. For all such communications that were written, provide true and accurate copies of each such communication.

70. Set forth whether Defendant(s) and/or any of Defendant(s) agents or representatives and/or Defendant(s)' other employees either destroyed or disposed of any documents that in any way touch upon, discuss or pertain to any matters relating to this suit. If "yes,"

- a. identify each document;
- b. state when it was destroyed or disposed of; and

c. identify the person who authorized or ordered the destruction.

71. Identify and provide herewith a copy of all instant messages, voicemails, and emails between or among Defendant(s) and/or agents, representatives, and employees including the Plaintiff and Defendant(s), for the past five (5) years.

72. State whether at any time, Defendant(s) ever taped and/or digitally recorded any communication with the Plaintiff, whether face-to-face or telephonic. If so, describe in detail, including but not limited to:

- a. the identity of each Defendant(s) recorded;
  - b. the date, time, place, and manner in which you recorded the communications;
  - c. the substance of the recorded communications;
  - d. the device used for making such recordings; and
  - e. whether you obtained consent to tape or record such communications.
- Provide any such recordings.

73. Set forth in detail all notices and warnings Defendant received over the past ten (10) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline its operations, and/or their employees.

74. Set forth in detail, to your knowledge, all notices and warnings received by the Defendant(s) over the past ten (10) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline your operations, and/or your employees.

75. Describe, in detail, any complaints to, investigations by, and/or inquiries by the New Jersey Department of Labor with regard to any employment matter concerning Defendant(s) for the past five (5) years. Identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

76. Set forth Defendant(s)' policy or policies concerning employees' use of laptops, personal or provided by Defendant(s), from home or remote locations, and the management, preservation and/or deletion of data on such laptops.

77. Set forth Defendant(s)' policy or policies concerning employees' use of desktop computers (personal or provided by Defendant(s)) from home or remote locations, and the management, preservation and/or deletion of data created or transmitted to or from such computers.

78. Set forth Defendant(s)' policy or policies concerning employees' use of e-mail, including but not limited to the management, preservation and/or deletion of e-mail.

79. Set forth Defendant(s)' policy or policies concerning the management, preservation, and/or deletion of electronic media that may contain information or data relevant to issues in this litigation, including but not limited to the "routine" destruction of replaced computer memories, hard drives, computers, computer systems, laptops, etc.

80. Set forth Defendant(s)' policy or policies concerning electronic data retention and preservation.

81. Set forth Defendant(s)' policy or policies concerning Defendant(s)' employees' use of Defendant(s)' computers, computer system(s) and/or networks.

82. Describe in detail Defendant(s)' ability to restore archived electronic data relating to the Plaintiff in this matter's employment contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

83. Describe in detail Defendant(s)' ability to restore archived electronic data relating to the employment of Defendant(s) contained on electronic media such that upon restoration it may be accessed, viewed, exported or printed.

84. Identify each Individual with knowledge of:

- a. The type and location of all hardware used as terminals for email, including servers, personal computers, laptops, PDAs, etc. at Corporate Defendant(s) between January 1, 2009 and the present;

- b. Computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 1, 2009 and the present;
- c. All email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 1, 2009 and the present;
- d. The email file naming conventions and standards;
- e. The back-up and rotation schedules for all email generated or received by Corporate Defendant(s)' employees between January 1, 2009 and the present;
- f. Electronic data retention, preservation and destruction policies;
- g. Diskette, CD, DVD and other removable media labeling standards;
- h. Structure and organization of all information and technology departments and/or information technology support vendors involved with the computer systems at Corporate Defendant(s);
- i. The location of the email produced in response to the Plaintiff in this matter's First Request for Production;
- j. The method of search for the documents and electronic data requested in the Plaintiff in this matter's First Request for Production; and
- k. The date and time of destruction of any electronic data requested in the Plaintiff in this matter's First Request for Production.

85. Identify each email account each Defendant(s) utilized as an employee of Defendant(s) in the last three years.

86. Identify and describe in full detail Defendant(s)' policy relating to an employee's complaint of discrimination and/or retaliation.

87. Identify and describe in full detail the facts and circumstances surrounding the Plaintiff in the matter's complaint of discrimination and/or retaliation to any of the Defendant(s).

88. Identify and describe in full detail all communications between Defendant(s) concerning the Plaintiff.

89. Identify and describe the subject matter of any communications concerning or between any of the Defendant(s) relating to the subject matter of this litigation.

90. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to any of the Defendant(s) in the past ten (10) years.

91. Describe, in detail, the investigation, determination and/or disciplinary actions

taken by Defendant(s) relating to Defendant(s) in the past ten (10) years.

92. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to Plaintiff in the past ten (10) years.

93. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to any of the Defendant(s) in the past ten (10) years.

94. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) reprimanded or disciplined Plaintiff while employed at Defendant(s).

95. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) were reprimanded or disciplined.

96. Identify and describe in detail Defendant(s)' employee complaint procedure and/or policy.

97. Identify and describe in detail Defendant(s)' procedure and/or policy for reprimanding, suspending, and terminating employees.

98. Describe, in detail, the factual basis for each Affirmative Defense set forth in the Answer.

99. Describe, in full detail, the facts and circumstances relating to any change in Plaintiff's position and/or job responsibilities.

100. Describe, in full detail, the facts and circumstances relating to any change in Defendant(s) position and/or job responsibilities.

101. Describe, in full detail, any facts and circumstances surrounding any occasion when clients or customers of Defendant(s) reported a Grievance (formal or otherwise) regarding any Defendant(s).

102. Identify any and all laws, regulations, policies, or guidelines Defendant(s)'

employees follow or are required to follow concerning reporting misconduct and/or unlawful conduct to any regulatory or governmental authority.

103. Identify and describe any and all laws, regulations, policies, or guidelines Defendant(s)' employees follow or are required to follow concerning licensing in connection with Defendant(s)' businesses.

104. Identify and describe any and all laws, regulations, policies, or guidelines Defendant(s) follows or is required to follow concerning insurance in connection with its business.

105. Identify and provide full details concerning any New Jersey Department of Labor, Federal Bureau of Investigation, Attorneys' General Office, U.S. Attorney's Office Investigation, or any other regulatory body or law enforcement agency, of Defendant(s) in the last five (5) years.

106. Identify and provide full details concerning any state or federal Investigation of Defendant(s) in the last five (5) years.

107. Identify and provide full details concerning all regulatory compliance trainings conducted by Defendant(s) in the past five (5) years.

108. In connection with Defendant(s)' response to the preceding Interrogatory, provide full details of such training including the dates, and provide any written materials used in such training. If the training was provided by a third party, please forward the third party's name, business address, and last known phone number, together with the third party's qualifications to perform such training.

109. Identify and describe, in detail, instances when Plaintiff reported, complained, and/or stated a Grievance (formal or otherwise) to any Defendant(s), including Defendant(s)' agents.

110. Identify and describe, in detail, instances when Plaintiff reported, complained,

and/or stated a Grievance (formal or otherwise) to any Defendant(s) superior including Defendant(s)' agent(s), regarding matters contained in the Complaint in connection with Defendant(s)' business.

111. Identify and describe, in detail, instances when Plaintiff reported, complained, and/or stated a Grievance (formal or otherwise) to any Defendant(s), including Defendant(s)' agents, regarding reporting misconduct and/or unlawful conduct in connection with Defendant(s)' business.

112. Identify and describe each state inspection and/or investigation of Defendant(s) in the last five (5) years.

113. Identify and describe each federal inspection and/or investigation of Defendant(s) in the last five (5) years.

114. Identify and describe when and how Defendant(s) were notified of each state and/or federal inspection and/or investigation of Defendant(s) in the last five (5) years.

115. Describe, in full detail, the circumstances surrounding the termination of Plaintiff's employment.

116. Identify and describe in detail each communication between any employee of Defendant(s), regarding the matters contained in the Complaint. Annex hereto any documents relevant to this request.

117. Identify and describe in detail each communication between any employee of Defendant(s), regarding the Plaintiff. Annex hereto any documents relevant to this request.

118. Identify and describe Defendant(s)' policy regarding incidents of unlawful conduct.

119. Identify and describe Defendant(s)' policy regarding reporting incidents related to the subject matter of this litigation.

120. Identify all regulatory authorities that oversee Defendant(s).

121. Identify all state authorities that oversee Defendant(s).

122. State whether any civil or criminal actions have ever been filed charging Defendant(s), with unlawful conduct in the past five (5) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

123. State whether any civil or criminal actions have ever been filed charging Defendant(s) with retaliation in the past ten (10) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

124. Identify and describe in full detail Defendant(s)' policy relating to an employee's complaint of retaliation.

125. Identify and describe in full detail the facts and circumstances surrounding the Plaintiff in the matter's complaint of retaliation to any of the Defendant(s) in this matter.

126. Please describe in detail complaints or Grievances (formal or otherwise) made by Plaintiff regarding fellow employees and Defendant(s).

127. Describe, in detail, all complaints or Grievances (formal or otherwise) by any employees of Defendant(s) relating to Plaintiff and/or Defendant(s) in the past five (5) years.

128. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances concerning Defendant(s) in the past five (5) years.

129. Identify each and every document relating to any and all complaints or Grievances made by any employee of Defendant(s) relating Defendant(s) in the past five (5) years. Annex hereto a copy of each said document.

130. Identify each and every document relating to any and all complaints or Grievances (formal or otherwise) made by any Person in connection with Defendant(s) and/or any Defendant(s)' employee. Annex hereto a copy of each said document.

131. State whether there is a Human Resources Department, or a similar department, at Defendant(s).

132. Describe, in detail, the facts and circumstances relating to the method and process by which complaints or Grievances are handled and resolved with the Human Resources Department (or similar department) at Defendant(s).

133. Identify every paper, writing, memorandum or document of every kind and

description of which Defendant(s) have knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by you in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to your answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Defendant(s) will rely in support of Defendant(s)' claims/defenses/affirmative defenses state

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

#### **INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY**

1. Identify every paper, writing, memorandum or document of every kind and description of which Individual Defendant(s) has knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Individual Defendant(s) in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Individual Defendant(s)'s answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)'s claims/defenses/affirmative defenses state:

- a. its description;
- b. its nature;
- c. the name and address of person who has custody;
- d. its location; and
- e. its condition.

2. Identify all email addresses used by Individual Defendant(s) the past five (5) years

to send and receive emails, and identify the internet service provider affiliated with those email addresses.

3. Identify all cell phone numbers used by Defendant(s) for the past five (5) years as well as carrier and current location of each cell phone. For any such cell phones that are no longer in Individual Defendant(s)' possession, please identify the name and address of the person's whose possession they are in.

4. Has Individual Defendant(s) ever been convicted of a criminal offense? If so, for each of Individual Defendant(s)'s convictions, identify and set forth in detail:

- a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
- b. the date of each such conviction;
- c. the courts in which Individual Defendant(s) was convicted;
- d. the facts surrounding and underlying each such conviction; and
- e. the punishment or sentence received.

5. State whether Individual Defendant(s) were Plaintiff's supervisors.

#### **DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES**

1. All financial statements prepared for the years 2008 through 2019 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).

2. All tax returns filed by the Corporate Defendant(s) for the years 2009 through 2019, up to and including the present.

3. All documents evidencing assets of the Corporate Defendant(s)

4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.

5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.

6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2009 through 2019, up to and including the present.

7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.

8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2009 through 2019, up to and including the present.

9. All documents evidencing payments made by the Corporate Defendant(s) to creditors.

10. All corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s).

11. All copies of inventories taken by the Corporate Defendant(s) of its property at any time during the years 2009 through 2019, up to and including the present.

#### **INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)**

1. If the Defendant(s) is a corporation, set forth as to each:
  - a. The full name of the corporation;
  - b. Date of incorporation;
  - c. State of incorporation;
  - d. All States in which the Defendant(s) conducts its business;
  - e. All States in which the Defendants has registered to do business;
  - f. The full and correct names and residential address of all stockholders for the last two (2) years;
  - g. The number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
  - h. Number of shares issued to each of said stockholders;
  - i. The full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
  - j. All trade or fictitious names under which the corporation has conducted its business in the past two (2) years;

- k. The complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location;
  - l. The name and address of the person who has custody of this corporation's books and records.
2. Is a majority interest in the corporate stock of the Defendant(s) owned by any individual, corporation or holding company?
3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation or holding company with a majority interest in the Defendant(s):
  - a. Name and address;
  - b. State of incorporation;
  - c. The state in which doing business;
  - d. Address of each business office;
  - e. The name and address of each current officer or director;
  - f. The nature of the business in which engaged.
4. For each facility owned or maintained by the Defendant(s), please state:
  - a. The business address;
  - b. The names and addresses of all current officers of the facility;
  - c. The nature of the business conducted at the facility;
  - d. The dates during which the facility has been owned or maintained by the Defendants' employer;
  - e. The number of individuals presently employed at the facility.
5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest and set forth the nature of the interest.
6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.
7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.
8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).
9. List all the physical assets of the Defendant(s) and their location. If any asset is

subject to a lien, then state the name and address of the lienholder and the amount due.

10. Does the Defendant(s) own any real estate?

11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:

- a. Name(s) in which property is owned;
- b. Address of property;
- c. Date property was purchased;
- d. Purchase price;
- e. Name and address of mortgage holder, if any;
- f. Balance due on mortgage, if any;
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

12. List all motor vehicles owned by the Defendant(s) and state the following for each vehicle:

- a. Make, model, and year;
- b. License plate number;
- c. Vehicle identification number;
- d. If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

13. List all accounts receivable due to the Defendant(s), stating the name, address, and amount due on each receivable.

14. For any transfer of business assets that has occurred within six months from the date of these Interrogatories, specifically identify:

- a. The nature of the asset;
- b. The date of the transfer;
- c. Name and address of the person or entity to whom the asset was transferred; The consideration paid for the asset and the form in which it was paid (check, cash, etc.);
- d. Explain in detail what happened to the consideration paid for the asset.

15. Set forth all judgments that have been entered against the Defendant(s) and include the following for each:

- a. Creditor's name;
- b. Creditor's attorney;
- c. Amount due;
- d. Name of Court;
- e. Docket number.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiffs, Keith Vanderbrooke,  
Hanna Arostegui, & Andrea Alphonsus*

Dated: May 17, 2021

By: /s/ Matthew A. Luber, Esq.

### **CERTIFICATION**

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on ( ) my personal knowledge and/or ( ) information provided by others. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me:

- 1.
- 2.
- 3.
- 4.
- 5.

Dated: \_\_\_\_\_, 2021

By: \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, whether written or oral, are unknown to me and, if such become later known or available, I shall serve them promptly on the propounding party.

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

Dated: \_\_\_\_\_, 2021

By: \_\_\_\_\_

**NOTICE OF R. 4:14-2(c) VIDEO DEPOSITION OF CORPORATE DEFENDANT(S)**  
**DIRECTED AT LUV2HOWL ANIMAL RESCUE A NJ NONPROFIT CORPORATION**

**PLEASE TAKE NOTICE** that pursuant to *Rule* 4:14-2(c) of the New Jersey Rules of Court, Plaintiffs Keith Vanderbrooke, Hanna Arostegui, and Andrea Alphonsus through their undersigned counsel, will take the deposition upon oral examination of the corporate representative of Corporate Defendants(s) **commencing on Monday, August 23, 2021 at 10:00a.m.** at the law offices of McOmber McOmber & Luber, P.C. Corporate Defendant(s) is required to designate and produce for deposition a person or persons to testify on its behalf.

**PLEASE TAKE FURTHER NOTICE** that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiffs, Keith Vanderbrooke,*  
*Hanna Arostegui, & Andrea Alphonsus*

Dated: May 17, 2021

By: /s/ Matthew A. Luber, Esq.

**NOTICE OF R. 4:14-2 AND R. 4:14-9 VIDEO DEPOSITION DIRECTED AT MICHAEL HODANISH**

**PLEASE TAKE NOTICE** that pursuant to the New Jersey Rules of Court, Plaintiffs through their undersigned counsel, will take the deposition upon oral examination of Michael Hodanish **commencing on Wednesday, August 25, 2021, at 10:00a.m.** at the law offices of McOmber McOmber & Luber, P.C.

**PLEASE TAKE FURTHER NOTICE** that the foregoing deposition shall be conducted before a notary public or other duly authorized officer and will be recorded stenographically and/or by videotape in accordance with Rules of Court. The deposition shall continue from day to day, weekends and holidays excepted, until completed, unless otherwise agreed by the parties.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiffs, Keith Vanderbrooke,  
Hanna Arostegui, & Andrea Alphonsus*

Dated: May 17, 2021

By: /s/ Matthew A. Luber, Esq.

# Civil Case Information Statement

## Case Details: OCEAN | Civil Part Docket# L-001309-21

**Case Caption:** VANDERBROOKE KEITH VS LUV2HOWL  
ANIMAL RESC UE

**Case Initiation Date:** 05/17/2021

**Attorney Name:** MATTHEW ALLEN LUBER

**Firm Name:** MCOMBER MCOMBER & LUBER, PC

**Address:** 54 SHREWSBURY AVE

RED BANK NJ 07701

**Phone:** 7328426500

**Name of Party:** PLAINTIFF : Vanderbrooke, Keith

**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 - 6 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

**Are sexual abuse claims alleged by: Keith Vanderbrooke?** NO

**Are sexual abuse claims alleged by: Hanna Arostegui?** NO

**Are sexual abuse claims alleged by: Andrea Alphonsus?** 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

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)*

05/17/2021

Dated

/s/ MATTHEW ALLEN LUBER

Signed

