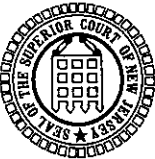



Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Thomas A. McKinney, Esq.		TELEPHONE NUMBER (973) 920-7888	
	COUNTY OF VENUE Hudson		DOCKET NUMBER (when available)	
	FIRM NAME (if applicable) Castronovo & McKinney, LLC		DOCUMENT TYPE Complaint & Jury Demand	
	OFFICE ADDRESS Castronovo & McKinney, LLC 71 Maple Avenue Morristown, New Jersey 07960		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Veronic Pagan, Plaintiff		CAPTION VERONICA PAGAN v. FOOD FAIR LA GRAN MARQUETA d/b/a Food Fair, ESSEX COUNTY SHERIFF'S OFFICE, and JOHN DOE		
CASE TYPE NUMBER (See reverse side for listing) 618	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: <u>Thomas A. McKinney</u>				

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

Thomas A. McKinney (Attorney ID #022202003)
CASTRONOVO & MCKINNEY, LLC
 71 Maple Avenue
 Morristown, NJ 07960
 (973) 920-7888
 Attorneys for Plaintiff
 Veronica Pagan

VERONICA PAGAN,

Plaintiff,

v.

FOOD FAIR LA GRAN MARQUETA
 d/b/a Food Fair, ESSEX COUNTY
 SHERIFF'S OFFICE, and JOHN DOE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION –HUDSON COUNTY

DOCKET NO: HUD-L-

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff, Veronica Pagan ("Plaintiff"), through her attorneys, Castronovo & McKinney, LLC, files this Complaint and Jury Demand seeking compensatory damages, punitive damages, attorneys' fees, and costs of suit from Defendants, Food Fair La Gran Marqueta d/b/a Food Fair ("Food Fair") and Essex County Sheriff's Office ("Defendants") and alleges as follows:

FACTS

A. Jurisdiction and Venue

1. Plaintiff resides at 95 W. 54th Street, Bayonne, New Jersey.
2. Defendant Food Fair is located at 946 Market Street, Paterson NJ and conducts business in Passaic County, New Jersey.
3. Defendant Essex County Sheriff's Office, 50 W. Market Street, Newark, NJ is a governmental entity conducting operations in Essex County, New Jersey.
4. Defendant John Doe, the Essex County Sheriff's officer who was working at Food Fair the evening of May 12, 2017, resides at unknown address.

B. Plaintiff's Gender Identity

5. Plaintiff is a female.

6. Plaintiff identifies as a transgender woman who wears a prosthetic penis.

C. Plaintiff's Privacy Is Violated by Food Fair

7. On May 12, 2017, at approximately 10pm, Plaintiff went to Food Fair.

8. While in the store, a Food Fair Security Guard, who was an off-duty Essex County Sheriff's Officer, stopped Ms. Pagan.

9. The officer insisted, three times, "I need to see what is in your pants."

10. In response to the officer's demands, Plaintiff stated she is a female who identifies as a transgender woman and wears a prosthetic penis.

11. The officer then stated to Plaintiff and the manager of Food Fair that he needed to call a female police officer to inspect Plaintiff.

12. At this point, Plaintiff became very scared and attempted to leave Food Fair.

13. The officer denied Plaintiff the ability to leave the facility insisting he needed to inspect Plaintiff's pants.

14. The officer specifically stated he needed to inspect the inside of Plaintiff's pants.

15. Plaintiff then began begging for help and felt scared, humiliated, intimidated and abused.

16. Plaintiff sought help from a cashier to no avail.

17. Plaintiff's additional attempts to leave the store were barred by the officer.

18. Shockingly, rather than wait for a female police officer to arrive, a female cashier was called to conduct an invasive inspection of Plaintiff.

19. During this inspection, Plaintiff showed the cashier the prosthetic penis and her vagina.

20. Throughout the inspection, Plaintiff was crying and continued to feel humiliated and abused.

21. Despite her distress, Ms. Pagan was powerless to stop the harassment because this harassment came from or was in the presence of an Essex County police officer and/or Food Fair manager and employees.

22. After revealing herself to the cashier, Plaintiff walked out of the restroom.

23. As Plaintiff was walking out of the restroom to leave the store, the officer stated, "I am so sorry."

COUNT I

LAD – Gender Identity Discrimination

24. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.

25. Plaintiff is a female who identifies as a transgender woman who wears a prosthetic penis.

26. Defendants required Plaintiff to submit to an invasive body search.

27. Defendants' actions constitute discrimination on the basis of Plaintiff's gender identity that violates the Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

28. Defendants' conduct was willful, malicious and/or especially egregious and done with the knowledge and/or participation of upper level management.

29. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: emotional distress, pain and suffering, physical ailments, and other damages.

COUNT II

Invasion of Privacy

30. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.

31. Plaintiff is a female who identifies as a transgender woman who wears a prosthetic penis.

32. By requiring Plaintiff to submit to a search of her person including showing her vagina and prosthetic penis, Defendants improperly intruded upon Plaintiff in way that is highly offensive to a reasonable person.

33. Defendants' actions constitute an invasion of privacy.

34. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: emotional distress, pain and suffering, physical ailments, and other damages.

COUNT III

False Imprisonment

35. Plaintiff repeats and incorporates the facts alleged in the preceding paragraphs.

36. Plaintiff was improperly detained at Food Fair.

37. Plaintiff attempted to leave Food Fair on more than one occasion and was prevented from doing so by Defendants.

38. Defendants lacked the authority or justification to detain Plaintiff.

39. Defendants' actions constitute false imprisonment.

40. As a result of Defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: emotional distress, pain and suffering, physical ailments, and other damages.

COUNT IV

Aiding and Abetting Discrimination – Defendant Police Officer

41. Defendant Police Officer was employed by Defendants.
42. Defendant Police Officer knowingly gave substantial assistance or encouragement to Defendant Food Fair in its unlawful discrimination against Plaintiff.
43. Defendant Police Officer discriminated against Plaintiff on the basis of her gender identity that violates the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.
44. Defendant Police Officer is liable for aiding and abetting the unlawful discrimination against Plaintiff in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(e).
45. As a result of Defendant Police Officer's wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including: emotional distress, pain and suffering, physical ailments, and other damages.

WHEREFORE, Plaintiff seeks judgment against Defendants awarding her compensatory damages, punitive damages, attorneys' fees, costs of suit, pre- and post-judgment interest, and all other relief that the Court deems equitable and just.

CASTRONOVO & McKINNEY, LLC

Dated: August 8, 2017

By: Thomas A. McKinney
Thomas A. McKinney
Attorneys for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues so triable.

CASTRONOVO & McKINNEY, LLC

Dated: August 8, 2017

By: Thomas A. McKinney
Thomas A. McKinney
Attorneys for Plaintiff

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates Thomas A. McKinney as trial counsel in this action.

CASTRONOVO & McKINNEY, LLC

Dated: August 8, 2017

By: Thomas A. McKinney
Thomas A. McKinney
Attorneys for Plaintiff

RULE 4:5-1 CERTIFICATION

I hereby certify that this matter is not the subject of any other pending civil action or arbitration proceeding. I further certify that I know of no other parties who should be joined in this litigation at the present time.

CASTRONOVO & McKINNEY, LLC

Dated: August 8, 2017

By: Thomas A. McKinney
Thomas A. McKinney
Attorneys for Plaintiff



THOMAS A. MCKINNEY
Partner

Castronovo & McKinney, LLC
Direct: (973) 920-7923
Fax: (973) 920-7924
tom@cmlaw.com

August 22, 2017

BY REGULAR MAIL

Hudson Fee Office - Civil Division
Superior Court of New Jersey
Administration Building
595 Newark Avenue
Jersey City, NJ 07306

RECEIVED #17

AUG 23 2017

**SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON**

**Re: Pagan v. Food Fair La Gran Marqueta, et al.
Docket No. to be issued**

Dear Clerk:

We represent Plaintiff, Veronic Pagan. I enclose for filing:

1. Case Information Statement
2. Plaintiff's Complaint

Please file the original and return a copy of the first page (enclosed) stamped "filed" with a docket number in the enclosed self-addressed envelope. Enclosed please find a check in the amount of \$250.00 made payable to the Treasurer, State of New Jersey.

Thank you.

Very truly yours,

THOMAS A. MCKINNEY

Encls.

RECEIVED
CUSTOMER SERVICE TEAM
AUG 23 2017
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #4



THOMAS A. MCKINNEY
Partner

Castronovo & McKinney, LLC
Direct: (973) 920-7923
Fax: (973) 920-7924
tom@cmlaw.com

August 8, 2017

BY REGULAR MAIL

Hudson Fee Office - Civil Division
Superior Court of New Jersey
Administration Building
595 Newark Avenue
Jersey City, NJ 07306

RECEIVED #30
AUG 10 2017
SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON

Re: Pagan v. Food Fair La Gran Marqueta, et al.
Docket No. to be issued

Dear Clerk:

We represent Plaintiff, Veronic Pagan. I enclose for filing:

1. Case Information Statement
2. Plaintiff's Complaint

Please file the original and return a copy of the first page (enclosed) stamped "filed" with a docket number in the enclosed self-addressed envelope. Please charge our firm's Superior Court account number 145402 for all filing fees. Thank you.

Very truly yours,

THOMAS A. MCKINNEY

Encls.

RECEIVED
CUSTOMER SERVICE
AUG 10 2017
SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #1

**SUPERIOR COURT OF NEW JERSEY
HUDSON VICINAGE**

[] Finance Division, Administration Building
595 Newark Avenue, Room 407
Jersey City, NJ 07306
201-795-6115, Fax #: 201-217-5321



[] Civil Division, Brennan Courthouse
583 Newark Avenue
Jersey City, NJ 07306
201-795-6398, Fax #: 201-217-5249

TO: Thomas A. McKinney, Esq. DATE: 8/17/17
CAPTION: Pagan vs Food Fair La Gran Marqueta et als AMOUNT: \$ —
DOCKET NO: _____ REFERENCE NO: _____

RECEIVED

PLEADING BEING RETURNED:

☒ Complaint _____ Third Party Complaint _____ Default Judgment _____
_____ Answer _____ Crossclaim _____ Request to Enter Default _____
_____ Counterclaim _____ Summons _____ Writ of Execution _____
_____ Motion _____ Trial de Novo _____ Amended _____

Other: AUG 23 2017
SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON

Your pleading referenced above was marked "Received but not Filed" and is being returned to you for the reason(s) indicated below. A refund of any payment you remitted is enclosed or will be sent to you. **PLEASE NOTE:** If you resubmit the pleading for filing after your receipt of this notice, the full amount of the required fee must be paid. Do not deduct or attempt to use "as a credit" the amount which you previously paid.

REASON FOR RETURN OF DOCUMENT

1. _____ Required filing/restoration fee not enclosed or insufficient.
Correct filing/restoration fee is \$ _____
2. _____ Payment must be made to "Treasurer, State of New Jersey"
3. _____ Insufficient funds in Superior Court Attorney Collateral Account.
4. _____ The required Case Information Statement (R. 4:5-1; Appendix XII) was not provided or not signed.
5. _____ The original pleading was not signed. All pleadings must be signed by an attorney permitted to practice law in New Jersey or by any party appearing pro se, provided that a pro se appearance is provided for by the Rules of court. Pleading(s) on behalf of a corporation must be signed by an attorney licensed to practice law in New Jersey.
6. _____ Your answering pleading is not being filed because default has already been entered against your client(s). In order to file an Answer, you are required to vacate the default and this may be done by consent order or by motion.
7. _____ A motion to vacate a default or a default judgment must be accompanied by both an Answer and the filing fee. You did not provide the original of your proposed Answer to the Complaint. R. 4:43-3; R. 6:3-3(e).
8. _____ Your demand for trial de novo is not being filed because _____ it was not submitted within the time prescribed by R. 4:21A-6, or because _____ you are a party in default, or because _____ you are a party whose Answer has been suppressed, or because _____ a trial de novo has already been filed.
9. _____ You have not provided a Certification of Title Search as required by R. 4:64-1(a).

Pursuant to R. 1:5-6(c), if your filing is re-submitted with the required filing fee and/or document(s) and/or corrections as noted above within 10 days of the date of this notice, your filing will be deemed to have been made on the stamped receipt date. Please return this paper when resubmitting your pleading(s). However, the return date of deficient or late motions will be set by the court.

Name: Angelique Arwaga
(COURT PERSONNEL PLEASE PRINT FULL NAME)

Phone No. 201 217 5163

White - Filing Party

Yellow - Finance Division/Civil Division

Pink - Case Management