

ZATUCHNI & ASSOCIATES, LLC

287 South Main Street

(Route 29)

Lambertville, New Jersey 08530

(609) 243-0300

DZ - 2516

SUPERIOR COURT OF NJ
Burlington County
FILED

AUG 27 2009

Civil Division

DEPUTY CLERK
SUPERIOR COURT
BURLINGTON COUNTY

2009 AUG 27 A 10:58

RECEIVED

ATTORNEYS FOR PLAINTIFFS

ELIZABETH MOORE; JULIE
GREENFIELD; NANCY HONICKMAN,

Plaintiff,

vs.

PRINCETON HEALTHCARE SYSTEM, A
NEW JERSEY NONPROFIT
CORPORATION, a/k/a MEDICAL CENTER
AT PRINCETON; SHERI GLANDING,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY
DOCKET NO.:

Bur-L-2839-09

COMPLAINT AND JURY DEMAND

Plaintiffs Elizabeth Moore, Julie Greenfield, and Nancy Honickman, by and through their counsel, state as follows by way of Complaint against the Defendants:

PARTIES

1. Plaintiff Elizabeth Moore is a natural person residing in Mercer County, New Jersey.
2. Plaintiff Julie Greenfield is a natural person residing in Bucks County, Pennsylvania.
3. Plaintiff Nancy Honickman is a natural person residing in Burlington County, New Jersey.

4. Defendant Princeton Healthcare Systems (“PHCS”) is non-profit corporate entity that manages and operates a hospital located at 253 Witherspoon Street Princeton New Jersey, 08540.

5. Defendant Sheri Glanding was at all relevant times employed by Defendant PHCS as a Nurse Manager.

BACKGROUND FACTS

6. Each of the Plaintiffs in this action are Jewish.

7. The Plaintiffs were each highly respected and long-term employees of Defendant PHCS.

8. More specifically, Plaintiff Moore and Greenfield at all relevant times were employed as Registered Nurses. Plaintiff Honickman at all relevant times was employed as a Labor and Delivery Technician. Each of the Plaintiff worked within the Labor Delivery Recovery Post-Partum Unit (LDRP) within the Maternal Child Health Department.

9. At all relevant times, the Plaintiffs reported to Defendant Sheri Glanding, who in or about early 2008 was promoted to the position of Nurse Manager. In this capacity, Defendant Glanding became the direct supervisor and authority over all of the nurses and technicians within the LDRP unit.

10. The Plaintiffs in this case were each the victims of a willful and malicious anti-Semitic purge carried out by Defendant Glanding with the specific intent and purpose of forcing out Jewish nurses and technicians within the LDRP unit.

11. Each of the Plaintiffs in this case lost their long-time jobs and careers with PHCS for no other reason than that they are of the Jewish faith and ethnicity.

12. The LDRP medical unit, in which each of the Plaintiffs worked, provides antepartum, intrapartum, postpartum and newborn nursery treatment.."

13. The LDRP unit typically employs approximately 100 nurses and nurse technicians.

14. At all relevant times, the LDRP unit employed only approximately 6 Registered Nurses and 1 Labor Technician of the Jewish faith, including Ms. Moore, Ms. Honickman, and Ms. Greenfield.

15. Since her becoming the Nurse Manager, Ms. Glanding has systematically targeted the Jewish nurses with false and pretextual disciplines, suspensions, and terminations.

16. Defendant Glanding also made her antipathy to the Jewish nurses clear by greatly reducing, if not altogether eliminating, the Jewish nurses from being assigned as shift Charge Nurses, i.e. the nurse who is in charge of a particular shift.

17. In her short time as Nurse Manager, Defendant Glanding has succeeded in purging most of the Jewish nurses within the LDRP unit, who in fact have been some of the unit's most hardworking, experienced, and long term employees within the unit.

18. Defendant Glanding has been repeatedly heard to have made anti-Semitic remarks, and to have generally made her antipathy and hostility to Jews known and apparent to her co-workers, including to physicians working at the hospital.

19. Defendant Glanding has used her position as Nurse Manager to maliciously and falsely target each of the Plaintiffs as follows.

A. Julie Greenfield

20. Ms. Greenfield has worked for PHCS since about January 1993.
21. In 1993, Ms. Greenfield first worked for PHCS as a per diem Nurse.
22. In or about 1997, Ms. Greenfield was hired by PHCS as full time Registered Nurse within the LDRP unit.
23. In or about 2001 Ms. Greenfield was promoted to the position of Assistant Nursing Manager.
24. In or about 2006, Ms. Greenfield was promoted to the position of Nursing Manager, and became the overall supervisor for approximately 100 employees.
25. In or about 2007, tiring of her managerial and administrative responsibilities, Ms. Greenfield voluntarily resigned from her Nurse Manager position and became solely a full time Registered Nurse again.
26. (At the time that Ms. Greenfield resigned her managerial role in 2007, Defendant Glanding held the position of Assistant Nurse Manager. The Nurse Managers duties were at first taken over by Janet Marine, who at that time held the position of Director. Upon Ms. Marine's retirement in 2008, Ms. Glanding formally became the Nurse Manager.)
27. In or about November 2007 (after Ms. Greenfield resignation from her manager position), Ms. Greenfield was approached by a physician who advised her that he overheard Defendant Glanding refer to the Jewish nurses as the "Jew crew." The physician was troubled by this comment.

28. Ms. Greenfield confronted Defendant Glanding and advised her that she was told by a physician that Glanding had made the “Jew crew” remark. Ms. Greenfield told Ms. Glanding that this comment was not appropriate.

29. This was actually not the first time Ms. Greenfield heard Ms. Glanding complain about the Jewish nurses. In or about Easter 2007, while still the Nurse Manager, Ms. Greenfield received a call at home from an extremely irate Glanding. Defendant Glanding was complaining loudly over the phone that since it was Easter, the “Jewish” nurses should have been working.

30. On that occasion as well, Ms. Greenfield told Defendant Glanding that her comments were not appropriate.

31. Almost immediately upon Ms. Greenfield giving up her managerial duties, she began to experience a constant stream of hostility and antipathy from Defendant Glanding.

32. For example, Defendant Glanding repeatedly began calling Ms. Greenfield into her office and accusing her of alleged infractions that were patently false.

33. In all her prior years employed with PHCS as a Registered Nurse, Assistant Nurse Manager, and the Nurse Manager, Ms. Greenfield had never previously been subjected to any workplace discipline.

34. In or about February 2008, Ms. Greenfield was called into Defendant Glanding’s office. Defendant Glanding accused Ms. Greenfield of supposedly “being on the computer for four hours looking and talking about men” during the previous days shift.

35. Ms. Greenfield responded that this was not true and asked Defendant Glanding where she received this false information. Ms. Greenfield explained that she had in fact taken no lunch or breaks the previous day because it was busy and everyone was working quite hard. Ms. Greenfield further explained that during a lull of about five minutes, she showed a picture to another nurse of a man she was dating on the computer, but that was all.

36. Upon leaving Defendant Glanding's office, Ms. Greenfield confided in her co-workers that Defendant Glanding had just falsely accused her of being on the computer for 4 hours the previous day.

37. One of the Nurses, Margy Deysher, told Ms. Greenfield that Defendant Glanding had queried her about the shift, and that Ms. Deysher made a passing remark that some of the nurses were on the computer. Ms. Deysher stated that she did not complain about Ms. Greenfield and had never stated that Ms. Greenfield was on the computer for 4 hours.

38. Upon obtaining this information, Ms. Greenfield went back to Defendant Glanding, and told her that she knew that she had spoken to Margy Deysher, but that Ms. Deysher had never told her she was on the computer for 4 hours and had never complained in any way.

39. Ms. Greenfield also advised Defendant Glanding that she had heard that Glanding had made an anti-Semitic remark about her (Greenfield) and another Jewish nurse named Esther.

40. The next day, Ms. Greenfield was called into Defendant Glanding's office. Also present was the Director of Nursing Operations, David Clark.

41. Defendant Glanding told Ms. Greenfield that she was being suspended without pay for 3 days for purported “workplace violence.”

42. There was no Human Resources representative involved or present during for this patently false and pretextual disciplinary action against Ms. Greenfield.

43. In June 2008, Ms. Greenfield was again suspended at the behest and initiative of Defendant Glanding. This time Ms. Greenfield was suspended for two days without pay.

44. Ms. Greenfield was advised that she was suspended because of a purported incident involving Assistant Nurse Manager Dawn Rittley. Apparently, Glanding was referring to an occasion when, during a stressful moment when a premature birth was taking place in the Operating Room, Ms. Rittley became agitated and demanded that Ms. Greenfield attend the procedure in OR without her stethoscope.

45. This justification for her suspension was false and pretextual. In fact, Ms. Rittley had previously *apologized* to Ms. Greenfield for raising her voice during the incident “losing her cool” during the tumult and stress of that moment.

46. By this point, it was manifestly clear that Defendant Glanding was targeting Ms. Greenfield for discipline and ultimate termination.

47. Ms. Greenfield attempted to alleviate the situation to a transfer to a different sub-unit within the Department known as the Special Care Nursery.

48. This, however, did not alleviate the hostile work environment since Defendant Glanding continued to be Ms. Greenfield’s overall supervisor.

49. Indeed, the hostility by June 2008 against Ms. Greenfield was overwhelming and made it impossible for her to function within her daily job duties. Defendant Glanding refused to even speak a word to Ms. Greenfield.

50. Having been subjected to intolerably hostile working conditions, Ms. Greenfield was constructively terminated in or about mid-2008.

B. Nancy Honickman

51. Plaintiff Nancy Honickman became employed with Defendant PHCS in or about 2001, initially as a Phlebotomist. In or about August 2005, Ms. Honickman joined the LDRP unit as a Labor and Delivery Technician.

52. During her employment, Ms. Honickman at all times performed her job duties diligently and met her employer's legitimate performance expectations. In fact, Ms. Honickman was universally acknowledged as an extremely dedicated and hardworking employee.

53. Ms. Honickman had no discipline or performance issues during her entire tenure with PHCS.

54. During her tenure in the LDRP unit, Ms. Honickman heard Defendant Glanding make references to the "Jew crew" on several occasions.

55. In or about January 2009, Ms. Honickman came to work on a Saturday with a Tupperware container containing chocolate candies to distribute to her co-workers.

56. When Ms. Honickman arrived, there was an overflow of patients from the Medical-Surgical unit, and Ms. Honickman was instructed to assist with those patients instead of her normal duties assisting with infant deliveries.

57. Ms. Honickman expressed her concern she had no experience in caring for elderly “med-surg” patients. Nevertheless, she dropped her Tupperware container on a desk and proceeded to the Med-Surg Unit where she continued to work for the next 8 hours of her 12 hours shift. Ms. Honickman return to the LDRP unit to finish the last 4 hours of her shift without any incident.

58. Ms. Honickman returned to work the next day, Sunday, and again worked her full 12 hours shift within the LDRP unit with no incident.

59. On her next work day, Tuesday, Ms. Honickman was called into Defendant Glanding’s office upon arriving at work. Also present was Director David Clark.

60. At this meeting, Defendant Glanding told Ms. Honickman that she (Glanding) “heard there was an incident” with respect to Ms. Honickman allegedly “throwing” a Tupperware container of candies on the desk. Defendant Glanding told Ms. Honickman that the Nursing Supervisor was purportedly called because of this “incident.” Defendant Glanding peremptorily told Ms. Honickman that she was “suspended” and instructed her to go home.

61. Ms. Honickman was in amazement and shock as a result of this accusation. Ms. Honickman had not remotely engaged in any type of inappropriate conduct on Saturday with respect to her Tupperware container or otherwise.

62. The same day, Ms. Honickman received a message from Defendant Glanding to come meet with her in the office the following day.

63. When Ms. Honickman arrived, she was again met by Defendant Glanding and David Clark. Ms. Honickman was advised that she was being terminated for an incident of so-called “workplace violence.”

64. Apparently, Ms. Honickman was terminated for supposedly engaging in workplace “violence” by simply dropping a Tupperware container full of candy on a desk.

65. Defendant Glanding told that there was a complaint against her by a nurse named Patsy Mather. This was utterly false. Not only did Ms. Mather not complain about Ms. Honickman, she was never even interviewed or spoken to about the incident by Defendant Glanding prior to Ms. Honickman’s termination.

66. Other employees that were present when Ms. Honickman came in to work with the Tupperware container, including Phyllis Devitis and Elizabeth Moore, were likewise never spoken to.

67. Defendant Glanding targeted and fired Ms. Honickman because she is Jewish, and having no legitimate basis to do so, made up a patently false and pretextual (indeed, Orwellian) justification for doing so.

C. Elizabeth Moore

68. Ms. Moore became employed with Defendant PHCS as a registered nurse in or about June 1999.

69. After Defendant Glanding became the Nurse Manager, Ms. Moore heard Glanding refer to the Jewish nurses as the “Jew crew” on several occasions. Ms. Moore was shocked and appalled at these statements by Defendant Glanding.

70. After witnessing the discriminatory treatment meted out to Ms. Honickman and Ms. Greenfield, it became apparent to Ms. Moore that Defendant Glanding was systematically targeting Jewish nurses. Ms. Moore became fearful for the security of her own job and livelihood.

71. In or about June 2009, Ms. Moore received a phone call from Defendant Glanding, who advised her that she was on speaker phone with Assistant Manager Dawn Rittley and another supervisor named Tish Chirumbolo.

72. Defendant Glanding then told Ms. Moore that she was being summarily suspended without pay based on a complaint by a patient's husband who alleged that Ms. Moore had supposedly been "running in the hall" with a baby.

73. Ms. Moore was blindsided and shocked. No one, including Defendant Glanding, had even bothered to interview or question Ms. Moore prior to communicating to her that she was being suspended.

74. Ms. Moore recalled the patient's husband that had supposedly made the complaint, and advised Defendant Glanding he was extremely difficult, obstreperous, and was in fact upset that his wife had to be moved to another room. Ms. Moore also advised Glanding that another nurse, Jill DeStafano, was a witness to Ms. Moore's interaction with the patient's husband and could corroborate what had actually occurred.

75. Glanding responded that "three people were all saying something different" than Ms. Moore. When Ms. Moore asked who these people were, Glanding was compelled to admit that what she really meant was that she, Dawn Rittley, and Tish Chirumbolo had each purportedly spoken to the patient's husband.

76. In short, it was clear that no actual witnesses were interviewed at all apart from the patient's obstreperous husband himself prior to Ms. Moore's summary suspension.

77. When Ms. Moore commented that there was therefore obviously *not* "three people" with the same version of what occurred, Defendant Glanding stated that the decision had been made and would not be changed.

78. It was clear to Ms. Moore that she was now next line of the Jewish nurses to be targeted by Defendant Glanding.

79. Ms. Moore immediately contacted Human Resources Representative Joann Banner and made an appointment to see her the next day.

80. When Ms. Moore did so, she asked for a copy of the purported complaint made against her. Joann Banner refused to provide her a copy.

81. Joanne Banner promised to get back to Ms. Moore prior to her scheduled return back to work.

82. On the day prior to her return, Ms. Banner had still not called Ms. Moore with the results of any investigation. When Ms. Moore finally was able to reach Ms. Banner late in the day, Ms. Banner acted annoyed and told Ms. Moore that the decision had been made to sustain the suspension. When Ms. Moore asked how she could possibly have made such a decision after interviewing Jill DeStefano, Ms. Banner responded that she didn't make the suspension decision, that it was made by Defendant Glanding.

83. Knowing that she was the target of an anti-Semitic manager whose discriminatory conduct was being ratified by PHCS, and finding such working conditions to be intolerable, Ms. Moore was constructively discharged in June 2009.

**COUNT I – VIOLATION OF THE NEW JERSEY LAW AGAINST
DISCRIMINATION – ETHNICITY AND RELIGIOUS DISCRIMINATION**

84. Plaintiffs hereby incorporate and restate the allegations contained in the preceding paragraphs as if set forth at length herein.

85. Defendants terminated Ms. Honickman due to her Jewish ethnicity and religious faith in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq. (the “LAD”)

86. Defendants suspended Ms. Moore and Ms. Greenfield due their respective Jewish ethnicity and religious faith in violation of the LAD.

87. Defendants also constructively terminated Ms. Moore and Ms. Greenfield due to their respective Jewish ethnicity and religious faith in violation of the LAD.

88. As a result of Defendants’ unlawful conduct, each of the Plaintiffs has suffered economic losses and job detriment.

89. As a result of Defendants’ unlawful conduct, each of the Plaintiffs has suffered and will continue to suffer extreme mental anguish, embarrassment, stress, anxiety, humiliation, and other pain and suffering.

WHEREFORE, Plaintiffs demands the following damages and relief:

- a. Judgment in favor of the Plaintiffs;
- b. Compensatory damages;
- c. Punitive damages;

- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

COUNT II – AIDER AND ABETTOR LIABILITY UNDER NJLAD

90. Plaintiffs hereby incorporate and restate each of the allegations contained in the preceding paragraphs as if set forth at length herein.

91. Defendant Glanding aided and abetted unlawful discrimination retaliation against the Plaintiffs in violation of the LAD.

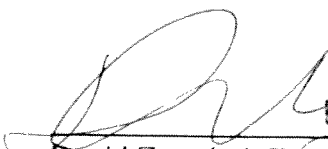
92. As a result of Defendant Glanding’s unlawful conduct, each of the Plaintiffs has suffered economic losses and job detriment.

93. As a result of Defendant Glanding’s unlawful conduct, each of the Plaintiffs has suffered and will continue to suffer extreme mental anguish, embarrassment, stress, anxiety, humiliation, and other pain and suffering.

WHEREFORE, Plaintiffs demand the following damages and relief:

- a. Judgment in favor of the Plaintiffs;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Any other relief that this Court deems just and equitable.

DEPUTY CLERK
SUPERIOR COURT
BURLINGTON COUNTY


David Zatuchni, Esq.

Kurt Raatzs, Esq.

2009 AUG 27 A 10:59

Zatuchni & Associates, LLC

287 South Main Street

(Route 29)

Lambertville, New Jersey 08530

(609) 243-0300

Attorneys for Plaintiffs


RECEIVED

Dated:

8/18/09

CERTIFICATION PURSUANT TO RULE 4:5-1

This matter in controversy is not related to any currently pending court action or proceeding and no such action or proceeding is currently contemplated.



David Zatuchni, Esq.

Kurt Raatzs, Esq.

Zatuchni & Associates, LLC

287 South Main Street

(Route 29)

Lambertville, New Jersey 08530

(609) 243-0300

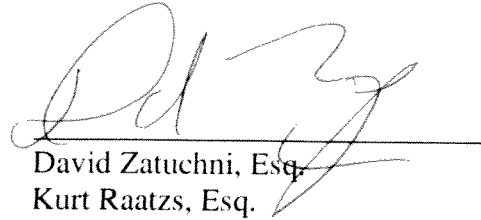
Attorneys for Plaintiffs

Dated:

8/18/09

DESIGNATION OF TRIAL COUNSEL

David Zatuchni, Esq. is hereby designated as trial counsel in this matter.

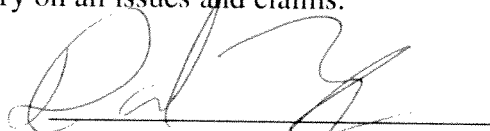


David Zatuchni, Esq.
Kurt Raatzs, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiffs

Dated: 8/18/09

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues and claims.



David Zatuchni, Esq.
Rimma Razhba, Esq.
Zatuchni & Associates, LLC
287 South Main Street
(Route 29)
Lambertville, New Jersey 08530
(609) 243-0300
Attorneys for Plaintiffs

Dated: 8/18/09