

O'CONNOR, PARSONS, LANE & NOBLE, LLC

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DENISE ROLONG,

Plaintiff,

v.

CITY OF RAHWAY; SAMSON
STEINMAN, both individually and in his
capacity as former Mayor of Rahway;
CHERRON ROUNTREE, both
individually and in her capacity as
Business Administrator with City of
Rahway; JANE DOE I-V (these names
being fictitious as their present identities
are unknown); JOHN DOE I-V (these
names being fictitious as their present
identities are unknown); XYZ
CORPORATION I-V (these names
being fictitious as their present identities
are unknown),

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO: UNN-L-001551

Civil Action

**FIRST AMENDED COMPLAINT AND
JURY DEMAND**

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff Denise Rolong ("plaintiff" or "Ms. Rolong"), resides at 1196 Kline Place, Rahway, New Jersey 07065, and at all times relevant hereto was employed by defendant.

2. Defendant City of Rahway ("the City") is a public entity with the principal business address of 1 City Hall Plaza, Rahway, NJ 07065, which had the plaintiff in its employ during the relevant time periods herein.

3. Defendant Samson Steinman ("Steinman") resides at 1104 Plymouth Drive, Rahway, New Jersey 07065, and at all times relevant hereto was a councilman and/or Mayor of Rahway and/or a member of management and/or in a supervisory position with the City of Rahway and had supervisory authority over plaintiff.

4. Defendant Cherron Rountree ("Rountree") resides at 266 Maple Avenue, Rahway, New Jersey 07065, and at all times relevant hereto was the Business Administrator and/or a member of management and/or in a supervisory position with the City of Rahway and had supervisory authority over plaintiff.

5. At all times relevant hereto, the defendants Jane Doe I-V and John Doe I-V are fictitious names used to identify those individuals which names are presently unknown that engaged in wrongful acts outlined herein and their identities are presently unknown.

6. At all times relevant hereto, the defendants XYZ Corporation I-V are fictitious names used to identify those corporations which names are presently unknown but include corporations incorporated under the laws of the State of New Jersey and/or other states and had in plaintiff under their employ.

7. Ms. Rolong commenced employment with the City of Rahway in or about May of 2014.

8. During her time with the City, Ms. Rolong has worked at the Senior Center, Recreation Department, Clerk's Office and is currently employed as the Managing Director of the City-owned art gallery called The Gallery Space.

9. During Ms. Rolong's time with the City, the Mayor, Samson Steinman, engaged in a campaign of relentless sexual harassment of plaintiff.

10. For instance, over the course of Ms. Rolong's employment with the City, Steinman made comments to her that she should dress in sexy costumes for Halloween events, a sexy elf during "winter wonderland" on two occasions and that he liked the way her body looked in certain dresses she had worn, which he suggested she wear again.

11. Throughout the past four years, Steinman made comments to Ms. Rolong about his alleged sexual exploits. Steinman would also get furious if Ms. Rolong encouraged him to date other people.

12. These comments by Steinman made Ms. Rolong so uncomfortable that she made sure never to wear those items again and made a conscious effort to not look "sexy" or desirable in order to avoid further comments.

13. In or around September 2013, Steinman became Acting Mayor of the City of Rahway, becoming the full-time Mayor in or around 2014.

14. In or around May 2014, Ms. Rolong was out an establishment called Cubanu with some friends, where she met an individual named Tyler.

15. Some hours later, Ms. Rolong received frantic text messages from Steinman asking her to go over to City Hall immediately to meet the Mayor in his office.

16. When Ms. Rolong arrived there, a distressed Steinman told her that he loved her. Steinman also begged her not to date anyone that lived in the City of Rahway because he knew everyone that resided there. Upon information and belief, defendant Rountree was aware of Steinman's feelings towards plaintiff and urged him to convey them to her on several occasions.

17. Ms. Rolong began dating Tyler in or around May of 2014, which caused Steinman to be upset. Steinman would constantly contact Ms. Rolong to ask her where she was. Ms. Rolong began to feel that she was being watched by Steinman's close friends.

18. In or around the Fall of 2014, Steinman called Ms. Rolong complaining that she was dating someone and purposely putting her relationship with Tyler on display in front of him to hurt him.

19. In or around November of 2015, Ms. Rolong attended the league of municipalities in Atlantic City for the purpose of attending environmental information meetings. During this conference, Steinman would get visibly angry any time he saw another male speak with Ms. Rolong. For example, when Steinman found Ms. Rolong in the lobby having a discussion with Councilman at large Mojica, he became visibly upset. Later that evening, at the Fearless Mansion, Steinman interrupted a conversation Ms. Rolong was having with a male and seemed visibly disturbed.

20. During the second night of this conference, Steinman became intoxicated, and Ms. Rolong helped him to his hotel room. As Ms. Rolong said goodnight, Steinman pushed her up against a wall in the room and forcibly kissed her.

A knock at the door caused Steinman to loosen his grasp and allowed Ms. Rolong to escape the room.

21. In or around early 2015, Steinman saw Ms. Rolong speaking with another male working for the City of Rahway, Brien McVernon. Shortly after this incident, Mr. McVernon's application to renew his visa to continue employment with the City of Rahway was denied. Mr. McVernon was forced to return to Australia.

22. Similarly, an employee of the City, Bob Farr, was seen speaking with Ms. Rolong in or around early 2015. Upon information and belief, Mr. Farr was subsequently forced into retirement by Steinman.

23. In July of 2016, Ms. Rolong was moved from her position in the Recreation Center to the Clerk's Office, a lateral position. Steinman stated that he needed Ms. Rolong to help him out in that position.

24. Because Ms. Rolong was now in close proximity to Steinman's office, he would ask her to report to his office or stop by her office, look her up and down and make comments about her appearance.

25. In or around December of 2016, Steinman told Ms. Rolong a story about an incident at the league of municipalities where he and others went to a strip club, where he won a contest by performing oral sex on one of the dancers and a female employee. He also told Ms. Rolong that the week before he had been to a party thrown by his secretary and had sex with his secretary's niece while he was there.

26. In or around February of 2017, Ms. Rolong was out with Steinman when he became too intoxicated to drive his City issued vehicle home.

27. Ms. Rolong drove him to his residence and began to walk back to her house. As she was walking home, Steinman got into his personal vehicle and told Ms. Rolong to get in the car. It was not until Ms. Rolong threatened to call the police that he drove away. Ms. Rolong then called Rountree and told her what had happened, asking that she call Steinman with the hope that he would listen to her.

28. Shortly after this incident, on or about March 18, 2017, after Ms. Rolong was babysitting her nieces, she noticed a barrage of text messages and calls from Steinman asking her to go to the Cubanu. Ms. Rolong denied this invitation.

29. Later that evening, Ms. Rolong heard a loud bang outside of her house. She ran to the front door where she saw a vehicle in the middle of the street. Ms. Rolong contacted the police about the accident.

30. Ms. Rolong began thinking it may be the Steinman's City vehicle in the street and texted him to ask if he had been in an accident on her street. Steinman indicated that he had, and added that he slid on ice or hit a pothole. Ms. Rolong did not notice any ice or potholes on the road.

31. Ms. Rolong later discovered that Steinman was administered field sobriety tests but not a breathalyzer test. When Ms. Rolong spoke with Steinman later that evening, Steinman was slurring his words.

32. Following this incident, Steinman was allegedly forced to fly to Florida to a facility to get help. Ms. Rolong made an appointment to see Rountree after hearing about rumors that Steinman had been leaving her home or going to her house. On Monday or Tuesday of the week following the incident, Ms. Rolong spoke to Frank Ruggiero, who suggested she talk to Rountree. On Wednesday, Ms. Rolong

spoke to Rountree and told her what had happened the night of the second accident, as well as some of the disturbing stories Steinman had told her regarding his alleged exploits at a strip club and with his secretary's niece.

33. On or about June 18, 2017, Plaintiff was transferred from the Clerk's office to her current position as Managing Director of the art gallery.

34. In July of 2017, she asked Steinman not to visit her at the gallery anymore. In or around August of 2017, Steinman gave out raises to City employees, of which Plaintiff was not included.

35. In or around October of 2017, Steinman told Ms. Rolong that he was taking care of communicating upcoming events at the art gallery to the over 3,000 contacts that Ms. Rolong had gathered.

36. In or around mid-November 2017, when Ms. Rolong decided to send out an email to those same contacts, many of these contacts said they had not received an email prior to hers. Ms. Rolong began to think Steinman was setting her up for failure.

37. On or around December 8, 2017, Ms. Rolong spoke with Jennifer Wensen-Maier at a Rahway River Water Association gala regarding the sexual harassment she experienced at the hands of Steinman. Ms. Rolong followed this up with another meeting the following day, where she was able to go into more detail regarding the sexual harassment.

38. Ms. Rolong met with Ms. Wensen-Maier a third time on December 23, 2017 to discuss the allegations of sexual harassment.

39. The following day, December 24, 2017, Ms. Wensen-Maier met with defendant Rountree and then Council President Ray Giacobbe and discussed Ms. Rolong's sexual harassment complaints. That same day, Steinman resigned as Mayor of the City of Rahway.

40. Since the time Ms. Rolong made her complaint of sexual harassment, Ms. Rountree has attempted to discredit her and her work ethic to multiple City employees.

41. Ms. Rolong was further retaliated against by the City for her complaint of sexual harassment and subsequent lawsuit.

42. Subsequent to the filing of her Complaint, Ms. Rolong was transferred from her position as Managing Director of the Gallery Space to a secretary at the Senior Center. The stripping of her management responsibilities as Managing Director of the Gallery Space constitutes a demotion.

43. Moreover, Ms. Rolong has been written up, demoted and suspended by the City for insignificant reasons since she complained of sexual harassment and made claims against the City. These actions taken by the City and its agents constitute unlawful retaliation.

FIRST COUNT

New Jersey Law Against Discrimination Hostile Work Environment Sexual Harassment

44. Plaintiff repeats and realleges each and every allegation of the within paragraphs of this Complaint as if set forth at length herein.

45. Pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("LAD"), defendants are liable for the acts constituting hostile work

environment sexual harassment created by the defendant's employees, managers and/or supervisors.

46. As set forth herein, defendants created and perpetuated a severe and pervasive work environment based upon regular and continuous incidents involving former Mayor Samson Steinman, wherein Ms. Rolong was subjected to repeated and unwanted sexual advances, commentary, harassment and physical assault during the course of her employment.

47. Furthermore, upon resisting the severe sexual harassment which she was subjected to, Ms. Rolong was denied a raise during the year 2017.

48. Defendants failed to implement any preventative or remedial measures to protect against unlawful harassment, and discrimination, including, but not limited to:

(a) failure to institute or implement effective policies or procedures regarding gender and sexual harassment and the reporting and investigation of complaints of same;

(b) failure to adequately monitor or supervise the illegal activities and discriminatory actions of supervisory personnel;

(c) failure to provide adequate training to recognize, address, rectify and/or prevent illegal or discriminatory conduct; and

(d) failure to adequately rectify, discipline or prevent known discriminatory conduct by supervisory personnel.

49. The conduct engaged in by defendants constitutes egregious behavior and/or willful indifference by upper management to the rights of plaintiff sufficient to subject defendants to punitive damages under the LAD and Lehman v. Toys 'R' Us.

50. Plaintiff has been severely injured as a result of such harassment and discrimination that she has suffered, and continues to suffer, severe emotional distress, humiliation, embarrassment, anguish, physical and bodily injuries, personal hardship, career and social disruption, psychological and emotional harm, economic losses, lost employment opportunities, and other such damages.

WHEREFORE, plaintiff, Denise Rolong, demands judgment against defendants, CITY OF RAHWAY; SAMSON STEINMAN, both individually and in his capacity as former Mayor of Rahway; CHERRON ROUNTREE, both individually and in her capacity as Business Administrator with City of Rahway; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown) and XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, for harm suffered as a result of defendants' hostile work environment/harassment in violation of the LAD as follows:

- (a) full compensation for back pay and benefits with full remuneration, with interest;
- (b) full compensation for front pay and benefits with full remuneration, with interest;
- (c) compensatory damages;
- (d) consequential damages;

- (e) punitive damages;
- (f) attorneys' fees with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and
- (g) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

SECOND COUNT

New Jersey Law Against Discrimination: Quid Pro Quo Sexual Harassment

51. Plaintiff repeats and realleges each and every allegation of the within paragraphs of this Complaint as if set forth at length herein.

52. Pursuant to the LAD, defendant is liable for the acts of sexual harassment committed against plaintiff.

53. Defendant City of Rahway is an "employer" as defined under the LAD.

54. Defendant's conduct, including, but not limited to, Samson Steinman forcing plaintiff to endure sexual advances, commentary, harassment and physical assault as a condition of her employment as a supervisor and/or manager and his subsequent denial of employment opportunities constitutes quid pro quo sexual harassment in violation of the LAD.

55. Defendant failed to implement any preventative or remedial measures to protect against sexual harassment, including, but not limited to:

- (a) failure to institute or implement effective policies or procedures regarding gender and sexual harassment and the reporting and investigation of complaints of same;

(b) failure to adequately monitor or supervise the illegal activities and discriminatory actions of supervisory personnel;

(c) failure to provide adequate training to recognize, address, rectify and/or prevent illegal or discriminatory conduct; and

(d) failure to adequately rectify, discipline or prevent known discriminatory conduct by supervisory personnel.

56. The conduct engaged in by the defendants constitutes egregious behavior and/or willful indifference, by upper management, to the rights of plaintiff sufficient to subject defendants to punitive damages under the LAD and Lehman v. Toys 'R' Us.

57. Plaintiff has been severely injured as a result of such sexual harassment that she has suffered, and continues to suffer, physical and bodily injuries, severe emotional distress, humiliation, embarrassment, anguish, personal hardship, career and social disruption, psychological and emotional harm, economic losses, lost employment opportunities, and other such damages

WHEREFORE, plaintiff, Denise Rolong, demands judgment against defendants, CITY OF RAHWAY; SAMSON STEINMAN, both individually and in his capacity as former Mayor of Rahway; CHERRON ROUNTREE, both individually and in her capacity as Business Administrator with City of Rahway; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown) and XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, as a result of defendant's quid pro quo sexual harassment in violation of the

LAD as follows:

- (a) full compensation for back pay and benefits with full remuneration, with interest;
- (b) full compensation for front pay and benefits with full remuneration, with interest;
- (c) compensatory damages;
- (d) consequential damages;
- (e) punitive damages;
- (f) pre-judgment interest;
- (g) attorneys' fees with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and
- (h) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

THIRD COUNT

New Jersey Law Against Discrimination Unlawful Retaliation

58. Plaintiff repeats and realleges each and every allegation of the within paragraphs of this Complaint as if set forth at length herein.

59. As set forth herein, after Ms. Rolong made complaints of harassment and/or discrimination within the workplace and filed a lawsuit regarding same, she was subjected to retaliation at the hands of the City.

60. Specifically, Ms. Rolong was stripped of her job responsibilities as Manager of the Gallery Space and transferred back to the Senior Center.

61. Defendants' conduct towards plaintiff, specifically her transfer to the Senior Center and suspension, constitutes unlawful retaliation in violation of the LAD.

62. Plaintiff has been severally injured as a result of such retaliation that she has suffered, and continues to suffer, physical and bodily injuries, severe emotional distress, humiliation, embarrassment, anguish, personal hardship, career and social disruption, psychological and emotional harm, economic losses, lost employment opportunities, and other such damages.

WHEREFORE, Denise Rolong, demands judgment against defendants, CITY OF RAHWAY; SAMSON STEINMAN, both individually and in his capacity as former Mayor of Rahway; CHERRON ROUNTREE, both individually and in her capacity as Business Administrator with City of Rahway; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown); XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, for harm suffered as a result of defendants' unlawful retaliation as follows:

(a) full compensation for back pay and benefits with full remuneration, with interest;

(b) full compensation for front pay and benefits with full remuneration, with interest;

(c) compensatory damages;

(d) consequential damages;

(e) punitive damages;

(f) pre-judgment interest;

(g) attorneys' fees with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and

(h) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

FOURTH COUNT

Aiding and Abetting Liability

63. Plaintiff repeats and realleges each and every allegation of the within paragraphs of this complaint as if set forth at length herein.

64. Defendants, by their actions and inactions, condone, and ratified and aided and abetted the sexual harassment and retaliation perpetrated against plaintiff.

65. Defendants had knowledge that the harassment was occurring, had knowledge that it was a violation of the law, and substantially encouraged and/or assisted in same.

66. Said defendants are liable under the LAD for aiding and abetting hostile work environment and/or quid pro quo sexual harassment and/or assault and battery and/or retaliation in violation of the LAD.

67. The conduct engaged in by defendants constitutes egregious behavior and/or willful indifference by upper management by the rights of plaintiff sufficient to subject defendants to punitive damages under the LAD.

68. Plaintiff has been severely injured as a result of such harassment that she has suffered, and continues to suffer, physical and bodily injuries, severe emotional distress, humiliation, embarrassment, anguish, personal hardship, career and social disruption, psychological and emotional harm, economic losses, loss

employment opportunities, and other such damages.

WHEREFORE, plaintiff, Denise Rolong, demands judgment against defendants, CITY OF RAHWAY; SAMSON STEINMAN, both individually and in his capacity as former Mayor of Rahway; CHERRON ROUNTREE, both individually and in her capacity as Business Administrator with City of Rahway; Jane Doe I-V (these names being fictitious as their present identities are unknown); John Doe I-V (these names being fictitious as their present identities are unknown); XYZ Corporation I-V (these names being fictitious as their present identities are unknown), jointly and severally, for harm suffered as a result of defendants' aiding and abetting as follows:

- (a) full compensation for back pay and benefits with full remuneration, with interest;
- (b) full compensation for front pay and benefits with full remuneration, with interest;
- (c) compensatory damages;
- (d) consequential damages;
- (e) punitive damages;
- (f) pre-judgment interest;
- (g) attorneys' fees and costs with appropriate enhancement under Rendine v. Pantzer, 141 N.J. 292 (1995); and

(h) such other relief as may be available pursuant to the LAD in which this court deems to be just and equitable.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 
GREGORY B. NOBLE

Dated: May 14, 2019

JURY DEMAND

Plaintiff demands a trial by jury as to all issues.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 
GREGORY B. NOBLE

Dated: May 14, 2019

DESIGNATION OF TRIAL COUNSEL

Please take notice that pursuant to Rule 4:25-4, Gregory B. Noble, Esq. is hereby designated as trial counsel in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

The undersigned, Gregory B. Noble, certifies on behalf of the plaintiff as follows:

1. I am an attorney admitted to practice law in the State of New Jersey, counsel for the above-named plaintiff in the subject action.

2. The matter in controversy in this case is not, to my knowledge, the subject of any other action pending in any court or pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

3. There are no other parties who should be joined in this action that we are aware of at the present time.

I hereby 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.

O'CONNOR, PARSONS, LANE & NOBLE, LLC
Attorneys for Plaintiff

By: 
GREGORY B. NOBLE

Dated: May 14, 2019