

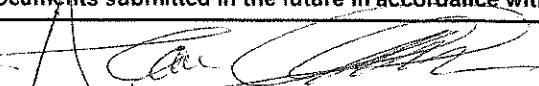


Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) 2015 DEC 21 AM 9:40		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: _____		
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed				
	ATTORNEY / PRO SE NAME Alan H. Schorr, Esquire		TELEPHONE NUMBER (856) 874-9090	COUNTY OF VENUE Burlington	
	FIRM NAME (if applicable) Schorr & Associates, P.C.		DOCKET NUMBER (when available)		
OFFICE ADDRESS 5 Split Rock Drive, Cherry Hill, NJ 08003		DOCUMENT TYPE Complaint		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Alanda Watson and Denise E. Mercurius, Plaintiffs		CAPTION Alanda Watson and Denise E. Mercurius v. Lutheran Social Ministries of New Jersey, Inc., Colleen Frankenfield and John Does 1-10			
CASE TYPE NUMBER (See reverse side for listing) 616	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN			
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? <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 checked="" 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 1:38-7(b)</i> .					
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

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREIDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

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

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CLERK OF COURT
SUPERIOR COURT
BURLINGTON COUNTY

2015 DEC 21 AM 9:41

RECEIVED
BY: OOS

ALANDA WATSON AND DENISE E.
MERCURIUS;

Plaintiff,

v.

LUTHERAN SOCIAL MINISTRIES OF
NEW JERSEY, INC., COLLEEN
FRANKENFIELD, and JOHN DOES 1-
10 (fictitious names of
entities and/or individuals
whose identities are presently
unknown), individually,
jointly, severally and/or in
the alternative;

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY

CIVIL ACTION

DOCKET NO.:

COMPLAINT

The Plaintiffs, ALANDA WATSON and DENISE MERCURIUS, by way
of complaint against the Defendants, LUTHERAN SOCIAL MINISTRIES
OF NEW JERSEY, INC.; COLLEEN FRANKENFIELD and JOHN DOES 1-10;
state as follows:

INTRODUCTION

This matter presents a case of first impression for this
Court. For the past few years, hospitals throughout New Jersey,
the United States, and Canada have been instituting mandatory flu
vaccination policies for their health care workers. These
policies, primarily connected with hospitals and medical centers,

require all health care workers to receive flu vaccinations and therefore are unconstitutional to the extent that they force workers to involuntarily receive medical treatment. Most of these policies provide exemptions for a bona fide medical, religious or personal basis to refuse the vaccine.

Many such policies provide for an "accommodation" in the event that an employee is unable or unwilling to receive a flu vaccine. The most common "accommodation" is to provide a facemask for the employee to wear while in patient areas and/or within six feet of a patient. As will be discussed below, these flu vaccine policies have been largely ineffective at preventing the spread of influenza because the flu vaccine for the past two years has been largely ineffective. As a result, the forced wearing of a mask for granted objections has been completely illogical, discriminatory and retaliatory, since the vaccinated employees were almost as likely to contract and spread the flu virus as unvaccinated employees.

What makes this case different from all others is that in this case, the employer, with a blind zeal to coerce all of its employees to receive a flu vaccine, has extended the mandatory flu vaccine policy to workers like the Plaintiffs, who are not health care workers, do not work in a health care facility, and have no contact whatsoever with patients. The vaccinate or mask ultimatum was not meant to protect patients in a health care

setting. It was meant to punish the Plaintiffs for exercising their religious beliefs and Constitutional rights.

**COUNT ONE - VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION, N.J.S.A. 10:5-1, et. seq.
RELIGIOUS DISCRIMINATION AND FAILURE TO PROVIDE RELIGIOUS
ACCOMMODATIONS**

1. Defendant Lutheran Social Ministries of New Jersey, Inc. ("LSMNJ" or "Defendant employer") is a New Jersey non-profit corporation with its main corporate headquarters in Burlington, Burlington County, New Jersey.
2. Based upon knowledge and a review of its website, <http://www.lsmnj.org>, LSMNJ provides varied services including affordable housing services, senior healthcare and retirement living, emergency and temporary housing for displaced women and children, community outreach programs, and project development and management services. Only a fraction of LSMNJ's business is in direct health care services. The Central Administrative Office in Burlington, where the Plaintiffs exclusively worked, provided no health care services whatsoever.
3. Defendant Colleen Frankenfield ("Frankenfield" or "Defendant Frankenfield") is and has been at all times relevant to the lawsuit the President and Chief Executive Officer of LSMNJ. Ms. Frankenfield was appointed to her position in October 2014.
4. Plaintiff, Alanda Watson ("Ms. Watson" or "Plaintiff

Watson"), at all times relevant to this lawsuit, was a resident of Willingboro, Burlington County, and worked in Accounts Payable for Defendant LSMNJ in its Central Administrative Office in Burlington, a separate office building unconnected to any resident or participant facility operated by the Defendant employer from 2007 through 2012 and then from January 2014 until her unlawful termination on November 17, 2015. She is a married mother of 4 children. At the time of her termination she was 36 years old. Prior to her unlawful termination, she had never been reprimanded nor disciplined by the Defendant.

5. Plaintiff, Denise E. Mercurius ("Ms. Mercurius" or "Plaintiff Mercurius"), at all times relevant to this lawsuit, was a resident of Maple Shade, Burlington County, and worked as a senior accountant for the Defendant employer in its Central Administrative Office in Burlington, New Jersey, a separate office building unconnected to any health care facility operated by the Defendant employer from December 16, 2008 until her unlawful termination on November 17, 2015. At the time of her termination, Ms. Mercurius was 45. She is single and was devoted to her job and career at LSMNJ. She had never before been reprimanded nor discipline by the Defendant.
6. The Plaintiffs worked exclusively at the Central

Administration Office in Burlington. They each had their own private cubicle and were not seated in a general population, but rather had their own private space. They had very little, if any, interaction with persons who were not LSMNJ employees.

7. During the entire time that the Plaintiffs had been working for LSMNJ, they had consistently received satisfactory reviews and were never disciplined nor reprimanded in any way.
8. Prior to 2015, LSMNJ had never adopted nor enforced any kind of mandatory flu vaccine policy in any of its facilities.
9. On June 18, 2015, LSMNJ adopted a mandatory flu vaccine policy for its employees. The policy, however, explicitly included only those employees directly providing resident or participant care in LSMNJ's programs, and therefore did not include office workers like the Plaintiffs, who did not have contact with residents or participants of LSMNJ's programs:

"An employee who refuses the influenza immunization or for which it is contraindicated to receive a flu shot must wear a surgical mask while in the facility and providing resident/participant care for the duration of flu season."

This policy was not actually physically distributed to the employees until September 2015.

10. In July 2015, Vice-President of Finance/CFO, Jennifer Cripps, held a meeting with all employees in the Finance

Department to explain the policy. At the meeting, Ms. Cripps expressly stated that employees not receiving the flu vaccination would only have to wear a mask if they were actually visiting one of the facilities and having contact with participants or residents.

11. The Plaintiffs were later asked to complete a form entitled, "REQUEST FOR EXCEPTION FROM INFLUENZA VACCINATION FOR RELIGIOUS REASONS". Both Plaintiffs asserted a religious objection to the flu vaccination and therefore requested to be excused from the flu vaccination. The form also stated that the Plaintiffs agreed to wear a mask throughout the flu season while working and/or on any LSMNJ property. Both Plaintiffs signed the form based upon the assurances from the Defendants' VP/CFO that they would only be required to wear a mask when they were actually visiting a facility and having contact with participants or residents.
12. The religious discrimination and retaliation started almost immediately, as Ms. Mercurius was initially advised that the Defendants were rejecting the her religious exemption because "stating you are Christian is insufficient".
13. Shortly thereafter on October 1, 2015, the Defendant employer unilaterally, and without warning or notice, changed its policy and removed the paragraph quoted above in paragraph 9. This material change to the policy required

every employee - even those who work in office buildings where there are no participants or residents, such as the Central Administrative Office, to wear masks at all times. Despite this material change in the policy, the new revised policy was never announced nor distributed to employees.

14. Thereafter Plaintiffs were advised that their religious exemption requests would be accepted without further information or clarification, but that they would be required to wear a mask at all times while working in the Central Administrative Office.
15. The Plaintiffs objected to wearing the masks, explaining that there is no logical basis for forcing them to wear masks since they never travel to any facility nor come in contact with any participant or resident. The Plaintiffs also objected because visitors to the offices, such as auditors who spend virtually all winter at the office, postal workers, HVAC and copier repair people, and others entering the building were not required to vaccinate or mask.
16. The Plaintiffs questioned why, if masking was so effective in preventing transmission of disease, all employees were not being mandated to wear masks.
17. The Defendants refused to provide answers to the Plaintiffs' questions, and threatened them with discipline and

termination if they did not comply.

18. The box that contained the masks that the Plaintiffs were required to wear plainly stated:

"WARNING: This mask does not eliminate the risk of contracting disease or infection."

19. The Plaintiffs sought to understand the extent of the masking policy. For example, they needed to know if they would have to leave the building in order to eat, to blow their nose, or to wash their face. The Defendants refused to answer even these simple and direct questions until and unless the Plaintiffs showed up at work wearing the masks and agreeing to the mask policy.
20. Beginning in early November 2015, the Defendants began a progressive disciplinary policy which started with a series of suspensions.
21. On November 17, 2015, the Plaintiffs were terminated from employment for the sole reason that they had requested religious exemptions and refused to wear masks while working in the Central Administrative Office.
22. The New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(q) ("NJLAD"), requires employers to provide reasonable accommodation for the religious beliefs of its employees.
23. Accordingly, the Defendants were required by law to provide a reasonable accommodation for the Plaintiff's refusal of the flu vaccine on religious grounds, which the employer

acknowledged and accepted as bona fide.

24. The forced wearing of a mask at all times, in a strictly office environment, without exceptions even for eating, drinking or other necessary and normal life functions, is not a reasonable accommodation; it is a punitive and coercive action taken for the purpose of unlawfully discriminating and retaliating against the Plaintiffs in violation of the NJLAD.
25. Stating some, but not all, of the reasons why the forced and continuous masking of the Plaintiffs was not a reasonable accommodation:
 - a. The Plaintiffs had no direct contact whatsoever with any patients, residents or participants, and Plaintiffs never entered any facilities where residents or participants were residing or visiting. They therefore posed no threat whatsoever to the safety of any patient, resident, or participant, and there was no legitimate safety reason for the forced wearing of masks in the Central Administrative Office. Furthermore, the Plaintiffs not wearing masks posed no undue hardship to the Defendants;
 - b. Employees who received the flu vaccine were permitted to work without masks even though the flu vaccine in 2014-2015 was only, on average 23% effective, and for

workers aged 18-49, such as the Plaintiffs, was only 10% effective according to the Centers for Disease Control and Prevention,¹ and at the time of the Plaintiffs' termination there were no statistics available to determine whether the 2015-2016 would be any more effective;

- c. Despite the fact that those who were permitted to not wear masks were only, on average, 10-23% less likely to contract the flu, vaccinated employees were still not required to wear masks;
- d. According to the government's CDC website, the flu vaccine has many potential side effect, some of them severe, including severe allergic reactions, and an increased risk of contracting Guillain-Barre Syndrome.² The potential risks must be weighed against the fact that the Plaintiffs would have only received a 10% increase in flu protection.
- e. The flu vaccine only protects against a small fraction of strains of flu. It does not protect against most

¹
Centers for Disease Control and Prevention website,
<http://www.cdc.gov/flu/professionals/vaccination/effectiveness-studies.htm>;
<http://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2015-06/flu-02-flannery.pdf>.

²
<http://www.cdc.gov/vaccines/vac-gen/side-effects.htm>

strains of flu and does not protect against other contagious and dangerous viruses that can be spread by sneezing and coughing.³ If the Defendants were actually interested in preventing the spread of dangerous viruses and if the employer actually believed that masking was an effective method of preventing the spread of dangerous viruses, then the Defendants could have and should have required all employees to wear masks at all times regardless of whether they received the flu vaccination.

- f. There were other accommodations that would have been more logical and more likely to prevent the spread of disease, such as requiring that any employee with fever or displaying upper respiratory symptoms would not be allowed to work that day;
- g. The facemasks are very uncomfortable to wear for long

3

Centers for Disease Control and Prevention website,
<http://www.cdc.gov/flu/about/qa/vaccineeffect.htm>:

"Flu vaccines do NOT protect against infection and illness caused by other viruses that can also cause flu-like symptoms. There are many other viruses besides flu viruses that can result in flu-like illness (also known as influenza-like illness or "ILI") that spread during the flu season. These non-flu viruses include rhinovirus (one cause of the "common cold") and respiratory syncytial virus (RSV), which is the most common cause of severe respiratory illness in young children, as well as a leading cause of death from respiratory illness in those aged 65 years and older."*

periods of time. The elastic strap pulls at the ears and the masks becomes increasingly moist with saliva causing further discomfort and even illness from breathing in humid air and saliva all day. This is especially so in this case, as LSMNJ's policy permits no exceptions for removing the mask, even to change the mask;

- h. Forcing only those employees who have medical or religious exemptions to wear masks singles those persons out with a "Scarlet Letter", branding them as persons unable to take the flu vaccination because of medical or religious reasons. This is an intrusion upon the Constitutional privacy of religious beliefs; publicizing employees' medical conditions also violates the Health Insurance Portability and Accountability Act of 1996 ("HIPAA");
- i. Upon information and belief, numerous employees and contractors of the Defendant employer who worked in other areas of the organization were not required to wear masks. The Plaintiffs, therefore, were singled out because of their religious beliefs.

26. The Law Against Discrimination requires that if an employer asserts a defense that the employee's disability or religious belief creates a safety risk, the employer must

establish that it reasonably arrived at the opinion that the employee's religious objection presented a materially enhanced risk of substantial harm in the workplace. The Plaintiffs allege that the Defendants did not and cannot establish a materially enhanced risk of harm in the workplace to form a basis for its discriminatory policy.

27. By selecting the Plaintiffs for termination because of their religious objection to the flu vaccine, the Defendants have violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(a).
28. By refusing to reasonably accommodate the Plaintiffs, the Defendants have violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(q).
29. Defendant Frankenfield aided and abetted the employer in discriminating against the Plaintiffs and therefore is individually liable and creates vicarious liability for the employer due to her upper management position with the Defendant employer.
30. The alleged actions are outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
31. The Defendants' acts were performed with malice and a reckless indifference to the Plaintiffs' protected rights.
32. The willful indifference and actual participation by the Defendants' upper management creates liability against the Defendants.

33. As a result of the Defendants' intentional and outrageous actions toward the Plaintiffs, as detailed in the previous paragraphs of this Complaint, the Plaintiffs have suffered, and continue to suffer economic losses, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, jointly, severally, and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, reinstatement or front pay in lieu of reinstatement, consequential damages, punitive damages, pre- and post- judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the LAD, costs of suit, and any other relief this Court deems just.

**COUNT TWO - VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION, N.J.S.A. 10:5-12(d), et. seq.
RETALIATION FOR COMPLAINING ABOUT DISCRIMINATION**

34. The Plaintiffs repeat, reallege, and incorporate by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.

35. The Plaintiffs repeatedly complained that their rights were being violating by the Defendants.

36. The Plaintiffs spoke with a newspaper reporter regarding the Defendants' unlawful and discriminatory behavior. This

resulted in a newspaper article in the Newark Star-Ledger and on NJ.com on November 5, 2015. Presumably because of the novelty of this matter, as this is the first employer whom anyone has ever heard of treating non-health care employees in such an unfair and discriminatory manner, the story went viral.

37. Within days, the story was being published nationwide. The story and the Plaintiffs appeared on television and radio, with the public overwhelmingly supporting the Plaintiffs in commentaries and polls taken on Internet sites.
38. Despite the public outcry, the Defendants refused to back down and hired a public relations firm to assist them. Defendant Frankenfield, who is herself a licensed attorney in New Jersey and Pennsylvania, personally responded to the media to defend her position and the position of the defendants.
39. The Defendants also hired a law firm, Brown & Connery, LLP, who advised the Plaintiffs on November 17, 2015 that they were being terminated "for insubordination and failure to comply with Organization Policy HR-40 - Employee Influenza Vaccine Policy".
40. After the termination, the Defendant continued to retaliate against the Plaintiffs by challenging the Plaintiffs' application for unemployment and by falsely reporting to the

Department of Labor that the Plaintiffs were terminated for misconduct.

41. The New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(d), prohibits employers from taking retaliatory actions against employees who oppose or complain about discriminatory practices.
42. The New Jersey Law Against Discrimination also protects employees from employers who continue to retaliate against them even after they have been terminated. See Roa v. Roa, 200 N.J. 55 (2010).
43. By taking adverse actions against the Plaintiffs, including repeatedly reprimanding, disciplining, warning, suspending, and ultimately terminating the Plaintiffs because they opposed and complained about the discriminatory practices of LSMNJ, the Defendants violated the anti-retaliation provisions of the New Jersey Law Against Discrimination.
44. Defendant Frankenfield aided and abetted the employer in discriminating against the Plaintiffs and therefore is individually liable and creates vicarious liability for the employer due to her upper management position with the Defendant employer.
45. The alleged actions are outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.

46. The Defendants' acts were performed with malice and a reckless indifference to the Plaintiffs' protected rights.
47. The willful indifference and actual participation by the Defendants' upper management creates liability against the Defendants.
48. As a result of the Defendants' intentional and outrageous actions toward the Plaintiffs, as detailed in the previous paragraphs of this Complaint, the Plaintiffs have suffered, and continue to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, jointly, severally, and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, reinstatement or front pay in lieu of reinstatement, consequential damages, punitive damages, pre- and post- judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the LAD, costs of suit, and any other relief this Court deems just.

COUNT THREE - VIOLATION OF THE NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT, N.J.S.A. 34:19-3

49. The Plaintiffs repeat, reallege, and incorporate by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.

50. The United States Constitution and the New Jersey Constitution guarantee that citizens have a right to determine whether to accept or reject medical treatment and have a Constitutional right to make medical decisions regarding their own bodies. See, e.g. Roe v. Wade, 410 U.S. 113, 153 (1973); In re Quinlan, 70 N.J. 10 (1976).
51. LSMNJ's policy of terminating the employment of employees who refuse a flu shot is a flagrant violation of the U.S. and New Jersey Constitutions.
52. LSMNJ's policy of terminating the employment of employees who refuse to wear a mask violated the Plaintiff's Constitutional privacy rights. The forced wearing of masks also violates State and Federal anti-discrimination law, including the New Jersey Law Against Discrimination, Title VII of the Civil Rights Act of 1964, and medical privacy laws such as HIPAA.
53. The Federal and State Constitutions and Federal and State Anti-Discrimination and privacy laws are clear mandates of public policy.
54. The Plaintiffs objected and refused to participate in the above flu vaccine policies, which are in violation of law and a clear mandate of public policy.
55. The Plaintiffs' complaints were repeatedly made to management and the media and the Defendants were aware of

all of the Plaintiffs' objections and complaints.

56. In direct retaliation for the Plaintiffs' repeated objections, refusals, and complaints about the Defendants' unlawful flu vaccine and masking policies, the Defendants took adverse actions against the Plaintiffs by repeatedly reprimanding, disciplining, warning, suspending, and ultimately terminating the Plaintiffs' employment.
57. The actions of the Defendants constitute a blatant violation of the New Jersey Conscientious Employee Protection Act.
58. Defendant Frankenfield aided and abetted the employer in discriminating against the Plaintiffs and therefore is individually liable and creates vicarious liability for the employer due to her upper management position with the Defendant employer.
59. The alleged actions are outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
60. The Defendants' acts were performed with malice and a reckless indifference to the Plaintiffs' protected rights.
61. The willful indifference and actual participation by the Defendants' upper management creates liability against the Defendants.
62. As a result of the Defendants' intentional and outrageous actions toward the Plaintiffs, as detailed in the previous

paragraphs of this Complaint, the Plaintiffs have suffered, and continues to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, jointly, severally, and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, reinstatement or front pay in lieu of reinstatement, consequential damages, punitive damages, pre- and post- judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the LAD, costs of suit, and any other relief this Court deems just.

**COUNT FOUR - WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY -
PIERCE CLAIM**

63. The Plaintiffs repeat, reallege, and incorporate by reference each and every allegation contained in the previous paragraphs as if fully set forth herein.
64. As set forth in the previous Count, LSMNJ's flu vaccination and masking policies violate numerous laws as well as State and Federal Constitutions, and therefore violate a clear mandate of public policy.
65. New Jersey common law provides that an employee has a private cause of action when an employer discharges an employee contrary to clear mandate of public policy. See

Pierce v. Ortho Pharmaceutical Corp., 84 N.J. 58 (1980).

66. By its foregoing described actions, Defendants violated New Jersey public policy by terminating the Plaintiffs due to their objections regarding discrimination and their constitutional objections and refusal to allow LSMNJ to force them to receive medical treatment.
67. Defendant Frankenfield aided and abetted the employer in discriminating against the Plaintiffs and therefore is individually liable and creates vicarious liability for the employer due to her upper management position with the Defendant employer.
68. Defendants' acts were performed with malice and a reckless indifference to Plaintiffs' protected rights.
69. The alleged actions were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against Defendants.
70. The actual participation and willful indifference of Defendant's upper management creates liability against Defendant for damages, including punitive damages.
71. As a result of the Defendants' intentional and outrageous actions toward the Plaintiffs, as detailed in the previous paragraphs of this Complaint, the Plaintiffs have suffered, and continue to suffer, physical injuries, embarrassment, humiliation, monetary, emotional, reputational, and other

personal injuries.

WHEREFORE, the Plaintiffs demand judgment against the Defendants, jointly, severally, and alternatively, for compensatory damages, including damages for emotional distress, physical injury, loss of reputation and other personal injury, back pay, reinstatement or front pay in lieu of reinstatement, consequential damages, punitive damages, pre- and post- judgement interest, enhancement for tax consequences, reasonable attorney's fees enhanced under the LAD, costs of suit, and any other relief this Court deems just.

COUNT FIVE - JOHN DOES

72. The Plaintiffs repeat, reallege, and incorporate by reference each and every allegation contained in the previous paragraphs and Counts as if fully set forth herein.
73. Although the Plaintiffs believe that the acts complained of were performed or caused by the named Defendants, the Plaintiffs cannot be certain that the named Defendants are the only person(s) or entity(ies) liable for the acts complained of as set forth herein. Therefore, the Plaintiffs have named John Does 1 - 10, fictitious persons or legal entities, as Defendant(s) to this action.
74. As such, the terms "Defendant" or "Defendants" as used in all of the above Counts and paragraphs should therefore be defined and read as "Defendant(s) and/or John Doe(s)".

WHEREFORE, the Plaintiffs demand judgment against the Defendants and John Does 1 - 10, jointly, severally, and alternatively, for such sums as would reasonably and properly compensate the Plaintiffs in accordance with the laws of the State of New Jersey, together with interest and costs of suit.

Schorr & Associates, P.C.
Attorneys for the Plaintiffs

By: 

Alan H. Schorr, Esquire

Dated: December 21, 2015

JURY DEMAND

Plaintiffs demand trial by jury as to all of the triable issues of this complaint, pursuant to R. 1:8-2(b) and R. 4:35-1(a).

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

PURSUANT to R.4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in this action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and

addresses of all persons or corporations insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

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DESIGNATION OF TRIAL COUNSEL

PURSUANT to the provisions of Rule 4:25-4, the Court is advised that Alan H. Schorr, Esquire, is hereby designated as trial counsel.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to Rule 4:5-1, it is stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

NOTICE REGARDING NON-DESTRUCTION OF EVIDENCE

Please be advised and noticed that the Defendants should refrain from destroying, disposing or altering any potential evidence in its possession which could relate in any way to this matter.

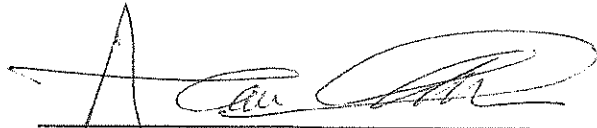
Please also be advised and noticed that this includes any and all electronic records, including but not limited to the hard drives on any and all computers and/or servers. To that end:

- A. The Defendant(s) should not initiate any procedures which would alter any active, deleted, or fragmented files. Such procedures may include, but are not limited to: storing (saving) newly created files to existing drives and diskettes; loading new software, such as application programs; running data compression and disk defragmentation (optimization) routines; or the use of utility programs to permanently wipe files, disks or drives.
- B. The Defendant(s) should stop any rotation, alteration, and/or destruction of electronic media that may result in the alteration or loss of any electronic data. Backup tapes and disks should be pulled from their rotation queues and be replaced with new tapes.
- C. The Defendant(s) should not alter and/or erase active files, deleted files, or file fragments, on any electronic media storage devices replaced due to failure, upgrade, and/or lease expiration that may contain electronic data having any relation to this matter.

Schorr & Associates, P.C.
Attorney for the Plaintiff

Dated: December 14, 2015

By: _____


Alan H. Schorr, Esquire