

PRO SE, JOSEPH L. DEARIE, JR., JD.¹

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY**

Civil Action No.: 2:15-cv-00386

J.L.D.,
JUDGE GANNON'S LAW CLERKS (to be named),
NY/NJ INSURANCE COMPANIES (to be named),

Plaintiff,

v.

EDWARD V. GANNON,
THE NEW JERSEY JUDICIARY,
STATE OF NEW JERSEY,
DEMPSEY DEMPSEY AND SHEEHAN,
DORSEY SAMARU LLC,
LOUIS TARANTO,
JOHN A. TONELLI

Defendants.

**COMPLAINT
DEMAND FOR JURY TRIAL
REQUEST FOR CRIMINAL CHARGES**

PRELIMINARY STATEMENT

Stopping insurance fraud is not for the purpose of protecting the insurance companies that have billions of dollars. Every honesty policy holder is affected by insurance fraud. It helps to keep America's wealth disproportionately balanced in society's upper most elite class and hurts anyone that suffers real injuries.

White collar crime in New Jersey is accomplished by parents bullying kids, and employers bullying employees, using their power to make others participate in illegal acts. New Jersey is currently considering passing the Healthy Workplace Bill which states: "Surveys and studies have shown that between 16 to 21 percent of employees nationwide have directly experienced health-endangering workplace bullying, abuse, and harassment. . . . Studies have documented that abusive work environments

¹ Awaits admission to the New Jersey and New York Bar.

can have serious effects on affected employees, including feelings of shame and humiliation, stress, loss of sleep, severe anxiety, depression, post-traumatic stress disorder, reduced immunity to infection, gastrointestinal disorders and hypertension. Moreover, abusive work environments can have serious consequences for employers, including reduced employee productivity and morale, higher turnover and absenteeism rates and significant increases in medical and workers' compensation claims."

In the wake of "Bridge- Gate" the New Jersey Legislator is also in the process of potentially passing Bill S768 in order to encourage public employees who suspect or witness government abuse or waste to come forward...without fear of retaliation." Before Pro se, Plaintiff, J.L.D., began his clerkship with Edward V. Gannon he was never known to be the "morally righteous" type or the type to care about social issues or "corruption." Admittedly, J.L.D. filed this complaint because he was left with no other option, other than to continue to be a victim of abuse and retaliation. With that being said, something needs be done. Corruption is a problem in the State of New Jersey.

I. PARTIES

1. Pro se, Plaintiff, J.L.D., graduated law school in May 2014. He was hired by Judge Edward V. Gannon to be his judicial law clerk for the 2014 to 2015 term.
2. Edward V. Gannon ("Judge Gannon") at all relevant parts of this compliant sat on the bench in the Superior Court of New Jersey – Morris/Sussex Vicinage, Law Division, Civil- Part. This Compliant, pursuant to 42 U.C.S § 1983, seeks to hold Edward V. Gannon liable for damages in his personal capacity, specifically in regard to his administrative duties and in his official capacity. This complaint also seeks relief from Edward V. Gannon in his non-judicial capacity under New Jersey common and statutory law for engaging in tortious conduct with actual malice; or in the alternative for conduct performed outside the scope of his employment. Judge Gannon resides at 11 Linwood Avenue Newton, NJ 07860 ("Judge Gannon's house").
3. The New Jersey Judiciary is a public entity of the State of New Jersey, responsible for establishing New Jersey's state courts. This Complaint seeks to hold the State of New Jersey and the New Jersey Judiciary liable in their capacity as an employer. Hereinafter this Complaint will refer to both

New Jersey Judiciary and the State of New Jersey collectively as “New Jersey Judiciary.” This Complaint seeks to hold the New Jersey Judiciary directly liable under 42 U.S.C. §1983 and liable under the doctrine of respondeat superior for all other claims.

4. Lou Taranto and John Tonelli at all relevant times herein, were on the Advisory Committee of Judicial Conduct for the New Jersey Judiciary. This complaint alleges they caused injuries to named Plaintiff’s for conduct arising out of their official capacity as court administrators and personal capacity for malicious conduct.

5. Dempsey Dempsey and Sheehan and Dorsey Samaru LLC are law firms in New Jersey. This complaint seeks to hold the shareholders of these firms personally liable for malicious tortious conduct and participating in a Civil Conspiracy

II. JURISDICITON

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1367 (supplemental jurisdiction over state law claims).

7. Venue is proper pursuant to 28 U.S.C § 1391(b) because a substantial part of the events that gave rise to Plaintiff’s claims occurred in this district.

8. Federal courts have supplemental jurisdiction to hear state law claims against state officials sued in their individual capacity if the federal claims arise from the same subject matter and provide the federal court with jurisdiction. 28 U.S.C. § 1367. Section 1367(a).

9. All of the claims alleged in this complaint against the State of New Jersey, are alleged in the State’s capacity as an employer, for it which it has waived sovereign immunity.²

III. FACTUAL ALLEGATIONS

A. General Factual Overview

10. In late June 2014, J.L.D. interviewed with Judge Gannon twice for his law clerk position for the 2014-2015 term. J.L.D. was offered the position in mid-July, and started on August 25, 2014. At

² See Rudolph v. Adamar of N.J., Inc., 153 F. Supp. 2d 528 (BNA) 812 (D.N.J. 2001).

J.L.D.'s request, he was reassigned to Judge Rosemary E. Ramsay on December 9, 2014 in response to his December 8, 2014 letter. (Ex. A)

11. Prior to interviewing with Judge Gannon, J.L.D. had never met Judge Gannon or anyone that at all times herein worked in his chambers.

12. At all times herein, Judge Gannon's chambers was located in the Historic County Courthouse, in Newton, NJ ("Historic Courthouse"). Judge Gannon was the only judge in this courthouse. His chambers, at all times herein, were located on the second floor of the building. Only Judge Gannon, his secretary (L.H.), his court clerk (P.W.), court reporter (P.N.), and J.L.D. worked on this floor.

13. The other Sussex County judges and staff worked in the Sussex County Judicial Center ("New Courthouse") which is approximately a five minute walk from the Historic Courthouse.

14. At some point before June 17, 2014, Judge Gannon offered his 2014-2015 law clerk position to a former intern of his, S.V.. This offer was originally accepted by S.V.. S.V. at some point before June 17, 2014 revoked his acceptance to Judge Gannon's offer and took a job in Texas.

15. On or around July 17, 2014 Judge Rosemary E. Ramsay was appointed as Presiding Civil Division Judge, replacing Judge Thomas Manahan, who joined the Appellate Division.

16. On August 25, 2014 to August 29, 2014 the previous law clerk E.H. trained J.L.D. While they were together alone outside of the courthouse she told J.L.D. that she had been "counting down the days" until her clerkship was over. She said that Judge Gannon had "sexually harassed her." When J.L.D. asked E.H. about her career plans she said she needed time off to "mentally recover" before working again; and when she returned to work she planned to work for her father, J.H..

17. On E.H.'s last day of work, August 29, 2014, Judge Gannon, J.L.D., E.H., P.W., P.N., went out to lunch at a restaurant about ten minutes away. Judge Gannon drove J.L.D. and the other employees went in a separate car. During this lunch E.H. referenced her "mental breakdown" during her clerkship. Judge Gannon appeared very uncomfortable and did not respond to the comment right away. Subsequently Judge Gannon brought up E.H.'s breakup with her boyfriend, which occurred during her

clerkship. Emily Harris responded by saying that Judge Gannon also went through a breakup with his girlfriend during the past year around the same time.

18. According to Judge Gannon, Judge Gannon went to Newton Medical on Friday September 5, 2014 after falling down stairs in his house. He was then “transferred” to Morristown Medical where he stayed until September 14, 2014. About a week after Judge Gannon was “released” from the hospital he said he was treated for a sepsis infection. There is however no billing record of Judge Gannon staying in Newton Medical in September 2014. According to billing records, Judge Gannon did stay in Morristown Medical on Tuesday 9/9/2014 to Sunday 9/14/2014.

19. On or around October 20, 2014, Judge Gannon had an “interview” in Trenton, NJ regarding an “investigation” by the New Jersey Judiciary. Based on information and belief, Judge Gannon’s potential misconduct, unrelated to the allegations in this complaint, were the sole focus of the investigation.

20. In or around December 2014, The New Jersey Judiciary lead by Lou Taranto and John Tonelli began another “investigation” involving Judge Gannon for the allegation made in J.L.D.’s December 8, 2014 letter. (**Ex. A**)

21. J.L.D. on January 7, 2015 met with Lou Taranto and John Tonelli and interviewed for several hours under oath about his experiences. This interview was recorded.

Judge Gannon’s History

22. Judge Gannon has a history of idiosyncratic behavior. The following are reported instances where it was documented by the press:

a) In 2008 Judge Gannon wrote a letter calling Passaic County Assignment Judge Robert Passero a "bully" who bitterly divided the judiciary because of his harsh management style. The letter, on a state Superior Court letterhead, was signed by Judge Edward Gannon. Though the letter is marked personal and confidential, it was spread quickly by e-mail to members of the bar.³ Judge Passero

³ John Petrick, *Intriguing People Robert Passero; Verdict: He acquitted himself well*, THE RECORD, July 2008, at A10.

responded to the letter by saying: "By commenting on that letter, I would give credibility to his diatribe. Obviously, he doesn't like me. Obviously, he didn't attend the dinner. **I think anybody who reads that letter knows the scrivener [Judge Gannon], and knows he would not change their opinion of me.**"⁴

b) In July 2013 Judge Gannon rejected a plea deal between Assistant Morris County Prosecutor Brian DiGiacomo ("DiGiacomo"), and defense lawyer Jeffrey Patti ("Patti"), in State of New Jersey v. Jason Campbell. DiGiacomo and Patti jointly wrote to Presiding Criminal Judge Stuart A. Minkowitz requesting a conference because they believed Judge Gannon's decision was "**in contravention of prevailing law and drug court procedure.**" Consequently Assignment Judge Thomas L. Weisbeck transferred the case to Judge Greta Gooden-Brown in Passaic County for "good cause."⁵

c) In response to removing Judge Gannon from State of New Jersey v. Jason Campbell, Judge Gannon wrote another "confidential" letter attacking the character and judicial integrity of Morris/Sussex Vicinage Assignment Judge Thomas L. Weisbeck. (**Ex. B**) This letter, like his 2008 letter regarding Judge Passero was also shortly leaked to the press and members of the bar.⁶ Additionally, Judge Gannon spoke to the press regarding State of New Jersey v. Jason Campbell, stating that Prosecutor DiGiacomo, defense lawyer Patti, engaged in: "one the rankest form of judge-shopping I've ever come across."⁷ Judge Gannon then made allegations to the Attorney General, of fraud and government obstruction, by DiGiacomo, Patti, Assignment Judge Weisenbeck and presiding criminal judge, Stuart Minkowitz. On July 2, 2014 Division of Criminal Justice informed Judge Gannon that it "will not pursue criminal charges at this time" and "will close its file."⁸

⁴ Id.

⁵ Mary Pat Gallagher, *NO Charges for Lawyers accused of Judge- Shopping*, N.J. L.J. July 10, 2014, Monday Section: Pg. 1; Vol. 217; No. 2.

⁶ Id.

⁷ Id.

⁸ Id.

d) In 2009 Judge Gannon told the press he was not participating in state worker furloughs, stating: “I work about 60 hours a week, including nights and weekends. . . I continue to pay the expenses of my children's college education long after the graduation.”⁹

e) **In 2012 Judge Gannon declared to the press that New Jersey is the "insurance fraud capital of the world."**¹⁰

23. Based on information and belief, Judge Gannon has traditionally “bullied” or “abused” all of his recent law clerks, this belief is based on the following:

a) W.T., (Judge Gannon’s 2012-2013 law clerk), said he regularly did house work, at Judge Gannon’s home. W.T. stated this on August 28, 2014 at a “Young Sussex County Lawyers” event at O’Reilly’s Pub and Grill in Newton, New Jersey; and again on September 29, 2014 at a Bar Association Dinner at the Crystal Springs Country Club in Hardyston, New Jersey.

b) At the September 29, 2014 Bar Association Dinner, W.T. told J.L.D. that during his clerkship Judge Gannon would routinely make racist remarks/jokes about his Indian girlfriend.

c) At the “Young Sussex County Lawyers” event on August 28, 2014, B.T., (Judge Gannon’s 2009-2010 law clerk), told J.L.D. that the only way to get through the clerkship was to “just stop caring” about the quality of the judicial process. He said during his clerkship he was “demoralized” and that he “would get mad” because he felt like he was “the only one doing any work.”

d) “Larry” a Sussex Sheriff’s officer told J.L.D. on the week of August 25, 2014 that Judge Gannon makes his law clerks do “everything but law.” He specifically referenced a time that Judge Gannon made a law clerk get a Christmas tree.

e) In September 2014, while on medical leave, Judge Gannon asked J.L.D. to come to his house to fix his internet, in response to this, L.H. said she was “surprised it had taken this long” for Judge Gannon to make J.L.D. do work at his home.

⁹ *Bad Judgment on Furloughs*, ASBURY PARK PRESS, May 22, 2009.

¹⁰ Michael Booth, *Fraud-Sniffing Health Insurer Can’t Peruse Provider Records*, N.J. L.J., July 18, 2012; see also *Selective Ins. Co. of America v. Hudson East Pain Management*, A-105-10.

Judge Gannon's Administrative Misconduct during J.L.D's Term (Prior to November 10, 2014)

24. On August 28, 2014, during J.L.D's training week, Judge Gannon asked J.L.D. to type up a list of his personal medications. (Ex. C) Judge Gannon specifically told J.L.D. to save the document so he could update it throughout the year. The drug "Lexapro" is on Judge Gannon's list of personal medications. Lexapro is used to treat major depression, severe anxiety and personality disorders. 20 mg of Lexapro is generally considered by medical experts to be the strongest recommend dose of the drug. This occurred during J.L.D's training week. E.H. was at work that day.

25. In early September upon learning that J.L.D. was looking to move out of his parent's house Judge Gannon asked J.L.D at least twice to live in his one family house with him at 600 dollars a month and no security deposit. There are no separate living areas in Judge Gannon's home. Judge Gannon on several occasions made reference to the fact that he did not like living alone. J.L.D. never suggested to Judge Gannon or anyone in his chambers that he needed to move or could not afford to move out.

26. Judge Gannon would often leave chambers for two to three hours in the middle of the day. On at least two occasions when he returned he appeared intoxicated from alcohol or drugs.

27. During the period between August 28, 2014 to December 1, 2014 J.L.D. spent a substantial amount of his time at work doing Judge Gannon's personal tasks, these included, but are not limited to:

- a) Fixing Judge Gannon's internet at his house;
- b) Driving Judge Gannon to his house to get his mail;
- c) Waiting in the car outside his Judge Gannon's house for 30 minutes while Judge Gannon "checked on" his cleaning lady;
- d) Typing letters to Judge Gannon's "debt collectors"¹¹ (Ex.D)
- e) Regularly getting Judge Gannon coffee, and soda at a nearby market;
- f) Typing up a detailed order list for a décor box for WWII medals;

¹¹ J.L.D. does not believe Judge Gannon has any debt collectors

- g) Delivering closed packages/containers to the “New Courthouse” for “personal matters;”
- h) Researching parking and travel information for the Chicago Bears football team (specifically regarding their November 23rd, 2014 game against the Miami Dolphins);¹²
- i) Looking up driving directions to a funeral service Judge Gannon was attending for a person with no connection to the New Jersey Judiciary or J.L.D.;
- j) Getting a specific judge or attorney on the phone so Judge Gannon could speak with them about personal matters;
- k) Performing research on a judge’s free speech rights on the bench and in the press for purposes of Judge Gannon’s personal affairs.
- l) Also see ¶ 63.

28. J.L.D. never complained or hesitated to do these tasks before November 20, 2014.

29. Judge Gannon made many disturbing comments in chambers as well as general derogatory remarks. The following are examples of comments Judge Gannon made to J.L.D. (note: specific names are intentionally removed from this complaint):

- a) Judge Gannon said that he and former New Jersey Senator John H. Dorsey “made a lot of money” from insurance companies together.
- b) Judge Gannon asked J.L.D. during lunch in front of chambers staff if he was in a group of boy scouts located by J.L.D.’s hometown; he then immediately made reference to a boy scout troop leader who molested children in that group of boy scouts during the time period that J.L.D. would have been a potential molestation victim. J.L.D. asked Judge Gannon “would you have told me that story if I said I was in boy scouts?” Judge Gannon responded, “Yeah, that was the point.”
- c) During lunch, in front of J.L.D. and chambers staff, Judge Gannon bragged about refusing to sign emergent warrants for police while he sat on the bench in the criminal division. He said he did this so eventually they would stop asking him to sign them.

¹²“Judicial College” was on November 24, 25, 26.

- d.) That specific judges engaged in administrative and judicial misconduct.
- e.) That a local attorney with his own law firm, fraudulently reported his capital gains. Judge Gannon said he knew this because the attorney had “shown him his books.” He also said the judge assigned to the attorney’s divorce was “screwing him.”
- f.) Judge Gannon said that one of his pervious law-clerks, J.H., had to be mentally institutionalized during his clerkship. Judge Gannon said that this law clerk “just couldn’t handle the work,” and “wasn’t cut out to be a lawyer.” In addition, Judge Gannon said that he hired John E. Horan because he was friends with his father;
- g.) That a previous law clerk¹³ borrowed money from Judge Gannon in exchange for “go-go bucks” or “go-go tokens” because of his financial struggles. Judge Gannon told this story at least twice. Judge Gannon also said this same law clerk hid a file.
- h.) Made numerous derogatory remarks regarding: minorities, mentally handicapped, and women.
- i.) At all times herein, on the wall in Judge Gannon’s chambers is a letter from school children thanking Judge Gannon for visiting their class. When J.L.D. commented on the letter Judge Gannon replied that they were “a bunch of retard kids who couldn’t write.”
- j.) That W.T., (2012-2013 clerk), had a “one night stand” with an unnamed attorney during his clerkship while in a serious, long-term relationship with another girl. Immediately following this story Judge Gannon told another story about how W.T., got drunk and fell over a table.
- k.) That one of his former interns, O.R., whom J.L.D. knew from law school, was “really full of himself”; a “douche;” and had a “hot wife.” Judge Gannon made further sexually explicit comments about O.R.’s wife.
- l.) He said that the Assignment Judge Thomas L. Weisenbeck’s law clerk was always a “douche” who told “everybody what to do;”

¹³ J.L.D. cannot recall name. It is possible that Judge Gannon never provided the name or that this story is also in reference to John E. Horan.

m) He said on around ten separate occasions to stay away from Connie Juarbe-Aponte (“Juarbe-Aponte”), the Civil Division Team Leader in Sussex County. He referred to Juarbe-Aponte as the “principal” who was looking to get J.L.D. “jammed up.” Judge Gannon often asked if “Connie had been coming around.”

n) That a local attorney K.K. had a drinking problem, couldn’t do his work, and was unethical.

o) He attacked the character of the other Sussex judges, specifically W.M. by saying he was egotistical, and didn’t visit or send him a card while he was in the hospital.

p) After attending Laura Henderson’s father- in- law’s funeral he said that her family was “a bunch of fat pigs.”

q) Made racial remarks toward an Asian server at a Chinese restaurant.

Judge Gannon’s Judicial Misconduct (prior to December 5, 2014)

30. August 25, 2014 to August 29, 2014, was J.L.D.’s first week as Judge Gannon’s law clerk. This week overlapped with the last week of work for the previous law clerk, E.H.

31. During this week E.H. trained J.L.D. to perform the law clerk duties in accordance with Judge Gannon’s expectations. E.H. told J.L.D. that the Order forms for all motions should be “filled out” and left on the “back table” for Judge Gannon “to sign.” E.H. performed the process in front of J.L.D. and watched as J.L.D. performed the process of preparing the motions for Judge Gannon. The process included stamping the motion “filed,” writing the date, checking off any box indicating that all filings had been reviewed, and stamping Judge Gannon’s name under the signature line. E.H. told J.L.D. it was important to leave the page of the Order form with the signature line on top of the file so “Judge Gannon doesn’t have to go through it.”

32. E.H. and Judge Gannon explicitly stated that the most important aspect of the law clerk position was to get the motions out as fast as possible. Judge Gannon on numerous occasions said “it’s all about moving the paper.”

33. Of the 300-400 motions that were assigned to Judge Gannon during J.L.D.'s clerkship tenure, it is only possible for Judge Gannon to have fully read motions pertaining to three ("3") cases. These cases are Lamar v. New Jersey¹⁴; "The Walmart case;" and the "The Wildwest City Case."

34. Judge Gannon did not allow J.L.D. to look at the "Walmart case" or "Wildwest City case." Judge Gannon said "he would handle it" and removed the file to a location unknown to J.L.D. J.L.D. never saw Judge Gannon looking at the papers for these cases.

35. When Judge Gannon "went through" the motions he would go to the back room about once a week for ten ("10") minutes. When he returned he told J.L.D. that "everything in the back should go out." These included opposed motions for summary judgment.

36. Prior to October 2014 there was no system in place for organizing motions; motions were left on a shelf or in the back table. Often times the opposition and reply to a motion would be separated. Emily Harris said during training that she had to rely on her memory for motion management.

37. In September 2014, J.L.D. asked L.H. to order multi-colored "hanging -folders" so he could implement a more customary system of managing motions. When J.L.D. told Judge Gannon his intentions, he responded by saying "don't bother" and that it would be a waste of time.

38. In October 2014 J.L.D. implemented a more customary system to manage motions. All papers to a motion were kept in a file and organized in drawers. Motions for summary judgment were kept in red folders; adjournments kept in blue folders; discovery motions and motions to enforce litigants rights were separated from the other motions; all other motions were kept alphabetically by plaintiff's name.

39. Neither Judge Gannon nor anyone in his chambers ever asked J.L.D. how the motions were organized. J.L.D. never saw Judge Gannon inspecting the drawer to which motions were kept.

40. J.L.D. often encouraged Judge Gannon to read his statement of reasons or partake in the judicial decision making process:

¹⁴ Judge Gannon took this file home after after Pro se plaintiff, Todd Lamar filed a motion to hold Judge Gannon in contempt and wrote a letter to Chris Christie attacking Judge Gannon's judicial integrity.

(a) On numerous actions J.L.D. would ask Judge Gannon his thoughts or opinion on a motion. Judge Gannon would usually respond with some variation of “Who are the attorneys on the case?” Alternatively, Judge Gannon would respond with, “I’ll look it tomorrow.”

(b) For a summary judgment motion in Delmaster Heating v. Sally Rinker Docket No.: SSX-L-400-11, J.L.D. wrote a statement of reasons and filled out the Order form. Upon seeing that Judge Gannon had signed the Order, he asked Judge Gannon if “he looked it over because [J.L.D.] didn’t know anything about bankruptcy law.” Judge Gannon responded, “it’s fine McCnulty¹⁵ knows everything about bankruptcy law.”

(c) J.L.D. on many occasions asked Judge Gannon about his opinion on matters that he had previously heard oral argument for. Judge Gannon did not remember or have anything on the record pertaining to these cases. Most notable was an undecided non-jury trial heard by Judge Gannon, Schelane Realty, LLC v. Fred Ecke and Eric Fitzgerald, Docket No. SSX-L-141-13.

(d) J.L.D would leave papers for Judge Gannon in a paper tray labeled (“Judge Gannon”) outside his office door. J.L.D. told Judge Gannon he would leave things for him in the tray that he thought he should look at. Judge Gannon never once looked at or took the papers left in the tray.

(e) J.L.D. wrote around 30 statement of reasons for summary judgment/ or more complex motions. Judge Gannon rarely made any comment, remark edit, or change to any of these.

41. Around 90% of the motions assigned to Judge Gannon during J.L.D.’s term were decided on “the papers.” These included opposed motions for summary judgment where the parties had requested oral argument.

42. When an attorney called up and insisted on coming in for oral argument Judge Gannon would let them. In these cases however their motion had already been decided and the Order form signed. Judge Gannon never instructed J.L.D. to edit or withdrawal a previously signed Order in response to hearing oral arguments.

¹⁵ McCnulty is a local attorney located in Sussex County, New Jersey.

43. In or around October of 2014, J.L.D. saw on Laura Henderson's desk what he believes to be email correspondence between Edward V. Gannon and Steven Visaggio.¹⁶ Subsequently Judge Gannon told J.L.D. that Henderson did not like him going by her desk. Henderson never mentioned anything to J.L.D. about going by her desk.

44. Judge Gannon appeared to have a rapport with local attorney Phillip C. Wiskow. Judge Gannon commented that Wiskow "was a good guy." Judge Gannon during October 24, 2014 oral arguments called Phillip C. Wiskow to the bench to make small talk and personal jokes. On three separate occasions J.L.D. thought Judge Gannon granted favorable treatment to attorney Wiskow:

a) On or around Friday October 24, 2014, Judge Gannon denied a motion for summary judgment on the bench in favor of the plaintiff, represented by Philipp C. Wiskow in Verhage v. Interstate Waste Service Docket No.: SSX-L-173-13. J.L.D. wrote a statement of reasons granting the motion for summary judgment against Wiskow. Judge Gannon did not read any papers for this motion prior to taking the bench on this day. Judge Gannon's reason was based solely on the fact that the Wiskow provided an expert report.

b) Wiskow represented the plaintiff in Newman v. Van Wingerden Associates LLC, No. SSX-L-263-11. Trial for the case was held before Judge Gannon in or around early November 2014. Wiskow appeared to receive favorable treatment in admitting and excluding evidence. Opposing counsel, Mario C. Colitti, was visibly frustrated.

c) On Friday December 5, 2014 (the day J.L.D. allegedly "threw something" and "stormed out") Judge Gannon denied a motion for summary judgment in favor of Wiskow in Kevin LaFlame v. Loria Timmons, Docket No. SSX-L-40-13. J.L.D. provided Judge Gannon with an unfinished statement of reasons suggesting the issues of the case. In J.L.D.'s opinion, Judge Gannon not only made a questionable decision but used very questionable reasoning in deciding this motion. In addition Judge Gannon had not read any papers regarding this motion until he sat on the bench.

¹⁶ Trial in Visaggio v. Dorte was held before Judge Gannon on May 22, 2014. A Jury returned a verdict in favor of plaintiff Steven Visaggio for 19.3 million. The verdict was the fourth largest in New Jersey in 2014.

45. Judge Gannon on least one occasion pulled out or had J.L.D. pull out W.T. motion and granted it without asking for the opposition or reading the opposition.

46. Judge Gannon engaged in prohibited ex parte communications with attorneys on pending matters numerous times. A former law clerk, B.L., came into chambers on several occasions to drop off motions directly to Judge Gannon. On at least one occasion Judge Gannon engaged Brian Lundquist in conversation about the "Walmart Case," stating that he thought the opposing attorney M.K.F., had "some pretty good arguments."

47. Based on information and belief the comments referenced in ¶ 44 were made so J.L.D would believe the "Walmart case" was legitimate and not a scam.

48. In December 2014 attorney M.K.F. switched law firms.

49. Requests Judicial notice of the FUREY/BURKE/MACCARRON name Genology.

50. On December 1, 2014 J.L.D. handed Judge Gannon an Order form granting an opposed Summary Judgment motion for Catherine A. Bentler v. Scarc, Inc. Docket No. SSX-L-191-13. J.L.D said he wanted to use his statement of reasons for the case as a writing sample. Judge Gannon signed the Order without asking for the file. When Judge Gannon later saw the Bentler v. Scarc file he asked "What is all that?" J.L.D responded, "that is Bentler v. Scarc, you just signed the Order for it."

Judge Gannon's History of Hiring Law Clerks and Employees

51. Based on information and belief, Judge Gannon hires law clerks that he believes he will be able to take advantage of and that will not report him, for example:

a) J.H., the father of E.H., (2013-2014 law clerk), is an attorney in Morristown, NJ, and has a relationship with Judge Gannon. Judge Gannon explicitly stated on at least two occasions, that Emily Harris received the clerkship position solely because Judge Gannon was/is friends with E.H.'s father. E.H. currently works for her father in Morristown, NJ.

b) W.T. received his job as a reference from B.O. who was Judge Gannon's 2011-2012 law clerk. Based on information and belief W.T. and J.L.D. have family backgrounds that share characteristics.

c) Judge Gannon told J.L.D. that he hired J.H. (referenced in ¶ 28(e)) because he was friends with his father.

d) On August 28, 2014 at “Young Sussex County Lawyers” event, W.T. said that Judge Gannon “always” has some sort of prior “connection” with his law clerks.

e) S.V. (referenced on ¶ 14) and his family, have strong ties to Newton and Judge Gannon. S.V. grew up in Newton, NJ where Judge Gannon lives and both Sussex Courthouses are located. In addition, S.V. family owns a deli in Newton that Judge Gannon eats at.

53. Based on information and belief Judge Gannon’s has a history of hiring employees whom have a history of abuse. Based on information and belief the purpose of these relationships is to ensure Judge Gannon does not get reported.

Judge Gannon’s Hiring Process for J.L.D

54. On June 17, 2014, at 12:51pm, J.L.D. emailed L.H. his resume in response to a posting on the Rutgers School of Law-Newark website for Judge Gannon’s clerkship position.

55. J.L.D. interviewed with Judge Gannon on the morning of June 20, 2014. At no point did Judge Gannon ask J.L.D. for a cover letter, references, transcript or writing sample. He admittedly pulled J.L.D.’s resume because he was from “Boonton.” During the interview Judge Gannon asked him if he still lived at home with his parents. The interview lasted about 5 minutes. Judge Gannon did not invite J.L.D. to meet with the law clerk at the time, E.H..

56. J.L.D. knew Judge Gannon’s brother James Gannon from 5th grade CYO basketball. James Gannon and J.L.D.’s father coached CYO basketball together for one year; he mentioned this to Judge Gannon in the June 20, 2014 interview

57. At all relevant times herein, Joe Bock, Esq. of Dorsey & Semrau, LLC had a relationship with Judge Gannon. Joe Bock went to Mountain Lakes High School as did J.L.D.’s father. Joe Bock also frequently visits the Lakeland Hills YMCA where J.L.D.’s family frequently goes.

58. Former New Jersey Senator, John H. Dorsey (“Dorsey”), at all times herein, is the named partner at Dorsey & Semrau LLC where Joe Bock is employed. Judge Gannon told J.L.D. that he and

Dorsey have a relationship together that goes back many years. He said Dorsey appointed him to the bench at the age of 39, and they made money together off insurance scams.

59. On June 20, 2014, several hours after J.L.D.'s first interview with Judge Gannon, Joe Bock, contacted J.L.D. and told him that his firm Dorsey & Semrau, LLC was hiring; and that J.L.D. should submit his resume.

60. On June 21, 2014, J.L.D. sent his resume and cover letter to Joe Bock. On June 22, 2014 Joe Bock communicated with J.L.D. via text message asking him information about his student loans, living arrangements, and LSAT score.

61. Around June 22, 2014 Joe Bock called Judge Gannon "on behalf" of J.L.D. regarding Judge Gannon's clerkship position. J.L.D. did not ask Joe Bock to make this call

62. On the evening of June 22, 2014 Judge Gannon called J.L.D. and left a voicemail saying: "I have a couple more things I wanted to ask you that I thought of."

63. On June 23, 2014 J.L.D interviewed with the Law Firm Dempsey Dempsey and Sheehan.

64. Based on information and belief, the Dempsey family is related to Judge Gannon's family by marriage. In addition based on information and belief Judge Gannon facilitated financial fraud in favor of Gary Bartholomew, Jr of Dempsey Dempsey and Sheehan (see Anacapri Foods, Inc. v. Bart Foods, Inc and Gary Bartholomew Jr. Docket No.: SSX-L-47-13).

65. J.L.D. interviewed with Gary Webber and Lianne M. Matyola of Dempsey Dempsey and Sheehan. During this interview the following questions were asked:

- a) "What are your memories of your grandfather?"
- b) Asking about his father's/grandfather's business.
- c) Asking J.L.D. if he knew why Dempsey Dempsey and Sheehan did not advertise their clients, settlements, or case outcomes.
- d) Asked J.L.D. how he was with computers.
- e) Commented that J.L.D was a "Junior" to his father, "Senior"
- f) Asked about Boonton High School.

66. This interview at Dempsey Dempsey and Sheehan was for an associate position. J.L.D at the time had not taken the New Jersey bar exam. The position involved a subject of law J.L.D had no experience in.

67. On June 27, 2014, J.L.D. interviewed with Judge Gannon for the second time. Judge Gannon told J.L.D. that he had spoken to Joe Bock and his brother) about J.L.D. Judge Gannon said that James Gannon told Judge Gannon he knew J.L.D.'s father. There was no discussion of anything relating to J.L.D.'s ability to perform the judicial tasks of a law clerk. E.H. was not in work on this day, so J.L.D. did not have the opportunity to speak with her.

68. On June 27, 2014 Joe Bock informed J.L.D. via text message, that the other named partner at his firm (Dorsey & Semrau), Fred Samrau, Esq. knew that Judge Gannon was going to hire J.L.D. J.L.D. has never met Mr. Semrau. Joe Bock also said that "there wasn't much being said" about the opening at Dorsey & Semrau, LLC.

69. On or around July 2, 2014 Judge Gannon called J.L.D. and offered him the clerkship position, which J.L.D. immediately accepted.

70. Judge Gannon told J.L.D. that he has a relationship with John Sheehan. John Sheehan was friends with J.L.D.'s grandfather, has five children that went to Boonton High School, and works at the Lakeland Hills YMCA where J.L.D.'s family goes. John Sheehan coached J.L.D. in 8th grade CYO basketball.

71. Judge Gannon asked J.L.D. several times during his clerkship about J.L.D.'s family, his dad, what his dad does, how his business is doing, J.L.D.'s personal relationship with him, and if he had seen him or spoken to him recently.

72. J.L.D was bullied throughout high school and abused by his parents. Based on information and belief J.L.D.'s parents and grandfather also engaged in insurance fraud. Based on information and belief J.L.D was used by his parents to facilitate their illegal financial endeavors without his knowledge.

73. J.L.D.'s parents have often spoken poorly about J.L.D. in order to destroy his credibility, this is a common characteristic of abusive parents.

74. J.L.D.'s parents have taken measures to "monitor" J.L.D.'s behavior, out of fear of J.L.D. revealing family secrets.

75. J.L.D.'s father has admitted to stealing J.L.D.'s tax refund check. In addition, J.L.D.'s parents have consistently opened J.L.D.'s mail without his knowledge.

76. Based on information and belief Judge Gannon hired J.L.D. because of the facts alleged in ¶ 70 - ¶ 75.

B. Timeline of Events

77. Prior to November 10, 2014, despite Judge Gannon's misconduct, J.L.D. and Judge Gannon maintained an amicable relationship. J.L.D. stopped eating lunch with Judge Gannon in October 2014 shortly after the "molestation" comment (¶29 (b)) in order to accomplish this.

November 10, 2014: Judge Gannon Interrogates L.M.

78. On or around November 10, 2014, L.M. an employee at Gurin Associates Inc., observed trial before Judge Gannon.¹⁷ Based on information and belief, L.M. did not know Judge Gannon or anybody from his chambers. During trial intermission, Judge Gannon asked J.L.D. to give L.M. a closed envelope bearing the New Jersey Judiciary seal and Judge Gannon's judicial letterhead. Inside the envelope contained Judge Gannon's business card, also bearing the New Jersey Judiciary seal with a message handwritten on the back of the card which said "meet me in my chambers after the verdict." Judge Gannon also instructed J.L.D. to ask L.M. for her business card. After performing the task Judge Gannon then asked J.L.D. to look L.M. up on "Facebook" and perform general research on her. Judge Gannon lead J.L.D. to believe the reason for looking up L.M. was due to his sexual interest in her. However based on information and belief it was because Judge Gannon was fearful of L.M. was documenting proof that Judge Gannon used his judicial powers to defraud insurance companies.

¹⁷ Newman v. Van Wingerden Associates LLC, No. SSX-L-263-11.

79. After Judge Gannon left his office J.L.D. told Judge Gannon “that was horrible.” Judge Gannon referred to L.M.’s boyfriend as a “cock-block” to J.L.D.

80. Immediately after the incident described in ¶ 78 Judge Gannon asked J.L.D. to go out to lunch alone. J.L.D. told Judge Gannon he had brought a lunch but Judge Gannon insisted. During this lunch, Judge Gannon asked J.L.D. several questions about his family, his dad, what his dad did, how his business was doing, how much money he makes, and J.L.D.’s personal relationship with him. He also asked J.L.D. questions about his girlfriend (D.G.) and J.L.D.’s relationship with her parents. Gannon asked J.L.D. if D.G.’s parents had been given him dirty looks recently.

81. Based on information and belief Judge Gannon asked about J.L.D.’s parents because and his then girlfriend’s parents because of their association/ knowledge/or participation with insurance schemes that Judge Gannon was involved in.

November 20, 2014 J.L.D.’s First Complaint to Judge Gannon

82. On Saturday, November 15, 2014, according to hospital billing records, Judge Gannon was in the Newton Medical Emergency room.

83. On Monday November 17, 2014, Judge Gannon told J.L.D. and others that he was in the hospital over the weekend because he “had fallen off a horse while horseback riding.”

84. Prior to the “horseback riding accident” Judge Gannon had already planned to take off the week of November 17, 2014. On November 18, 2014, Judge Gannon came into chambers for a few hours, and made J.L.D. do non-judicially related work like getting him coffee.

85. On November 18, 2014 Judge Gannon told J.L.D. that he was happy about receiving “Oxycodone” from his hospital stay. Subsequently, Judge Gannon called P.K. (one of Judge Gannon’s former law clerks and local attorney) and said the “the only good thing that came out of his weekend was the Oxycodone.”

86. J.L.D. did not go to work November 19, 2014 or November 20, 2014. On the morning of Wednesday, November 19, 2014, J.L.D. informed Henderson he was going to “work from home

today” but would use a “sick day” if necessary. Later that day J.L.D received a text from L.H. that Judge Gannon was at the courthouse and was “annoyed” he wasn’t there.

87. Informing a judge’s secretary is the appropriate method of calling out sick. In addition, Judge Gannon had relieved himself off his judicial and administrative duties that week by requesting off.

88. J.L.D. sent L.H. the following text message that night:
“I hope this message doesn’t wake u. I won’t be in again today. I am dealing with a fairly serious personal situation. I was disappointed to hear judge was annoyed. If judge is concerned about things getting done you may (but its fine if you don’t) tell him that I have been working hard, we r in good shape with everything coming up and all the backlog I was left with is out as well. I currently have 13 sick days remaining. I won’t be answering phone today. I will be in tomorrow.”

89. Based on information and belief Judge Gannon was shown this text message.

November 20, 2014 Phone Conversation

90. On November 20, 2014 Judge Gannon called J.L.D. The following was said in this conversation (this is not intended to be complete recital of conversation):

a) J.L.D. said he was upset because he felt he was being taking advantage of; J.L.D. asked Judge Gannon to work more as a team; he said he “felt like he didn’t get a lot of help.”

b) Clarified to Judge Gannon at least twice he didn’t feel this way because of the work load, and that he enjoyed his judicial work, but he didn’t like the work “environment” and felt he was being “disrespected.” Judge Gannon responded by asking “who is disrespecting you?” J.L.D. responded to this by saying “we need to talk in person.”

c) Several times Judge Gannon said he didn’t like J.L.D’s attitude.

d) Judge Gannon advised J.L.D. that he owed a debt of gratitude to Judge Gannon.

e) Judge Gannon reminded J.L.D. that he wouldn’t be back in the office until December 1st and was worried about J.L.D. quitting. The conversation ending with J.L.D. saying they would talk next time Judge Gannon was in chambers (December 1, 2014) so they could “iron things out” and “layout some rules so we are on the same page.”

1st Retaliatory Act: November 21st 2014

91. As planned, on Friday November 21, 2014 J.L.D. went to work; Judge Gannon did not.

92. On November 21, 2014, J.L.D found his work phone unable to receive incoming calls. P.W. received J.L.D.'s incoming calls and transferred necessary calls to J.L.D. I.T. was not called about the phone; it was presumed that this arrangement occurred at Judge Gannon's instruction. The arrangement took place until November 26, 2014. The courts were closed November 27, 2014 to November 30, 2014. On December 1, 2014 J.L.D. returned to work to find his phone functioning as normal. J.L.D never received an explanation for the reason his phone was disabled.

December 1st 2014 Meeting

93. The next time J.L.D. and Judge Gannon were in the office together after the November 20, 2014 conversation was Monday December 1, 2014. Upon arriving to work J.L.D. entered Judge Gannon's office and asked to speak to him.

94. In this conversation the following was said (this is not intended to be complete recital of conversation):

a) J.L.D. complained about finding his phone disabled on November 21, 2014.

J.L.D. specifically told Judge Gannon, "that he didn't like that [Judge Gannon] had disabled his phone." Judge Gannon responded by saying he didn't appreciate J.L.D. "copping¹⁸ and attitude with him" in their November 20, 2014 phone conversation and suggested he was being "oppositional."

b) J.L.D. told Judge Gannon his approach to his judicial and administrative duties "killed his motivation." He asked Judge Gannon to work more as a "team" and that said "everyone needs to do their jobs."

c) J.L.D. said he thought Judge Gannon at the very least should his read his statement of reasons and/or write ups. Judge Gannon responded by saying if there was a problem with J.L.D.'s writing he would let him know. He told J.L.D. he had a good work product.

¹⁸ Slang term. *Verb.* Meaning to receive.

d) J.L.D. told Judge Gannon that he didn't like doing his personal tasks and that he had a "full plate" with all of his responsibilities at work, to the point he didn't think he was capable of doing his personal tasks and performing his judicial responsibilities effectively. Judge Gannon responded by saying "I told you in your interview you would be responsible for completing other tasks besides clerkship work."

e) At least twice in the conversation, Judge Gannon brought up complaining to HR in Morristown and Judge Weisenbeck. J.L.D. told Judge Gannon he "he did not want to do that" because he valued the confidentiality and closeness of the judge/law clerk relationship and that they should be able to work out problems amongst themselves.

g) Judge Gannon told J.L.D. in this conversation that J.L.D. had "poisoned the well." J.L.D. responded that "he was just telling him how he felt and thought we could improve our relationship and workplace efficiency."

h) J.L.D. told Judge Gannon that he was not going to quit, "no matter how bad things got" because "he wasn't a quitter." He told Judge Gannon that "he knew [Judge Gannon] was the boss" and that he would "go outside and shovel snow" if Judge Gannon asked him to.

i) The conversation ended in a hand shake.

Attempted Retaliatory Act

95. Paychecks for judicial employees are issued bi-weekly. Based on information and belief, L.H. was issued a paycheck on November 21, 2014 and another one on December 5, 2014.

96. On or around December 4, 2014 Judge Gannon sent J.L.D. to pick up L.H.'s November 21, 2014 paycheck at the New Courthouse. L.H. had left early that day and was not in the office at this time. J.L.D. had never previously been asked to pick up anyone's paycheck.

97. Based on information and belief Henderson was at work and capable of picking up her paycheck on November 21, 2014; November 24, 2014; November 25, 2014; December 1, 2014; December 2, 2014; December 3, 2014 and December 4, 2014.

98. When picking up a paycheck it is policy for the employee to sign their name to indicate they are receiving their paycheck.

99. Based on information and belief Judge Gannon intended to have J.L.D. forge L.H.'s signature.

December 5, 2014 – Day of Fabricated Incident (3rd Retaliatory Act)

100. On Friday December 5, 2014 Judge Gannon held oral arguments. Judge Gannon came in about 30-45 minutes late, and appeared to be intoxicated. His hair was messy, and eyes blood shot. During arguments, while on the bench, Judge Gannon rested his chin to chest with his eyes closed and his shoulders slumped forward. He did not respond or react to the attorneys in any way that suggested he was listening to the argument; he even used his cell phone on the bench.

101. After every decision on Friday December 5, 2014 Judge Gannon said “he had reviewed the file thoroughly.” This was impossible because Judge Gannon had not asked to see the files so they remained in J.L.D.'s possession until Judge Gannon sat on the bench on the morning of December 5, 2014.

102. J.L.D. thought Judge Gannon ruled incorrectly and used very questionable reasoning for the case Kevin Laflame v. Loria A. Timmons, Docket No. SSX-L-40-13 (referenced on ¶ 42 (c)). J.L.D. felt Judge Gannon's ruling was based on his relationship with attorney Philip C. Wiscow and the potential to engage in insurance fraud against Sussex County.

103. Immediately following the morning motions ending (around 11:00 am) Judge Gannon left the courthouse to “do errands.”

104. Shortly after Judge Gannon left, J.L.D. began to feel dizzy from the stress caused by Judge Gannon's conduct during oral arguments. J.L.D. went to sit in his car to close his eyes for five minutes in order to relax. While walking out he saw Juarbe-Aponte the civil team leader. He told Juarbe-Aponte he didn't feel well and would be right back. J.L.D. sat in his car for about five minutes. Judge Gannon's car was not in the parking lot at this time.

105. J.L.D. returned to chambers and helped Juarbe-Aponte out with a question. He told Juarbe-Aponte this was a tough motion week; he was worn out; and that he would help her more Monday. Juarbe-Aponte and J.L.D. made small talk about Christmas plans. Juarbe-Aponte told J.L.D. if he ever needed any help to let him know. Juarbe-Aponte then left. Laura Henderson was present for this conversation.

106. Judge Gannon was scheduled to hear a Summary Judgment motion for the "Falcon Ridge Case" at 1:30 pm. Judge Gannon had not looked the file which was relatively speaking, quite large.

107. About ten minutes after Juarbe-Aponte left, J.L.D. began to feel anxious about sitting through the motion hearing. J.L.D. stood up got some water and then stood over his desk for a few minutes, at times stretching. J.L.D. picked up the "Falcon Ridge" file and put it on Judge Gannon's bench for the 1:30 pm. hearing. J.L.D. went back into chambers, stood over his desk again for a few minutes. At this time L.H. was at her desk which is located about ten feet from J.L.D.'s desk. For the few minutes J.L.D. stood over his desk neither him nor Henderson spoke. J.L.D. then told Henderson that he had to go home because he felt dizzy and that he left the "Falcon Ridge" file for the 1:30 pm motion hearing on the bench. He also said: "I'm sorry, I know the Judge is probably going to be pissed but I just really need to get out of here right now, I just don't feel well."

108. J.L.D. walked outside to his car and drove home. Judge Gannon's car was not in courthouse at this time.

109. In no way, shape or form, did J.L.D.'s body language, tone, conduct, etc. suggest he was angry, or give anyone the slightest impression that he had "thrown something;" "stormed out;" was quitting, or even dissatisfied with his position or Judge Gannon.

110. On December 6, 2014, J.L.D. received a text message, followed by a phone call from B.G. (another Sussex County law clerk) saying she had heard that on Friday that J.L.D. had "thrown something" and "stormed out" and wanted to make sure everything was okay. She said she was under the impression J.L.D. was "done for good." She said this story was told to numerous people, and that Judge Gannon had come over to the New Courthouse to tell people this story. Those that heard the story

included, but are likely not limited to: Sussex County Judges, Sussex court staff and outside attorneys not employed with the New Jersey Judiciary, including C.O. who currently practices in Jersey City, and B.L. who currently practices in Newton, NJ.

111. No one contacted J.L.D. after he left on Friday December 5, 2014.

112. Prior to the November 20, 2014 conversation neither Judge Gannon nor L.H. had ever commented negatively on J.L.D's behavior at work to J.L.D. J.L.D. never received any sort of formal discipline or warning.

Monday, December 8, 2014

113. J.L.D was scheduled to "mediate" with B.G. on Monday December 8, 2014 in the New Courthouse. J.L.D. on the night of December 7, 2014 contacted B.G.. He asked her to inform Juarbe-Aponte that he was going to work from home the following day to "suggest a plan to improve work place efficiency and environment." J.L.D. told B.G. he was not going to inform Judge Gannon or L.H. he was missing work because he "didn't want to be harassed."

114. On December 8, 2014 around 11:00 am J.L.D. received a voice mail from Susan Chait, Human Resources Director for the Morris/Sussex Vicinage saying that it was reported he left work early on Friday and didn't come in on Monday.

115. On December 8, 2014, around 2:00 pm in the afternoon J.L.D's father ("Dad") showed up to J.L.D's apartment door. Dad said that Judge Gannon had called him and told him that J.L.D. didn't show up to work today (December 8, 2014) and "stormed out" and "thrown something" on Friday (December 5, 2014). In addition, Judge Gannon had told Dad that if J.L.D. quit or got fired "his career was over." Judge Gannon suggested to Dad that J.L.D. should be thankful Judge Gannon was giving him the opportunity to come back. Judge Gannon also mentioned to Dad that "he had two boys of his own."

116. Dad demanded that J.L.D. go back and finish the year with Judge Gannon regardless of the circumstances.

117. As to J.L.D's knowledge, no one in J.L.D's family has ever met or spoken to Judge Gannon prior to this phone call.

118. Around 2:30 pm J.L.D. called Judge Gannon's cell phone and left a voicemail asking to know why he was telling people this fabricated story. He said on the voicemail that the whole situation was very "disturbing." Judge Gannon did not respond. Around 4:11 pm J.L.D. received a text message from Laura Henderson telling J.L.D. to be at the Morristown Courthouse at 9:00 am because Judge Gannon was assigned to a trial there on December 9, 2014 and December 10, 2014. This was the first time during J.L.D.'s clerkship that Judge Gannon had been stationed anywhere but the Historic Courthouse in Newton, NJ.

119. J.L.D. called Human Resources manager Susan Chait around 3:00 pm. J.L.D. told Chait that he felt Judge Gannon engaged in gross judicial and administrative misconduct without giving any details. Chait recommended J.L.D. to the Employee Assistance Program and said reassignment to another judge would likely not be possible. Chait followed up with an e-mail providing J.L.D. with information regarding the Employee Assistance Program.

120. Around 11:30 pm J.L.D. sent to Chait via e-mail: the "December 8, 2014 Letter" letter (**Ex. A**) and a rough draft of his plan to improve "work place environment and efficiency;" as well as 23 documents of work that he had done for Judge Gannon during his clerkship term and saved on his personal laptop.

December 9, 2014 Meeting (4th Retaliatory Act)

121. J.L.D. met with Judge Gannon the morning of December 9, 2014 in Morristown. The following was said in this conversation (note: this is not intended to be complete recital of conversation)

a) J.L.D. told Judge Gannon he had no right to call his father and wanted to know why he was telling people a fabricated story about him. Judge Gannon responded by saying he had a written statement from L.H. saying that he had "thrown a water bottle." (Note: Judge Gannon did not specify water bottle to J.L.D.'s father or others). J.L.D. responded by telling him "that was a lie" and asked to speak with Henderson in front of him. Judge Gannon denied this request.

b) Judge Gannon called J.L.D. "violent;" a "threat to others and himself"; and a "disgruntled law clerk." He did not tell J.L.D. why he suddenly thought this. He was unreceptive to

J.L.D.'s concern that his professional reputation and delicate family relationship had been ruined for an act that never happened. He was also unreceptive to J.L.D.'s frustration that he never even received a phone call before this story was spread.

c) J.L.D. asked Judge Gannon if it was possible to make any changes in the work environment or the work process in his chambers. Judge Gannon suggested it was very doubtful.

d) Judge Gannon asked J.L.D. if he could go through his cell phone during this meeting so he could find what he had said to B.G. on the night of December 7, 2014.

e) Judge Gannon told J.L.D. that he had his keycard disabled and the process of his termination was underway with HR.

f) Judge Gannon told J.L.D. that he had two options: sign up for treatment to deal with his "behavior/mental health problems" or be terminated. When asked, Judge Gannon said reassignment was no longer possible. J.L.D. asked Judge Gannon for a day to talk to his family and friends about this. Judge Gannon responded that his family and friends did not know what was best for him. Eventually Judge Gannon agreed to give J.L.D. a day to think things over after J.L.D. told Judge Gannon he felt like he was trying to "bully" him into a decision.

122. Immediately after this meeting J.L.D. called Chait who told him he could be "reassigned" to any division he wanted.

123. Shortly after, Chait and J.L.D. had another phone conversation: Chait told J.L.D. he had been reassigned to the then Presiding Civil Division Judge, Rosemary E. Ramsay, and he should be at her chambers tomorrow at 8:30 am. She also said that Judge Gannon would be informed of the reassignment.

124. J.L.D. was never given an opportunity to collect his things in Judge Gannon's chambers. No one ever offered to pick up his things.

Post – Reassignment (December 10, 2014)

125. On December 10, 2014 J.L.D. arrived to Judge Ramsay's chambers at 8:30 am. Judge Ramsay's current law clerk Alexandra Robertson walked J.L.D. to the chambers of the other judges so he could be re-introduced to the other Morris County law clerks. Around 9:00 am J.L.D. saw Judge Gannon

and Judge Ironson. For the second consecutive day, Judge Gannon was stationed in Judge Ironson's chambers. Upon seeing J.L.D. Judge Gannon told J.L.D. to come into his office and he closed the door. Judge Gannon initiated the conversation by asking J.L.D. if he had come to a "decision" regarding his ultimatum. J.L.D. responded by telling him he didn't think he was the source of the problem and had been re-assigned to Judge Ramsay. To J.L.D.'s surprise Judge Gannon was not aware of the reassignment. Judge Gannon demanded to know who had reassigned him. J.L.D. said he didn't feel comfortable being the one to tell him about the reassignment, Judge Gannon then said he changed his mind about listening to J.L.D.'s request to make changes in chambers and was willing to accommodate J.L.D.'s requests. J.L.D. got up and left the office saying multiple times "sorry Judge I feel very uncomfortable."

126. Judge Gannon shortly after went looking for J.L.D. in Judge Ramsay's chambers. Judge Ramsay's chambers are located in a different part of the building from where Judge Gannon was temporary stationed in the Morris County Courthouse.

127. Around 11:00 am on December 10, 2014, J.L.D. met with Assignment Judge Weisenbeck, Susan Chaitt, Judge Ramsay, and Rashad Shabaka-Burns, Trial Court Administrator for the Morris/Sussex Vicinage. When J.L.D. said that the biggest issue with Judge Gannon was that "he didn't want to do any work," Judge Weisenbeck responded by saying "I know." When J.L.D. said he was concerned because Judge Gannon had tarnishing his name and reputation with a fabricated story, Judge Weisnebeck responded by suggesting that everyone knew that Judge Gannon was not a credible source.

128. Based on information and belief Judge Weisnebeck, either directly or indirectly, has made the Advisory Committee aware of Judge Gannon's conduct previously.

129. J.L.D. left the Courthouse immediately after the meeting.

130. J.L.D. was instructed numerous times to keep the matter confidential.

January 7, 2015 Meeting with Advisory Committee on Judicial Conduct

131. On January 7, 2015 J.L.D. met with the Lou Taranto ("Taranto") and John Tonelli ("Tonelli") of the Advisory Committee on Judicial Conduct.

132. This January 7, 2015 interview was recorded and Plaintiff requests that it be used as evidence to press criminal charges against Taranto and Tonelli.

133. Based on information and belief Taranto and Tonelli were fully aware of Judge Gannon's conduct. In the alternative they were grossly negligent in their October 20, 2014 investigation of Judge Gannon.

134. Based on information and belief, in response to J.L.D.'s December 8, 2014 letter, Taranto and Tonelli conducted an investigation in order to rattle J.L.D.'s psyche; rather than to investigate Judge Gannon's conduct. J.L.D. believes Tonelli and Taranto interviewed J.L.D.'s previous co-workers and asked them about any habits or awkward mannerisms that J.L.D. possessed. Taranto and Tonelli attempted to use this information to make J.L.D. seem mentally incompetent.

V. RELIEF SOUGHT

NOTICE PREREQUISITE FULLFILLED

135. On December 16, 2014 Meryl G. Nadler, Esq., acknowledged J.L.D.'s intention to file a civil action based on the factual allegation described herein. **(Ex. E)** The letter denied Plaintiff's request to engage in settlement discussions.

136. On December 26, 2014, Plaintiff sent via certified mail, notice of this Complaint to the Tort and Contract Unit Department of the Treasury Bureau of Risk Mgmt., PO Box 620 Trenton, New Jersey 08625.

COUNT I

(Against Judge Gannon and the New Jersey Judiciary)

RETALIATION FOR EXERCISING FIRST AMENDMENT RIGHTS, 42 U.C.S § 1983

137. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

138. At all times relevant to Count I, Judge Gannon acted under the color of state law as an administrator and supervisor to J.L.D. At no time relevant to Count I was Judge Gannon acting within his judicial capacity.

139. The Supreme Court has ruled that a public employee's speech involving matters of public concern constitutes protected speech under the First Amendment.

140. On November 20, 2014, and December 1, 2014, Plaintiff spoke to Judge Gannon about a matter that concerns the public - Judge Gannon's approach to his judicial and administrative duties.

141. Plaintiff engaged Judge Gannon in a manner that was efficient and non-disruptive by respectfully expressing his concerns to Judge Gannon in private. Plaintiff told Judge Gannon he was not going to quit, not going to go to Human Resources or the Assignment Judge, and would continue to do whatever he asked of him. Plaintiff did not argue with Judge Gannon's responses and did not attempt to force change by any means.

142. On December 5, 2014 Plaintiff engaged in a protected act under the First Amendment by not participating in the 1:30 pm "Falcon Ridge" motion hearing. Plaintiff left the Courthouse without causing any disturbance what so ever. Plaintiff did not criticize Judge Gannon in any way to anyone before his departure.

143. In response to Plaintiff's protected speech, Judge Gannon immediately committed retaliatory acts against the Plaintiff in order to diminish his credibility out of fear that Plaintiff was going to report his misconduct.

144. Prior to Plaintiff rebuffing Judge Gannon's blatant judicial and administrative misconduct, Plaintiff and Judge Gannon had a good relationship; J.L.D. never received any form of discipline. Judge Gannon told J.L.D he "was a good law clerk."

145. If Plaintiff never showed any disapproval for Judge Gannon's actions, none of the retaliatory events would have occurred.

Count II

(Against Judge Gannon and the New Jersey Judiciary)

DEPRIVATION OF DUE PROCESS RIGHTS, 42 U.C.S § 1983

146. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

147. At all times relevant to Count II, Judge Gannon acted under the color of state law as an administrator and supervisor to J.L.D. At no time relevant to Count II was Judge Gannon acting within his judicial capacity.

148. On December 5, 2014 Plaintiff left the courthouse early.

149. No one contacted Plaintiff on December 5, 2014 to find out why he left work. No one contacted Plaintiff on December 6th or 7th.

150. J.L.D. called Judge Gannon on December 8th and left a message. Judge Gannon did not call him back.

151. At no point did Judge Gannon ever ask Plaintiff why he left work early, if he had been to a doctor, or why J.L.D. believed the story that he “threw something” and “stormed out” was completely fabricated.

152. Plaintiff had never done anything in chambers to even remotely suggest that Plaintiff was capable of extreme impulsivity, violence, or rage.

153. Judge Gannon refused to allow Plaintiff to speak to Henderson in front of him.

154. As a consequence for the fabricated event Plaintiff was told he was “technically” terminated; his keycard disabled; in addition his reputation had been ruined; and he received the ultimatum of receiving mental/health treatment or being “officially” terminated.

155. Upon reassignment the New Jersey Judiciary informed Plaintiff he was required to keep the matter “confidential.” Consequently, Plaintiff was never able to defend his good name within his place of employment or members of the New Jersey Bar.

Count III

(All Defendants)

NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT, N.J.S.A. § 34: 19-1 et seq.

156. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

157. Plaintiff is an “employee” for purposes of N.J.S.A. § 34: 1 9-1 et seq., because at all times relevant hereto, he performed services for and under the control and direction of an employer for wages or other remuneration.

158. Plaintiff was never made aware of any “whistleblower” procedures. At all times herein, there was no “Whistleblower Act” notice displayed in Judge Gannon’s chambers. The New Jersey Judiciary had previously acknowledged as their policy to display notice of the “Whistleblower Act” at all times as well as give employees notice once a year. See Judge Grant’s September 25, 2009 memorandum (Ex. F) which states: “This notice must be conspicuously displayed;” and “Once each year, every Judiciary unit must distribute notice of this law to all employees.”

159. Plaintiff on various occasions attempted to encourage Judge Gannon to become more involved in the judicial process. On November 10, 2014 he criticized his administrative misconduct regarding LM.. On November 20, 2014 and then in more detail on December 1, 2014 Plaintiff confronted Judge Gannon about what he felt was an improper use of administrative and judicial conduct.

160. Judge Gannon responded negatively to J.L.D.’s complaints by telling him he “had poisoned the well;” and he “should go to HR and get assigned.”

161. Motions were heard on December 5, 2014. Judge Gannon committed several acts of judicial misconduct.

162. Plaintiff left the Courthouse early on December 5, 2014; subsequently Plaintiff suffered four adverse employment actions:

a) His future employment opportunities and professional reputation was destroyed by Judge Gannon’s fabricated December 5, 2014 story.

b) Judge Gannon told J.L.D. he had “technically” been terminated, his keycard disabled, and as a condition of employment he required J.L.D. to receive mental health/behavior treatment for a fabricated act.

c) Plaintiff was reassigned to Judge Ramsay and prohibited from explaining the events that lead to the reassignment. Accordingly, it is presumed Plaintiff's reassignment was the result of his personal and professional shortcomings, not Judge Gannon's.

d) On February 10, 2014 J.L.D. was terminated.

Count IV

(Against the New Jersey Judiciary, Lout Taranto and John Tonelli, or in the alternative, against the

New Jersey Judiciary, Thomas L. Weisenbeck, and Rosemary E. Ramsay)

**VIOLATION OF DUE PROCESS RIGHTS BY BEING DELIBERATELY INDIFFERENT TO A
"STATE CREATED DANGER" 42 U.C.S § 1983, OR IN THE ALTERNATIVE, NEGLIGENT
SUPERVISION § 213 OF THE RESTATMENT (SECOND) OF AGENCY**

163. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

164. Lou Taranto, John Tonelli may be held liable as Judge Gannon's supervisor's at all relevant times herein, may be held liable in their official capacity under 42 U.C.S § 1983 as administrators for being deliberately indifferent to the deprivation of Plaintiff's due process rights.

165. The New Jersey Judiciary may be held liable under 42 U.C.S § 1983 for implementing a policy and custom which is deliberately indifferent to Plaintiff's due process rights.

166. As described herein, Judge Gannon has reputation within the Morris/Sussex Vicinage and New Jersey Judiciary for unscrupulous and unpredictable behavior.

167. Despite this reputation Judge Gannon is the only judge with his own courthouse, his chambers staff are the only employees located on the 2nd floor of the Historic Courthouse. Consequently, Judge Gannon is effectively isolated, enabling him to abuse his judicial and administrative powers to outrageous levels.

168. In respect to Plaintiff's clerkship term specifically, the Morris/Sussex Vicinage, New Jersey Judiciary, were deliberately indifferent to the following events, all of which were sufficient in themselves to alert their attention to the possibility of a dangerously toxic work environment:

- a) The previous law clerk, E.H., needed an extra 4 weeks of sick leave off.
- b) Judge Gannon was in the Morristown Medical Hospital on Tuesday 9/9/2014 to Sunday 9/14/2014. He claims in addition to that he was in the Newton Medical Hospital September 5, 2014 to September 9, 2014 however no hospital billing record exists for this stay.
- c) Up to one week after Judge Gannon was released from the hospital “they still didn’t know what was wrong with him.” Allegedly Judge Gannon went into the hospital Friday September 5, 2014 for a foot injury. Weeks later Judge Gannon stated he had a “sepsis infection.” Nobody ever confirmed with Plaintiff why Judge Gannon was in the hospital or that it was okay for Plaintiff to be at Judge Gannon’s home during the two weeks he was on medical leave.
- d) Judge Gannon had an interview on October 20, 2014 regarding an “investigation” pertaining to Judge Gannon’s misconduct.
- e) After Judge Gannon’s return most motion were decided “on the papers” even opposed non-discovery related motion requesting oral argument.
- f) Presiding Civil Division Judge Rosemary E. Ramsay came to visit chambers in October/November of 2014. She did not speak to Plaintiff in private, out of listening distance from Judge Gannon or Henderson.
- g) November 15, 2014 Judge Gannon was in the hospital again
- h) Based on information and belief, on November 26, 27, 28 Judge Gannon was absent from Judicial College yet took off work in order to attend Judicial College.
- i) Plaintiff was never made aware of any policy or procedure for reporting Judicial or Administrative misconduct. There were no notices conspicuously displayed in Judge Gannon’s chambers as suggested by Judge Grant’s 2009 memorandum (**Ex. F**).

169. After Plaintiff sent his December 8th 2014 letter to Susan Chait and showed signs of emotional distress, he was instructed via e-mail by Chait to meet with Judge Gannon on December 9, 2014.

170. Plaintiff was informed over the phone on December 8, 2014 that Judge Gannon would be informed of Plaintiff's re-assignment. On the morning of December 9, 2014, Judge Gannon still had not been informed that J.L.D. was reassigned to another judge. Consequently J.L.D. was forced to meet with Judge Gannon again and tell him he was reassigned.

171. On December 10, 2015 when J.L.D. arrived to chambers Judge Donald S. Coburn subsequently left chambers for the day. When J.L.D. returned to chambers on January 2, 2015, neither Judge Coborn or his secretary were present.

172. Judge Coborn was the trial judge in Tufaro v Schindler Elevator Corporation.

173. On December 15, 2014 at 10:13 pm a job opening for Judge Gannon's clerkship position was posted. The post states that it is "looking for someone to start immediately."

174. J.L.D met with the on January 7, 2014. He was advised that the "investigation process" can be very lengthy.

Count V

(All Defendants)

DEFAMTION, OR IN THE ALTERNATIVE, FALSE LIGHT

175. Plaintiff incorporate by reference all preceding paragraphs of this Complaint as if fully set forth herein.

176. By 4:30 pm on December 5, 2014, Judge Gannon and potentially Laura Henderson¹⁹ told third parties within Plaintiff's professional field, a detailed story about Plaintiff which was fabricated. The story made the Plaintiff seem violent, out of control, and mental and emotionally unstable.

177. As a result of this story Plaintiff's reputation as a lawyer is permanently destroyed in New Jersey. Not only have his potential employment opportunities been eliminated; but his future success as an attorney will forever be limited with a reputation of violence, and angry outbursts in the workplace.

¹⁹ Acting under the control and influence of Judge Gannon.

178. On December 8, 2014 Judge Gannon inappropriately called Plaintiff's father. During this phone call Judge Gannon explicitly repeated the December 5, 2014 story in the same manner, which attacked Plaintiff's character and mental stability.

179. The relationship between Plaintiff's father and Plaintiff has had issues which based on information and belief Judge Gannon was aware of. Plaintiff's father told Plaintiff to work for Judge Gannon and questioned Plaintiff's character.

180. Judge Gannon told Plaintiff on December 9, 2014 he was "violent;" a "threat to others and himself;" and needed treatment for mental health issues. Based on information and belief, this is the image that Judge Gannon attempted to portray of Plaintiff with his December 5, 2014 fabrication.

Count VI

(As to all Parties)

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, OR IN THE ALTERNATIVE NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

181. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

182. Judge Gannon regularly made derogatory remarks and acted immorally toward Plaintiff; including asking Plaintiff if he had been molested as a boy and making Plaintiff feel bad for not living with him.

183. Judge Gannon used Plaintiff's past and his family to make him perform illegal activity. Upon Plaintiff showing resistance he as has been repeatedly retaliated against.

184. Based on information and belief, Judge Gannon hired Plaintiff solely because he believed Plaintiff would not report him. Based on information and belief Judge Gannon had knowledge that Plaintiff was bullied throughout high school and his relationship with his father was challenging. As evidence of this, Judge Gannon resorted to calling Plaintiff's father in order to protect himself.

185. Plaintiff has spent years overcoming abusive treatment from his parents, and severe bullying throughout high school. The allegations referenced herein have reopened old wounds which had

previously healed. Plaintiff now experiences fear for his safety, anxiety which is especially strong in the workplace, inability to sleep, introversion, lack of trust in others, damaged relationships, self-esteem issues, stomach pains, headaches, tinnitus and muscle spasms.

Count VII

(As to all parties)

CIVIL CONSPIRACY

186. J.L.D's girlfriend at all times relevant herein was D.G. D.G's family had a prominent role in establishing a prominent waste management company in NJ/NY. Based on information and belief many of the waste management companies in NJ are all the same company under different names.

187. Upon Edward V. Gannon's discovery of J.L.D's link to D.G. he became anxious about J.L.D's relationship with her and her family, and brought up "the mob" and "conspiracy" several times to him.

188. Based on information and belief J.L.D's grandfather (John P. Dearie) committed insurance fraud with the assistance of attorney J.B.. Based on information and belief this family is also associated with Bell Environmental.

189. Edward V. Gannon has strong ties to Morris County, in addition, many of the families that run Environmental Companies in Bergen County and Monmouth County have relations to Morris County.

190. This complaint requests that the court take judicial notice of the of recent findings of corruption on both the State and Federal level within the past 7-10 years.

191. Requests Judicial notice of Dunleavy v. Gannon Civil Action 2:11-cv-0361 suggesting Lou Taranto's and John Tonelli's participation in conspiracy.

192. Requests judicial notice in several cases where attorney Andrew Frazer of Laddy Clark and Ryan represented the "injured" plaintiff. Most of these cases were held before Judge Gannon:

- a) Tufaro v Schindler Elevator Corporation, retrial Morris County NJ 2013 - \$8.1m

- b) Visaggio v Jaust Sussex County NJ 2014 - \$19.3m representing the largest personal injury verdict in NJ for the 2013-14 court year.
- c) Feinhals v. Aumick, Sussex County, NJ 2005 - \$1,065,250.00 (auto accident).
- d) Yucius v. Venturi, Sussex County, NJ 2006 - \$1,250,000.00 (auto accident).
- e) Metzler v. Kurtz, Sussex County, NJ 2009 - \$275,100.00 (sexual assault by oral surgeon- all other claims settled).
- f) Skidmore v. Stoeckel, Sussex County, NJ 2011 - \$650,000.00 (pedestrian knock-down).
- g) Tufaro v Schindler Elevator Corp., Morris County, NJ 2012 - \$3.98m (elevator malfunction).
- h) Ginter v Jaust, Sussex County, NJ 2013 - \$1.35m (auto accident).

193. This complaint emphasizes notice of “Tufaro v Schindler Elevator Corporation” because:

- a) “What was out of the ordinary was the fact that a second trial was even held,” said Charles Dewey Cole Jr., an adjunct law professor at Seton Hall Law School and a New York City-based attorney.
- b) A third trial in this case was denied by Edward V. Gannon in April 2014.
- c) “On cross-examination, DeNorscia asked Fillippone if he answered to David Wildstein and Bill Baroni, former Port Authority officials now at the center of the Bridgegate scandal. Judge Edward Gannon sustained plaintiff lawyer Andrew Fraser’s objection and told the jury to disregard the question.”

194. Lou Taranto on January 7, 2015 denied in a recorded conversation of having knowledge of Tufaro v Schindler Elevator Corp. or the law firm “Laddy Clark and Ryan.”

IV. RELIEF SOUGHT

- 195. **Requests punitive damages** as to all counts and all parties.
- 196. Requests compensatory damages for pain and suffering as to all counts.
- 197. Requests actual damages for associated medical costs.

198. Requests compensatory damages for time and money invested in graduating law school, passing both bar exams, obtaining a clerkship position, and endured numerous acts of abuse by Judge Gannon all for the sole purpose of securing a prosperous legal career.

199. Requests compensatory damages for damage to reputation or in the alternative sufficient injunctive relief.

200. Requests the maximum civil fine under The New Jersey Conscious Employee Act which is \$10,000 for a first time offense; and \$20,000 for each subsequent offense.

201. Reimbursement for sick days/vacation days used after December 5, 2014.

202. Requests attorney fees in the event that plaintiff later chooses to retain counsel.

203. For such other and further relief as the Court deems just and proper.

Request to Seek Trial Counsel

Plaintiff wishes to reserve the right to seek trial counsel if parties fail to settle this matter prior to trial.

Dated February 11, 2015

JURY TRIAL DEMANDED

By: s/_____

Joseph L. Dearie, Jr.
Pro se, Plaintiff

