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Attorneys for Plaintiffs

DIANE RUBERTON, DONNA FETZER &  
HEATHER MCMANUS,

Plaintiffs,

v.

DAMON G. TYNER (Individually and in his  
Official Capacity as the Atlantic County  
Prosecutor), CARY SHILL (Individually and  
in his capacity as First Assistant Prosecutor),  
MARIO FORMICA (Individually and in his  
capacity as Deputy First Assistant Prosecutor),  
THE COUNTY OF ATLANTIC, THE  
ATLANTIC COUNTY PROSECUTOR, THE  
ATLANTIC COUNTY PROSECUTOR'S  
OFFICE, DENNIS LEVINSON, ATLANTIC  
COUNTY EXECUTIVE, FRANK FORMICA,  
ATLANTIC COUNTY FREEHOLDER,  
JOHN DOES 1-3, Jointly, severally and  
independently,

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION

CUMBERLAND COUNTY

Docket No.: CUM-L-162-19

Civil Action

**AMENDED INITIAL  
INTERROGATORIES PROPOUNDED  
BY PLAINTIFFS, DONNA FETZER,  
HEATHER MCMANUS & DIANE  
RUBERTON ON DEFENDANT  
DAMON G. TYNER (Individually and in  
his capacity as  
Atlantic County Prosecutor)**

**To: William M. Tambussi, Esq.  
Christine P. O'Hearn, Esq.  
BROWN & CONNERY, LLP  
360 Haddon Ave.**

Westmont, NJ 08108  
Attorneys for Defendants, Damon G. Tyner,  
Cary Shill, Mario Formica, The Atlantic County Prosecutor,  
and the Atlantic County's Prosecutor Office  
Email: [cohearn@brownconnery.com](mailto:cohearn@brownconnery.com)  
Email: [wtambussi@brownconnery.com](mailto:wtambussi@brownconnery.com)

PLEASE TAKE NOTICE that Plaintiffs, **DONNA FETZER, HEATHER MCMANUS & DIANE RUBERTON** hereby requests Answers under oath from Defendant, the County of Atlantic, to the following Interrogatories within 60 days and in the manner prescribed by New Jersey Civil Rules of Procedure.

These Interrogatories are continuing Interrogatories, and you are required to immediately supplement answers to these Interrogatories if you and/or your attorney and/or your Representatives obtain further information following the time you answer these Interrogatories up to the time of trial.

**DOUGLASS LAW GROUP, LLC**

Attorneys for Plaintiffs

By: Michelle J. Douglass

MICHELLE J. DOUGLASS, ESQ.

**BURNHAM LAW GROUP, LLC.**

Attorneys for Plaintiffs

By: Philip S. Burnham

PHILIP S. BURNHAM, II, ESQ.

Dated: July 12, 2019

## **GENERAL PROVISIONS AND INSTRUCTIONS FOR DISCOVERY**

- A. Whenever a request for documents is framed in the conjunctive, it also shall be taken in the disjunctive and vice versa.
- B. Whenever a request for documents is framed in the singular, it also shall be taken in the plural, and vice versa.
- C. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
- D. All documents produced shall be segregated and identified by the paragraphs to which they are primarily responsive. Where required by a particular paragraph of these interrogatories, documents produced shall be segregated further and identified as indicated in said paragraph. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner to preserve and identify the file from which such documents were taken.
- E. For each document that is responsive to these interrogatories that is sought to be withheld under a claim of privilege, the following information shall be provided:
  - (i) the place, date (or approximate date), and the manner of recording or otherwise preparing the document;
  - (ii) the name and title of sender, and the name and title of recipient of the document;
  - (iii) a summary of the contents of the document;
  - (iv) the identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;
  - (v) the identity of each person to whom the contents of the document heretofore have been communicated by copy, exhibition, sketch, reading or substantial summarization, the date(s) of said communication, and the employer and the title of said person at the time of said communication;
  - (vi) a statement of the basis on which privilege is claimed; and
  - (vii) the identity of the person or persons supplying your attorney with the information requested in subsections (i) and (vi) above.
- F. All documents produced in response to these interrogatories shall include originals and shall be produced in total notwithstanding the fact that portions thereof may contain information not requested, shall include interim as well as final editions of a document, and shall include all editions or copies of a document that are not identical to (whether due to handwritten notations, or revisions, or otherwise) the original or other produced copy of a document.
- G. These interrogatories shall be deemed to be continuing and any information secured subsequent to the filing of answers thereto, which would have been includible in the answers to these interrogatories had it been known or available, shall be supplied by Supplemental Answers as provided by the Rules of Court.

- H. In answering the interrogatories below, defendant shall furnish not only such information as is available to the particular individual(s) answering the interrogatories, but also such information as is known to each officer, employee, representative, or agent, including their attorneys, investigators, and experts.
- I. In the event that any information is sought to be withheld under a claim of privilege, provide the information requested in Paragraph I(E) above for all documents related to or reflecting the information for which a claim of privilege is asserted.
- J. Whenever in answer to these interrogatories reference is made to a conversation or oral statement, give the date and place thereof, the identity of the persons involved in the conversation or oral statement, the identity of any persons present and the substance of the conversation or oral statement.
- K. If the information called for by an interrogatory is in whole or in part contained in documents, the information may be supplied by attaching copies of the relevant documents to your answers to the interrogatories to the extent that the documents contain the information requested, as long as the same is noted in narrative form in the answer to interrogatory.
- L. If there is insufficient space to answer an interrogatory, the remainder of the answer should be put on a supplemental sheet.
- M. Whenever an interrogatory requests and answer for which there is more than one answer, each answer to the interrogatory is to be set forth in detail. For example, if an interrogatory asks when plaintiff objected to the contents of a document, and plaintiff objected on more than one occasion, the answer to the interrogatory must include each occasion when plaintiff objected.

### **DEFINITIONS**

As used in this discovery request, the fully CAPITALIZED terms have the following meanings:

ADDRESS means a mailing address and a street address which includes a room, suite or apartment number, city, state and zip code;

ACPO refers to the Atlantic County Prosecutor's Office;

COMMUNICATION AND COMMUNICATE refers to any instance in which information is conveyed by or between one or more PERSONS by any means, both oral and written, including telephone calls, facsimiles, transmission of DOCUMENTS, oral conversations, letters, telegrams, memoranda;

COMPLAINT means the complaint filed in the above referenced case;

CONTRACT, AGREEMENT and/or CONTRACTUAL AGREEMENT refers to any business arrangement for the supply of goods and/or services;

COUNTY refers to the County of Atlantic;

CUSTODIAN refers to the PERSON having possession, custody or control of any WRITING or physical evidence;

DEFENDANT means and refers to the defendant, Damon G. Tyner, individually and in his capacity as Atlantic County Prosecutor;

DEFENDANT EMPLOYER means and refers and the defendant, ACPO and County of Atlantic, including all its employees and representatives;

DEFENDANTS refers to one or all of the Defendants named in this lawsuit;

DESCRIBE or DESCRIBE IN DETAIL, STATE or SET FORTH IN DETAIL means to relate as completely as possible each and every act, omission, incident, event, condition, circumstance or thing relating directly or indirectly to the subject of the description including all pertinent dates and, without limitation to the foregoing, to identify all documents, communications, persons or locations directly or indirectly related thereto;

DOCUMENT refers to any medium used for recording and retrieving information including all writings of any kind, including the original and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise (including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intra office communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing) graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures) and electronic, mechanical or electronic records or representations of any kind (including without limitation, tapes, cassettes, discs, or recordings, any written, typed, printed, recorded or graphic matter, however preserved, produced or reproduced, of any type or description, regardless of origin or location;

DURING THE RELEVANT TIME PERIOD refers to the year during which you first became acquainted with the plaintiff and/or the year during which the alleged occurrence as set forth in the complaint took place, until the present, unless otherwise specified in the request.

IDENTIFY means to describe a WRITING with such particularity as YOU would require in a motion to produce, or to provide the name, address and telephone number of a PERSON;

LOCATE or LOCATION means to provide a detailed physical description of exactly where a PERSON, object or event can be found or occurred, including, but not limited to, an ADDRESS;

OCCURRENCE and INCIDENT refers to the event or events as set forth and alleged in the complaint and/or the subject matter of this action;

PERSON means a natural person as well as all types of business, including associations, subsidiaries, companies, partnerships, joint ventures, corporations, trusts, estates, fictitious, governmental and public entities;

PLAINTIFFS means and refers to Plaintiffs, Diane Ruberton, Heather McManus and Donna Fetzer;

PROFESSIONAL AND/OR BUSINESS ASSOCIATION refers to any relationship, alliance, affiliation, correlation or any other connection whatsoever;

POLICY means a rule, procedure or directive, formal or informal, written or unwritten, and includes each common practice, custom and understanding of course of conduct recognized and accepted as such by YOU or by PERSONS subject to it;

SUBJECT PREMISES means the premises identified in Plaintiff's complaint as the geographic location of the incident;

WRITING means any and all handwritten material, type written material, printed material, photocopies, photographs, and every other means of recording upon any tangible thing, together with any form of communication or other representation which would constitute a WRITING within the meaning of the Rules of Evidence;

YOU and YOUR means the above-named "Responding Party" and includes your agents, employees, attorneys, advisors, and any other PERSON acting on your behalf;

**Note: when referencing or referring to documents attached to answers to interrogatories or responses to Notice(s) to Produce or Demand for Production of Documents, please bates stamp each page submitted and reference those numbers being referred in each answer.**

**AMENDED INITIAL INTERROGATORIES PROPOUNDED ON**  
**DEFENDANT DAMON TYNER**

1. Set forth:

- a. name, address and job title of the person answering these Interrogatories;
- b. name and identity of all people who assisted in the answering of these Interrogatories;
- c. the date and place these Interrogatories were answered;
- d. whether the person certifying these answers is doing so based on his or her personal knowledge; and if not based on personal knowledge, identify every source upon which the person certifying these answers referred, relied or reviewed in order to certify these answers;
- e. please state the name and title of each and every employee that the Defendant claims is part of its litigation control group, as defined by R.P.C. 1.13.

ANSWER:

2. For each and every person(s) having personal knowledge of any fact(s) and circumstances regarding claims alleged in the Complaint set forth:

- a. the person(s) name, address, email address and business telephone number;
- b. the person's employer and job title;
- c. specific facts and circumstances of which each person has relevant knowledge;
- d. whether each such person was an eyewitness to the incident(s) or event(s) in question;
- e. relationship, if any, between You and such person(s).

ANSWER:

3. Please state whether You will use any document and/or other tangible or intangible evidence, in accord with N.J.R.E. 607, 608, 609 and/or other Rules of Evidence, for purposes of impeaching any witness(es) proffered by the Plaintiffs. Please produce all documents relating or referring to your response.

ANSWER:

4. Please identify all statements, testimonies or reports You have obtained pertaining to all the facts and/or circumstances relating to the allegations in the Complaint. Set forth:
- identity of each person who made and took each statement(s);
  - the content of each such statement;
  - the date each statement was obtained;
  - identity of all persons present when each such statement was taken;
  - produce all documents which refer or relate to your response.

ANSWER:

5. Identify all persons, excluding expert witnesses, whom Defendant intends to call as witnesses at trial and give a detailed description of their anticipated testimony. This is a continuing request and Defendant's answer must be updated as discovery progresses pursuant to R. 4:17(7). You are expected to provide this information at the latest, within 20 days from the first trial listing in this matter. For each such witness set forth:
- full identity, including their name, address, telephone number and email address, of any and all persons who will be named as a witness at trial;
  - relationship of any and all such witness(es) to the Defendant(s);
  - please produce all documents you intend to utilize and/or produce from any such witness(es).

ANSWER:

6. Identify all experts whom Defendant intends to call as witnesses at trial and give a detailed description of their anticipated testimony. This is a continuing request and Defendant's answer must be updated as discovery progresses pursuant to R. 4:17(7). For each such witness set forth:
- full identity, including their name, business address, telephone number and email address of each such expert witness;
  - his or her job title and specialty;
  - his or her qualifications and training, including professional and practical experience, and dates such training was received;
  - educational institutions attended and degrees obtained, and dates each such institution was attended and degree obtained;
  - the subject matter on which each witness is expected to testify;
  - the exact title of any article or publication written by the expert witness pertaining to his or her field of expertise or the subject matter of this litigation; identify the publisher and the date and source of the publications;



- g. a detailed description of all oral reports, conclusions or comments ever prepared by the person with respect to the subject matter of this litigation; and
- h. produce all documents, including written reports, relevant to your response.

ANSWER:

7. Please identify any and all policies and/or procedures and/or practices pertaining to employee performance reviews, employee performance and/or employee conduct in the workplace that were in effect from March 15, 2017 to present. Set forth:
- a. name, address and gender of individuals responsible for drafting, enforcing, implementing and/or conducting training on any such policy, procedure or practice;
  - b. the dates during which each individual was responsible for setting such policy;
  - c. the individual's job title and employment history with the Defendant;
  - d. identify persons representing Plaintiff who participated in each communication;
  - e. the time period each such policy was in effect;
  - f. a description of each such policy, procedure or practice.

ANSWER:

8. Set forth in detail, providing dates, locations and names of instructors who have provided You with any form of training, disciplinary instruction to correct your behavior, and/or education since the date you became employed with the ACPO. Provide all documents in support of your response.

ANSWER:

9. Set forth in detail any and all disciplinary action, formal or informal taken against You at any time that you have held a public office, including but not limited to any and all judicial appointments and/or prosecutorial positions. Set forth:
- a. identify the name of any such instructor, teacher, employer and/or person who provided you with disciplinary instruction;
  - b. the reason for any such disciplinary instruction;
  - c. the date and nature of the disciplinary instruction;
  - d. whether this disciplinary instruction was documented in writing.

ANSWER:

10. Set forth your employment history since you graduated from High School, and for each such job, include:
- the dates of employment for each job;
  - the name(s) of all your supervisors;
  - identify the person(s) who hired you;
  - the reason for termination of employment.

ANSWER:

11. Please identify any and all supervisors and/or persons delegated with authority to supervise and/or monitor in any manner the work you perform(ed) for the ACPO and/or in your capacity as an employee of the ACPO. Set forth:
- identify the name of any such supervisor;
  - identify the supervisor assigned to you and the time period for same;
  - identify the length and nature of the supervisory capacity;
  - identify whether this supervisor or these supervisors performed written evaluations of your work performance.

ANSWER:

12. Please set forth, in detail, any and all facts and/or reasons for any and all affirmative and/or separate defenses you assert in Answer to the Complaint.

ANSWER:

13. Please identify each person with whom You have discussed any and all allegations contained within this Complaint, with the exception of legal counsel, setting forth:
- identify their names and job titles;
  - each person's address or last known address, including email address;
  - place of employment or last place of employment of all such persons;
  - provide a detailed account of each such discussion and produce copies of all such documents.

ANSWER:

14. Please identify all complaints of gender-based discrimination, including but not limited to sexual harassment, pay disparity, gender inequality, hostile work environment and/or retaliation made by any ACPO employee which YOU received notice of from March 15, 2017 to present. Set forth:
- the name and job title of each employee whose conduct formed the basis for any such complaint;
  - the name, job title and employment history with the ACPO of any and all employee(s) making the complaint;
  - the actions and circumstances concerning each complaint;
  - the date(s) such actions or circumstances occurred;
  - the date(s) such complaint was filed;
  - the names and job titles of all employees with knowledge of such complaint(s);
  - identify all person(s) conducting the investigation of such complaints;
  - actions taken by the Defendants in response to each complaint;
  - describe disciplinary action(s) taken against the subject of each complaint;
  - the management's final actions on each complaint, including detailed descriptions of all disciplinary actions taken;
  - produce all documents referring or relating to your response.

ANSWER:

15. Please describe all actions taken by YOU to prevent gender-based discrimination, including but not limited to sexual harassment, pay disparity or other gender inequality, hostile work environment and/or retaliation from March 15, 2017 to present.

ANSWER:

16. Please identify all employees or members of supervisory or managerial staff counseled or disciplined from March 15, 2017 to present in regard to gender-based discrimination, including but not limited to sexual harassment, pay disparity or other gender inequality, hostile work environment and/or retaliation; and state:
- the nature of the counseling or discipline;
  - the name, job title, and gender of the employee counseled or disciplined;
  - the date such counseling or discipline occurred;
  - all follow-up actions taken by the management;
  - provide all documentation relating to your response.

ANSWER:

17. Please state whether You have ever been subject of any complaint of gender-based discrimination, including but not limited to sexual harassment, pay disparity, gender inequality, hostile work environment and/or retaliation files by any job applicant and/or past or current employee. Set forth:
- a. the name, job title and gender of each applicant or employee who made such a complaint;
  - b. the date of each complaint;
  - c. a description of each complaint and its basis;
  - d. a description of the investigation and resolution of each complaint;
  - e. the name, job title and gender of each person responsible for resolving each complaint;
  - f. current employment status of each person who has made such complaint(s).

ANSWER:

18. Please identify any instances of sexually or otherwise harassing comments, stereotyping and/or ridiculing statements that You witnessed taking place at the ACPO from March 15, 2017 to present. Set forth:
- a. the circumstances of each incident;
  - b. the names and job titles of persons making such statements;
  - c. the names and job titles of the persons subject to such statements and/or comments;
  - d. the dates of their occurrence;
  - e. the location of their occurrence;
  - f. the names and job titles of the witnesses to such statements and/or comments;
  - g. the names and job titles of employees responsible for investigating such statements and/or comments;
  - h. the date and a description of actions taken by the management in response to such statements and/or comments;
  - i. whether such statements and/or comments continued after the management's response.

ANSWER:

19. Please identify all instances when disciplinary action was not taken against any employee subject of the complaint(s) of gender-based discrimination, including but not limited to sexual harassment, pay disparity or other gender inequality, and retaliation from March 15, 2017 to present. Set forth:
- a. the name and job title of each such employee;
  - b. explanation as to why no action was taken; and
  - c. provide copies of any and all documentation relating to your response.

ANSWER:

20. Please identify all EEOC claims relating to gender-based discriminatory conduct that have been filed with any State Civil Rights agency against any of the named Defendant(s), including but not limited to the County and/or any of its departments' heads, from 2000 to present. For each such claim, set forth:
- a. the name, address and gender of each person who filed such claim;
  - b. the employment history with the Defendant(s) of the person who filed such claim, including job titles and dates;
  - c. the date such claim was filed;
  - d. a summary of each such claim;
  - e. a description of all the claims filed.

ANSWER:

22. Identify all internal affairs complaints and/or a formal Union grievances filed by any employees or applicants for employment alleging that You and/or any of the named Defendants had discriminated and/or engaged in unlawful retaliation for any reason. Set forth:
- a. the name, address, gender, age, race, national origin and religion of the person filing each complaint and/or grievance;
  - b. employment history, including job title and dates of employment or application for employment with the Defendant, of each person filing such complaint and/or grievance;
  - c. the date of filing each complaint and/or grievance;
  - d. the name and business address of the Union;
  - e. the bargaining units involved;
  - f. the allegations made in the complaint and/or grievance;
  - g. all actions taken on the basis of the complaint and/or grievance;

- h. produce a copy of each complaint and/or grievance.

ANSWER:

23. Identify all complaints ever filed by an employee or applicant for employment against You with any Federal, State or Local Government Agency alleging discrimination. Set forth:
- a. the name, address, gender, age, race, national origin and religion of the person filing the complaint;
  - b. employment history, including job title and dates of employment or application for employment with the Defendant, of each person filing such complaint;
  - c. the date of filing each complaint;
  - d. the name and business address of the Federal, State or Local Government Agency;
  - e. the allegations made in each complaint;
  - f. all actions taken on the basis of each complaint;
  - g. produce a copy of each complaint.

ANSWER:

24. Has any Complaint(s) been filed in Superior and/or Federal Court and or/in any administrative agency which alleges gender discrimination by any employee within the Atlantic County Prosecutor's Office and/or against any employee within the Atlantic County Prosecutor's Office including against YOU for dates from March 15, 2017 through to today?

ANSWER:

25. Identify all complaints ever filed against You or any ACPO employee in a Court of law and/or administrative agency which alleges any wrongdoing including discrimination, retaliation, nepotism and/or favoritism. Set forth:
- a. the name, address, gender, age, race, national origin and religion of the person filing the complaint;
  - b. employment history, including job title and dates of employment or application for employment with the Defendant, of each person filing such complaint;
  - c. the date of filing each complaint;
  - d. the Court in which the Complaint was filed, and the docket number of the lawsuit;
  - e. the allegations made in each complaint;

- f. the final disposition of such lawsuit, and the amount of any settlement or verdict;
- g. the name and address of the Plaintiff's counsel for any pending lawsuits;
- h. produce a copy of each complain.

ANSWER:

26. Please identify any and all policies, procedures and/or practices in effect from March 15, 2017, to present pertaining to the following:

- a. hiring relatives at the ACPO;
- b. assignment of county vehicles to ACPO employees;
- c. employment demotions and terminations;
- d. harassment and discrimination in the workplace;
- e. procedures of hiring employees, including rules regarding financial declarations and drug screening;
- f. records of Training related to harassment and discrimination;
- g. ethics policies;
- h. confidential funds disbursement;
- i. Ezpass NJ assignments and/or reimbursement;
- j. training at the FBI National Academy;
- k. social media relations during an ongoing criminal investigation and/or trial;
- l. any kind of stipend, including but not limited to Legal advisor and screening unit stipend;
- m. grant money expenditure;
- n. Internal Affairs Procedures;
- o. conflict of interest;
- p. employees retirement, including anything concerning retirement credentials;
- q. a summary of each such policy, procedure and/or practice;
- r. produce all the documents responsive to this request.

ANSWER:

27. Please state all procedures and/or practices in effect at the ACPO from March 15, 2017, to present pertaining to diversity and/or gender discrimination. Please produce all documents responsive to your answer.

ANSWER:

28. Please state all internal studies, evaluation, audit, monitoring, analysis and/or reports pertaining to gender diversity, gender pay gap and/or gender inequality at the ACPO. Set forth for each:
- a. the scope;
  - b. the date and findings;
  - c. produce all documents responsive to your answer.

ANSWER:

28. State the title of each department or other operative unit at the ACPO, setting forth for each department or unit therein:
- a. the name, office address, and job title of each officer, manager, supervisor, or employee in charge; and
  - b. a brief description of its functions.

ANSWER:

29. Identify each organizational chart of the ACPO, and set forth:
- a. the name and address of the custodian of the chart;
  - b. provide a copy of each such chart.

ANSWER:

30. State the names and office addresses of all ACPO employees including the area of responsibility for each (i.e., the division, department, or operational unit of which the officer is in charge, or to which he or she is assigned).

ANSWER:

31. State the location for each and every file you maintain and/or that YOU are aware of that contains any information pertaining to Plaintiffs, Donna Fetzer, Heather McManus and Diane Ruberton in any manner, including but not limited to personnel file, training file, internal security file, internal affairs files, background investigation file, secret files, special files, any files maintained within the Executive section, disciplinary file,



commendation file, litigation file, notes file, Prosecutor file, and specify the nature and substance as to each and every file regarding Plaintiffs, Donna Fetzer, Heather McManus and Diane Ruberton.

ANSWER:

32. State whether you maintain descriptions of duties and responsibilities for all positions and/or job titles within the ACPO. For each description presently in effect, state:
- the location of such description; and,
  - the name, office address and job title of the custodian of such description.

ANSWER:

33. Please identify any and all people who were hired and/or considered for hire as interns, attorneys not yet admitted to the bar, and/or law clerks by the ACPO. For all such person, state:
- whether the person was actually hired;
  - the date of hire;
  - the date of interview;
  - hourly rate or salary actually paid and/or considered as payment;
  - your relationship to the person;
  - the specific terms and conditions of the job offer, including any and all methods of remuneration.

ANSWER:

34. Identify your relationship with Lloyd Levenson, Esq, attorney at the Cooper Perskie Law firm; and, state whether Lloyd Levenson and/or any person affiliated with the Cooper Levenson law firm has ever made a political contribution on your behalf, including but not limited to any and all amounts recorded with Election Law Enforcement Commission (ELEC).

ANSWER:

35. State whether YOU and/or any named Defendant in this matter has ever considered and/or agreed to extend an employment offer at the ACPO to Lucas Levenson, son of Lloyd Levenson; and if so, explain employment consideration and/or decision.

ANSWER:

36. Explain in detail your relationship with political boss George Norcross, Senator Norcross and /or your affiliation with the Brown Connery law firm.

ANSWER:

37. Has the law firm of Brown and Connery and/or any of its associates ever contributed to You and/or Your political campaign, including but not limited to any and all amounts recorded with ELEC.

ANSWER:

38. Please explain the use of any funds taken from the Forfeiture account from March 15, 2017, to present. Set forth:
- a. the amount of money withdrawn;
  - b. the purpose of the withdrawal;
  - c. whether the withdrawal(s) was approved by AG;
  - d. whether any staff members refuse to sign any of the relevant paperwork;
  - e. identify all staff members authorized to sign the paperwork;
  - f. produce any and all documents related to your response.

ANSWER:

39. Please identify the use of any funds taken from the ACPO accounts from March 15, 2017, to present. Set forth:
- a. the amount of money withdrawn;
  - b. the purpose of the withdrawal;
  - c. Whether the withdrawal(s) was approved by AG;
  - d. all staff members are authorized to sign any of the relevant paperwork;
  - e. all staff members authorized to approve expenditures from such account;

- f. produce all documents responsive to this response.

ANSWER:

40. Please identify whether potential employees must go through a Background Investigation and/or a Pre-employment Drug Test. Set forth:
- a. the protocol and/or policy in place for conducting such investigation and/or testing;
  - b. identify the laboratory processing the drug screening;
  - c. where exceptions are provided to any employees;
  - d. Please identify ACPO employees responsible for such investigation and/or testing.

ANSWER:

41. Identify all employees who failed the pre-employment requirements, but was still offered employment at the ACPO from March 15, 2017, to present. Explain.

ANSWER:

42. Please state whether any grant-paid vehicle was assigned to First Assistant Prosecutor, Cary Shill. Set forth:
- a. the date such vehicle was assigned;
  - b. identify the person who assigned such vehicle;
  - c. the reason the vehicle was removed from Shill and reassigned;
  - d. identify the person who reassigned such vehicle;
  - e. whether policy regulating the use of grant-paid vehicles change after the vehicle was removed from Shill's use and possession.

ANSWER:

43. Please identify all the county vehicles in possession of the ACPO; and as to each such vehicle set forth:
- a. the EZ-Pass transponder identification for each vehicle in use from March 15, 2017 to present;

- b. identify each person, including name and job title, who had a County-owned vehicle in his/her possession;
- c. the itinerary and detailed description of each person's use of such vehicles for performance of his/her job duties;
- d. whether any such vehicles, including any and all vehicles assigned to Damon Tyner, Cary Shill and/or Mario Formica, were allowed to be used for personal reasons.

ANSWER:

44. Identify all ACPO employees who have been permitted to use a County-owned vehicle for personal use from March 15, 2017, to present; set forth:
- a. the make and model of each vehicle;
  - b. identify the costs associated with the purchase, fuel, maintenance, repair and insurance of each such vehicle.

ANSWER:

45. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Damon Tyner in his capacity as the Atlantic County Prosecutor.

ANSWER:

46. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Cary Shill in his capacity as an employee of the Office of the Atlantic County Prosecutor.

ANSWER:

47. Set forth in detail each and every training course, program, practice and any and all forms

of formal and informal training provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Mario Formica in his capacity as an attorney and employee of the Office of the Atlantic County Prosecutor.

ANSWER:

48. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Seth Levy in his capacity as an attorney and employee of the Office of the Atlantic County Prosecutor.

ANSWER:

49. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Michael Graham in his capacity as an employee of the Office of the Atlantic County Prosecutor.

ANSWER:

50. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal forms of training provided by or on behalf of the County and/or the ACPO and/or the State of New Jersey to Chad Meyers in his capacity as an employee of the Office of the Atlantic County Prosecutor.

ANSWER:

51. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training, including but not limited to discrimination, employee investigation procedures, media, social media and Email communications, retaliation in the workplace, abd gender-based wage/pay gap, that has been provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Dennis Levinson in his capacity as the County Executive.

ANSWER:

52. Set forth in detail each and every training course, program, practice and any and all forms of formal and informal training, including but not limited to discrimination, employee investigation procedures, media, social media and Email communications, retaliation in the workplace, abd gender-based wage/pay gap, that has been provided by or on behalf of the County, the ACPO and/or the State of New Jersey to Freeholder Frank Formica in his capacity as a Freeholder of Atlantic County.

ANSWER:

53. Identify all persons employed at the ACPO from March 15, 2017, to present who are permitted and/or assigned the use of a County-owned vehicle; and for each such person set forth:
- a. the dates the vehicle (s) was/were assigned to the respective person;
  - b. the terms and conditions of the use of such vehicle(s);
  - c. whether there were any prohibitions regarding the use of such vehicle(s) and if so, explain.

ANSWER:

54. Identify all ACPO employees who have responsible for conducting any investigations regarding complaints of employment discrimination or hostile work environment from March 15, 2017, to present. Produce all documents concerning any such investigations and identify the author of each such document.

ANSWER:

55. Identify any training provided to YOU in the last three years pertaining to prevention of employment discrimination or harassment, retaliation and complaint procedures. Set forth for each such training:
- a. the date and place of each such training;
  - b. identify each person conducting each training;
  - c. identify all persons in attendance;
  - d. whether attendance was mandatory.

ANSWER:

56. State whether any representative of the ACPO, including Damon Tyner, ever requested a meeting with Plaintiffs, Donna Fetzner, Heather McManus and/or Diane Ruberton, regarding any matter raised in the Complaint, and, if so, state fully and in complete detail:
- a. the date of the meeting;
  - b. the location of the meeting;
  - c. the date when the plaintiff was informed of the meeting;
  - d. the name and address of each person informing Plaintiff of the meeting;
  - e. whether ACPO representatives demanded or caused a change in the Plaintiff's employment status;
  - f. detailed explanation of how the plaintiff was informed of the meeting, including all comments and remarks made by the Plaintiff and the person(s) informing Plaintiff of the meeting ;
  - g. identify all witnesses of Plaintiff being informed of the meeting; and
  - h. the purpose of the meeting.

ANSWER:

57. Identify the names, gender, job titles, rank and dates of employment of each employee who attended the FBI National Academy and /or the FBI Task Force while employed with the ACPO.

ANSWER:

58. Provide the monetary amount for overtime pay earned and received by every employee within the ACPO from March 15, 2017 to present and for every such employee set forth:
- a. employee's name and gender;
  - b. date of hire and job title.

ANSWER:

59. Identify the name, gender, job title and date of hire of every ACPO employee assigned to the Major Crimes Unit and the Guns, Gangs and Narcotics Unit ("GGNU"). Provide the date of each assignment from March 15, 2017 to present.

ANSWER:

60. Identify the name, gender, job title and date of hire for every employee within the ACPO assigned to the Trial Team and the Grand Jury Unit. Provide the date of each assignment from March 15, 2017 to present.

ANSWER:

61. Identify and describe in detail each and every effort, formal and informal, that YOU and/or the ACPO made through any political party, politician or elected official, to hire, appoint or promote any female employee or job applicant for the position of County Prosecutor, Acting Prosecutor, Assistant Prosecutor, Chief of Detectives and /or Captain of Detectives. For any such effort, identify the name of such female employee or job applicant and the date and the name(s) of any person who advocated on behalf of any such female employee or job applicant.

ANSWER:

62. Identify the names of any and all females employees who received a pay raise and/or promotion in title, rank and/or salary from March 15, 2017 to present. For each such female employee, identify:
- a. her date of hire;
  - b. the pay raise and/or promotion;
  - c. the date(s) pay raise and/or promotion.

ANSWER:

63. Identify the names, dates of hire and gender for every person hired from March 15, 2017 to July 2018 for the position of Assistant Prosecutor. For each and every such person, identify the starting salary and the subsequent salary paid to that employee.

ANSWER:

64. Do you agree that under the tenure of Atlantic County Prosecutor James McClain, women within the ACPO made the most advancements to leadership roles in the history of the ACPO and a concerted effort was made to attempt to close the gender pay gap



within the ACPO? If you do not agree, explain the basis of your denial. Provide all documents relating to your response.

ANSWER:

65. Identify all actions YOU and/or the ACPO took to oversee, inquire into, monitor and/or ensure that women lawyers were hired, promoted and paid commensurate with male lawyers within the ACPO.

ANSWER:

66. Identify all women that YOU promoted or played a role in promoting to a position of Executive Staff member at the ACPO. For any such promotion, identify the date of the promotion, the job title and salary and/or remuneration associated with the position.

ANSWER:

67. Identify all women that YOU demoted or played a role in demoting from a position of Executive Staff member at the ACPO. For any such demotion, identify the date of the demotion, the job title and salary and/or remuneration associated with the demotion.

ANSWER:

68. Provide detailed explanation of the relationship between attorney Mario Formica and Freeholder Frank Formica. Set forth:
- a. the dates of employment of attorney Mario Formica and his job duties;
  - b. the dates of elected office of Freeholder Frank Formica and his job duties;
  - c. salary, pay, remuneration and/or benefits package, including the use of a County owned-vehicle, for attorney Mario Formica and Freeholder Frank Formica.

ANSWER:

69. Provide detailed explanation of the relationship between County Executive Dennis Levinson and ACPO Sergeant Chad Meyers. Set forth:
- d. the dates of employment of detective Sergeant Chad Meyers and his job duties;
  - e. the dates of elected office of County Executive Dennis Levinson and his job duties;
  - f. salary, pay, remuneration and/or benefits package, including the use of a County owned-vehicle, for detective Sergeant Chad Meyers and County Executive Dennis Levinson.

ANSWER:

70. Set forth the job duties, salary, pay, remuneration and/or benefits package for attorney Mario Formica for each year from 2017 to 2019, including exact dates of any and all increases in pay, salary, remuneration and/or benefits packages, as well as the use of a County-owned vehicle.

ANSWER:

71. Set forth the job duties, salary, pay, remuneration and/or benefits package for detective Sergeant Chad Meyers for each year from 2017 to 2019, including exact dates of any and all increases in pay, salary, remuneration and/or benefits packages, as well as the use of a County-owned vehicle.

ANSWER:

72. Set forth the job duties, salary, pay, remuneration and/or benefits package for ACPO employee Michael Graham for each year from 2017 to 2019, including exact dates of any and all increases in pay, salary, remuneration and/or benefits packages, as well as the use of a County-owned vehicle.

ANSWER:

73. Set forth the job duties, salary, pay, remuneration and/or benefits package for attorney Seth Levy for each year from 2017 to 2019, including exact dates of any and all increases in pay, salary, remuneration and/or benefits packages, as well as the use of a County-owned vehicle.

ANSWER:

74. Set forth the job duties, salary, pay, remuneration and/or benefits package for attorney Cary Shill for each year from 2017 to 2019, including exact dates of any and all increases in pay, salary, remuneration and/or benefits packages, as well as the use of a County-owned vehicle.

ANSWER:

75. Identify each and every communication between Donna Weaver and any of the named Defendants in this matter that references, relates to and/or pertains in any way to any claim asserted in this lawsuit. For each such communication, identify the format (i.e., verbal, written, electronic, Infoshare note, telephonic, etc.), and the date and subject matter of each.

ANSWER:

76. Describe all communications of which you are aware concerning the allegations in the Complaint and the Answer.

ANSWER:

77. Please identify all persons who were requested to communicate with Judge Donio pertaining to any allegation made by Plaintiffs Diane Ruberton, Donna Fetzer and/or Heather McManus. For each such person state:

- a. the date(s) of each such communication;
- b. the subject matter of each communication;
- c. the means of each such communication;
- d. whether the communication was recorded and, if so, the format and the custodian of each recording;
- e. identify all witnesses to each communication;
- f. produce all the documents responsive to your answer.

**Douglass Law Group**  
By: /s/ Michelle J. Douglass  
Michelle J. Douglass, Esq.

Date: July 12, 2019

**Burnham Law Group**  
/s/ Philip S. Burnham, II, Esq.  
Philip S. Burnham, II, Esq.

**CERTIFICATION**

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

The following is a list of the identity and source of knowledge of those who provided information to me: \_\_\_\_\_.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

DATED: \_\_\_\_\_