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SUPERIOR COURT/LAW DIVISION

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CAMDEN COUNTY  
DOCKET NO.: CAM-L- **3191**-07

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J. FRANK VESPA-PAPALEO, Director,  
Division on Civil Rights,

Plaintiff,

v.

CITY COFFEE, INC., and  
RONALD FORD, JR.,

Defendants.

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Civil Action

COMPLAINT

Plaintiff, J. Frank Vespa-Papaleo, Director of the Division on Civil Rights, with offices located at 140 E. Front Street, Sixth Floor, Trenton, New Jersey 08625, by way of Complaint against defendants, City Coffee, Inc. and Ronald Ford, Jr., alleges as follows:

**JURISDICTION AND THE PARTIES**

1. The Attorney General of New Jersey ("Attorney General") is charged with the responsibility of enforcing the Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1 et seq. The Attorney General is authorized to proceed against any person to compel compliance with any

provisions of the LAD or to prevent violations or attempts to violate any such provisions and to file a complaint in Superior Court alleging unlawful discriminatory conduct. N.J.S.A. 10:5-13.

2. The Director of the Division on Civil Rights (“Director”) is charged with the responsibility of administering the LAD on behalf of the Attorney General. The Division on Civil Rights (“Division”) is charged, inter alia, with the responsibility of preventing and eliminating discrimination in employment, housing and access to public accommodations, as well as preventing the interference with rights protected under the LAD. N.J.S.A. 10:5-4, 10:5-6, 10:5-12. This action is brought by the Director in his official capacity pursuant to his authority under N.J.S.A. 10:5-13.

3. Defendant City Coffee, Inc. (“City Coffee”) is a corporation formed under the laws of the State of New Jersey, having a principal place of business at 529 Market Street, Camden, New Jersey. City Coffee operates a retail business that sells and serves coffee beverages and other food items in its facility at 529 Market Street in Camden, as well as conducts off-site catering.

4. Defendant Ronald Ford, Jr. is the sole owner and registered agent for City Coffee, and at all times relevant hereto, was responsible for the daily operations of City Coffee.

### **FACTUAL ALLEGATIONS**

5. Upon information and belief, Ford hired predominantly female employees to work at City Coffee. Ford engaged in a pattern or practice of creating a hostile working environment for female employees through repeated requests for sexual relationships, despite the rejection of his advances by the employees, through luring or following female employees to areas of the facility outside the coverage of the surveillance camera system and subjecting them to unwanted touchings of a sexual nature, and subjecting female employees to comments of a sexual and obscene nature. When one female employee did complain to the Camden Police Department regarding Ford’s

actions, she was terminated in reprisal for making her complaint. Other female employees were forced to quit their jobs to avoid the abuse.

#### Amy Gross

6. Amy Gross (Gross) became employed by City Coffee on February 16, 2006. On several occasions during her employment, Ford would approach her from the rear and rub his groin against her buttocks as he passed her. Ford repeatedly attempted to have a sexual relationship with Gross, despite her rejection of his advances.

7. Ford requested that Gross accompany him to a vacant room upstairs from the City Coffee facility for the purported purpose of providing her with her work shirts. While alone together in the upstairs room, Ford engaged Gross in a conversation regarding whether she wanted to have more children and said to her, "So if I blow a load in you, you won't get pregnant." Gross immediately left the area and reported the incident to her supervisor Karen Burns, the manager of City Coffee.

8. Because of the discomfort she felt being around Ford, Gross began requesting work assignments that would keep her away from him. Gross ultimately quit her job at City Coffee on March 3, 2006 in order to avoid Ford's harassment.

#### Dedra Broome

9. Dedra Broome began working for City Coffee on April 25, 2006. During her employment at City Coffee, Ford would comment that he found Broome to be attractive, and would frequently stand in close proximity to her and touch her in a manner that made her uncomfortable. Shortly after she was hired, Ford commented to Broome that she had "picked things up in a short period of time" and that she was "stepping up." He also spoke of promoting her to the Assistant Store Manager position.

10. On June 12, 2006, Ford asked Broome to come to an office behind the City Coffee space that is used for a separate DNA business that Ford operates from the same location. While in the office, Ford began discussing a possible promotion for Broome to the Assistant Manager position. During the discussion, Ford approached Broome, who was sitting in a chair, straddled her, put his body close to hers, and pulled Broome's arms around him as if to hug him. Broome broke away from Ford and left the office. Broome reported the incident to Burns and other employees at City Coffee.

11. The day following the incident in the DNA office, Ford called Broome and berated her for telling people about the incident. Broome left work and subsequently went to the Camden Police Department to report the incident. When Broome returned to work following the report to the Camden Police, purportedly for a meeting to discuss the incident in the DNA office, her employment at City Coffee was terminated.

#### Courtney Allen

12. Courtney Allen was employed by City Coffee as a Coffee Assistant. During her employment, Ford would approach her from the rear and intentionally brush himself up against her, his genital area rubbing against her buttocks. On two occasions during her employment, while she was in the freezer area away from the surveillance cameras, Ford touched her in an inappropriate manner. Ford also made inappropriate comments of a sexual nature to Allen during her employment.

13. As part of her duties at City Coffee, Ford would require Allen to accompany him on trips to Philadelphia to pick up supplies for the business. During one of these trips, Ford asked Allen to have an affair with him. Despite Allen's rejection of Ford's advance, he continued to proposition her.

14. In March 2006, Allen quit her job at City Coffee to avoid Ford's harassment.

Quiana Spratley

15. Quiana Spratley began working for City Coffee in May 2004 as a Coffee Assistant, and was thereafter promoted to the position of Assistant Manager. During her employment, Ford touched Spratley in a manner that made her feel uncomfortable, including touching her buttocks, and on several occasions during her employment approached her from behind and pressed his body against her, with his genital area rubbing against her buttocks. Ford continued this behavior despite Spratley's requests that it stop.

16. Ford made sexually suggestive comments to Spratley during her employment. Another employee at City Coffee reported to Spratley that Ford told him that he wanted to have a sexual relationship with Spratley and described sexual acts Ford said he wanted to perform with Spratley.

Kareny Aviles

17. Kareny Aviles began working for City Coffee in or around June 2005. Beginning on the first few days of her employment, and regularly thereafter, Ford subjected her to unwanted touchings of a sexual nature, including touching her breasts, genital area and buttocks. The touchings would occur when Aviles was in areas of the facility that were not covered by the surveillance camera system, including the basement, storage room and freezer area. Ford would require Aviles to come alone in his office to get her pay check, at which time he would touch her breasts, genital area and/or buttocks, and talk about his desire to have a sexual relationship with her. On several occasions, Ford would pick Aviles up off the ground and try to wrap her legs around him, as if they were having sex. Ford also tried to get Aviles to sit on his lap.

18. Ford would repeatedly request that Aviles have dinner with him, despite her rejection

of these requests. Ford would also follow her outside of work hours, and would watch her while she was jogging around Cooper River Park, or later tell Aviles that he saw her jogging. Ford also told Aviles that he would like to take nude photographs of her in his photography studio that was upstairs from the City Coffee facility.

19. Aviles quit her job at City Coffee in October 2005 to avoid Ford's harassment. Ford then contacted Aviles and asked her to come back to work. When Aviles expressed concerns about Ford's actions, he advised her that he would change his behavior. Aviles returned to City Coffee in November 2005. After a few weeks, Ford began again to harass Aviles through touchings and comments of a sexual nature. With the renewal of Ford's harassing behavior, Aviles left City Coffee for good in December 2005.

Carita Leftridge

20. Carita Leftridge began working for City Coffee in June 2005. During her employment, Ford would approach Leftridge from behind and tell her that he found her to be attractive. Ford requested that Leftridge stay at work after hours and wear sexy outfits so that he could photograph her in the photography studio that was upstairs from City Coffee. Ford also made repeated sexual advances to Leftridge, despite her demand that he stop.

21. During her employment, Leftridge needed to go into the basement storage area of the City Coffee facility to obtain items needed for the business. Ford followed her into the basement, approached her from behind and touched her breasts. Leftridge reported the incident to her manager, Nicole Messina, and asked her to ensure that Ford was never allowed to be alone with her. On other occasions while in a hallway behind the City Coffee facility, Ford touched Leftridge in a manner that made her feel uncomfortable.

Other Employees

22. Upon information and belief, Ford subjected other female employees, in addition to those referenced in paragraphs 6 through 21, supra, to unwanted touchings of a sexual nature and verbal comments of a sexual and obscene nature.

COUNT ONE

SEX DISCRIMINATION IN VIOLATION OF LAW AGAINST DISCRIMINATION --  
CREATING A HOSTILE WORKING ENVIRONMENT

23. Plaintiff repeats the allegations of paragraphs 1 to 22 of the Complaint as if they had been set forth at length herein.

24. The New Jersey Law Against Discrimination (LAD) prohibits, among other things, discrimination based on sex, including subjecting employees to sexual harassment that creates a hostile working environment.

25. City Coffee is an "employer" as that term is defined in the LAD. Ford is the sole owner and operator of City Coffee. Upon information and belief, Ford intermingled his personal assets with those of City Coffee, including but not limited to, paying employees of City Coffee with personal checks rather than with checks from the business. Thus, Ford is also an "employer" as that term is defined in the LAD.

26. Ford engaged in a pattern or practice of subjecting female employees to unwanted touchings of a sexual nature, repeated requests for sexual favors or to engage in a sexual relationship, and verbal comments of a sexual and obscene nature. A reasonable woman working under such conditions would find the working environment to be hostile and abusive. The actions by Ford created a hostile working environment for Gross, Broome, Allen, Spratley, Aviles and Leftridge, as

well as for other female employees of City Coffee in violation of N.J.S.A. 10:5-12a.

27. The LAD violations described herein were committed by Defendants oppressively, willfully and maliciously.

### COUNT TWO

#### SEX DISCRIMINATION IN VIOLATION OF THE LAW AGAINST DISCRIMINATION -- QUID PRO QUO SEXUAL HARASSMENT

28. Plaintiff repeats the allegations of paragraphs 1 to 27 of the Complaint as if they had been set forth at length herein.

29. By discussing a possible promotion with Broome at the same time he approached her with a sexual advance, Ford suggested to Broome that a job benefit was contingent upon submission to his sexual advances. After Broome rejected Ford's sexual advance, Ford did not offer her the suggested promotion but instead terminated her employment.

30. Such conduct by Ford in conditioning job benefits on submission to his sexual advances constitutes quid pro quo sexual harassment in violation of the LAD.

### COUNT THREE

#### RETALIATORY DISCHARGE IN VIOLATION OF THE LAW AGAINST DISCRIMINATION

31. Plaintiff repeats the allegations of paragraphs 1 to 30 of the Complaint as if they had been set forth at length herein.

32. Broome's reports of Ford's harassment to her supervisor and to the Camden Police



Department constitute protected activity under the LAD.

33. Ford knew of the protected activity by Broome described in paragraph 32, supra, and terminated her employment because of that protected activity.

34. Defendants' termination of Broome's employment because of her reports of Ford's harassment to her supervisor and the Camden Police Department constitutes unlawful reprisal in violation of N.J.S.A. 10:5-12d.

#### COUNT FOUR

##### CONSTRUCTIVE DISCHARGE IN VIOLATION OF LAW AGAINST DISCRIMINATION

35. Plaintiff repeats the allegations of paragraphs 1 to 34 of the Complaint as if they had been set forth at length herein.

36. By and through Ford's sexual harassment of female employees, Ford created a work environment so intolerable for female employees that many were forced to quit their jobs to avoid the harassment.

37. Because they were forced to quit their jobs in order to avoid being harassed by Ford, Gross, Allen, Aviles and Leftridge, and other similarly situated female employees and former employees of City Coffee were constructively discharged by Defendants.

#### COUNT FIVE

##### FORD, INDIVIDUALLY, FOR AIDING AND ABETTING CITY COFFEE'S VIOLATIONS OF LAW AGAINST DISCRIMINATION

38. Plaintiff repeats the allegations of paragraphs 1 to 37 of the Complaint as if they had

been set forth at length herein.

39. As the owner and individual responsible for operations of City Coffee, Ford is charged with ensuring that employees of City Coffee are able to work without being subjected to subjected to harassment and discrimination.

40. By being derelict in his responsibility of ensuring employees may work without being subjected to harassment and discrimination, and instead creating a hostile environment for female employees though his actions, Ford aided and abetted the discriminatory acts of City Coffee, Inc. in violation of N.J.S.A. 10:5-12e.

WHEREFORE, Plaintiff demands judgment against Defendants City Coffee and Ronald Ford, Jr., and that the Court grant the following relief:

(a) Ordering Defendants to cease and desist from subjecting employees to acts of sexual harassment;

(b) Ordering Defendants to submit to training and monitoring by the Division for a period of two years;

(c) Ordering remedial relief, including but not limited to back pay, front pay, lost benefits and interest, sufficient to make whole Gross, Broome, Allen, Aviles and Leftridge, and similarly situated female employees and former employees of City Coffee, for losses suffered as a result of discrimination against them as alleged in this complaint; and

(d) Awarding compensatory damages to Gross, Broome, Allen, Spratley, Aviles and Leftridge, and similarly situated female employees and former employees of City Coffee for emotional distress and mental pain and humiliation caused by Defendants' discriminatory conduct;


(e) Awarding Plaintiff Director, Division on Civil Rights, punitive damages because of the

intentional and willful nature of the Defendant's conduct, pursuant to N.J.S.A. 10:5-13;

(f) Awarding costs, including attorneys' fees, pursuant to N.J.S.A. 10:5-27.1; and

(g) Awarding such additional relief as the interests of justice may require.

**ANNE MILGRAM**  
**FIRST ASSISTANT ATTORNEY GENERAL**  
Attorney for Plaintiff

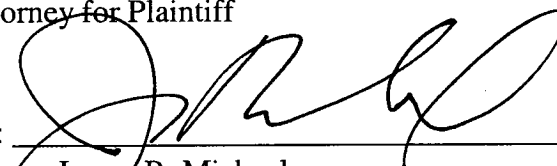
By:   
James R. Michael  
Deputy Attorney General

Dated: 6/20/07

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, James R. Michael, Deputy Attorney General, is hereby designated as trial counsel on behalf of Plaintiff.

**ANNE MILGRAM**  
**FIRST ASSISTANT ATTORNEY GENERAL**  
Attorney for Plaintiff

By:   
James R. Michael  
Deputy Attorney General

Dated: 6/20/07

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to R. 4:10-2(b), demand is made upon each defendant that it disclose to plaintiff's counsel whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse such defendant for payments to satisfy any judgment rendered herein and provide plaintiff's counsel with those insurance agreements or policies, including, but not limited to all and any declaration sheets. This demand shall include not only primary coverage, but also all and any excess, catastrophe and umbrella policies.

**ANNE MILGRAM**  
**FIRST ASSISTANT ATTORNEY GENERAL**  
Attorney for Plaintiff

By: \_\_\_\_\_

  
James R. Michael  
Deputy Attorney General

Dated: 6/20/07

**RULE 4:5-1 CERTIFICATION**

I certify, to the best of my information and belief, that the matter in controversy in this action is not the subject of any other action between the parties. I further certify that the matter in controversy in this action is not the subject of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I certify that there is no other party who should be joined in this action. There are presently pending two administrative complaints filed with the Division on Civil Rights against City Coffee, Inc. and Ronald Ford, Jr., entitled Gross v. City Coffee and Ronald Ford, Jr., Docket No. ED08WB-52156 and Broome v. City Coffee and Ronald Ford, Jr., Docket No. ED08WB-52813. Complainants Gross and Broome have indicated that they will expeditiously withdraw their administrative complaints filed with the Division upon the filing of the instant action.

**ANNE MILGRAM**  
**FIRST ASSISTANT ATTORNEY GENERAL**  
Attorney for Plaintiff

By: \_\_\_\_\_

James R. Michael

Deputy Attorney General

Dated: 6/20/07