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BENNETT A. BARLYN,

Plaintiff,

v.

PAULA T. DOW, individually and
in her official capacity as
Attorney General of the State of
New Jersey; STEPHEN J. TAYLOR,
individually and in his official
capacity as Director of the New
Jersey Division of Criminal
Justice, DERMOT O'GRADY,
individually and in his official
capacity as Acting Hunterdon
County Prosecutor, THE STATE OF
NEW JERSEY, THE OFFICE OF THE
ATTORNEY GENERAL, THE NEW JERSEY
DIVISION OF CRIMINAL JUSTICE,
THE COUNTY OF HUNTERDON and JOHN
DOES 1-25 (FICTICIOUS NAMES),
individually and in their
official capacities as police
officers,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY

DOCKET NO.: MER-

Civil Action

**COMPLAINT, DEMAND FOR TRIAL BY
JURY AND DESIGNATION OF TRIAL
COUNSEL**

The Plaintiff, Bennett A. Barlyn, complaining of the above-named Defendants, states:

THE PARTIES

Ben Barlyn

1. Plaintiff, Bennett A. Barlyn ("Mr. Barlyn"), became a resident of Pennsylvania in July 2007. Prior to that time, he was a resident of New Jersey.

2. From 1994 to 2002, Mr. Barlyn served as a Deputy Attorney General in the Appellate Bureau of the New Jersey Division of Criminal Justice ("DCJ").

3. During that time, he represented the State of New Jersey in hundreds of criminal appeals before the Superior Court of New Jersey, Appellate Division, and the Supreme Court of New Jersey, including four capital cases.

4. Because of his recognized skills as an advocate, Mr. Barlyn's superiors entrusted him with the responsibility of representing the State in direct appeals of defendants who had committed several of the most notorious crimes in New Jersey during the 1990's.

5. These cases included, among others, the carjacking and brutal murder of Gail Shollar in Piscataway in 1992, the murder of Investigator Joyce Carnegie of the Orange Police Department (the first female law enforcement officer to be killed in the line of duty in Essex County) in 1999, the immolation murder of two young children by their mother, Maria Montalvo, in Monmouth County in 1994, and the killings of two pizza delivery men in Sussex County in 1997 by Thomas Koskovich and an accomplice.

6. Mr. Barlyn's duties also included, among other things, answering numerous habeas corpus petitions in the Federal District Court of New Jersey and arguing habeas-related appeals before the Third Circuit Court of Appeals.

7. Mr. Barlyn was also asked to serve as statewide advisor to all twenty-one County Prosecutors' Offices on issues relating to search and seizure and capital punishment jurisprudence.

8. The Attorney General also designated Mr. Barlyn to serve as legal advisor to the Greater Newark Safer Cities Initiative (GNSCI), a collaboration between DCJ and governmental agencies, community leaders, and social services providers to reduce violent crime in Newark, New Jersey.

9. In addition, Mr. Barlyn was appointed to serve on the Attorney General's post-conviction DNA testing initiative.

10. While assigned to the Appellate Bureau, Mr. Barlyn consistently received top ratings on performance reviews.

11. In 2001, Mr. Barlyn was nominated by his superiors for an Award for Outstanding Appellate Advocacy from the Association of Government Attorneys Involved in Capital Litigation Region V, as a result of his work in representing the State in the capital appeal of Thomas Koskovitch, who was sentenced to death after he and an accomplice laid in wait and murdered two pizza deliverymen in Sussex County.

12. Mr. Barlyn also received many other accolades from his superiors for his professionalism and work ethic, including former Attorney General and Chief Justice Deborah T. Poritz.

13. From 2002 to 2004, Mr. Barlyn served as a Deputy Attorney General for the State of New Jersey, Office of Counter-Terrorism ("OCT"), which was established in the wake of the September 11th attacks.

14. In that capacity, among other duties, Mr. Barlyn coordinated the development and implementation of internal protective measures among all state agencies, corresponding to the national color-coded threat advisory system.

15. From 2004 to 2007, while still employed as a Deputy Attorney General, Mr. Barlyn served as the Executive Director for the New Jersey Commission to Review Criminal Sentencing ("Sentencing Commission").

16. Plaintiff was picked for this position by the Honorable Barnett Hoffman, J.S.C., a respected former criminal trial judge.

17. The Sentencing Commission was established by the New Jersey Legislature in January 2004, through the enactment of P.L. 2003, c. 265.

18. The Sentencing Commission was created "to review the fairness and proportionality of penalties imposed under this State's criminal laws."

19. The Sentencing Commission was composed of fifteen members, including two members of the Senate, two members of the

General Assembly, the Attorney General, the Commissioner of Corrections, the Public Defender, the Chief Justice of the New Jersey Supreme Court, the Chairman of the State Parole Board, the President of the New Jersey County Prosecutors Association, the President of the New Jersey Bar Association, and four members of the general public.

20. Mr. Barlyn's duties as Executive Director of the Sentencing Commission included, among other things, coordinating all Commission initiatives, overseeing the Commission's budget, providing testimony to the New Jersey Legislature, serving as New Jersey's representative to the National Association of Sentencing Commissions, as well as researching and drafting Commission reports and proposed legislation.

21. During his tenure with the Sentencing Commission, Mr. Barlyn researched and drafted nationally recognized reports on New Jersey's school-zone law and drug courts. Both reports spurred legislative changes to New Jersey's Criminal Code.

22. Mr. Barlyn also prepared a comprehensive report on statutory changes to the New Jersey Criminal Code relating to sentencing practices.

23. From 2007, until his unlawful termination on August 24, 2010, Mr. Barlyn was employed by the County of Hunterdon and served as an Assistant Prosecutor for the Hunterdon County Prosecutor's Office ("HCPO") and as a Special Deputy Assistant Attorney General.

24. The DCJ, in accordance with a statewide policy, approved Mr. Barlyn's hiring by the HCPO.

25. During his tenure with the HCPO, Mr. Barlyn handled numerous municipal appeals, 21 appeals in the Appellate Division, as well as two cases, State v. Jayson Williams and State v. Jeremiah Hupka, in the Supreme Court of New Jersey.

26. The Appellate Division continued to affirm convictions in cases argued by Mr. Barlyn in his capacity as an assistant prosecutor long after Plaintiff was unlawfully terminated.

27. Mr. Barlyn's duties at the HCPO also included, among other things, drafting internal guidelines and legal memorandum for prosecutors, detectives and patrol officers, serving as supervisor and advisor to municipal court prosecutors, and acting as custodian for purposes of Open Public Records Act requests.

28. Prior to his unlawful termination, Mr. Barlyn developed, on behalf of the Attorney General's Office, a training program for state and county prosecutors about immigration law. Approximately one month before the course was scheduled to be given on October 8, 2010, the same office fired Mr. Barlyn but did not remove his name from the course announcement.

Paula T. Dow

29. Defendant, Paula T. Dow ("General Dow" or "Dow"), was, at all times relevant to this Complaint, the Attorney General of the State of New Jersey.

30. Under the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., the Attorney General is designated as the chief law enforcement officer of the State of New Jersey and is charged with the duty of ensuring "the uniform and efficient enforcement of the criminal law and administration of criminal justice throughout the State."

31. During the relevant time period, General Dow's office was located in The Richard Hughes Justice Complex, 25 Market Street, Trenton, New Jersey.

32. Based upon information and belief, Dow is and was, at all times relevant to this Complaint, a resident of New Jersey.

33. Dow is being sued in both her individual and official capacities.

Stephen J. Taylor

34. Defendant, Stephen J. Taylor ("Director Taylor" or "Taylor"), is and was, at all times relevant to this Complaint, the Director of the New Jersey Division of Criminal Justice.

35. Under the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., DCJ was established in the State Department of Law and Public Safety.

36. As Director, Taylor is responsible for the immediate supervision of the DCJ.

37. As Director, Taylor works under the direction and supervision of the Attorney General.

38. Director Taylor's office is located in The Richard J. Hughes Justice Complex, 25 Market Street, Trenton, New Jersey.

39. Based upon information and belief, Director Taylor is and was, at all times relevant to this Complaint, a resident of New Jersey.

40. Director Taylor is being sued in both his individual and official capacities.

Dermot O'Grady

41. Defendant, Dermot O'Grady ("Acting Prosecutor O'Grady" or "O'Grady"), was, at all times relevant to this Complaint, the Acting Prosecutor of the Hunterdon County Prosecutor's Office.

42. O'Grady was appointed as Acting Hunterdon County Prosecutor by General Dow on or about May 7, 2010.

43. At all times relevant to the complaint, in his capacity as Acting Hunterdon County Prosecutor, O'Grady acted under the direction and/or supervision of General Dow and Director Taylor.

44. Immediately prior to his appointment as Acting Hunterdon County Prosecutor, O'Grady worked as a Deputy Attorney General in the DCJ.

45. Based upon information and belief, O'Grady is and was, at all times relevant to this Complaint, a resident of New Jersey.

46. O'Grady is being sued in both his individual and official capacities.

The State of New Jersey

47. Defendant, State of New Jersey ("State"), is and was, at all times relevant to this Complaint, a governmental entity.

The Office of the Attorney General

48. Defendant, Office of the Attorney General ("OAG"), is and was, at all times relevant to this Complaint, an office within the New Jersey Department of Law and Public Safety supervised by General Dow.

The New Jersey Division of Criminal Justice

49. Defendant, New Jersey Division of Criminal Justice, is and was, at all times relevant to this Complaint, a division within the New Jersey Department of Law and Public Safety supervised by General Dow and Director Taylor.

50. Pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., "All the functions, powers and duties of the Attorney General relating or pertaining to the enforcement and prosecution of the criminal business of the State and of any county of the State shall be exercised by the Attorney General through the Division of Criminal Justice."

The County of Hunterdon

51. Defendant, the County of Hunterdon ("Hunterdon"), is and was, at all times relevant to this Complaint, a governmental body organized and existing under the laws of New Jersey.

John Does 1-25

52. At all times relevant to this Complaint, John Does (1-25), were and are presently unknown agents or representatives of the named Defendants who directly or indirectly participated in the unlawful actions described herein. They are being sued in their individual and official capacities.

53. At all times relevant to this Complaint all of the foregoing Defendants were acting individually and under color of law, to wit: under the color of statutes, ordinances, regulations, policies, customs and usages of the State of New Jersey, Office of the Attorney General and Division of Criminal Justice.

JURISDICTION

54. The causes of action asserted by Plaintiff in this law suit are based either on New Jersey common law, the statutes of the State of New Jersey and/or the New Jersey Constitution.

FACTUAL BACKGROUND

55. In January 2008, a high-ranking employee of the Hunterdon County Sheriff's Office ("Sheriff's Office" or "HCSO") informed the HCPO that potentially unlawful activities were taking place in the

Sheriff's Office where Deborah Trout and Michael Russo had recently been sworn in respectively as Sheriff and Undersheriff.

56. In response, Hunterdon County Prosecutor J. Patrick Barnes asked Mr. Barlyn, who was the Chief of Appeals and Policy at the time, to research whether the HCPO had authority to direct the Sheriff's Office to adopt and follow sound law enforcement practices consistent with applicable guidelines and laws.

57. Mr. Barlyn concluded that the HCPO had that authority and prepared a memo, dated January 28, 2008, outlining the relevant law.

HCPO Begins Investigation Into Hiring by Sheriff's Office

58. The next day, the HCPO began efforts to ensure that hiring practices at the Sheriff's Office conformed to the law.

59. The investigation was led by veteran HCPO law enforcement personnel, namely, Assistant Prosecutor William McGovern ("McGovern") and Detective Sergeant Kenneth Rowe.

60. Mr. McGovern, who was Chief of Special Investigations for the HCPO, had twenty years of prosecutorial experience and was previously a Monmouth County Assistant Prosecutor and a Deputy Attorney General with DCJ, where he specialized in prosecuting white-collar crime.

61. Mr. McGovern's expertise was so valued by the New Jersey Attorney General's Office that former Attorney General Anne Milgram requested that he serve as a trial counsel in a major money laundering case months after being hired by the HCPO in early 2008.

62. Because Mr. McGovern was employed by the HCPO at that time, he had to be sworn in as a temporary Deputy Attorney General, in order to try the six-week money laundering case.

63. Mr. McGovern ultimately obtained money laundering convictions in February 2009 - an outcome that then Attorney General Ann Milgram specifically credited to Mr. McGovern in a press release dated February 22, 2008.

64. Prior to joining the HCPO in April 2007, Detective Sergeant Rowe worked for New Jersey State Police ("NJSP") for 26 years.

65. His tenure at NJSP included investigative work for the Field Operations Section and Criminal Investigation Section from December 1988 through October 2001.

66. First Assistant Hunterdon County Prosecutor Charles M. Ouslander directly supervised Mr. McGovern and Mr. Barlyn at the HCPO.

67. Mr. Ouslander, now the municipal judge of Hopewell Township, had accumulated twenty years of prosecutorial experience having served at the Brooklyn District Attorney's Office, the Mercer County Prosecutor's Office and the New Jersey Division of Criminal Justice (where he was Chief of DCJ'S Computer and Technology Unit) before his tenure at the HCPO.

68. Detective Sergeant Rowe was directly supervised by HCPO Chief of Detectives Daniel Hurley. Like Rowe, Hurley had served

with the New Jersey State Police for twenty-seven years before joining the HCPO.

69. While with the NJSP, Hurley was Captain and Bureau Chief of Internal Affairs Investigations, Office of Professional Standards.

70. Accordingly, the HCPO detectives and prosecutors involved with the investigation of the Hunterdon County Sheriff's Department were talented veteran law enforcement personnel who had previously worked for state law enforcement agencies in various capacities.

The HCPO Investigation - Erik Ezekian

71. The HCPO's investigation into the hiring practices of the Sheriff's Office initially revealed that Erik Ezekian, an individual hired by Sheriff Trout as an investigator, had a prior arrest record, making it illegal for him to possess and carry a handgun.

72. The investigation revealed that Ezekian had failed to disclose his arrest in his employment application.

73. Prosecutor Barnes directed Sheriff Trout to immediately disarm Ezekian in a letter dated May 23, 2008.

74. Ezekian was later charged by the HCPO with the fourth-degree crime of unsworn falsification relating to his employment application. He admitted his guilt to the charge and was sentenced on June 23, 2008.

The HCPO Investigation - John Falat

75. More evidence of wrongdoing and illegalities within the Sheriff's Office began to emerge during the investigation conducted by Mr. McGovern and Detective Sergeant Rowe on behalf of the HCPO.

76. In July 2008, Sheriff's Investigator John Falat, Jr., was charged by the HCPO with false swearing in connection with his employment application, a fourth-degree crime.

77. Falat subsequently resigned in November, 2008.

78. A newspaper article at the time noted that Falat did not have any law enforcement experience at all when Sheriff Trout hired him, and that his family contributed more than \$6,000 in printing services to Trout's election campaign.

The HCPO Investigation - Michael Russo

79. The investigation also revealed that, despite his dubious past, Sheriff Trout selected Michael Russo as her Undersheriff.

80. Russo is the former president and deputy chief of the Warren County Chapter of the Society for the Prevention of Cruelty to Animals ("SPCA"), a quasi-law enforcement agency.

81. In December 2000, the State Commission of Investigation ("SCI") issued a detailed and comprehensive report documenting activities of the New Jersey Chapters of the SPCA.

82. The SCI report focused, in part, on Russo's involvement with the Warren County Chapter of the SPCA.

83. Pages 39 through 41 of the SCI report specifically address various abuses which occurred at the Warren County SPCA under Russo's leadership.

84. The abuses found by the SCI included misuse of SPCA vehicles and the issuance of weapons to officers who were not properly qualified to carry such weapons.

85. According to the SCI's report, under Russo's leadership, the Warren County SPCA also "retained as an officer an individual who had been forced to resign his position as a municipal police officer and relinquish his permit to carry a weapon as the result of criminal charges related to the falsification of his applications to become a policeman and for a gun permit."

86. "The abuses by officers of this society are many," according to the SCI report.

87. The SCI further described the organization as one "that is out-of-control, that exists for the personal benefit of some of its participants and that has wielded its authority in highly inappropriate ways."

88. Russo refused to answer questions when subpoenaed to testify before the SCI and instead invoked his privilege against self-incrimination.

89. The misconduct disclosed by the SCI regarding the Warren County SPCA is strikingly similar to the criminality that would subsequently be alleged by the Hunterdon County Grand Jury

regarding the activities of Russo and his codefendants while at the Hunterdon County Sheriff's Office.

90. As part of the HCPO's investigation, a grand jury subpoena was issued seeking employment records from Russo during the summer of 2008.

91. Russo, joined by Sheriff Trout, subsequently tried to quash the subpoena by arguing that the request was politically motivated.

92. In refusing to quash the subpoena, the Honorable Roger F. Mahon, J.S.C., rejected the argument that it was improperly motivated by county politics.

93. In December 2008, Judge Mahon issued search warrants that gave detectives from the HCPO and th NJSP permission to search for evidence of criminality at the Sheriff's Office and Falat's home.

94. In doing so, Judge Mahon concluded that information contained in a lengthy search warrant affidavit prepared by Detective Sergeant Rowe, and reviewed by Assistant Prosecutor McGovern, established probable cause to believe that evidence of criminal wrongdoing by employees of the Sheriff's Office could be found at those locations.

95. Judge Mahon's finding of probable cause was the first of two independent determinations that Trout, Russo and Falat engaged in criminal activities while employed with the Hunterdon County Sheriff's Department.

96. HCPO seized from Falat's Hudson County residence 1,000 rounds of .40 caliber bullets and a bullet-resistant vest owned by Hunterdon County when they executed the search warrant issued by Judge Mahon.

The HCPO Investigation - Sheriff Trout

97. Deborah Trout was sworn in as Hunterdon County Sheriff on January 2, 2008.

98. The investigation revealed that Trout failed to perform her duty to assure that newly appointed undersheriffs submitted to appropriate background checks.

99. In fact, the investigation revealed that Trout allowed Russo to supervise and oversee his own background investigation.

100. The investigation also disclosed that Trout used her position to force Sheriff's Officers to sign legal documents which limited their rights to engage in political activity.

101. Sheriff Trout appeared to be closely connected to the Christie administration through Kim Guadagno, Christie's running mate.

102. While Guadagno was running for Lieutenant Governor, both she and Trout were serving as County Sheriffs.

103. According to emails obtained through the Open Public Records Act, Gaudagno even expressed her gratitude to Trout for being "given" the use of Trout's staffers, who were Hunterdon County employees, while campaigning.

The HCPO Investigation - The Robert J. Hariri and Celgene Corporation Connection

104. Further investigation by the HCPO, after execution of the foregoing search warrants, led detectives to Robert J. Hariri.

105. The investigation revealed that Hariri had obtained a false law enforcement identification that was created using official Sheriff's Office equipment.

106. Russo would later admit, in connection with charges that he and Falat made false law enforcement identification cards using Sheriff's Office equipment, that "only Robert Hariri of Bernardsville got one."

107. Russo thus confirmed the substance of several criminal charges later dismissed by the Attorney General's Office and/or DCJ.

108. Hariri's involvement was sufficiently connected to the investigation that he and his attorney appeared at the HCPO for questioning.

109. HCPO Investigators prepared a report that memorialized Hariri's statement.

110. Hariri was not arrested or charged in connection with the investigation, but he was considered a material witness regarding the alleged wrongdoing by Trout, Russo and Falat at the Sheriff's Office.

111. Hariri is a wealthy executive of a biotechnology company and active in Republican politics.

112. Hariri is the "Founder and Chief Executive Office of one of the world's largest human cellular therapeutics companies" and CEO of Celgene Cellular Therapeutics, a Division of Celgene Corporation, according to Forbes.com and his profile on LinkedIn.

113. Hariri is also a pilot and founder of Jet-A Aviation, a "high-end, boutique international, heavy jet aircraft charter and management company," according to the company's Website.

114. According to Trout, she was introduced to Hariri by a New York City dentist named Douglas King.

115. Thereafter, on July 9, 2008, Hariri flew King, Russo, Trout and another undersheriff in his own jet to a conference for first responders.

116. According to public campaign finance records, Hariri and his wife made a total of \$10,200 in contributions to Christopher Christie's gubernatorial campaign in 2009.

117. Following the election, Hariri was appointed by Governor Christie to his Transition Team's Sub-Committee on Health.

118. Governor Christie later nominated Hariri to be the only member from private industry allowed to serve on the New Jersey Commission On Cancer Research.

119. On May 19, 2011, the New Jersey Senate confirmed Hariri's nomination to the New Jersey Commission On Cancer Research.

120. One month before his confirmation, Hariri donated \$5,000 to the New Jersey Republican State Committee.

121. Until July 2011, Celgene, the parent company of Celgene Cellular Therapeutics, was founded and led by Sol Barer, Ph.D.

122. Mr. Barer is also a large donor to Republican causes.

123. For example, he donated \$25,000 to the New Jersey Republican State Committee on October 25, 2010.

124. Mr. Barer was also a top contributor to the now-defunct "Reform Jersey Now" an organization created in part to raise money used to support the Christie Administration's agenda.

125. On April 4, 2011, Mr. Barer was appointed by Governor Christie to act as Chairperson of the University of Medicine and Dentistry of New Jersey Advisory Committee.

126. The spokesman for the group was Mike DuHaime, the chief strategist during Governor Christie's gubernatorial campaign.

127. Celgene itself donated \$40,000 evenly between the New Jersey Democratic State Committee and the New Jersey Republican State Committee from September 12, 2007 through October 7, 2009.

128. Celgene executives, however, appear to favor Republican political causes, based on their history of donations disclosed in New Jersey public campaign finance records.

129. For example, Robert Hugin, Celgene's current chief executive donated a total of \$10,000 to the two New Jersey Senate Republican committees between March and June, 2011.

HCPO Keeps Attorney General's Office and DCJ Informed and Requests that they Take Over the Investigation

130. As part of its continuing efforts to involve the New Jersey Attorney General's Office in the investigation, Prosecutor Barnes, among other things, sent the supporting search warrant affidavits to Deborah Gramiccioni, who was then the Director of DCJ, after they were executed.

131. Even prior to the execution of the search warrant, HCPO personnel, including Prosecutor Barnes, had sent multiple letters to the DCJ alerting that agency to the mounting evidence of wrongdoing at the Sheriff's Office.

132. Prosecutor Barnes not only requested assistance in the investigation from DJC in early 2008, he also asked DCJ to supersede the entire investigation based on a clear conflict of interest arising from one county law enforcement agency investigating another.

133. Notably, as acknowledged in several letters, the Attorney General had agreed to a similar supercession request when the previous Hunterdon County Sheriff had been charged with a firearms-related offense.

134. Nevertheless, on this occasion, DCJ either ignored the several requests for assistance and supercession or denied them without explanation.

135. One of the DCJ employees who failed to respond to HCPO's request for assistance was then Deputy Attorney General Dermot

O'Grady, a person who would later play a central role in the unlawful termination of Mr. Barlyn.

136. Consequently, HCPO received no input or support whatsoever from the Attorney General's Office or DCJ, which was then run by the administration of Democratic Governor Jon S. Corzine.

137. This "hands-off" approach toward HCPO's handling of the Sheriff's case would radically change after Governor Christie, a Republican, was elected in November, 2009.

The Grand Jury Presentation

138. As courtesy to then Governor-elect Christie's incoming administration, HCPO personnel made a decision to personally brief the new Attorney General, Paula Dow, before prosecutors presented the results of their investigation to a Hunterdon County Grand Jury.

139. The briefing took place at the Hughes Justice Complex in late January 2010.

140. Present for the briefing were General Dow, her First Assistant, Philip Kwon, Prosecutor Barnes, HCPO Chief of Detectives Daniel Hurley, and Assistant Prosecutor McGovern.

141. At that time, HCPO representatives gave a presentation about the evidence they obtained relating to misconduct at the Sheriff's Office, as well as the potential criminal charges they could seek.

142. Neither General Dow nor First Assistant Kwon objected to proceeding with the criminal prosecution.

143. Shortly thereafter, McGovern began presenting evidence to a Hunterdon County Grand Jury that had been obtained during the investigation into the activities of the Hunterdon County Sheriff's Office.

The Grand Jury Indicts Trout, Russo and Falat

144. In March 2010, a Hunterdon County Grand Jury returned three indictments charging Trout, Russo, and Falat with a total of forty-three separate crimes.

145. Assignment Judge Yolanda Ciccone immediately sealed the indictments after they were handed up.

146. The indictments were, in all respects, sound from both a factual and legal perspective.

147. In fact, the indictments themselves were the second independent finding of probable cause that Trout, Russo and Falat had engaged in criminal conduct.

148. One indictment charged Trout with seven counts of official misconduct relating to her failure to oversee the hiring process at the Sheriff's Office and her attempt to influence the political activities of her subordinates.

149. A second indictment charged Russo with twenty-three counts of official misconduct, two counts of criminal simulation and one count of falsifying records. Some of these charges related to the use of Sheriff's Office equipment to manufacture false law

enforcement identification cards, one of which Russo would later admit was given to Robert Hariri.

150. A third indictment charged Falat with six counts of official misconduct, three counts of criminal simulation and one count of falsifying records. Again, some of these charges related to the manufacture of false law enforcement identification cards using Sheriff's Office equipment, one of which Russo admitted was given to Robert Hariri.

The Grand Jury Simultaneously Issues a Presentment

151. In addition to the indictments, the Grand Jury also prepared a presentment - a seven-page report that identified and discussed non-criminal malfeasance by other employees of the Sheriff's Office during the tenure of Trout, Russo and Falat.

152. The presentment was also sealed by Judge Ciccone.

Russo Predicts that Governor Christie Will Have the Indictments Dismissed

153. Immediately following a court appearance after the indictments were unsealed, Undersheriff Michael Russo was quoted by the press as claiming that Governor Christie "would step in [and] have this whole thing thrown out."

154. Russo's prediction that the indictments would be dismissed by the State would ultimately prove correct.

155. A relationship between Russo and Governor Christie is evidenced by a photo in which they posed together.

156. In that regard, Russo, who was campaigning to be Warren County Sheriff when indicted in Hunterdon County, posted a photo of himself and Governor Christie on his campaign Website, <http://www.russoforsheriff.com>.

Prosecutor Barnes is Forced to Resign

157. In early May 2010, General Dow directed Prosecutor Barnes, a "holdover" prosecutor appointed by Governor James McGreevey in 2003, to submit his resignation effective May 7, 2010.

158. Shortly thereafter, Prosecutor Barnes told several HCPO employees that Dow told him that his unexpected and abrupt departure was specifically due to the prosecution of Trout, Russo and Falat.

159. According to Barnes, General Dow said that the decision to remove him as prosecutor was made by "people above" her.

160. Barnes's removal occurred on the same date that Judge Ciccone previously set to unseal the three indictments, containing a total of 43-counts, against Trout, Russo and Falat.

161. The timing was not a coincidence. Making the charges public on the very date that Barnes was told to vacate his office tied the case to Barnes.

162. The effort to pin the case on Barnes, and not a future Republican appointee, would become more significant in the days and weeks to follow, as the Attorney General's office dismantled the case using unethical and unlawful tactics.

General Dow Appoints Dermot O'Grady as Acting Hunterdon County Prosecutor

163. On the same date that Prosecutor Barnes was forced out, and the three indictments were unsealed, General Dow appointed Deputy Attorney General Dermot O'Grady to serve as the Acting Hunterdon County Prosecutor.

164. By doing so, General Dow and Director Taylor, as well as the Attorney General's Office through the DCJ, now assumed full supervisory control of HCPO, pursuant to their authority under the State's Criminal Justice Act of 1970.

165. All assistant prosecutors, including Barlyn and McGovern, were thereafter sworn in as "Special Deputy Attorneys General."

166. General Dow sent a Deputy Attorney General from Trenton (i.e., O'Grady) to serve as an acting prosecutor only in Hunterdon County, even though several county prosecutor's office were led at this time by holdover prosecutors, including those in Warren, Monmouth, and Somerset counties.

167. Thus, at that time, General Dow did not seek to remove any other holdover county prosecutors and replace them with state attorneys from the DCJ.

The Attorney General's Office Changes Course and Takes Over the Indictments

168. Before Dow appointed O'Grady to serve as Acting Hunterdon County Prosecutor, the Attorney General's Office took a "hands off" approach to the Sheriff's case.

169. Shortly after appointing O'Grady as Acting Prosecutor, the Attorney General's Office and DCJ took over the prosecution and, as Russo predicted, acted in a way that protected his interests, as well as the interests of Trout and Falat, to the detriment of the people of New Jersey.

170. After taking over the office, the Attorney General's Office and DCJ immediately stripped the HCPO of all authority over the Sheriff's case.

171. Thereafter, as shown in internal documents and e-mails, the Attorney General's Office and DCJ made every decision relating to the Sheriff's case.

172. In addition, as of the day O'Grady was sworn in as Acting Hunterdon County Prosecutor, all press inquiries in the Sheriff's case were suddenly handled by a state public relations officer in Trenton.

173. General Dow and/or Director Taylor also directed that DCJ investigators seize all of the physical evidence obtained by the HCPO during the Sheriff's case and transport it to Trenton.

174. Neither General Dow nor Director Taylor consulted with McGovern after taking over the Sheriff's case, even though DCJ sought his expertise a year earlier in a major state money laundering case and commended him after a jury convicted the defendants.

175. Similarly, after Acting Prosecutor O'Grady was sworn in, he and other state personnel never asked McGovern about the

Sheriff's case and ultimately removed him entirely from the prosecution.

176. Detective Sergeant Rowe clearly expressed the shared sense of growing frustration and alarm among the experienced HCPO prosecutors and investigators regarding the Attorney General's motives and intentions in an e-mail to HCPO executive staff on July 22, 2010:

I haven't heard anything. Actually, Dermot has **NOT** yet asked me **ONE** question about the sheriff's job. I find that particularly worrisome since OAG/DCJ has been requesting GJ [Grand Jury] transcripts, invest [sic] reports, affidavits, search warrants, etc. And even taking all our original evidence for "review." (That's total BS that has never happened to me before). I sent Dermot an e-mail, I believe I may have also sent or copied you guys, about my concern of turning over original evidence but he never responded either in writing or verbally. In my 28 plus years in LE [law enforcement] I have never seen a prosecutorial agency act or work as a defense counsel. I perceive a lot of what they (OAG/DCJ) have been doing as interfering with a GJ investigation or even criminal acts. I am certainly starting to believe the comment in the HC Democrat where Russo reportedly said Christie is going to take care of it. Why the interest in this small time case???? Hum. . . .??? [Attorney General] Dow said they would not have even presented this in Essex County. Well this isn't Essex and what they [the defendants] did was criminal. I could go but I will save it for another day. And just in case they are monitoring our e-mails, they can go fuck themselves-Stay tuned. kr. [Emphasis in original].

O'Grady Removes McGovern From Sheriff's Case and Bars Him From Attending Related Court Hearings

177. McGovern, who spearheaded the investigation and grand jury presentation, intended to be present at a court hearing relating to the Sheriff's indictments that was scheduled to be held on Monday, August 9, 2010.

178. However, two days before the court hearing, O'Grady ordered McGovern not to be in attendance and informed him that the case would be henceforth handled by a Deputy Attorney General from DCJ.

179. The *Star-Ledger* published a story on August 9, 2010, about the Attorney General's "reassignment" of the case to a Deputy Attorney General in Trenton.

180. In that article, Russo, who previously predicted that the Sheriff's indictments would be dismissed, was quoted as stating that he "welcomed" news of the takeover.

181. Attorney General Spokesman Peter Aseltine was also quoted in the article as stating: "This is not a case of supersession It's still a Hunterdon County prosecutor case, but we control the office."

182. This public pronouncement was entirely untrue when viewed in light of State's conduct at the HCPO during the previous months. By this point in time, the Attorney General's Office and DCJ had assumed absolute control of every facet of the Sheriff's case.

183. *The Hunterdon County Democrat* published an editorial on August 11, 2010, two days after the Spokesman Aseltine's comment, entitled "Attorney General Should Tell Us Why He [sic] Took Over the Cases Involving Hunterdon Sheriff Deborah Trout And Her Aides."

184. The editorial made two compelling points. First, it noted that a prosecution against the previous Hunterdon County Sheriff was transferred to Morris County because of a clear

conflict of interest between the two county law enforcement agencies. The editor asked: "Why not move the current cases to another county?"

185. Second, the editorial cited the Attorney General's recent refusal to involve her office in an investigation about the suspicious shooting of an individual by an Essex County Sheriff's officer during a sweep of gay sex in Newark. "Apparently, the Attorney General's office has decided that only its attorneys can be fair and impartial in the Hunterdon cases. Why?" .

186. The decision by the DCJ to assume exclusive control of the Sheriff's case - but not assume control of any other case during O'Grady's tenure as Acting Prosecutor - demonstrates that its takeover of the HCPO, and newly found interest in the prosecution, was motivated by a corrupt desire to facilitate the dismissal of the Trout, Russo and Falat indictments in an effort to protect them and others.

Court Hearing in Sheriff's Case Held on August 9, 2010 - The Attorney General's Office Moves to Dismiss the Sheriffs' Indictments

187. Another court hearing in connection with the Trout, Russo and Falat indictments took place on August 23, 2010.

188. Deputy Attorney General Christine Hoffman, Chief of DCJ's Corruption Unit, appeared for the State at that hearing.

189. At that time, Deputy Attorney General Hoffman moved before the trial judge, the Honorable Paul Armstrong, J.S.C., to

dismiss the indictments - all 43 counts - returned against Trout, Russo, and Falat.

190. Deputy Attorney General Hoffman based her request for dismissal, which the court granted, on what she characterized in a four-page court submission as purported "legal and factual deficiencies in the indictment against all three defendants."

191. According to McGovern, the prosecutor who handled the investigation until he was replaced by Deputy General Hoffman, her submission to the court "misstate[d] the facts of the case and the law applicable to the case, and was designed to mislead the court and the public."

192. In truth, the indictments were dismissed for corrupt political purposes.

193. The decision by General Dow and/or Director Taylor to address the alleged deficiencies in the indictments, by dismissing all of the charges, further demonstrated that the dismissals were not the product of legitimate reasoning.

194. First, factual and/or legal deficiencies in an indictment are routinely remedied by re-presenting the case to a grand jury for the issuance of a new indictment.

195. Moreover, the alleged deficiencies alluded to by Deputy Attorney General Hoffman exclusively related to the numerous charges against Trout, not Russo and Falat, and made no mention of the charges relating to the manufacture of false law enforcement identifications.

196. Nevertheless, Deputy General Hoffman moved to dismiss all three indictments before their validity was challenged by the defendants.

197. The preemptive dismissal of the indictments by the Attorney General's Office foreclosed its obligation under the rules of court, specifically Rule 3:13-3, to furnish discovery material, including transcripts of the grand jury proceedings, to the defendants.

198. Not only did this provide further protection to Trout, Russo and Falat, it also protected those who were implicated in their illicit conduct, including Robert Hariri.

199. O'Grady did not notify any employee of the HCPO, including McGovern and Rowe, of the impending dismissals.

200. Instead, O'Grady directed HCPO's office manager to send out an office-wide e-mail on the morning of the 23rd directing all personnel not to speak to the media. No reference was made to the dismissals.

201. That same morning, O'Grady sent several e-mail messages to HCPO senior staff directing them to "gather and forward all material generated during the investigation and indictment of Sheriff Trout, Undersheriff Russo and Investigator Falat to my office as soon as possible. The material shall include all evidentiary material as well any other written documents. Originals of all materials shall be submitted."

Plaintiff Confronts O'Grady on the Same Day that the Indictment is Dismissed

202. At approximately 12:30 p.m., on the same day that the indictments were dismissed, Plaintiff encountered O'Grady in a hallway near McGovern's Office.

203. At that time, Mr. Barlyn informed O'Grady that the Attorney General's dismissal of the indictments was improper, unlawful and motivated by a corrupt political purpose. He further said that this fact could readily be established through evidence.

204. Mr. Barlyn also accused O'Grady of ignoring numerous problems in the office, including potentially illegal taping of telephone calls, that Plaintiff and other HCPO employees brought to his attention.

205. Plaintiff and O'Grady parted company following the encounter.

Governor Christie Nominates Anthony Kearns as Hunterdon County Prosecutor on the Same Day that the Indictment is Dismissed

206. That same day, hours after the indictments were dismissed, Governor Christie announced the nomination of Anthony Kearns to succeed Barnes as Hunterdon County Prosecutor, thus underscoring Plaintiff's complaint to O'Grady of improper intervention in the Sheriff's case and that the Attorney General's takeover of the HCPO was a pretext to dismiss the indictments.

O'Grady Suspends Plaintiff the Day After He Voiced his Objection to the Dismissal of the Indictment

207. The following morning, Plaintiff returned from his duties at Drug Court and was directed by O'Grady to the HCPO's library/conference room.

208. When Mr. Barlyn entered the room he observed a young woman and two large males, whom he assumed were DCJ investigators.

209. O'Grady then told Plaintiff that he was suspended immediately from HCPO.

210. When Plaintiff asked why he was being suspended, O'Grady said he was not entitled to an explanation.

211. After Mr. Barlyn gave O'Grady his office access cards and keys, the two large males then publicly escorted him past numerous employees, to the exit.

212. Plaintiff returned to his home about thirty minutes later and discovered that his e-mail and remote access connections to his work computer had been disconnected.

O'Grady Attempts to Intimidate Barlyn and Others into Silence

213. O'Grady then orchestrated a pretextual "investigation" concerning Plaintiff during this period.

214. Needless to say, neither O'Grady nor Barnes had previously reprimanded, much less criticized, Plaintiff in connection his job performance.

215. O'Grady told Assistant Prosecutor Brian Shevlin, Chief of HCPO's Special Victims Unit, to meet with him before an interview

that was supposed to take place between Shevlin and DCJ investigators about Plaintiff.

216. Shevlin was so shocked by O'Grady's attempt to intimidate him before the interview with DCJ investigators that he memorialized the exchange in a memo prepared that day.

217. According to Shevlin, O'Grady's tactics included comments such as, "Think of your family."

218. At least two other HCPO employees, McGovern and Rowe, were likewise subjected to O'Grady's intimidation, as well as his attempts to tarnish Plaintiff and justify his impending termination.

219. In fact, O'Grady told McGovern that he could keep his job if he remained silent about how the Sheriff's case was handled by the Attorney General's office.

Mr. Barlyn is Terminated by Director Taylor Via Letter Dated September 15, 2010

220. Plaintiff's suspension lasted for three weeks.

221. During that time, multiple attempts by Mr. Barlyn's attorneys to obtain an explanation from O'Grady, Director Taylor and General Dow went unanswered.

222. On September 15, 2010, Mr. Barlyn went to the dentist for an appointment to have several teeth filled.

223. After he left, his wife received a telephone call from someone purporting to "a secretary at the Prosecutor's office."

224. The woman, who did not give her name, told Mr. Barlyn's wife that he was required to appear at the Hughes Justice Complex in three hours.

225. After Mr. Barlyn's wife explained that he was at the dentist, she asked numerous questions, such as why Mr. Barlyn was needed to report and the name of the person he needed to see.

226. The "secretary" told Mr. Barlyn's wife that "they didn't tell [her], but that he should "report to the 5th floor."

227. Plaintiff, unable to attend because of the dental procedure, briefly consulted with his attorneys.

228. Shortly thereafter, and because of Mr. Barlyn's unavailability, one of Mr. Barlyn's attorneys traveled to Trenton in Plaintiff's place.

229. Upon his arrival at the DCJ offices located in the Richard J. Hughes Justice Complex, counsel for Mr. Barlyn asked to speak with various representatives, including Deputy Attorney General Miller and Assistant Attorney General Boris Moczula. He left after receiving no response to his inquiries.

230. Later that evening, a one sentence letter terminating Mr. Barlyn from his employment as an Assistant Hunterdon County Prosecutor was faxed to Mr. Barlyn's attorneys.

231. The termination letter was signed by Director Taylor.

232. In his letter, Director Taylor did not explain why Plaintiff, whom he had never spoken to or met, had been fired.

233. Defendant's mistreatment of Plaintiff continued after his termination. No one spoke with Plaintiff about the status of his retirement benefits and medical insurance for his family, despite his attorney's written request for an exit interview.

234. Plaintiff was also forced to wait weeks before his personal belongings were returned, but only through ongoing intervention and requests by his lawyers.

General Dow's Spokesman Offers Various Accounts Regarding the Actions Taken Against Mr. Barlyn

235. On the afternoon of September 26, 2010, General Dow's own spokesman, Paul Loriguet, offered an explanation to the press regarding the actions taken against Mr. Barlyn, which was false in many respects.

236. Loriguet falsely claimed that Mr. Barlyn had not been fired at all.

237. Mr. Barlyn, he said, had simply left the office after being reprimanded and did not come back.

238. Not only was this characterization untrue, it was contrary to the devoted service that Plaintiff had demonstrated throughout his unblemished career as a prosecutor.

239. Loriguet also explicitly denied that Plaintiff had been physically escorted from the HCPO on the day of his suspension.

240. The story referencing Loriguet's comments appeared online at 5:34 p.m.

241. An updated article appeared online at 6:27 p.m., with a new version of the events from Loriquet.

242. This time, the Attorney General's spokesman admitted that Plaintiff "was gone after publicly objecting to the dismissal of the charges at a Prosecutor's meeting on the subject."

243. Loriquet falsely added that Mr. Barlyn received an official warning after the meeting and did not return to work.

244. Loriquet continued by falsely saying that Plaintiff was fired "as a result of failing to report to work."

245. Yet another version of the events described by Loriquet appeared on September 27, the following morning.

246. In this third and final account, Loriquet again stated that Plaintiff had received an official reprimand in connection with his objection over the dismissal of the Sheriff's case.

247. However, Loriquet falsely added that the firing was also due to "other reasons" upon which he refused to elaborate.

O'Grady is Promoted by General Dow and Director Taylor

248. Once O'Grady's tenure as Acting Hunterdon County Prosecutor came to an end, he returned to DCJ as a Deputy Attorney General.

249. Immediately thereafter, he was promoted by General Dow and Director Taylor to the position of Deputy Director of DCJ.

O'Grady's Reaction to the Comments Made to the Press by General Dow's Spokesperson

250. O'Grady, who refused all requests for an explanation regarding his treatment of Mr. Barlyn, was troubled to discover that General Dow's spokesman directly linked Plaintiff's termination to his objection over the dismissal of the 43 charges contained in the indictments against Trout, Russo and Falat.

251. O'Grady confided to HCPO Chief of Detectives Daniel Hurley that Plaintiff was now well positioned to successfully sue the State.

McGovern Files a Tort Claims Notice

252. On November 21, 2010, William McGovern filed a tort claims notice against the State of New Jersey and Hunterdon County indicating his intention to sue both entities.

253. In his notice, McGovern alleged that the Attorney General's Office ignored repeated requests from HCPO to address misconduct engaged in by members of the Hunterdon County Sheriff's Office.

254. According to McGovern, the Attorney General's actions were consistent with Russo's public statement that Governor Christie would have the case "thrown out."

255. According to McGovern's tort claims notice, the Attorney General's Office took over the HCPO: 1) to dismiss the indictments against Trout and her codefendants; and 2) to ensure that the presentment issued by the Grand Jury would not be made public.

256. McGovern claimed that O'Grady created a hostile and unprofessional work environment for those involved in the case.

257. According to McGovern, during one conversation following the dismissal of the indictments, O'Grady specifically conditioned McGovern's continued employment at HCPO on his remaining silent about the Attorney General's handling of the case and by distancing himself from "certain individuals" also associated with the Sheriff's case.

Mr. Barlyn Files a Tort Claims Notice

258. On December 8, 2010, Mr. Barlyn filed a tort claims notice against the State of New Jersey and Hunterdon County.

O'Grady Describes His Assignment as Acting Prosecutor

259. Following McGovern's departure from the HCPO, O'Grady admitted to Detective Sergeant Rowe that his superiors at the Attorney General's Office and/or DCJ assigned him two tasks as Acting Prosecutor.

260. O'Grady stated that his first task was to facilitate the dismissal of the Sheriff's case.

261. According to O'Grady, his second task was to find a reason to fire Plaintiff and First Assistant Prosecutor Charles Ouslander.

262. O'Grady also admitted to Rowe that the Attorney General's Office would not re-present the case to another Grand Jury.

The Celgene Connection Resurfaces

263. The link between Robert Hariri and the dismissal of the Trout, Rosso and Falat indictments was recently reinforced.

264. Richard Bagger, Governor Christie's Chief of Staff, resigned on December 22, 2011.

265. Upon Mr. Bagger's resignation, Celgene Corporation announced in a press release that the company had appointed him to the position of "Senior Vice President, Corporate Affairs and Strategic Market Access", effective January 30, 2012.

266. Mr. Bagger's responsibilities at Celgene Corporation are reported to include government and public affairs, strategic market access, communications and patient advocacy initiatives.

267. According to the press release announcing Mr. Bagger's appointment, his post "is a newly created position at Celgene."

268. Mr. Bagger will report directly to Robert J. Hugin, Chairman and Chief Executive Officer of Celgene Corporation.

General Dow's Transition Report

269. A report authored in part by General Dow herself during Governor Christie's transition strongly suggests that Mr. Barlyn is not the first New Jersey prosecutor to be retaliated against by DCJ because he fulfilled his obligation to seek justice in a corruption prosecution.

270. In discussing the DCJ, the report states that: "the Corruption Unit has been unable to undertake certain high profile and complex corruption prosecutions because, allegedly, attorneys

and investigators have feared political reprisal and breaches in confidentiality. If this is confirmed, it raises crucial integrity concerns that go the [sic] heart of the Department's mission and its professional credibility."

COUNT ONE

WRONGFUL TERMINATION

(All Defendants)

271. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth at length herein.

272. Mr. Barlyn's suspension and termination were in retaliation for his reasonable and good-faith protest to the Attorney General's and/or DCJ's unlawful and corrupt dismissal of the 43 count indictment against Trout, Russo and Falat, as well as other illegal conduct occurring at the HCPO.

273. Mr. Barlyn's suspension and termination violated clear mandates of public policy, and/or were the result of exercising rights protected by such public policy, including, but not limited to:

- a. The policy that requires prosecutors to prosecute those who commit unlawful conduct;
- b. The policy that requires the Attorney General, as the chief law enforcement officer of the State, to provide general supervision of the criminal justice system in order to secure the benefits of a **uniform enforcement** of the criminal law and the administration of justice throughout the state;
- c. The policy that requires prosecutors to see that justice is done;

- d. The policy that requires prosecutors to assist in the detection, apprehension and conviction of offenders;
- e. The policy that requires prosecutors to protect the public from favoritism, improvidence and corruption;
- f. The policy that requires prosecutors to objectively enforce the criminal laws of this State;
- g. The policy that requires prosecutors to see that the criminal laws of this State are honestly and impartially administered;
- g. The policy that prohibits prosecutors from acting as partisans but, instead, encourages them to act as officers of the court whose duty is to aid in arriving at the truth in every case;
- h. The policy that prohibits prosecutors from violating the law, including acting in a manner that constitutes official misconduct;
- I. The policy that prohibits attorneys, including prosecutors, from engaging in unethical conduct;
- j. The policy that prohibits attorneys, including prosecutors, from misleading the court or other tribunals;
- k. The policy that seeks to prohibit public officials, including prosecutors, from using, or attempting to use, their position to secure unwarranted advantages or privileges for themselves or others;
- l. The policy, as set forth in the New Jersey Constitution and the oath taken by every state and county official, to "faithfully, impartially and justly" perform the duties of their office;
- m. The policy which prohibits law enforcement officers, including prosecutors, from granting favoritism to individuals or entities for political reasons or due to their political affiliations;
- n. The policy which seeks to encourage employees to report wrongful or illegal activities by an employer or co-worker;

- o. The policy protecting internal opposition to an employer's or co-worker's wrongful or illegal conduct;
- p. The policy which seeks to promote the reporting by law enforcement officers, including prosecutors, of illegal or wrongful activities committed by others;
- q. The policy which seeks to promote the reporting by attorneys, including prosecutors, of illegal or unethical conduct by other attorneys, including prosecutors;
- r. The policy that favors protecting the safety of the public from those who participate in wrongful or illegal conduct;
- s. The policy which seeks to discourage employers from coercing their employees into silence regarding wrongful or illegal activities;
- t. The policy that prohibits retaliatory conduct against public officers, including prosecutors, in an effort to conceal wrongful or illegal conduct;
- u. The right to free speech secured by the New Jersey Constitution; and
- V. The rights of victims to be treated with fairness, as well as their right to secure the remedies made available to them by the Legislature, as secured by the New Jersey Constitution.

274. At all times, Defendants acted willfully and maliciously with respect to their treatment of Mr. Barlyn.

275. Defendants conspired to terminate Mr. BARlyn in retaliation for his statements to Mr. O'Grady complaining of the unlawful conduct described above.

276. As a proximate result of his unlawful suspension and termination, Mr. Barlyn has incurred a loss of income, fringe benefits, valuable job rights, and other direct and consequential damages.

277. As a proximate result of his unlawful suspension and termination, Mr. Barlyn has also suffered emotional distress and mental anxiety.

WHEREFORE, Plaintiff requests the following relief:

- a) Compensatory damages;
- b) Punitive damages;
- c) Reasonable attorney fees and costs;
- d) Pre and post judgment interest; and
- e) Such other relief as the Court deems just.

COUNT TWO

**VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT -
N.J.S.A. 10:6-1 et seq.**

**(All Defendants With the Exception of the State of
New Jersey, The Office of the Attorney General, and
the New Jersey Division of Criminal Justice)**

278. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as though fully set forth at length herein.

279. Based on the aforesaid conduct General Dow, Director Taylor, Dermot O'Grady, Hunterdon County and John Does (1-25), acting under color of law, deprived, interfered with or attempted to interfere with by threats, intimidation, coercion, suspension and termination, the exercise or enjoyment by Mr. Barlyn of the rights guaranteed to him by the New Jersey Constitution including, but not limited to:

- a. The right to freely speak absent abuse;
- b. The right to pursue and obtain safety and happiness;

- c. The right to petition the government for redress;
- d. The right to any other natural and unalienable right retained by the people.

WHEREFORE, Plaintiff requests the following relief:

- a) Compensatory damages;
- b) Punitive damages;
- c) Reasonable attorney fees and costs;
- d) Pre and post judgment interest; and
- e) Such other relief as the Court deems just.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012

JURY DEMAND

Plaintiff demands a trial by jury in this action for all issues triable by a jury.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Robert E. Lytle, Esq., is designated as trial counsel for the above-captioned matter.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy in the within Complaint is not the subject of any other action pending in any court, or of any arbitration proceeding. No other action or arbitration proceeding regarding this matter is contemplated by

Plaintiffs. Plaintiff is not aware at this time of any other parties who should be joined in this action.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

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 the 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; © Inception and expiration date; (d) Names and addresses of all persons insured thereunder; (e) Personal injury limits; (f) Property damage limits; and (g) Medical payment limits.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012

RULE 1:38 CERTIFICATION

All confidential personal identification information has been redacted and that subsequent submissions will not contain such identification.

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.
Attorneys for Plaintiff

By: _____
Arnold C. Lakind, Esq.

Dated: January 31, 2012