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SUPERIOR COURT OF NJ

KEVIN MORRIS, JASMINE DANIELS,
SHAREE GORDON, JADE HOWARD, PIA
MALCAMPO, ADAYSHIA MCKINNON,
SARAH SCHWARTZ AND ARIANNA
WILLIAMS, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

RUTGERS-NEWARK UNIVERSITY,
GERALD MASSENBURG, MARK GRIFFIN
AND WILLIAM ZASOWSKI,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY
DOCKET NO. 328-17
Civil Action

**COMPLAINT
AND JURY DEMAND**

Plaintiffs, Kevin Morris (“Morris”), Jasmine Daniels (“Daniels”), Sharee Gordon (“Gordon”), Jade Howard (“Howard”), Pia Malcampo (“Malcampo”), Adayshia McKinnon (“McKinnon”), Sarah Schwartz (“Schwartz”) and Arianna Williams (“Williams”) (collectively herein referred to as “Plaintiffs”), on behalf of themselves and others similarly situated, by way of Complaint against Defendants Rutgers-Newark University (“Rutgers”), Gerald Massenburg (“Massenburg”), Mark Griffin (“Griffin”) and William Zasowski (“Zasowski”) (collectively herein referred to as “Defendants”), say:

SUMMARY OF THE CASE

In this action, Plaintiffs, the former head women's basketball coach at Rutgers and seven (7) female student-athletes, seek monetary and punitive damages based on Rutgers and supervisors of its Athletic Department's illegal conduct in violation of the New Jersey Law Against Discrimination N.J.S.A. 10:5-1, et. seq. ("LAD").

Rutgers' Athletic Department's problems with discrimination, retaliation and hostile environment are well-chronicled. Its men's basketball coach, Kevin Brannon, was terminated after it was discovered that he forced student-athletes and student-managers to run sprints naked during a foul shooting contest. Subsequently and with knowledge that he had a history of abuse and misconduct towards players and staff, Mike Rice was hired to coach the men's basketball team. Notwithstanding this knowledge, at no point relevant, did Rutgers monitor Rice's behavior.

During Rice's tenure, Rutgers learned that he physically abused his players and humiliated them with gay slurs, such as "fucking faggot", and other offensive and humiliating comments. Instead of terminating Rice, Rutgers suspended and fined him. Ultimately when the public learned of Rice's behavior by virtue of a video that was leaked to the press, Rutgers fired Rice along with the Athletic Director. Rutgers publically promised that it would correct and address the unacceptable conduct. Rutgers lead the public to believe that it understood the importance and responsibility associated with its Athletic Department being entrusted with these young, impressionable players at an incredibly informative period of their lives.

This was a deception. During a staff meeting after the Rice abuse scandal, Defendant Mark Griffin, the Athletic Director at Rutgers, laughed about the situation, told everyone that he could not coach a team without using the word "fuck" and advised his staff that he did not care

what they said to student-athletes. Indeed, Griffin would regularly make homophobic and racist comments during staff meetings. Griffin referred to an African-American female coach as a “double quota”. He also told this same coach that, “she was lucky to be working with so many white guys”. When an African-American employee requested additional pay because of additional assignments and duties, Griffin responded that, ‘you black people really want to move up these days’. Based on this illegal and pervasive conduct, Plaintiff Kevin Morris, the women’s head basketball coach, complained to the Assistant Chancellor of Student Life, Gerald Massenburg, however, nothing was done. Following these complaints, Griffin repeatedly threatened Morris and his staff with discipline.

As a result of his complaints being ignored and Griffin’s behavior continued without punishment, Morris complained to Rutgers’ human resources department about the racist, homophobic and sexist conduct. Following this complaint, as a result of the continuing hostility, Morris went on medical leave. Morris was advised that an investigation would take place. Thereafter, Rutgers’ conducted a biased and ineffective investigation which resulted in no change to the women’s basketball team and no discipline to Griffin. Ultimately, Morris took medical leave and then was fired in retaliation for his complaints.

In the meanwhile, following Morris’ medical leave, the Plaintiff Student Athletes learned that Zasowski, who at the time was the assistant coach of the men’s basketball team, would become the interim coach of the women’s basketball team. The Plaintiff Student Athletes objected to this assignment because they witnessed Zasowski using sexist and profane comments towards the men’s basketball team. When Zasowski tried to schedule a team meeting, the student-athletes did not show up in protest to his hiring. Instead of listening to the Plaintiff Student Athletes’ legitimate complaints about Zasowski, Griffin threatened to cancel the

basketball season. Despite the Plaintiff Student Athletes' complaints and concerns, Zasowski was named interim coach. Zasowski immediately created a hostile and humiliating environment referring to the Plaintiff Student Athletes as "dickheads" and telling them to "shut the fuck up". He would refer to his female athletes as "motherfuckers" when they made a mistake. Zasowski constantly used profanity during practice and even derogatorily comments calling his players as "mentally retarded" when they made a mistake. During a game, Zasowski referred to a female referee as a "cunt" in front of the entire team. On one occasion, Zasowski told one of the student-athletes that she was lucky to be playing on a team with two senior "dykes", in reference to two of the plaintiffs. Zasowski also asked another student-athlete about several African-American players' hair questioning if the "nappy look" was back because it looked like several players "combed their hair with firecrackers". This comment is especially egregious in light of the radio personalizes, Don Imus, previous comments referring to the Rutgers women's basketball team as "nappy headed hos".

When the team captain Plaintiff Sharee Gordon confronted Zasowski about his racist and discriminatory comments, he denied it. Zasowski then directly retaliated against her by *never starting* her in another game, including senior night. In addition, Zasowski tried to suspend Gordon from participating in an away playoff game at Rowan College. Gordon refused to accept this suspension because she knew it was in retaliation for her complaints. While on the bus, Gordon was confronted and told to get off the bus on two (2) separate occasions by the assistant coaches, but she refused to leave. Those coaches then threatened to call the police to remove her from the bus, but she again refused. The team, who watched this entire escapade, then back its captain's protest and stated that if Gordon was remove from the bus, the entire team would leave

the bus. Gordon was allowed to travel to the game but was not allowed to play. Because of the team's protests, Zasowski refused to coach them.

Following the bus incident, Gordon and her mother met with Griffin and another coach. The meeting was heated. When Gordon and her mother complained about Zasowski's improper conduct, Griffin discriminatory responded, "see that is the problem with you people". Griffin also threatened Gordon telling her that her actions could "affect her environment at Rutgers". After that threat, the meeting concluded. Griffin did nothing about the complaints.

A team meeting was then held with Zasowski when he denied making each and every racist and discriminatory statement that he was accused of by players and coaches. However, when one of the players confronted him about the nappy hair comment, Zasowski said that he may have made the comment as a "joke". Zasowski then called two of his players liars for telling the team he made those comments. After that meeting, he called another team member a liar and tried to kick her off the team. She remained on the team, but her playing time was cut.

As a result of this hostile and retaliatory environment, the Plaintiff Student Athletes have suffered severe emotional harm, loss of enjoyment of life, other personal injuries and other diminished opportunities and capacities.

THE PARTIES

1. During all times relevant to this Complaint, Morris was an employee of Rutgers as the term "employee" is defined by the LAD.

2. During all times relevant to this Complaint, Plaintiffs Gordon, Howard, Malcampo, McKinnon, Schwartz, Williams and Daniels were students at Rutgers and played on Rutgers' women's basketball team (collectively referred to as "Plaintiff Student Athletes").

3. The Plaintiff Student Athletes were protected from conduct proscribed by the LAD, while they pursued their student athletic activities at Rutgers.

4. Rutgers is an “employer” as defined by the LAD.

5. During all times relevant to this Complaint, Rutgers was the employer of Morris as that term is defined by the LAD.

6. During all times relevant to this Complaint, Rutgers was a place of “public accommodation” as defined by the LAD.

7. During all times relevant to this Complaint, Griffin was the Athletic Director and an upper level supervisor of Rutgers who aided and abetted in the harassment, discrimination and retaliation as more fully alleged herein.

8. During all times relevant to this Complaint, Massenburg was the Assistant Chancellor of Student Life and an upper level supervisor of Rutgers who aided and abetted in the harassment, discrimination and retaliation as more fully alleged herein.

9. During all times relevant to this Complaint, Zasowski was the interim head coach of Rutgers women’s basketball team and a supervisor at Rutgers who aided and abetted in the harassment, discrimination and retaliation as more fully alleged herein.

10. Rutgers’ acts through its superiors including, but not limited to, Defendants Massenburg, Griffin and Zasowski (“Individual Defendants”), for whom Rutgers has *respondeat superior* liability.

VENUE

11. Pursuant to Rule 4:3-2, venue is proper in Essex County because the events underlying Plaintiffs’ causes of action substantially occurred in Essex County, New Jersey.

COMMON FACTS

12. As described more fully herein, Defendants and others have engaged in a pattern and practice of harassment, disparate treatment, discrimination and retaliation against Plaintiffs.

13. Griffin and Zasowski repeatedly made racist, homophobic, sexist and hostile comments about and in the presence of Plaintiff Student Athletes.

14. Massenburg was present when some of these comments were made and was otherwise aware of the hostile and improper comments and atmosphere that pervaded Rutgers' Athletic Department.

15. Massenburg failed to take prompt and remedial actions to remediate that environment.

16. Rutgers' Athletic Department was characterized by retaliation against Morris and Plaintiff Student Athletes who complained about, resisted and/or otherwise opposed the illegal conduct.

17. Rutgers conspired and cooperated with the Individual Defendants and their agents to cover-up and perpetuate this illegal conduct; rather than preventing and remedying the illegal conduct, Defendants further engaged in the retaliatory, discriminatory and harassing conduct against anyone who opposed their actions.

18. Plaintiffs have made numerous complaints of harassment, discrimination and retaliation against Defendants Griffin and Zasowski but Rutgers refused to take prompt and effective remedial action.

19. Rutgers negligently, recklessly, and/or intentionally failed to have in place a well-publicized and enforced anti-harassment, anti-discrimination and anti-retaliation policy and failed to take prompt, appropriate and/or reasonable remedial steps to prevent, stop, and remedy the harassment and retaliation aimed at Plaintiffs.

20. Rutgers failed to properly train its employees and coaching staff regarding compliance with anti-harassment, anti-discrimination and anti-retaliation policies.

21. Rutgers failed to properly supervise and monitor its employees to ensure compliance with anti-harassment, anti-discrimination and anti-retaliation policies.

22. Rutgers failed to make an unequivocal commitment from the top of the organization to anti-harassment, anti-discrimination and anti-retaliation policies and failed to protect Plaintiffs and others similarly situated from abuse, harassment, discrimination and retaliation in the workplace or as a student athlete.

FACTS RELEVANT TO PLAINTIFF MORRIS

23. On July 1, 2001, Rutgers hired Morris to be its women's basketball coach.

24. During his tenure as Rutgers women's basketball coach, Morris elevated the program to its most successful level from 2005 until 2013.

25. In addition to women's basketball, Morris also coached the Rutgers women's tennis team.

26. At all relevant times, Morris performed his coaching duties in a satisfactory manner.

27. Morris had an excellent graduation rate for his players, who also demonstrated high standards of conduct.

28. At no point in time was Morris disciplined by Rutgers.

29. In 2005 Morris received the coach of the year award from the New Jersey Athletic Conference for his work with the Rutgers women's tennis team.

30. In 2006 Morris received the coach of the year award from the New Jersey Athletic Conference for his work with the Rutgers women's basketball team.

31. When Rutgers hired Griffin as the Athletic Director, Griffin advised that he would schedule monthly individual meetings with the head coaches of each Rutgers athletic program.

32. The expressed purpose of the meetings was to discuss the status of each program and determine what assistance the Athletic Department could provide each program to improve the experience of the student athletes.

33. Since assuming the position of Athletic Director, Griffin did not have a single meeting with Morris to address any issue related to the Rutgers women's basketball or tennis teams.

34. While Morris coached at Rutgers, Griffin showed no interest in the Rutgers women's basketball or tennis teams or, their student athletes, and went so far as to tell Morris that women's tennis "was not a sport".

35. In particular, he did not address issues related to improper uniforms, insufficient practice time in the main gym, or other substandard conditions associated with women's athletics, especially to the women's basketball team, as compared to the men's athletic programs.

36. The men's athletic programs were treated more favorably than the women's programs in numerous ways: for example, the men's team received two (2) new practice uniforms, two (2) pairs of sneakers, always practiced in the game gym at the Golden Dome and were not always required to pay for trips or otherwise received preferential treatment.

37. The women's basketball team, on the other hand, was issued one (1) old practice uniform, provided with one (1) pair of sneakers, and was required to pay more for trips.

38. On one particular occasion, the men's and women's basketball teams travelled to Washington State to play several games. Members of the men's team did not have to pay as much as members of the women's team to go on the trip.

39. Another example of discrimination was that Defendant would allow male high school recruits improper access to the Golden Dome so they could scrimmage with Rutgers

basketball players in the presence of graduate assistant coaches, assistant coaches and the head coach, Joe Loughran.

40. Rutgers provided the men's basketball team with guarantees to provide teams that played in its "John K. Adams Tip-Off Tournament". This permitted the men's basketball program to attract higher quality opponents.

41. The women's basketball team was never offered guarantees to secure quality opponents for the tournament. When Morris learned that the men's basketball program received guarantees to fill the tournament, he asked Griffin for guarantees for the women's basketball team.

42. Griffin refused to provide guarantees for the women's basketball program. As a result, it had difficulty securing quality opponents and obtaining the requisite number of teams for the tournament.

43. At staff meetings in Morris' presence, Griffin would regularly make inappropriate, homophobic and racist comments.

44. For instance, during a staff meeting shortly after the Michel Rice's abuse and mistreatment case at the New Brunswick campus, Griffin laughed about and ignored the mistreatment. Griffin stated that he could not coach a team without using the word "fuck", thereby condoning and perpetuating the hostile conduct and atmosphere. He also advised the Rutgers coaches during this meeting that he did not care what they said to student athletes.

45. During one staff meeting, Griffin stated Rutgers new mascot "would not be gay".

46. Griffin advised Ben Mensa, an African-American employee, who worked for Rutgers at the Golden Dome, that he was assigning him additional duties and responsibilities.

47. When Mr. Mensa asked if he would receive additional pay for the additional work, Griffin stated to him “you black people really want to move up these days”.

48. Griffin made sexist and obscene comments about female student athletes in public and private. In fact, one such comment was made in the presence of his direct supervisor Massenburg. In October 2013, Griffin stated to Massenburg that one student athlete, who was practicing, “she cleans up real nice”.

49. On another occasion, Griffin told the female, African-American assistant softball coach that “she was lucky to be working with so many white guys”.

50. On numerous occasions, Griffin also referred to that same female, African-American assistant coach as Rutgers “double-quota”.

51. Morris complained to Massenburg about Griffin’s inappropriate conduct explaining that it was detrimental to Rutgers’ female athletic programs.

52. Following these complaints, Griffin repeatedly threatened Morris’ job as well as his staff.

53. Griffin’s threats of termination were based, in part, on the pretextual claim that if Morris’s roster size of the women’s basketball team was not fifteen (15), it impacted the other players’ student athletic experience.

54. On June 8, 2014, Griffin advised Morris that he had spoken to Mary Stadleman concerning the women’s basketball team and that if the roster size did not increase, his employment was in jeopardy.

55. Upon information and belief, Rutgers did not have any practice, policy or rule requiring any minimum roster size of its women’s basketball team.

56. Upon information and belief, the roster size of the women's basketball team has not been an issue since Morris was terminated as coach; in other words, this roster size requirement was only enforced against him.

57. On various occasions, Griffin improperly instructed the Rutgers Sports Information Office and game management staff to inflate attendance numbers by counting players, referees and non-spectators in the Golden Dome when computing attendance at women's basketball games.

58. Upon information and belief, Griffin's performance and wages were based, in part, on attendance at Rutgers' home sporting events and, therefore, he falsely inflated the numbers for his own financial interest.

59. On July 9, 2014, after his complaints were ignored and Griffin's behavior continued without punishment, Morris formally complained to Rutgers Human Resources Department about Griffin's conduct. Morris complained to the Human Resources Department that Griffin behaved in a biased, harassing, sexist, retaliatory, racist, and homophobic manner.

60. Based on his complaint, Morris was advised that an investigation would be conducted and he would be contacted.

61. As a result of the hostile and retaliatory environment at Rutgers, Morris went out on medical leave on July 11, 2014.

62. While on medical leave, on August 11, 2014, Morris met with a Rutgers' investigator, Emily Springer ("Springer").

63. Following a question and answer session, Morris asked and was advised that he would receive a copy of the final report of the investigation.

64. Thereafter, Morris followed up with Rutgers Human Resources' Department numerous times concerning the status of the investigation against Griffin and received no answer or update.

65. On October 1, 2014, Morris spoke to Lisa Grosskreutz ("Grosskreutz") who advised that the investigation had been completed and that Rutgers had allegedly taken action against Griffin.

66. Grosskreutz offered no protections for Morris.

67. Grosskreutz also told Morris that, contrary to Springer's previous representation, she would not provide him with the final investigative report nor explain the conclusions of the investigation.

68. Upon information and belief, Rutgers investigation of Griffin was incomplete, flawed and biased.

69. This conduct ratified the discriminatory and hostile conduct.

70. Morris was shocked by Rutgers' indifference to the widespread discrimination.

71. Thereafter, Morris learned that Griffin retained his position as Athletic Director, which meant that Morris would continue to report to him without any protections.

72. In May 2015, Morris received a letter from Rutgers which advised that he had to return to work by a certain date or that his employment would be terminated.

73. Approximately one (1) week later, Rutgers notified Morris that his employment was terminated.

74. As a result of this hostile and retaliatory conduct and termination, Morris has experienced and continues to experience emotional damages, loss of enjoyment of life, personal physical injury and harm to his reputation.

75. As a result of this conduct, Morris has and continues to suffer from economic damages.

FACTS RELEVANT TO PLAINTIFF STUDENT ATHLETES

76. Plaintiffs repeat the previous allegations as set forth at length herein.

77. At all times relevant, Plaintiff Student Athletes were treated disparately and less favorably than the men's basketball team.

78. The men's basketball team received more practice uniforms, sneakers and time to practice in the main game gym, a more preferable location.

79. A trip was scheduled to Washington State for both the men's and women's basketball teams. Members of the men's team paid less for the trip than members of the women's basketball team.

80. In August 2014, Plaintiff Student Athletes learned that Morris had taken a medical leave of absence and that the interim women's basketball head coach would be Zasowski, an assistant coach of the men's basketball team.

81. Plaintiff Student Athletes had previously observed Zasowski, as an assistant men's' coach, using profanity towards the men basketball players and making inappropriate gender-related comments.

82. After Howard learned Zasowski was the interim head coach, she sent an email to Griffin to question the extent of his search to find a new coach for the women's basketball team before he selected Zasowski.

83. Griffin did not respond to her email.

84. When Zasowski wanted to schedule a meeting with the women's team, Howard advised Massenburg that none of the players would attend the meeting because they did not support his hiring.

85. When the Plaintiff Student Athletes did not show up for the meeting because they did not want to play for Zasowski, Griffin threatened to cancel the women's basketball season.

86. Despite the Plaintiff Student Athletes' complaints and objections, Zasowski remained as coach.

87. Upon information and belief, one of Rutgers' other coaches expressed concerns to Stadleman regarding the appointment of Zasowski as the head women's basketball coach. Stadleman dismissed these concerns and told the coach that everything would be okay.

88. During a women's basketball practice, Daniels made a mistake while operating the clock and Zasowski asked her, "what the fuck are you doing".

89. In the presence of Plaintiff Student Athletes, Zasowski used profanity when addressing his assistant coaches and players and often called them "dickheads" and told them to "shut the fuck up".

90. He would refer to a female athlete as a "motherfucker" when they made a mistake.

91. As the season progressed, because of his discriminatory conduct, Zasowski's relationship with the team deteriorated.

92. He would often use profanity during practice in general and sometimes directed specific profane remarks to players. For example, Zasowski called players "mentally retarded" when they made mistakes.

93. Zasowski's hostile comments and his behavior during practice made the Plaintiff Student Athletes uncomfortable and disenfranchised. The team began to focus solely upon Zasowski's conduct instead of basketball. Players were afraid to make mistakes. Zasowski's actions negatively impacted the morale of the team.

94. During one game, Zasowski called a female referee a "cunt" in front of the entire team.

95. Plaintiff Student Athletes were shocked and appalled by this sexist and derogatory comment.

96. The relationship between Zasowski and the team further deteriorated and practices became more hostile and got to the point where Zasowski occasionally refused to coach games.

97. After practice, the Plaintiff Student Athletes would comment and discuss Zasowski's inappropriate behavior.

98. Zasowski constantly used profanity during practice, focusing his rage on non-starting practice players.

99. During an interaction with McKinnon, Zasowski told her that she was lucky to be playing on a team "with two senior dikes". McKinnon was shocked and offended by the comment.

100. The senior players Zasowski was referring to were Sharee Gordon and Jade Howard, both of whom are gay.

101. On or about January 28, 2015, after the team lost a game against Montclair State, the Plaintiff Student Athletes had a meeting at the Stombsy Common cafeteria.

102. During this meeting, McKinnon related to the team that Zasowski told her she was lucky to be playing on a team “with two senior dikes”.

103. At that point, Williams advised that Zasowski had improperly questioned her about the sexual orientation of team members before the season began. Specifically, Zasowski wanted to know how many homosexual players he would be coaching.

104. During the meeting, Jasmine Lombard told the team that Zasowski made a comment about several African-American players’ hair asking if the “nappy look” was back because it looked like several players “combed their hair with firecrackers”.

105. Before the next team practice, Gordon, as team captain, confronted Zasowski in his office about his racist and discriminatory comments and hostile environment.

106. Zasowski denied making any of the comments.

107. Gordon missed the next practice for family reasons and her teammates advised Zasowski that she would not be present.

108. In retaliation for confronting Zasowski about his derogatory remarks, Gordon never started another game at Rutgers, including senior night.

109. During a game with the College of New Jersey on January 31, 2015, Gordon substituted herself into the game because another player was in foul trouble.

110. When Gordon did this, Zasowski ceased coaching the team and the players were forced to coach themselves.

111. On February 2, 2015, Gordon was called into a meeting with Griffin and Stadleman. They asked her how she could possibly substitute herself into a game without the coaches approval. Gordon responded that nothing was being done about Zasowski’s improper racist and sexist comments and conduct.

112. At the meeting Griffin and Stadleman told Gordon it was still Zasowski's team and "he could do whatever he wanted to do as head coach".

113. After the meeting, Gordon attended all practices without incident and was prepared for the playoffs.

114. On February 21, 2015, the team had an away playoff game at Rowan College ("Rowan"). When Gordon arrived at Rutgers' locker room, her game uniform was not in her locker like the other players. None of the assistant coaches she passed entering the locker room told her she was not playing in the game. Gordon therefore found a substitute uniform and boarded the team bus.

115. While on the bus, she was told on two (2) separate occasions by assistant coaches that she had to get off the bus. When Gordon refused to leave the bus, she was threatened that police officers would be called to take her off the bus. Gordon refused.

116. Upon information and belief, Massenburg was contacted as this incident was transpiring and he told Griffin not to involve the police and let Gordon go to the game.

117. However, the coaches, in concert with Zasowski, tried to remove Gordon from the bus.

118. McKinnon and Howard, who were on the bus when the assistant coaches tried to remove Gordon from the bus, objected and stated she would get off the bus if Gordon was removed.

119. Ultimately, the team backed Gordon's protests of discrimination and stated that if Gordon had to get off the bus, then they would too and not play in the game against Rowan.

120. Gordon was ultimately allowed to stay on the bus and travel with the team to Rowan.

121. Before the Rowan game, Stadleman told Gordon that she could not play in the game and that if she did play, she would be kicked-off the basketball team.

122. Despite the fact that Gordon did not play, Zasowski did not coach the team during the game against Rowan or dress to coach the game.

123. Plaintiff Student Athletes, who loved playing basketball, ultimately could not wait for the season to end because of the hostile and retaliatory atmosphere created by Zasowski.

124. On February 23, 2016, Gordon and her mother attended a meeting with Griffin and Stadleman. The meeting was heated and addressed the bus incident before the Rowan game.

125. When Gordon and her mother addressed Zasowski's improper statements, Griffin discriminatorily responded, "see that is the problem with you people".

126. Gordon and her mother were offended by the statement and asked Griffin what he meant; he did not respond.

127. During that meeting, Griffin threatened Gordon that her actions could "affect her enrollment at Rutgers".

128. After this threat, Gordon and her mother ended the meeting.

129. Zasowski and Griffin retaliated against Gordon because she complained about and confronted Zasowski about his racial and sexist comments and conduct.

130. Thereafter, Zasowski held a team meeting at which time he denied making the discriminatory and racist statements to each player and assistant coach.

131. When confronted by Jasmine Lombard, to whom he made the "nappy hair" comment, Zasowski recanted and said he may have made the comment "as a joke".

132. Zasowski then retaliated against Daniels and Jasmine Lombard by calling them liars for telling the team he made these comments.

133. After the team meeting, Zasowski called McKinnon a liar and kicked her off the team.

134. The assistant coaches told her to just keep coming to practice and he would change his mind.

135. While McKinnon remained on the team, Zasowski retaliated against her in connection with her playing time.

136. As a result of this hostile and retaliatory conduct, the Plaintiff Student Athletes have experienced emotional damages, loss of enjoyment of life and personal physical injury.

137. Malcampo was aware of Zasowski's hostile and inappropriate coaching style and his repeated use of profanity towards the men players, including inappropriate gender-related comments.

138. Given this situation, Malcampo decided not to play basketball during the 2014-2015 season.

139. During the season, players on the team would update her on Zasowski's inappropriate behavior.

140. At some point she was told that Zasowski referred to two (2) players on the team as "dykes".

141. This was particular insulting to Malcampo who was a member of Rutgers' LPBT community.

142. After she learned Zasowski was no longer the coach, she decided to play basketball during the 2015-2016 season.

FIRST COUNT
(Retaliation - NJLAD)

143. Plaintiffs repeat the previous allegations as set forth at length herein.

144. Morris engaged in protected conduct under the LAD based on his complaints of discrimination.

145. As a result of those protected complaints, Morris suffered materially adverse employment actions and was ultimately terminated.

146. As a result of this retaliatory treatment, Morris has experienced personal physical injury, exacerbation of pre-existing personal injuries, loss of enjoyment of life, reputation damage and economic loss.

WHEREFORE, Plaintiffs demand judgment against all Defendants, jointly and severally for:

- a. Punitive damages;
- b. Emotional distress damages;
- c. All compensatory damages, loss of enjoyment of life, pain and suffering, and diminished capacity;
- d. All permanent physical injuries and exacerbation of physical injuries;
- e. Past and future medical expenses;
- f. All attorneys' fees, costs and expenses; and
- g. All other relief the Court deems just and fair.

SECOND COUNT
(Hostile Work Environment- NJLAD)

147. Plaintiffs repeat the previous allegations as set forth at length herein.

148. The conduct and comments previously set forth occurred because of Plaintiffs' gender.

149. The conduct and comments were severe and pervasive enough to make a reasonable woman believe the working conditions were altered and that the working environment was intimidating and harassing.

150. As a result of Defendants' failures and inactions, they are liable for all damages resulting from the sexually hostile work environment.

151. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer loss of income, loss of benefits and other financial damages.

152. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer loss of enjoyment of life, pain and suffering, exacerbation of personal injury, personal injury, disability and impairment.

WHEREFORE, Plaintiffs demand judgment against all Defendants, jointly and severally for:

- a. Punitive damages;
- b. Emotional distress damages;
- c. All compensatory damages, loss of enjoyment of life, pain and suffering, and diminished capacity;
- d. All permanent physical injuries and exacerbation of physical injuries;
- e. Past and future medical expenses;
- f. All attorneys' fees, costs and expenses; and
- g. All other relief the Court deems just and fair.

THIRD COUNT
(Disparate Treatment (Gender) - NJLAD)

153. Plaintiffs repeat the previous allegations as set forth at length herein.

154. Because of their status as employees of Defendant Rutgers, Defendants treated Plaintiffs disparately and disfavor ably in the terms and conditions of employment.

155. Similarly situated employees were treated more favorably in the terms and conditions of employment.

156. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer loss of income, loss of benefits and other financial damages.

157. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer loss of enjoyment of life, pain and suffering, exacerbation of personal injury, personal injury, disability and impairment.

WHEREFORE, Plaintiffs demand judgment against all Defendants, jointly and severally for:

- a. Punitive damages;
- b. Emotional distress damages;
- c. All compensatory damages, loss of enjoyment of life, pain and suffering, and diminished capacity;
- d. All permanent physical injuries and exacerbation of physical injuries;
- e. Past and future medical expenses;
- f. All attorneys' fees, costs and expenses; and
- g. All other relief the Court deems just and fair.

FOURTH COUNT
(Retaliation - NJLAD)

158. Plaintiffs repeat the previous allegations as set forth at length herein.

159. Plaintiffs complained, objected and otherwise protested to the unfair, disparate and discriminatory treatment as a result of their employment status.

160. Defendants retaliated against Plaintiffs and sought to dissuade them from pursuing their complaints and fulfilling their careers.

161. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer damages.

162. As a result of Defendants' actions, Plaintiffs have suffered and continue to suffer loss of enjoyment of life, pain and suffering, exacerbation of personal injury, personal injury, disability and impairment.

WHEREFORE, Plaintiffs demand judgment against all Defendants, jointly and severally for:

- a. Punitive damages;
- b. Emotional distress damages;
- c. All compensatory damages, loss of enjoyment of life, pain and suffering, and diminished capacity;
- d. All permanent physical injuries and exacerbation of physical injuries;
- e. Past and future medical expenses;
- f. All attorneys' fees, costs and expenses; and
- g. All other relief the Court deems just and fair

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Attorneys for Plaintiffs

Kevin Morris, Jasmine Daniels, Sharee Gordon,
Jade Howard, Pia Malcampo, Adayshia McKinnon,
Sarah Schwartz and Arianna Williams

By: _____

Kevin Barber

Dated: _____

May 17


JURY DEMAND

Plaintiffs Kevin Morris, Jasmine Daniels, Sharee Gordon, Jade Howard, Pia Malcampo, Adayshia McKinnon, Sarah Schwartz and Arianna Williams demand trial by jury on all issues.

NIEDWESKE BARBER HAGER, LLC

Attorneys for Plaintiffs

Kevin Morris, Jasmine Daniels, Sharee Gordon, Jade Howard, Pia Malcampo, Adayshia McKinnon, Sarah Schwartz and Arianna Williams

By: 
Kevin Barber

Dated: *4 May 17*


DESIGNATION OF TRIAL ATTORNEY

Kevin Barber, Esq. is hereby designated as trial counsel in the within matter.

NIEDWESKE BARBER HAGER, LLC

Attorneys for Plaintiffs

Kevin Morris, Jasmine Daniels, Sharee Gordon, Jade Howard, Pia Malcampo, Adayshia McKinnon, Sarah Schwartz and Arianna Williams

By: 
Kevin Barber

Dated: *4 May 17*