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Attorney for Plaintiffs

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JEFFREY STINNER, CHRISTOPHER	:	SUPERIOR COURT OF NEW JERSEY
FEIGHNER, AMY COLINERI,	:	LAW DIVISION: UNION COUNTY
RICHARD LATARGIA, THOMAS	:	
NORTON, JAMES URBAN,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	DOCKET NO.:UNN-L-_____ -18
	:	
Vs.	:	
	:	
	:	
THE BOROUGH OF MOUNTAINSIDE,	:	<u>COMPLAINT &amp; JURY DEMAND</u>
JOHN & JANE DOE(S) 1-10,	:	
XYZ CORP(S) 1-10,	:	
	:	
Defendants.	:	
	:	
	:	

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Plaintiffs Jeffrey Stinner, Christopher Feighner, Amy Colineri, Richard Latargia, Thomas Norton and James Urban (hereinafter "Plaintiffs" collectively), by and through their attorneys, Sciarra & Catrambone, L.L.C., by way of the within Complaint, alleges and says as follows:

**PRELIMINARY STATEMENT**

1. This is an action brought by Plaintiffs against their employer, the Borough of Mountainside (hereinafter "Defendant"). Plaintiffs seek judgment of this Court

against Defendant for relief permitted under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

**PARTIES**

2. At all times relevant to the within Complaint, Plaintiff Jeffrey Stinner is an employee of Defendant within the meaning of the LAD.
3. At all times relevant to the within Complaint, Plaintiff Christopher Feighner is an employee of Defendant within the meaning of the LAD.
4. At all times relevant to the within Complaint, Plaintiff Amy Colineri is an employee of Defendant within the meaning of the LAD.
5. At all times relevant to the within Complaint, Plaintiff Richard Latargia is an employee of Defendant within the meaning of the LAD.
6. At all times relevant to the within Complaint, Plaintiff Thomas Norton is an employee of Defendant within the meaning of the LAD.
7. At all times relevant to the within Complaint, Plaintiff James Urban is an employee of Defendant within the meaning of the LAD.
8. Defendant Borough of Mountainside is a public entity located in Union County, State of New Jersey.

9. John and Jane Doe(s) 1-10 and XYZ Corp.(s) 1-10 are fictitious parties. The fictitious individuals are being plead in the event that facts develop during the course of discovery that require the pleading of additional individual Defendants.

**JURISDICTION**

10. Jurisdiction is properly laid in this Court in that Defendants are subject to personal jurisdiction in the State of New Jersey, the events giving rise to the Complaint occurred within the County of Union, and Defendant Mountainside is a public body and employer located in Union County.

**STATEMENT OF FACTS**

**A. Background**

11. Mountainside has a small Police Department consisting of 22 sworn law enforcement officers.
12. James Debbie became Acting Chief of Police of Mountainside in or about March 1998.
13. Thereafter, Debbie was the Chief of Police of Mountainside from in or about May 1998 until in or about August 2014 when he had to mandatorily retire as a Police Officer at age 65.

14. In or about 1998, the Borough of Mountainside hired Debbie as a temporary Borough Administrator wherein he received a part-time stipend.
15. In or about January 1, 1999, the Borough provided him with the title of permanent part-time Administrator. At that time, Debbie started to receive salaries as both the Chief of Police and as an Administrator.
16. Debbie held both titles for approximately 16 years until his retirement as Chief.
17. Debbie is currently the Mountainside Borough Administrator.
18. The Borough Administrator is directly responsible to the Borough Council for the proper and efficient running of the day-to-day business affairs of the Borough.
19. Allan Attanasio is the current Chief of Police of Mountainside. He was promoted to Acting Chief in or about August 2014. Thereafter, he was appointed permanent Chief in or about February 2015.
20. Prior to that time, Attanasio was assigned to the Internal Affairs Unit from in or about January 2009 to in or about August 2014.
21. Thomas Murphy is currently a Lieutenant which is the second highest rank in the Police Department. He was promoted to Lieutenant in or about October 2014.

22. Andrew Huber is currently a Detective Sergeant in charge of the Detective Bureau and he is in the Internal Affairs Unit.
23. In or about 2013, Defendant promoted Huber to Corporal.
24. Huber was promoted to Sergeant in or about 2014.
25. In or about August 2014, Huber replaced Attanasio as an Internal Affairs officer. Huber has been an Internal Affairs officer for the Mountainside Police Department to the present.
26. Huber had been the school resource officer for the Mountainside School District for several years starting in or about 2001.
27. Mayor Paul Mirabelli has been Mayor of Mountainside since in or about 2009. He was a Councilman for the Borough prior to that time.
28. Keith Turner has been a Mountainside Councilman for almost 30 years. He has also been the Council President for more than a decade and the Police Commissioner for almost 20 years.

**B. Big Blue**

29. "Big Blue" is the name given to a large dildo that Andrew Huber, who is now an Internal Affairs officer, would keep in his desk drawer at the Mountainside Police Department. Later, Huber would keep Big Blue in a filing cabinet at headquarters.
30. In or about 2007 and 2008 while Plaintiff Stinner was assigned to the Detective Bureau, Stinner would be subjected to Big Blue on an almost daily basis. Huber would waive around Big Blue, throw it within the Detective Bureau, and throw it at people walking past the Detective Bureau.
31. Then-Chief James Debbie was aware of these incidents but took no corrective action.
32. In or about 2007 or 2008, Plaintiff Urban saw Big Blue in a coffee mug.
33. Upset with seeing Big Blue, Plaintiff Urban removed the dildo from the mug and threw it in the garbage.
34. Notwithstanding it being discarded, Big Blue reappeared after this incident.
35. On or about April 25, 2012, Plaintiff Norton and another Mountainside Police Officer complained to a member of the Police Administration that Big Blue's presence within the workplace was inappropriate.

36. On this same date, an attorney provided a presentation on sexual harassment. During this presentation, the attorney stated that sex toys have no place in the workplace and having same was immediate grounds for termination.
37. When this part of the presentation took place, Huber stood up and left the room.
38. Notwithstanding the foregoing presentation, the police administration, including Debbie who was the Chief at the time and, simultaneously, the Borough Administrator, took no action.
39. Over the course of his career, Plaintiff Norton has complained about other harassing, inappropriate and illegal conduct at the Police Department.
40. As a result, Debbie and others have labeled Plaintiff Norton as a malcontent. Further, Norton has been told he "has no sense of humor", he has to "lighten up", and he is "too serious", or words to that effect.
41. On several occasions between 2009 and 2013, Plaintiff Norton witnessed then-Chief of Police Debbie, who is also the Borough Business Administrator, refer to Big Blue, laugh about it, and not take any corrective action.
42. In or about October or November 2014, there was a PBA dinner dance. In full view of all in attendance including

now-Chief Attanasio and civilian residents in town, Muprhy brought a dildo, not believed to be Big Blue, to the dance.

43. Murphy sat at a table with Chief Attanasio.

44. Murphy waived the dildo above his head and in guests' faces.

45. At one point that evening, the dildo was displayed directly in front of Plaintiff Stinner's wife. In response, she turned around and walked away.

46. After this incident, Plaintiff Stinner confronted Murphy in the shift commander's office. Plaintiff Stinner advised Murphy that the Lieutenant's actions were out of line and Stinner's wife was deeply offended.

47. Murphy responded by stating that Plaintiff Stinner's wife was a "prude".

48. Following the dinner dance, the PBA leadership also complained about Murphy's conduct at the 2014 dinner dance and that it was inappropriate at a PBA meeting shortly thereafter.

49. Murphy was belligerent about these complaints regarding his conduct at the PBA dinner dance.

50. In or about 2015, a Police Lieutenant, angered by Sgt. Huber's conduct, grabbed Big Blue and stated, "this shit doesn't belong here and it stops today", or words to that



effect. The Police Lieutenant threw Big Blue into the trash.

51. Notwithstanding the foregoing, Big Blue once again reappeared in the shift commander's office.

52. On a few occasions in 2015, Sgt. Huber threw Big Blue at Plaintiff Feighner while he was eating at headquarters.

53. On another occasion in 2015, Sgt. Huber slammed Big Blue against the wall near Plaintiff Feighner's head.

54. In or about 2015, Huber attacked a male dispatcher with Big Blue at police headquarters while Murphy filmed the incident.

55. As Huber approached the male dispatcher, Murphy stated to the male dispatcher in part, "I having something for you, and its blue", or words to that effect.

56. As Huber stuck Big Blue in the male dispatcher's face and hit him over the head with it, Murphy laughed and stated, "get him", "what's it smell like", "I hope it doesn't smell like what I think it smells like", or words to that effect.

57. Plaintiff Urban was subjected to this incident.

58. On another day in or about 2015 or 2016, the male dispatcher went into the backroom of police headquarters to get coffee. Murphy, Huber and Officer Michael Perrotta were

present and pinned the male dispatcher on to a table and began to tickle him.

59. The male dispatcher was so distraught about the incident that he had to leave his shift early.

60. Plaintiff Norton learned of the incident when Chief Attanasio later told the story about what happened in Norton's presence. Attanasio laughed uncontrollably as he told the story.

61. In or about May 2016, the Mountainside Fire Chief, Anthony Pecorelli, was in police headquarters. Pecorelli spoke with Det. Sgt. Huber about Big Blue.

62. Det. Sgt. Huber then took out Big Blue and chased Pecorelli around headquarters with the dildo.

63. While Det. Sgt. Huber chased Pecorelli with Big Blue, Chief Attanasio shouted words of encouragement to Huber including, "get him" and "put it in his mouth", or words to that effect.

64. Lt. Murphy recorded this incident.

65. Plaintiff Feighner was exposed to this incident.

66. In the fall of 2016, Chief Attansio and fire official Gary Cantagallo were sitting in the back room of police headquarters. Plaintiff Norton and Plaintiff Urban were also present.

67. The current Fire Chief, Anthony Peccorelli, grabbed Big Blue and then he put on Lt. Murphy's raincoat. After buttoning up the raincoat, Peccorelli threaded Big Blue through one of the openings at crotch level.
68. Peccorelli then walked over to Catigallo and began to swing Big Blue in Catigallo's face.
69. Chief Attanasio then shot a look at Pecorelli to stop what he was doing because Plaintiff Norton was present.
70. Chief Attanasio did not take corrective action.
71. Plaintiff Norton could hear Lt. Murphy down the hall laughing about the incident.
72. Plaintiff Norton and Plaintiff Urban were exposed to this incident.

**C. The flashlight**

73. Murphy carries on his person a flashlight as part of his daily work gear.
74. Murphy had a practice of taking his flashlight and ramming it into the anus area of other male officers while at police headquarters as those officers had their backs to Lt. Murphy.
75. Murphy did this to Plaintiff Feighner on multiple occasions from in or about 2013 through the period of time in 2016 when Officer Pasquale was suspended without pay.

This took place in either late September or early October 2016.

76. As a result of Lt. Murphy's assaults with his flashlight, Plaintiff Feighner would attempt to walk with his back against the wall when encountering Lt. Murphy in a hallway of the Police Department.

77. Plaintiff Feighner witnessed Lt. Murphy attempt to shove his flashlight up the backside of other male officers including Plaintiff Urban and Plaintiff Latargia.

78. On one occasion, Murphy hit Plaintiff Urban with the flashlight so hard that it hurt for Urban to sit down.

**D. The gazer game**

79. Lt. Murphy and Det. Sgt. Huber would play the "gazer" game while on-duty and at police headquarters.

80. Murphy and Huber would point down at their zipper in front of a target officer.

81. Once the target officer looked down at Lt. Murphy's and Det. Sgt. Huber's zipper Huber or Murphy would yell out "gazer" insinuating that the target officer that was "gazing" was gay.

82. On almost a daily basis from in or about 2014 through late September or early October 2016, Murphy and Huber would harass Plaintiff Feighner with the gazer game.

83. On multiple occasions until as recently as late September or early October 2016, Lt. Murphy would harass Plaintiff Stinner with the gazer game.

84. In or about July 2016, Chief Attanasio stood on top of a sink in the ready room with his clothes on and pointed to his zipper.

85. Upon Plaintiff Stinner looking at Chief Attanasio's zipper the Chief laughed and yelled at Stinner that he was a "gazer". Lt. Murphy was present and laughing at this incident.

**E. Braining**

86. "Braining" and "brain" are other terms used by Huber while at work.

87. This is a reference to Huber taking his testicles out of his pants and placing his testicles on someone's food, drink or person.

88. Either Huber or Murphy would take a picture of Huber "braining" an item without the target officer's knowledge.

89. Once the target officer used the "brained" item, Huber or Murphy would then tell the target officer he had a funny picture to show him.

90. Huber or Murphy would also taunt a target officer by asserting that he had "brained" food or drink without

actually showing the target officer a photograph of Huber's testicles on the item.

91. As early as the fall of 1998, Plaintiff Norton witnessed Huber brain fellow Police Officer Ken Copobianco's soda when he left it unattended.

92. Attanasio, who is now the current Chief of Police, snapped a Polaroid photograph of Huber braining the soda and then showed it to Capobianco after he returned and began to drink from the bottle.

93. Huber engaged in the above practice where Plaintiff Feighner was the officer targeted on multiple occasions.

94. On multiple occasions, Plaintiff Stinner witnessed Huber brain objects.

95. On many of the occasions where Plaintiff Latargia was the targeted officer, Attanasio would also be present and he would be laughing.

96. On several occasions, Plaintiff Urban also witnessed Huber say to sworn law enforcement and civilians, "are you sure you want to eat/drink that?", or words to that effect, in reference to Huber possibly having brained their food or drink.

**F. Miscellaneous harassment in police headquarters**

97. From in or about 1999 to 2003, Lt. Todd Turner, the brother of Mountainside Councilman and Police Commissioner, Keith C. Turner, would make comments to Plaintiff Norton in front of other co-workers about the size of Norton's "unit", referring to his penis.
98. Lt. Turner would repeatedly ask Plaintiff Norton to whip out his "unit" to show him.
99. On a few occasions during this same time period, Lt. Turner would state to Plaintiff Norton that he just got off of the phone with his girlfriend who was breaking up with him because Norton had sex with her the night before and Norton was so big.
100. Then-Chief Debbie was aware of these incidents and took no corrective action.
101. On several occasions, Huber would hide quietly in the bathroom stall of the men's locker room completely naked.
102. Huber did this in the hopes of surprising another male officer who would then attempt to walk in and use the toilet.
103. Huber did this to Plaintiff Feighner on multiple occasions.
104. Huber also did this to Plaintiff Stinner on several occasions.

105. Huber did this to Plaintiff Urban on one occasion in or about 2014. When Urban entered the bathroom he nearly sat on Huber due to the surprise of Huber hiding on the toilet.

106. As a result of this incident, Plaintiff Urban was reluctant to use the bathroom at police headquarters out of concern that he would encounter Huber.

107. On several occasions, Huber stood on top of a bench in the locker room so that when an officer would walk into the men's locker room Huber's penis would be face level to the officer.

108. Huber did this to Plaintiff Stinner on multiple occasions.

109. In or about 2011 to 2012, Plaintiff Feighner would be in the locker room with Huber when Huber would drop his towel for no reason or bend over while naked and try to cause physical contact with Feighner.

110. Within the last three years, there were occasions where Huber would tuck his penis and testicle between his legs to look like a woman's groin area.

111. Huber would then approach other male officers, including Plaintiff Stinner, in the men's locker room and touch or try to touch the officer while he still had his penis and testicles tucked.



112. Huber would do this in the presence of Plaintiff Latargia and Plaintiff Stinner.

113. On one occasion, Huber chased a now retired Corporal out of the men's locker room, into a common hallway, and into the gym.

114. Plaintiff Stinner witnessed the above incident.

115. On several occasions, Huber grabbed or grabbed at Plaintiff Stinner's testicles.

116. On more than one occasion, in or about 2015, Huber, while sitting on the toilet, would fling excrement soiled toilet paper at Plaintiff Feighner while he used the urinal.

117. On several occasions, while Plaintiff Feighner was in the bathroom, Huber would ask Feighner to guess what Huber had for lunch. Huber would then present Feighner with Huber's soiled toilet paper from under the stall.

118. Huber would also do this to Plaintiff Stinner.

119. On one occasion, Huber defecated in Plaintiff Norton's boots. Huber meant to do this to Plaintiff Stinner.

120. On several occasions, Plaintiff Norton observed Huber grabbing at Plaintiff Latargia's crotch and rear end while in they were in the upstairs ready room as Latargia would prepare for his shift.

121. When Huber would do this, Plaintiff Norton observed Plaintiff Latargia state to Huber to, "get away from me", or words to that effect, and Latargia would attempt to defend himself from having his testicles grabbed.

122. Huber engaged in this conduct towards Plaintiff Latargia up until Pasquale hired an attorney for his disciplinary issues in or about late September or early October 2016 as set forth at greater length below.

123. On a few occasions, both Lt. Murphy and Det. Sgt. Huber grabbed at Plaintiff Feighner's testicles while they were at police headquarters.

124. From in or about 2014 to 2016, on several occasions, Plaintiff Urban observed Lt. Murphy search for and view pictures of transsexuals on Craigslist on the shift commander's office computer.

125. Lt. Murphy would attempt to show Plaintiff Urban pictures if he happened to be near the shift commander's office. Murphy would say to Urban, "check this one out" or "look what I found", or words to that effect, and laugh excessively.

G. The Chief's laser sight

126. The current Chief of Police, Alan Attanasio, carries a revolver as his on-duty weapon.

127. Approximately around the time of his promotion to Lieutenant, Attanasio mounted a laser sight on his revolver.

128. At around that same time and for a period of time up through the summer of 2016, Attanasio would point his firearm and laser at various officers within the Police Department while at police headquarters.

129. Pointing a firearm at another individual is an aggravated assault pursuant to the New Jersey criminal laws.

130. For instance, on several occasions, Chief Attanasio pointed his revolver with its laser sight at Plaintiff Feighner.

131. Plaintiff Feighner also observed Chief Attanasio point his revolver with its laser sight at Plaintiff Latargia.

132. Also, Chief Attanasio, on multiple occasions, pointed his revolver with its laser sight at Plaintiff Stinner.

133. This happened to Plaintiff Stinner most recently in or about June 2016. At that time, Plaintiff Stinner was a few minutes late to work. Chief Attanasio asked Plaintiff Stinner if he brought in bagels as punishment for being

late. When Stinner responded that he did not, Chief Attanasio pointed his revolver and its laser sight at Plaintiff's Stinner.

134. Plaintiff Feighner witnessed this incident in or about June 2016 where Chief Attanasio pointed his revolver with its laser sight at Plaintiff Stinner.

135. Chief Attanasio's use of his revolver and laser sight on Mountainside officers was so common that officers would comment, "don't disagree with Al or he will point a gun in your face", or words to that effect.

**H. Plaintiff Amy Colineri**

136. In or about 2010 or 2011, Plaintiff Latargia witnessed Murphy state to Plaintiff Colineri that he, "wanted to sniff her chair", or words to that effect.

137. In or about 2012 or 2013, Plaintiff Colineri was having a conversation with Plaintiff Urban about their respective daughters. Plaintiff Urban asked Plaintiff Colineri if her and her husband intended to have another child. In response, Colineri said that they were trying to have another child.

138. At that time, Murphy entered the room and stated, "if you need help, I can help you", or words to that effect.

139. In or about late 2014 or early 2015, Lt. Murphy made a comment to Plaintiff Colineri about wanting to impregnate

her. Lt. Murphy made the comment that Colineri should have another baby right now and that Murphy could help her.

140. Also, in or about 2015, Lt. Murphy asked Plaintiff Colineri about her children. Specifically, Murphy asked Colineri, "when is the next one coming", or words to that effect.

141. In response, Plaintiff Colineri replied, "we are done having kids", or words to that effect.

142. Lt. Murphy then retorted to Plaintiff Colineri, "if you were my wife you wouldn't have a say in that. We would be popping kids out all of the time," or words to that effect.

143. During the summer of 2016, Lt. Murphy made several comments to Plaintiff Colineri wherein he would ask where she lived so that he could look through her windows at her home.

144. Also during the late spring and summer of 2016, Lt. Murphy would also make comments to Plaintiff Colineri about his wanting to look at her while she was in her mother's pool.

145. In or about 2013, Lt. Murphy viewed a photograph that Plaintiff had put on social media of herself and her daughter in a zebra-print bathing suit while they both were in a pool.

146. Thereafter, during the late spring and summers of 2013, 2014, 2015, 2016 and 2017, Lt. Murphy would make comments to Plaintiff Colineri such as, "when's the zebra coming out again", or words to that effect, in reference to his desire to see Colineri in a bathing suit.

147. During this same time period, Lt. Murphy would make zebra like noises in the presence of Plaintiff Colineri and others in reference to Murphy's desire to see Colineri in a bathing suit.

148. On or about December 6, 2017, Plaintiff Colineri was in the supervisor's office at police headquarters. Det. Sgt. Huber walked into the office to ask Plaintiff Colineri a question.

149. Huber approached Plaintiff Colineri from behind as she was looking at her computer screen at the time. While asking her a question about municipal court discovery, Det. Sgt. Huber placed his hands on her shoulders for an extended period of time which made Colineri feel uncomfortable.

150. As this was happening, Plaintiff Urban walked into the room. When that happened, Det. Sgt. Huber immediately took his hands off of Plaintiff Colineri's shoulders, he quickly ended the conversation, and he walked out of the room.

151. Plaintiff Colineri makes efforts go into work early and then leave early in an attempt to avoid Lt. Murphy and Det. Sgt. Huber.

152. Plaintiff Colineri was also present at work when Lt. Murphy had conversations in police headquarters with others about Big Blue as well as sex toys he had at home.

153. On more than one occasion, Plaintiff Feighner witnessed Lt. Murphy walk over and sniff Plaintiff Colineri's chair after she left the room.

154. Plaintiff Colineri has witnessed the gazing game and flashlight incidents as set forth above.

I. **Murphy "buzzing" Plaintiff Urban**

155. On dozens of occasions up until in or about summer 2017, Lt. Murphy would "buzz" Plaintiff Urban while Urban would monitor the speed of vehicles on Route 22.

156. Murphy would drive up from behind and surprise Plaintiff Urban at a high rate of speed and drive extremely close to Urban's police vehicle.

157. When Murphy would do this, dust and road debris would enter Plaintiff Urban's vehicle which would also wobble back and forth.

158. Murphy has used both his personal and police vehicles to "buzz" Plaintiff Urban.

159. Plaintiff Urban has requested that Lt. Murphy stop doing this on multiple occasions but Murphy did not comply.
160. Plaintiff Urban has felt that Murphy's "buzzing" of him has placed him at risk of bodily harm.

**J. The videos**

161. In or about December 2012, Murphy sent out another video to recipients including Plaintiff Stinner where Murphy was dressed as Santa Claus and he insulted individual members of the police department. At the end of this video, Murphy waived around a white dildo and he advised that Santa was giving the dildo to one of the officers as a Christmas present.
162. There is a video of Murphy in his police uniform and in headquarters stating that an officer was not coming in to work because his arm hurts. Murphy then simulates masturbation and fellatio with his arm until he pantomimes being ejaculated on in the eye.
163. Murphy sent this video out as a form of harassment.
164. There is a video of Murphy showing off his pet goats. In this video, Murphy refers to the fact that he never had a problem with his white goats until two white goats died and he replaced those goats with two black goats. During this video, Murphy joked that the goats gave him problems because they were black and he used the n-word.



165. Lt. Murphy sent out videos including a video from in or about 2015 of Huber attacking a male dispatcher with Big Blue while Murphy filmed and incited the incident.
166. Plaintiff Stinner was a recipient of this video.
167. On or about October 6, 2015 at approximately 7:00pm, Plaintiff Feighner, Plaintiff Latargia, Plaintiff Urban and Lt. Murphy were being trained to use body cameras as part of a Prosecutor's Office Body Worn Camera pilot program. They were instructed by a representative from Taser who was from California.
168. During this training, Lt. Murphy made the racist comment in reference to the body cameras, "we just need them for the [n-words]", or words to that effect.
169. There is a video taken by Murphy of Huber in the kitchen of a Mountainside restaurant.
170. The video shows Huber in full police uniform and a chef's hat.
171. Murphy videotaped Huber cooking food and then stated, "throw a little wang in Pasquale's meal", or words to that effect, in reference to their practice of braining set forth above.
172. In a video after Murphy was promoted to Lieutenant in or about October 2014, Murphy filmed himself in front of

the Deerfield softball field he helped to build and bragged that this was the reason he was promoted.

173. In the same video, while recording the softball field, Murphy went on to state, "when you come out dead last on your lieutenant's exam, you have to have an ace in the hole. Thank you Uncle Keith", or words to that effect. "Uncle Keith" was a reference to Police Commissioner and Councilman Keith Turner.

174. There is a video of the 2015 opening day for the softball field and the Little League parade where Mayor Mirabelli jokingly refers to it as the "Murphy ... Mountainside Softball Association", in reference to Lt. Murphy's substantial involvement in the building of Deerfield Softball field.

175. There is a video from 2016 of a male dispatcher sitting in a chair in police headquarters. Huber comes at the male dispatcher from the hallway with Big Blue and shoves the dildo in the male dispatcher's face while Huber and another officer laugh.

176. There is a video of the incident in or about May 2016 when Det. Sgt. Huber chased Fire Chief Pecorelli around police headquarters with Big Blue.

177. There is a video of Murphy swinging a bag with a donut by his genitals and taunting a male dispatcher. Officer Perrotta's voice is also on the recording.

178. There is a video of a male civilian sitting in police headquarters. Huber is then shown reaching into a filing cabinet and accosting the civilian with a dildo. Murphy can be seen laughing and filming.

179. There is a video from a Mountainside Borough Council meeting on January 17, 2017.

180. During this Council meeting, Officer Pasquale's attorney stated that he intended to bring to the Councilmembers and Mayor's attention pervasive and systemic problems within the Mountainside Police Department.

181. Upon stating this, Mayor Mirabelli stated he was stopping the attorney at that point in time.

182. When Officer Pasquale's attorney approached the Mayor and Council, he brought with him a laptop computer to the podium.

183. Mayor Mirabelli directed Officer Pasquale's attorney to report wrongdoing by Mountainside police officers to the Mountainside Internal Affairs Unit.

184. On the date of the video, January 17, 2017, Huber was an Internal Affairs officer and Attanasio, as Chief of

Police, was the one who was ultimately responsible for Internal Affairs investigations.

185. Officer Pasquale's attorney then turned the laptop toward the Mayor and Council.

186. At that time, Mayor Mirabelli went on to declare that he did not want to see what was on Officer Pasquale's attorney's laptop and the attorney was not going to "grandstand" at the Council meeting.

187. During this exchange, Officer Pasquale's attorney stated that the legislative branch of the government is charged with oversight.

188. Officer Pasquale's attorney also stated that there is pervasive racism within the Police Department.

189. At that time, Mayor Mirabelli raised his voice and stated that he was going to stop the attorney right there.

190. When Officer Pasquale's attorney challenged the Mayor about his First Amendment right to free speech, Mayor Mirabelli responded that while there are rights the Mayor and Council are allowed to put restrictions on them.

191. Once again, the attorney stated to the Mayor and Council that there is "pervasive misconduct" within the Police Department.

192. Eventually, Mayor Mirabelli attempted to have Police Officers remove Officer Pasquale's attorney from the Council meeting.

193. During his exchange with the Mayor and Council, Officer Pasquale's attorney also referenced "sexual offenses".

**K. Emails**

194. Until approximately 2013, Huber would forward pornographic, racial and racist emails via his Mountainside Police Department email account to other Mountainside Police Officers via their work email accounts including but not limited to current Chief of Police Attanasio and Internal Affairs officers.

195. With respect to the pornographic emails, Huber would only forward those emails to male Officers within the Department.

196. Plaintiff Norton objected to being sent these emails.

197. In or around 2013, Huber was assigned to a new computer in the Detective Bureau.

198. When the Borough's IT personnel attempted to assign Huber's old computer to a new Detective, they found that Huber's old computer was riddled with computer viruses related to pornography and the Borough was forced to purchase a new computer.

199. As both Chief of Police and the Business Administrator, Debbie should have knowledge of the above expenditure and why the Borough had to purchase a new computer, yet no action was taken.

L. The Police Administration

200. In addition to the foregoing, there are additional facts which demonstrate that police corruption and hazing is strongly rooted within the Mountainside Police Department and internal complaints, especially to Internal Affairs or the Chief of Police will not be effectively and appropriately addressed.
201. In or about 2001 to 2011, Chief Debbie arranged Huber's schedule so that he would work 7:00am to 3:00pm Monday through Friday and then coach youth athletics for the Mountainside School District from 3:00pm to 5:00pm.
202. During this time frame, Huber would receive a stipend from the Mountainside School District to coach.
203. In or about 2011, the School District ceased paying Huber for his coaching duties and he was a volunteer.
204. As a result, Chief Debbie changed Huber's hours and days so that he worked 7:00am to 5:00pm Monday through Thursday. With the permission of Chief/Business Administrator Debbie, Huber would coach youth athletics for the Mountainside School District from 3:00pm to 5:00pm and be paid by the Police Department.
205. During the 2012-2013 school year and the 2013-2014 school year, Huber once again received pay from the Mountainside School District to coach.

206. Plaintiff Norton advised Chief/Business Administrator Debbie that Huber was double dipping including having the copies available of the School Board minutes reflecting the payment to show him. However, Debbie did not change Huber's schedule so he continued to be paid by both the Police Department and the Mountainside School District for the two hours he coached.

207. Between approximately 1999 and 2003, Turner would walk around police headquarters with a small pen knife and flick it open and closed.

208. Turner would regularly hold the pen knife near other officers' throats and comment that he was going to stab them in the neck or cut their jugular.

209. This happened to officers in the department including but not limited to Plaintiff Norton and Plaintiff Urban.

210. Further, Lt. Turner would state to Plaintiff Stinner on multiple occasions, "I hope you go on the road today and fucking die", or words to that effect, as well as stating he hoped Stinner would get shot and killed.

211. In or about 2005, Huber drew, "I ♥ cock" on the rear window of an officer's personal vehicle.

212. Then-Chief Debbie was aware of the incident and took no action.



213. On or about March 25, 2011, as a joke, Huber and then Lieutenant Attanasio put out a false report of an "officer needs assistance" call for a bar in Scotch Plains. They alleged that a Mountainside officer was trapped and cornered in the basement.

214. They placed the call for assistance by cell phone to a neighboring jurisdiction's police officers.

215. Huber and Attanasio then took up a position so that they could observe the Berkeley Heights Police Officers frantically responding to the distress call.

216. While those officers entered the bar, Huber used his universal fleet key to unlock and steal the neighboring jurisdiction's police vehicle.

217. Thereafter, both Huber and Attanasio laughed and bragged about the incident.

218. The Mountainside police administration was advised about the incident but nothing was done to Huber or Attanasio.

219. Murphy employed former Chief and current Borough Administrator Debbie's son for a number of years as an employee for Murphy's armored car side business.

220. The Borough ultimately hired former Chief and current Borough Administrator Debbie's son as a Police Officer in violation of the Borough's anti-nepotism policy.

221. Huber also assisted in obtaining employment for a family member of former Chief of Police and current Business Administrator Debbie.

222. For a number of years, Debbie, Huber and their family members would socialize together off-duty.

223. There was also an incident when Debbie was Chief where Huber was supposed to be on overtime working the "Operation Takeback" where the public would provide the Police Department with their prescription medications for disposal.

224. Huber attended a family christening instead of being at headquarters. Then-Chief Debbie went to headquarters and discovered that Huber was not working his overtime detail at headquarters.

225. No action was taken against Huber.

226. In or about November 2014, at the recommendation of the Chief, the Mountainside Honorary PBA awarded Huber Cop of the Year.

**M. The Mountainside Mayor, Borough Council & Administrator**

227. In addition to the foregoing, there are additional facts which demonstrate that township corruption is strongly rooted in Mountainside and internal complaints to the Mayor, Borough Council and the Administrator would not be effectively and appropriately addressed.

228. Huber has a relationship with Mayor Mirabelli and Police Commissioner Turner wherein Huber provides their families with personal favors.

229. Huber has also previously bartended for the Mayor's birthday party.

230. In or about August 2016, a picture was posted on Facebook of a member of Huber's family socializing with a member of Mayor Mirabelli's family at what appears to be the Jersey shore.

231. Murphy has close connections with the Police Commissioner, who he has referred to as "Uncle Keith".

232. In or about 2009, one of the questions then Councilman Paul Mirabelli asked applicants for promotion to Police Lieutenant was, "how well do you get along with Andy Huber and how well do you work with him?"

233. Similarly, in or about 2004, when the Police Administration was deciding who to assign to the Detective

Bureau, Plaintiff Norton's name was quickly dismissed because he did not get along with Huber.

234. As a result of their connections with Borough politicians including the Police Commissioner, both Huber and Murphy have been promoted up through the ranks of the Mountainside Police Department despite scoring at the bottom or towards the bottom of objectively scored tests administered by an outside entity.

235. In fact, in or about 2013, Huber bragged well in advance of any promotional process that he was being promoted to Corporal.

236. Thereafter, while scoring in the low 50s on a third party administered objective test, the Borough Council promoted him to Corporal.

237. For approximately 20 years, Murphy has been allowed to run his side business of private armored cars while on department time.

238. Murphy would joke about this as he grabbed the keys to his patrol vehicle at the beginning of his shift that it was time to get the trucks started.

239. In or about April 2016, Murphy opened a second side business, a fruit stand on Mountain Avenue.

240. Since then, Murphy spends on-duty time at his home, the armored car business and his fruit stand.

241. When traveling to these locations, Murphy either uses his personal vehicles or Police Department vehicles. Murphy makes efforts to hide his vehicles from view by parking the vehicles at a neighbor's house or a property he recently purchased.

242. During a collective bargaining meeting on or about September 27, 2017, there was a contract negotiations meeting.

243. Plaintiff Latargia, Plaintiff Stinner, Plaintiff Feighner, Plaintiff Norton and William Stolting were present at the meeting on behalf of the PBA.

244. Administrator Debbie, Chief Attanasio, Police Commissioner Turner, Councilman Glen Mortimer and Councilman Robert Messler were present for the Borough.

245. During the meeting, Police Commissioner Turner admitted his knowledge of Murphy's double dipping and stated that Murphy could always be found at his fruit stand.

246. The other Councilmembers sighed and nodded in agreement.

247. On or about April 15, 2015, Plaintiff Norton attended a meeting with the Borough Council Police Committee related to the Police Department's attempts to obtain police accreditation.

248. Lt. Murphy, Plaintiff Norton, Lieutenant Giannuzzi, Chief Attanasio, Councilman and Police Commissioner Keith Turner, and Councilman and Police Committee member Glenn Mortimer were at this meeting waiting for Business Administrator Debbie who was running late.

249. As they waited, Lt. Murphy made a racial joke while also using the n-word.

250. In response, Police Commissioner Turner stated, "Murphy, we know you are a racist", or words to that effect.

251. No corrective action was taken by the Police Committee Councilmembers who have oversight authority over the Police Department.

252. In or about 2016, well before any hiring process was announced, Huber bragged that the Borough of Mountainside was hiring a friend of his from the NYPD, Stephen King.

253. Approximately two weeks after Huber bragged about how his friend was going to be hired, on or about March 3, 2016, the Mountainside Police Department announced that it was accepting applications for the position of Police Officer.

254. A notice for the hiring stated, Mountainside "resident preference will be given but is not required", or words to that effect.

255. The notice also stated that the applicant was required to have a valid New Jersey Driver's License.

256. Chief Attanasio employed this last requirement with respect to one former Mountainside resident who was an out-of-state Police Officer and he was not considered for hiring because he did not have a New Jersey license.

257. Of all of the applicants that submitted applications, Huber's friend was the only non-Mountainside resident considered or given an interview by the Chief of Police and the Police Committee.

258. As a NYPD police officer throughout the pendency of the hiring process, Huber's friend was required to be a resident of New York and maintain a New York Driver's License. He even drove to his interview in his vehicle with New York license plates.

259. Notwithstanding the requirement that the applicant have a valid New Jersey license, in or about June 2016, the Borough hired Huber's friend Stephen King as a police officer.

260. On or about April 1, 2017, Mountainside police responded to a party on Sawmill Road involving underage drinking and drug use.

261. Once the party was broken up, the matter was not further investigated due to the involvement of a family member of an employee of the Borough.

O. Most recently

262. In or about March 2018, Plaintiff Stinner was in the locker room when Det. Sgt. Huber attacked another male Sergeant by attempting to grab the male Sergeant's genitals. In response, the male Sergeant stated, "get the fuck off of me", or words to that effect.

263. Plaintiff Feighner and Plaintiff Latargia were exposed to this incident.

264. On the next day, Det. Sgt. Huber once again attacked the same male Sergeant by attempting to grab the male Sergeant's genitals.

265. Again, Plaintiff Feighner and Plaintiff Latargia were exposed to this incident.

266. On the next day, Det. Sgt. Huber once again attacked the same male Sergeant by attempting to grab the male Sergeant's genitals.

267. Plaintiff Stinner was exposed to this incident.

268. Within the last month of the date of the filing of this lawsuit, Det. Sgt. Huber has reached for Plaintiff Feighner's genitals.



269. On or about the morning of May 10, 2018 at approximately 6:55am, while in dispatch, Det. Sgt. Huber walked in to the room and observed Plaintiff Latargia with his back turned.

270. Huber slowly crept upon on Plaintiff Latargia. At the same time, Det. Sgt. Huber bent his knees so that his genitals were at the height of Latargia's buttocks.

271. Det. Sgt. Huber startled Plaintiff Latargia by pressing his crotch into Latargia's buttocks and reaching around with his right arm to tickle Latargia's stomach.

**COUNT ONE**  
**(LAD - HOSTILE WORK ENVIRONMENT)**

272. All Plaintiffs reassert and reallege each and every previous paragraph as if fully set forth and reiterated herein.

273. Defendants' actions are in violation of the New Jersey Law Against Discrimination ("LAD") under N.J.S.A. 10:5-1, *et seq.*

274. Defendant's actions against Plaintiffs created a hostile work environment against Plaintiffs because of their gender, in violation of the New Jersey Law Against Discrimination under N.J.S.A. 10:5-1, *et seq.* These actions and activities were unwarranted and uninvited.

275. Defendant's complained of conduct would not have occurred but for Plaintiffs' gender. Defendant's conduct was severe and pervasive enough to make a reasonable man/woman believe that the conditions of employment were altered and the working environment was hostile or abusive.

276. Despite repeated requests for these activities to cease, Defendant took no action with regard to ceasing these activities.

277. Defendant's actions and/or inactions constitute a severe or pervasive, and continuing, course of conduct in violation of the LAD.

278. As a result, Plaintiffs' statutory rights have been violated and their protections under the law have been eviscerated.

279. Plaintiffs have suffered compensatory damages and are incurring legal expenses and other expenses as a result of Defendant's actions and inactions.

280. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiffs' statutory and civil rights, and Plaintiffs are entitled to punitive damages under applicable law.

**COUNT TWO**  
**(LAD - RETALIATION)**

281. All Plaintiffs reassert and reallege each and every previous paragraph as if fully set forth and reiterated herein.

282. Defendant is in violation of the New Jersey Law Against Discrimination ("LAD") under N.J.S.A. 10:5-1, et seq.

283. Defendant's actions as outlined above constitute retaliation against Plaintiffs as a result of Plaintiffs' protected activities in violation of the LAD.

284. Defendants' actions against Plaintiffs outlined above include but are not limited to a hostile work environment and a change to the terms and conditions of employment

including but not limited to new policies and procedures that were instituted by Chief Attanasio in or about November 2017 including but not limited to orders directed at Plaintiffs to ask for permission to enter police headquarters, as well as other hostile and abusive conduct.

285. Defendants' actions and/or inactions constitute a severe or pervasive and continuing course of conduct in violation of the LAD.

286. As a result, Plaintiffs' statutory rights have been violated and their protections under the law have been eviscerated.

287. Plaintiffs have suffered damages in the form of compensatory damages and are incurring legal expenses and other expenses as a result of Defendant's actions.

288. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiffs' statutory and civil rights, and Plaintiffs are entitled to punitive damages under applicable law.

**WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

a. Awarding Plaintiffs damages, including, but not limited to, equitable, punitive and compensatory damages including but not limited to non-economic damages for emotional distress, any statutory fines, compensation for the adverse tax consequences

of a lump sum award, together with both pre-judgment and post judgment interest and attorneys' fees and costs, as well as any enhancements pursuant to the case law, and costs of court;

b. For equitable relief including but not limited to protection by the Court with respect to any retaliatory actions by Defendant and its agents against Plaintiffs;

c. For an Order of the Court retaining jurisdiction over this action until Defendant has fully complied with the Orders of this Court, and that the Court require Defendant to file such reports as may be necessary to supervise such compliance; and

e. For such other, further, additional and different relief as this Court deems just and proper.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, the Court is advised that **Charles J. Sciarra, Esq.** is hereby designated as trial counsel.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues involved herein.

Respectfully submitted,  
**SCIARRA & CATRAMONBE, L.L.C.**  
Attorney for Plaintiff

By: Charles J. Sciarra /s/  
Charles J. Sciarra, Esq.

By: Matthew R. Curran /s/  
Matthew R. Curran, Esq.

Dated: May 11, 2018

**CERTIFICTION PURSUANT TO R. 4:5-1**

1. The matter in controversy is not the subject of any other pending action before any Court.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties to be joined in this action at the present time.

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

Respectfully submitted,  
**SCIARRA & CATRAMONBE, L.L.C.**  
*Attorney for Plaintiff*

By: *Charles J. Sciarra /s/*  
Charles J. Sciarra, Esq.

By: *Matthew R. Curran /s/*  
Matthew R. Curran, Esq.

Dated: May 11, 2018