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**ATTORNEYS FOR PLAINTIFF**

<p>MERCEDES ABREU HAINES,</p> <p>Plaintiff,</p> <p>v.</p> <p>HACKENSACK BOARD OF EDUCATION, AND JOHN DOE’S 1-25 INCLUSIVE, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY CIVIL DIVISION - BERGEN COUNTY</p> <p>Docket No.:</p> <p>Civil Action</p> <p><b>COMPLAINT, DEMAND FOR JURY TRIAL, DESIGNATION OF TRIAL COUNSEL, AND DEMAND PURSUANT TO RULE 1:4-8</b></p>
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Plaintiff Mercedes Abreu Haines, residing in the County of Bergen, State of New Jersey,  
by way of Complaint against Defendants says:

**COUNT ONE**

1. At all relevant times herein Plaintiff was employed by Defendant Hackensack Board of Education. (“Defendant Hackensack”)
2. At all relevant times herein, Defendant Hackensack was an entity existing pursuant to law and the employer of Plaintiff and fictitiously named Defendants John Doe’s 1-25, all of whom acted within and outside the scope of their employment to violate Plaintiff’s statutory rights as an employee in the State of New Jersey.

3. At all relevant times, Defendants had a duty under the New Jersey Law Against Discrimination ("LAD") to refrain from discriminating against or taking adverse employment action against Plaintiff on the basis of Plaintiff's age.

4. At all relevant times herein, Defendants had a duty under the LAD and the Conscientious Employee Protection Act ("CEPA") to refrain from retaliating against employees for reporting what they reasonably believed to be workplace discrimination.

5. On information and belief, Defendants failed to prominently display an antidiscrimination policy and failed to provide sufficient training and supervision to its employees to prevent instances of workplace discrimination prohibited under the LAD.

6. On information and belief, Defendants failed to prominently display an anti-retaliation policy and failed to provide sufficient training and supervision to its employees to prevent instances of workplace retaliation prohibited under the LAD and CEPA.

7. Plaintiff was hired by Defendants as a teacher in 1990.

8. In the 2010-2011 academic year, Plaintiff was briefly promoted to the position of Assistant Principal at Defendants' Jackson Avenue School facility.

9. Plaintiff at all material times performed the essential duties of her job diligently, professionally, and competently.

10. However, shortly after Plaintiff's promotion, Plaintiff was advised that the Assistant Principal position was being eliminated due to a reduction in Defendants' workforce.

11. Plaintiff in 2011 was removed from her Assistant Principal position and instead placed in the position of a Kindergarten teacher.

12. Defendants then reposted Plaintiff's Assistant Principal position as available and gave the position to a younger, less qualified woman.

13. Plaintiff was fifty-three (53) years old at the time.

14. Plaintiff in 2011 repeatedly applied for promotion back to an administrative position.

15. Each time Plaintiff was denied a promotion and the position was given to someone younger and less qualified.

16. Plaintiff in 2011 filed an EEOC complaint, reporting age discrimination as Defendants' true motive for removing her from her Assistant Principal position and their failure to promote her to other administrative positions.

17. Between 2011 and 2019 Plaintiff has applied for at least eighteen (18) separate promotions to administrative positions.

18. Each time Plaintiff has been passed over in favor of a younger, less qualified candidate and/or a candidate who has never made an EEOC complaint alleging unlawful discrimination.

19. Most recently, in June of 2019, Plaintiff applied for promotion to Director of World Languages and Bilingual Education.

20. The applicant chosen to fill this position instead of Plaintiff was selected from outside the District and had no prior experience working with Defendant Hackensack Board of Education.

21. Plaintiff has been continuously employed as a kindergarten teacher since 2011, despite holding numerous degrees and professional certifications that make her massively overqualified for the position and despite the promotion of numerous younger and less experienced individuals to open administrative positions for which Plaintiff applied.

22. Defendants have no legitimate non-discriminatory, non-retaliatory rationale for their recurrent failure to promote Plaintiff.

23. Plaintiff has been continuously denied promotion to administrative positions on the basis of her age and protected conduct in filing an EEOC complaint.

24. As a result of same, Plaintiff's statutory rights under the LAD to be free from discrimination and retaliation have been violated in a most egregious manner.

25. The conduct of Defendants in this matter was willful, wanton and intentional, and occurred with actual malice and in flagrant disregard for Plaintiff's civil rights.

26. Plaintiff has suffered damages as a result.

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

### **COUNT TWO**

27. Plaintiff repeats and realleges Paragraphs 1 through 26, as though fully set forth at length herein.

28. At all relevant times, Defendants had a duty under the New Jersey Conscientious Employee Protection Act ("CEPA") to refrain from taking adverse employment action against Plaintiff in retaliation for Plaintiff engaging in CEPA protected conduct.

29. Plaintiff engaged in CEPA protected conduct when she reported what she reasonably believed to be age discrimination and initiated an EEOC complaint based on same.

30. Defendants retaliated against Plaintiff for engaging in CEPA protected conduct by continuously denying Plaintiff promotion to positions for which she was the most experienced and qualified applicant.

31. As a result of same, Plaintiff's statutory rights under CEPA have been violated in a most egregious manner.

32. The conduct of Defendants in this matter was willful, wanton and intentional, and occurred with actual malice and in reckless disregard for Plaintiff's civil rights.

33. Plaintiff has suffered damages as a result.

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

### COUNT THREE

34. Plaintiff repeats and realleges Paragraphs 1 through 33, as though fully set forth at length herein.

35. Defendants also failed to meet their obligations pursuant to N.J.S.A. 34-19-7 as they failed to properly display or annually distribute the Conscientious Employee's Protection Act and/or whistleblower policy.

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

AIELLO HARRIS  
Attorneys for Plaintiff

BY: 

SEBASTIAN B. IONNO

Dated: 11/19/19

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

BY: 

SEBASTIAN B. IONNO

**DESIGNATION OF TRIAL COUNSEL**

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

BY: 

SEBASTIAN B. IONNO

**CERTIFICATION**

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

BY: 

SEBASTIAN B. IONNO

DATED: 11/19/19

**RULE 1:4-8 DEMAND**

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

BY: 

SEBASTIAN B. IONNO