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Our File No.: 48772 (JS\*cgt)

SUZZANE DES MARAIS,

Plaintiff,

v.

MONMOUTH COUNTY SOCIETY FOR  
THE PREVENTION OF CRUELTY TO  
ANIMALS (MCSPCA) , VICTOR  
AMATO, DAREN HABER, ARLENE  
OPATUT, JOHN/JANE DOE(S), 1-25,  
fictitious Defendant(s)

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MONMOUTH COUNTY  
DOCKET NO. MON-L-

Civil Action

**COMPLAINT AND DEMAND FOR  
TRIAL BY JURY**

Plaintiff, Suzzane DesMarais, residing at 112 Manhattan Street, within  
the Township of Jackson, County of Ocean, and State of New Jersey, by way  
of Complaint against the Defendants herein states:

## ALLEGATIONS RELEVANT TO ALL COUNTS

1. Plaintiff Suzzane DesMarais, (hereinafter referred to as Plaintiff), is a current employee of Defendant, Monmouth County Society for the Prevention of Cruelty to Animals (hereinafter "MCSPCA").

2. At all times relevant hereto, the Defendant, MCSPCA, was and currently is a quasi-governmental agency subject to the laws of New Jersey, maintaining its business address and principal place of business at 260 Wall Street, within the Borough of Eatontown, County of Monmouth, and State of New Jersey.

3. At all times relevant hereto, Defendant, Chief of Police Victor Amato, was the direct supervisor of the plaintiff and had direct responsibility for the terms and conditions of her employment at the MCSPCA, including her advancement from a temporary volunteer position into a permanent full-time paying position.

4. At all times relevant hereto, Defendant, MCSPCA Board Members, specifically, Defendants, Daren Haber and Arlene Opatut, were directly involved with and had direct responsibility for the management and control over the operations of the MCSPCA, including putting or leaving Defendant, Victor Amato, in a position where he could engage in criminal, discriminatory and illegal conduct, direct illegal discrimination against employees of Defendant, MCSPCA, illegally retaliate against the plaintiff and others, and engage in other activities which Board Members of the MCSPCA were aware of and failed to prevent and/or participated in.

5. At all times relevant herein, Defendant(s), John/Jane Doe(s), 1-10, are fictitious names representing unknown parties who, as employees and board members of the Defendant, MCSPCA, were present and aware of the alleged acts against the plaintiff and/or conspired with and/or willfully ignored the illegal actions with named Defendants in their actions against the Plaintiff, and therefore are liable for the injuries suffered.

6. In 2014, Defendants hired Plaintiff, Sue Demarais, who had previously been a highly qualified police officer as an Animal Cruelty Investigator. Defendant, Victor Amato, was directly involved in this decision to hire and to assign the Plaintiff work.

7. At all times relevant hereto, the Plaintiff, Sue Demarais, duly performed all the duties of her position as Animal Cruelty Investigator.

8. In August 2014, while working for Defendant, and not long after she was hired, Plaintiff began receiving humiliating and offensive hate messages which were sent to an entire group of subordinate employees by the Chief of Police for the MCSPCA, specifically, Defendant, Victor "Buddy" Amato, including the following:

a. Derogatory, degrading and racist statements about African-Americans, including pictures comparing African Americans to primates;

b. Derogatory, degrading and racist comments relating to the Ferguson, Missouri shooting of Mike Brown as an African American, to the African-American witnesses to the killing of Mike Brown as resembling monkeys, to the protesters of the killing of Mike Brown as being criminals. This included the following:

**“Better to be pissed off then pissed on! That’s why they left him in the street dead for a couple of hours. They did not want to disturb the dogs that stopped by to take a hard piss!”**

c. Derogatory, degrading and racist comments about civil rights leader Al Sharpton, including a poem degrading Sharpton, African American people and the civil rights movement;

d. Derogatory, degrading and racist comments about Jewish people;

e. Derogatory, degrading and racist comments about Kwanza, including a poem:

**“Remember to Acknowledge Kwanza! It was a very hot night when the three not so wise men uey, duey and jigabloie, brought banana’s and welfare checks to the baby chimp Cornelius! And when Cornelius first spoke you could hear him say which one of you raped my mother? Who’s my daddy???? From the book of Bud!”**

f. Degrading and derogatory statements about homosexuals “packing sausage”:

**“Just wanted to wish all of you a happy new year! Looking forward to working with all of you in 2015! Hohoho don’t pack sausage don’t you know! Chief Amato”**

g. Derogatory, degrading and racist comments about African American people that were passed to him by another officer “Agent Chris Ranallo”:

**“And it’s ok to do drive by’s so long as you are black and not a cop. Statute 2a:41b Thugs N Harmony law, 2014”**

h. Degrading and demeaning comments made about police brutality and the killing of Eric Garner passed to him by an other officer “Agent Chris Ranallo”:

**“Lol you too. And remember to assist them if they say they can’t breathe!**

- i. Grotesque sexual pictures depicting a naked African American woman taken from behind and a picture of Bill Cosby with explicit sexual comments;
- j. Degrading, demeaning, racist and homophobic comments about homosexual people;
- k. Using racial criteria in instructing officers that worked under him regarding their duties. For example:

**“All Agents Please when doing calls be aware of potentially dangerous situations you may encounter, especially in some of our more racially mixed areas. If you see a problem in one of these areas please ask for an armed officer to accompany you. Keep save Gobble gobble as Monica Lewinsky would say! Chief”**

9. The content of some or all of the text messages violated the rights of the Plaintiff, were improper and/or illegal. The messages were harassing to Plaintiff in that they were severe and pervasive, they directly attacked her gender and her sexual orientation and/or they were intended to harass. Defendant, Victor Amato, directly used his position as a superior and the authority given to him as a Chief of Police to manipulate the workplace environment and to create a hostile work environment.

10. Defendants, Police Chief Victor Amato, and the MCSPCA, individually, jointly and severally, engaged in illegal activities or activities that the Plaintiff reasonably believed to be illegal or unethical:

- a. issued police badges and police authority without interviewing officers or performing background checks;
- b. directing Agent Bill Hyer to forge his, Defendant Amato's name on summons and warrants;

c. equipping his own and directing or authorizing other Agents vehicles to be equipped with illegal emergency flashing lights and sirens;

d. failure to use the Uniformed Crime Report or any standard law enforcement practice for the keeping information;

e. failure to implement standard procedures for retaining evidence in a database;

f. failure to implement or require any training for the use of force, despite issuing handcuffs, pepper spray and or other weapons;

11. Defendant, Chief Victor Amato, who holds himself out as a martial arts expert, engaged in a pattern of intimidation against his subordinate employees at the MCSPCA. This included threats to the Plaintiff's co-workers that the Plaintiff witnessed or became aware of through word-of-mouth in the MCSPCA.

12. As a result of the intimidation of Defendant, Chief Victor Amato, within the MCSPCA, the Plaintiff was afraid that her aspirations for future employment would completely end if she were to make a complaint within the MCSPCA. As a result, Plaintiff suffered from the ongoing illegal, severe and pervasive harassment by Defendant, Chief Victor Amato.

13. As the harassment by Defendant Chief Amato continued, Plaintiff made complaints to Defendant, Dr. Daren Haber, a Board Member of the Defendant, MCSPCA.

14. In an attempt to resolve the illegal issues within the Defendant, MCSPCA, and propagated by Defendant, Chief Victor Amato, Plaintiff, provided the graphic, offensive and harassing text messages to Defendant, Daren Haber, and the Board for the Defendant, MCSPCA, and also provided a description of the illegal activity taking place within the department.

15. Despite that it was provided with overwhelming evidence of Defendant Amato's racism, sexism, bigotry and illegal activity within the department, rather than suspend Defendant, Chief Amato, or take any action concerning the department pending an investigation, Plaintiff was advised that it would be better for her if she stop working within the MCSPCA. Defendant Amato was literally permitted to remain in a position which he was, and had been, enacting racist policies, abusing his authority and violating the law, as well as his ethical duties and his responsibilities to the MCSPCA.

16. As a direct and proximate result of the actions of the Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally, the Plaintiff has suffered and will continue to suffer embarrassment, humiliation and emotional distress, economic loss. Further, she has lost the ability to obtain ongoing or future prospective employment and economic advantage with the Defendants in a position that she was qualified for and performing at a high degree of competency for the Defendants.

17. The aforesaid described conduct, up and to the present time was maliciously aimed at causing Plaintiff emotional and economic harm.

18. The regular, pervasive and continuous nature of the illegal and intentional conduct was done with full knowledge, consent and participating of supervising employees, including and not limited to Defendant Chief Amato. As such the illegal conduct was aided and encouraged by the Plaintiff's supervisors and the Board members themselves, specifically, Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally.

**FIRST COUNT**  
**NEW JERSEY LAW AGAINST DISCRIMINATION**

19. Plaintiff, Sue Demarais, repeats and re-alleges each and every allegation contained in Paragraph 1 through 15 above in this Complaint as if more fully set forth herein.

20. At all times relevant hereto, the Defendants were Employers and/or Contractees of the Plaintiff and were covered by and subject to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et. seq.

21. The conduct of the Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally, and the treatment of the Plaintiff, constitutes unlawful discrimination, harassment, hostile workplace environment, and retaliatory conduct that represent numerous frank violations of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et. seq.



22. As a direct and proximate result of the actions of the Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally, the Plaintiff has suffered and will continue to suffer embarrassment, humiliation and emotional distress. Further, she has lost the ability to obtain ongoing or future prospective employment and economic advantage with the Defendants in a position that she was qualified for and performing at a high degree of competency for the Defendants.

WHEREFORE, Plaintiff, Sue DesMarais, demands judgment against the Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally, for compensatory and punitive damages, together with pre-judgment interest, counsel fees, costs of suit and such other relief that the Court deems to be just and equitable.

**SECOND COUNT**  
**CONSCIENTIOUS EMPLOYEE PROTECTION ACT**

23. Plaintiff repeats each and every allegation of the First Count of this Complaint, and Allegation paragraphs 1 through 15, as if more fully set forth herein.

24. At all times relevant herein, the Defendants' conduct was a direct violation of N.J.S.A. § 34:19-1, et seq., commonly referred to as the Conscientious Employee Protection Act ("CEPA").

25. Plaintiff was at all times relevant hereto an "employee", pursuant to N.J.S.A. § 34:19-2(b).

26. Defendant was at all times relevant hereto an “employer” pursuant to N.J.S.A. § 34:19-2(a).

27. Plaintiff was told that it would be better if she did not continue coming into work after her complaints, and that Defendant, Chief Victor Amato, would remain in his position as the Chief of Police for the Defendant MCSPCA, making it impossible for the Plaintiff to continue working. The Plaintiff was no longer given work and was constructively terminated from her employment. Such adverse employment action constitutes a “retaliatory action” pursuant to N.J.S.A. § 34:19-2(e).

28. As a result of Defendant’s unlawful, retaliatory conduct, the Plaintiff has and continues to suffer economic damages. Defendants’ conduct is a violation of *CEPA*, which prohibits employers from retaliating against employees for disclosing, or threatening to disclose, to supervisors any conduct which the employee believes is a violation of the law, ethics, or regulations promulgated pursuant to the law.

WHEREFORE, Plaintiff, Sue DesMarais, demands judgment against the Defendants, Chief, Victor Amato, Daren Haber, Arlene Opatut, and the MCSPCA, jointly, individually and severally, for compensatory and punitive damages, together with pre-judgment interest, counsel fees, costs of suit and any other relief that the court deems to be just and equitable.

**JURY DEMAND**

Plaintiff hereby demands trial by jury as to all matters herein.

**TRIAL DESIGNATION**

Pursuant to R. 4:5-1, John H. Sanders, Esq., is hereby designated as trial counsel for the within matter.

**CERTIFICATION**

I certify, pursuant to R. 4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action at this time.

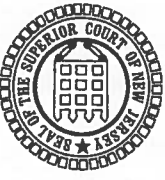


SHEBELL & SHEBELL, L.L.C.  
Attorneys for Plaintiff

By:

  
\_\_\_\_\_  
JOHN H. SANDERS, ESQ.

Dated: March 2, 2015

Appendix XII-B1

	<h2 style="margin:0;">CIVIL CASE INFORMATION STATEMENT</h2> <h3 style="margin:0;">(CIS)</h3> <p style="margin:5px 0 0 0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 <b>Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</b></p>		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME JOHN H. SANDERS, ESQ.	TELEPHONE NUMBER (732) 663-1122	COUNTY OF VENUE Monmouth
	FIRM NAME (if applicable) SHEBELL & SHEBELL, L.L.C.		DOCKET NUMBER (when available)
	OFFICE ADDRESS THE PAVILION 655 SHREWSBURY AVENUE, SUITE 314 SHREWSBURY, NJ 07702		DOCUMENT TYPE COMPLAINT  JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Sue DesMarais	CAPTION Monmouth County Society fo rhte Cruelty of Animals, Victor Amato, Dasren Haber, Arlene Opatut, John/Jane Doe(s), 1-10		
CASE TYPE NUMBER (See reverse side for listing) 616	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) Self-Insured <input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input type="checkbox"/> No			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
	WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?	
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 <i>Rule</i> 1:38-7(b).			
ATTORNEY SIGNATURE: 			



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Centrally Managed Litigation (Track IV)

- |  |   |
|--|---|
| 285 STRYKER TRIDENT HIP IMPLANTS           | 291 PELVIC MESH/GYNECARE                |
| 288 PRUDENTIAL TORT LITIGATION             | 292 PELVIC MESH/BARD                    |
| 289 REGLAN                                 | 293 DEPUY ASR HIP IMPLANT LITIGATION    |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
|  | 623 PROPECIA                            |

### Mass Tort (Track IV)

- |                                       |  |
|---------------------------------------|--|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE/ISOTRETINOIN             | 282 FOSAMAX                            |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 284 NUVARING                           |
| 278 ZOMETA/AREDO                      | 286 LEVAQUIN                           |
| 279 GADOLINIUM                        | 287 YAZ/YASMIN/OCELLA                  |
|                                       | 601 ASBESTOS                           |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59