

DEUTSCH ATKINS, P.C.  
25 Main Street; Suite 104  
Hackensack, NJ 07601  
(201) 498-0900  
(201) 498-0909 (fax)  
ADAM J. KLEINFELDT, ESQ. (ID 026552004)

ROBERT COWAN	)	SUPERIOR COURT OF NEW JERSEY
	)	LAW DIVISION: HUDSON COUNTY
Plaintiff,	)	
	)	DOCKET No.: HUD-L-
v.	)	
	)	
	)	CIVIL ACTION
CITY OF JERSEY CITY; MAYOR STEVEN	)	
FULOP; JAMES SHEA; JANE AND JOHN	)	<u>COMPLAINT</u>
DOES 1-10.	)	
	)	
Defendant (s).	)	
	)	
	)	

---

Plaintiff, ROBERT COWAN (hereinafter "COWAN") by and through his attorneys DEUTSCH ATKINS, P.C., alleges the following:

1. COWAN is a resident of the municipality of Toms River, County of Ocean, and State of New Jersey, but at relevant times, was a resident of the City of Jersey City.
2. The CITY OF JERSEY CITY is a city located in the County of Hudson, and State of New Jersey.
3. STEVEN FULOP (hereinafter "FULOP") has been the Mayor of the City of Jersey City since approximately July 1, 2013. At relevant times, his administration oversees and runs the City of Jersey City.
4. JAMES SHEA (hereinafter "SHEA") was, at relevant times, the Public Safety Director in FULOP's administration. SHEA assisted FULOP by overseeing the

policy directives of the Jersey City Police Department (hereinafter "JCPD"), and FULOP's administration.

5. COWAN became a sworn police officer in the JCPD on or around December 17, 1979. At relevant times he was a decorated police officer, moving up the ranks within the JCPD during his career.

6. On or around October 1, 2013, COWAN was appointed to be the Chief of Police of the JCPD. As Chief of the JCPD, COWAN was statutorily responsible for running the day to day operations of the JCPD, including making assignments, determining transfers, and making staffing decisions.

7. Almost immediately after his appointment to the position of Chief, members of FULOP's administration attempted to control the day to day operations of the JCPD, contrary to New Jersey law. The efforts by FULOP and his administration were to abuse authority and control the day to day operations of the JCPD for political and personal means.

8. On or around November 4, 2013, COWAN was summoned to a meeting at FULOP's conference room. Present were Muhammed Akil (FULOP's Chief of Staff), SHEA, Corporation Counsel Jeremy Farrell, Deputy Chief Joe Connors, Public Information Officer Robert McHugh, and Brook Hanson (Akil's assistant). During the meeting, Akil issued an unlawful order to COWAN, instructing COWAN to establish a traffic stop (looking for seat belt violations) with the intent of shutting down traffic outside of the Holland Tunnel. Akil did so at the instruction of FULOP.

9. The objective of Akil's instruction to COWAN was to obtain leverage against the Port Authority in a legal dispute between the City and the Port Authority.

Akil wanted officers of the JCPD to be as close to the tunnel as possible, as to back up traffic in the tunnel into New York City. Akil and FULOP wanted to use JCPD operations to impermissibly pressure the Port Authority in the lawsuit. COWAN objected to these instructions as he reasonably believed they presented public safety concerns and might otherwise be unlawful.

10. On or around November 14, 2013, COWAN was summoned to FULOP's office. Present were FULOP, Akil, Corporation Counsel Farrell, and SHEA. FULOP had a map on his desk, and discussed running a traffic safety stop, checking trucks coming out of the Port Jersey Global Container Terminal (the "Terminal") for safety issues. COWAN expressed concerns about the proposed operations.

11. In response to the concerns raised by COWAN, FULOP instructed: "this is not a negotiation, I am telling you to do this." After COWAN expressed reservations about FULOP's instructions, COWAN was told by Farrell, the attorney for the City, that FULOP's instruction was lawful. That same day, FULOP was quoted in the paper regarding the City's dispute with the Port Authority, comparing the Port Authority to "King George" and Jersey City to a colony.

12. Shortly after the November 14, 2013 meeting, COWAN recalled that the Port Authority held an easement on the sight FULOP wanted the truck stops executed. COWAN communicated this to Farrell in an effort to dissuade Farrell and FULOP from proceeding with the stop where it was planned (right outside of the Terminal). The planned truck stop operation was then moved (to a location further away from the Terminal) and Farrell and FULOP instructed COWAN to proceed with the stop.

13. On or around November 16, 2013, COWAN expressed concern to Farrell that the Mayor's plan might hurt business unrelated to the Port Authority (in that shipments might be delayed). Farrell again stated that the Mayor was issuing a lawful instruction and that COWAN served at the pleasure of FULOP.

14. On November 18, 2013 and November 19, 2013, the JCPD conducted truck stops at the Terminal as ordered by FULOP. On November 19, 2013, COWAN observed that the stops were generating a back-up that COWAN reasonably believed were hazardous and a misuse of police resources. Based upon this belief, COWAN shut down the traffic stop, in the face of FULOP's demands that the stops continue. COWAN's shutting down of the stops angered FULOP.

15. Later on November 19, 2013, FULOP encountered COWAN at a function in Atlantic City. FULOP pulled COWAN aside and ordered that COWAN put together another traffic stop the following week that targeted the Port Authority. FULOP clearly articulated that the purpose of the stop was to harass the Port Authority to obtain leverage in the legal dispute between the City and the Port Authority. COWAN expressly refused and expressed to FULOP that his instructions were unlawful. FULOP became visibly angry and reminded COWAN: "You serve at my pleasure" threatening that FULOP could remove COWAN as Chief if he so desired.

16. After COWAN refused to carry out what he reasonably believed to be an unlawful instruction by FULOP, FULOP and SHEA drastically changed their attitude and mannerisms toward COWAN, and attempted to publicly usurp COWAN's authority as Police Chief.

17. On or around November 27, 2013, SHEA unlawfully interfered with an active Internal Affairs investigation after City Council President Rolando Lavarro had complained to SHEA that an associate of Lavarro had been issued traffic tickets by officers of the JCPD. When Lavarro's complaint was forwarded to COWAN by SHEA, COWAN immediately assigned Internal Affairs to investigate the matter (to determine if there was wrongdoing). Shortly thereafter, SHEA expressed to COWAN and Lavarro that he would intimidate the JCPD officers by, among other things, appearing at the municipal court appearance concerning the traffic tickets. Shortly thereafter, SHEA instructed COWAN to transfer those JCPD officers responsible for the ticketing, as political punishment for issuing the tickets to a friend of a Jersey City Councilman (Lavarro). COWAN believed this to be a violation of New Jersey Law, as such transfers were statutorily the right and responsibility vested in the Chief of Police. Further, COWAN reasonably believed SHEA's demanded transfers were retaliatory and for political purposes. COWAN objected and refused to carry out the transfer.

18. In or around January of 2014, SHEA instructed COWAN to reassign an officer, as a political favor to one of SHEA's colleagues, a Jersey City councilman. COWAN refused, as reassignments were typically based on seniority and the reassignment would be inconsistent with this practice. Angry, SHEA informed COWAN he had to learn to "play ball." Shortly after this instruction, Assistant Corporation Counsel proposed that COWAN cede any transfers to a "review board" headed by SHEA. By e-mail, COWAN responded that New Jersey law vested in the Police Chief, the responsibilities of transfers in the police department.

19. On or around January 17, 2014, for political favor, FULOP attempted to interfere with an enforcement operation COWAN was conducting into unlawful activities at a local tavern. FULOP attempted to interfere and shut down the enforcement operation because the tavern was frequented by political allies of FULOP: William O'Dea, Councilman Ramschal, and Council President Lovarro. FULOP instructed that COWAN stop the investigation / enforcement operation for political purposes. COWAN objected and refused as, among other things, there had been legitimate citizen complaints about the activities at the tavern.

20. On or around January 30, 2014, a superior officer of the JCPD (active in the Superior Officers Association that FULOP was attempting to win favor with in connection with FULOP's desire to run for Governor) was involved in a DUI incident in Robbinsville, New Jersey. The intoxicated officer also improperly and unsafely possessed his service weapon, and resisted the officers' efforts to disarm and take him into custody.

21. On or around January 30, 2014, a phone call was placed by the Robbinsville Police Department ("Robbinsville PD") to the JCPD regarding the detained JCPD officer. The Captain on duty was told that as a "professional courtesy" there would be no charges if someone from the JCPD came to pick up the officer. The Captain on duty failed to notify JCPD Internal Affairs of the incident, as required by the Rules and Regulations of the JCPD. Instead, the Captain ordered two other off-duty officers (both actively involved in the Superior Officers Association) to travel to Robbinsville, New Jersey to pick up the officer and retrieve his weapon.

22. The detainment of the intoxicated officer and his resisting the seizure of his weapon and person were captured by a dash camera on a Robbinsville Police vehicle. The video clearly demonstrated that the JCPD officer resisted the Robbinsville officers and was visibly intoxicated. Additionally, three police reports were completed by officers of the Robbinsville PD detailing the officer's intoxication, resistance, seizure of his weapon, and his release to responding JCPD officers. Notably, there had been other job-related incidents involving this particular officer being intoxicated.

23. On or around January 31, 2014, the subject officer's service weapon, contained in a Dunkin Donuts bag, was turned over to JCPD Internal Affairs along with intentionally ambiguous reports of JCPD officers that concealed the true nature of the occurrence. Consistent with his obligations under Attorney General guidelines, COWAN directed that an Internal Affairs investigation be conducted, and that the matter be turned over to the Hudson County Prosecutor's Office (since the matter involved potentially criminal conduct of the subject officers).

24. On or around February 2, 2014, COWAN was preparing to inform SHEA of this matter and the potential obligation to report the matter to the Hudson County Prosecutor's Office. Right before COWAN emailed SHEA, SHEA called COWAN and instructed COWAN to stop preparing his email and not to send it (as to prevent a "paper trail" concerning the incident). SHEA demanded that COWAN keep the matter internal (not turn it over to the Prosecutor's Office). For politically related reasons, SHEA was attempting to interfere with a serious internal affairs matter at the JCPD, because the subject officers were affiliated with police unions that FULOP wanted to win favor with in connection with FULOP's desire to run for Governor. COWAN refused to keep the

matter “internal”, citing the law and Attorney General Guidelines on Internal Affairs. SHEA then instructed COWAN to have Jersey City Corporation Counsel Farrell look at COWAN’s report first, before it was sent to the Hudson County Prosecutor’s Office. This was also an unlawful instruction and an attempt by SHEA to interfere with a serious JCPD Internal Affairs matter. COWAN refused SHEA’s instructions (believing them to be unlawful) and expressly informed SHEA that he had to properly report this matter, because it involved the potential criminal conduct of involved officers (with the primary subject officer having had past job-related issues with intoxication).

25. On or around February 5, 2014, COWAN emailed SHEA to let him know of the gravity of the situation, in light of additional materials obtained from the Robbinsville Police Department, and to inform SHEA that COWAN was required to report the matter to the Prosecutor’s Office.

26. COWAN’s report was ultimately sent to the Mercer County Prosecutor’s Office (the County where the underlying incident occurred).

27. On or around February 24, 2014, COWAN was informed that the Mercer County Prosecutor’s Office was referring the matter back to the JCPD for administrative investigation and action (it would not criminally pursue the matter).

28. On or around March 12, 2014, COWAN met with Corporation Counsel Farrell, FULOP, SHEA, Akil, and Assistant Corporation Counsel. The topic being discussed was proceeding with an Internal Affairs investigation on the subject officer stopped in Robbinsville, New Jersey (as well as the conduct of the responding officers, including the Captain on duty that received the call, who failed to notify Internal Affairs but instead sent two off-duty officers to Robbinsville). COWAN explained that the “45



Day Rule” was approaching, that charges had to be filed, and that a decision had to be made if the charges should be investigated by the JCPD or an outside agency in light of a potential conflict.

29. FULOP suggested that COWAN stall or delay the process as to let the 45 days elapse so that the subject officers and Captain could not be charged in connection with the Robbinsville incident. COWAN expressly refused and expressed that the matter was serious and put the City at risk of significant civil liability, given the subject officer’s prior trouble relating to intoxication. SHEA told FULOP: “Boss you should not stay here for this.” FULOP then left the room.

30. After FULOP left the room, SHEA tried to instruct COWAN to not proceed with charges and investigations against the officers concerning the Robbinsville incident. COWAN objected to this instruction and disclosed that the law in New Jersey required COWAN to proceed with the charges and an internal affairs investigation, and that SHEA could decide the level of punishment based upon the findings of the investigation (as was proper under applicable authorities).

31. On or around April 16, 2014, the subject officers were notified of the internal charges. At or around the same time, attorneys from Corporation Counsel attempted to convince COWAN to cede responsibility for all transfers and reassignments to SHEA, a civilian Public Safety Director, and to relinquish the powers COWAN had as Chief (so that FULOP would ultimately have more control over the day-to-day operations of the JCPD).

32. On or around May 10, 2014, at approximately 3:16 a.m., COWAN received a call from Mike Razzolli, the City’s Public Works Director, that it was urgent that

COWAN contact Akil immediately. COWAN promptly called Akil. Akil informed COWAN that Akil was under arrest for DUI in Lima, Ohio and asked COWAN to intervene and speak to the arresting officer. COWAN reasonably believed this to be an unlawful request, and refused. Akil was upset by this response. Later, Akil called COWAN and stated that COWAN should have intervened on his behalf and became angry when COWAN reiterated that he could not interfere with an arrest being carried out by another agency.

33. Later, on or around May 11, 2014, COWAN spoke with SHEA to relay to him the incident involving Akil in the event the matter became news. SHEA became angry with COWAN for not intervening on Akil's behalf and insisted COWAN should have intervened on Akil's behalf.

34. On or around June 16, 2014, FULOP summoned COWAN to a meeting at a sports bar. FULOP instructed COWAN that COWAN had to "get rid" of the internal affairs charges against officers and a Captain in relation to the Robbinsville, New Jersey incident. Once again, COWAN objected and refused.

35. FULOP and SHEA retaliated against COWAN because COWAN refused to permit them to use the JCPD for improper or political purposes. FULOP and SHEA took intentional steps to circumvent COWAN and minimize his authority as the Chief of Police. In light of COWAN's continued objection to and refusal to engage in activities COWAN reasonably believed to be unlawful, SHEA attempted to interfere with COWAN's statutory responsibility to run the day to day operations of the JCPD (so that SHEA and FULOP could control the day to day operations for political ends) and demanded that COWAN make transfers and assignments for politically motivated

purposes (i.e. political favors or retribution). COWAN refused and at one point specifically directed SHEA to N.J.S.A. 40A:14-118, setting forth the Chief's responsibilities and legal rights to run the day to day operations of the JCPD.

36. For example, on or around June 20, 2014, SHEA instructed COWAN to transfer an officer and instructed COWAN that the transfer was "approved". This totally usurped SHEA's permissible roles as Police Director. COWAN requested to meet with SHEA about the matter to learn more about the transfer, however SHEA refused. The subject officer had gone outside of the chain of command to request the transfer to SHEA. COWAN inquired as to the rationale behind the transfer and disclosed to SHEA that it was contrary to New Jersey law for SHEA to order a transfer, as transfers were legally the responsibility of the Chief of Police under New Jersey law.

37. Angered by COWAN's refusal to permit his administration to meddle in the affairs of the JCPD for political purposes (and COWAN's refusal to "get rid of" internal affairs matters concerning the Robbinsville incident), on or around June 23, 2014, FULOP instructed COWAN to place the JCPD Internal Affairs Unit directly under the direction of SHEA, by the end of that week. COWAN informed FULOP that this was against New Jersey law, and referenced N.J.S.A. 40A:14-118 and the New Jersey Attorney General Guidelines on Internal Affairs. COWAN objected to FULOP's instruction and refused to carry it out.

38. On June 23, 2014, FULOP also directed COWAN that SHEA would be responsible for determining all transfers and assignments in the JCPD. COWAN also disclosed that this would be unlawful and objected to the instruction.

39. On June 23, 2014 at 5:46 pm, COWAN emailed FULOP and documented:

I have objected to several practices that I believe violate various state laws and at least in one situation might have violated federal law. The most recent issue to which I have objected is your directive and efforts to interfere with my fulfillment of the obligations of the Chief of Police under N.J.S.A. 40A:14-118. By law it is the chief, not the director and not the mayor that is the head of the police force and directly responsible for the day to day operations of the department. As long as you as mayor and the director establish policy but do not interfere with the duties specified in the statute I have no objection acting consistent with policy, but it is the Chief of Police that has the responsibility of the discipline of the force and the prescribing of duties and assignments of all subordinates.

40. In retaliation for COWAN's objection to and disclosure of unlawful activities and instructions, FULOP and SHEA unlawfully attempted to modify the Table of Organization ("TOA") of the JCPD so that the Internal Affairs Unit would not be under COWAN's (or any other Police Chief's) direction or command, but would be directed by SHEA (a politically appointed civilian). On or around the evening of June 25, 2014, a Modified TOA was presented to the City Council that purported to place JCPD Internal Affairs Unit directly under SHEA (the Public Safety Director). See Ex. A. This would be against the law and public policy of New Jersey.

41. FULOP and SHEA also introduced a revision of the City's Public Safety Ordinance to permit the Public Safety Director (SHEA) to appoint a designated "Internal Affairs Supervisor." Consistent with his unlawful instructions to COWAN, FULOP proposed an amended City Ordinance 14.03 that, in effect, would result in the JCPD Division of Internal Affairs being overseen by the Public Safety Director. The proposed modification stated that Public Safety Director: "shall appoint the designated 'Internal Affairs Supervisor' who shall supervise all activities of the Bureau of Internal Affairs."

**See Ex. B.** This effort was in direct response to COWAN's refusal to get rid of internal affairs charges against politically connected officers (in particular, the officer involved in a DUI incident in Robbinsville, New Jersey) and was an effort by FULOP to control and utilize the JCPD for his own political agendas.

42. FULOP then falsely contended to members of the City Council that FULOP had received email complaints about COWAN on personnel issues from various Council members.

43. On June 25, 2014, FULOP called COWAN and told him to check his email. Two letters had been emailed, one to COWAN and one to the Jersey City Council members.

44. The June 25, 2014 letter from FULOP to COWAN demoted COWAN and removed him from the Chief of Police position. The letter documented that the adverse employment action was being taken because COWAN opposed "structural" changes in the JCPD - referring to FULOP's efforts to have the JCPD Internal Affairs Division be controlled by SHEA and COWAN's opposition to same.

45. In further retaliation, and to harass and belittle COWAN for his whistleblowing activities, FULOP then made false and defamatory statements about COWAN to the press, documenting that his demotion of COWAN was, motivated by, among other things, COWAN's objection to having the Internal Affairs Department of the JCPD be supervised by SHEA.

46. On or around June 26, 2014, FULOP's spokeswoman publicly stated to the press that a motivating factor behind COWAN's demotion and removal from the Chief position was his objection to "moving the Internal Affairs Unit away out of the Chief's

control” and referenced COWAN’s refusal to permit SHEA to dictate assignments and transfers in the JCPD.

47. On or around June 26, 2014, to retaliate against and harass COWAN, FULOP made false statements about COWAN to the press, falsely accusing COWAN of meeting certain officers in a cemetery at 3:00 am for the purposes of discussing political retaliation. This was an intentionally false statement by FULOP.

48. COWAN was publicly demoted in a humiliating fashion as FULOP and others at his direction, made publicly disparaging comments about COWAN to damage his career and standing in the eyes of his fellow officers at the JCPD. After “sending a message” by removing COWAN as Chief, SHEA and FULOP essentially controlled the day to day operations of the JCPD.

49. As a means to humiliate and ostracize COWAN, SHEA refused to permit COWAN to be assigned to a Chief of Detectives position that was vacant at the time (a vacancy created by the demotion of COWAN and the replacement Chief selected by FULOP). SHEA had stated to several high-ranking officials that COWAN was not qualified to hold certain positions, even though COWAN was qualified to be Chief. SHEA also refused to allow COWAN to be assigned other vacant high-profile positions in the JCPD, that COWAN was qualified to perform.

50. On July 21, 2014, COWAN was officially demoted to the rank of Deputy Chief.

51. Shortly after his official demotion, SHEA rejected several requests of COWAN to be assigned to vacant positions. COWAN and his replacement Chief Zacche, agreed that it would be punitive for SHEA to assign COWAN to a detail at the Bishop

Street Communications Center. SHEA himself agreed that, in light of COWAN's law enforcement experience, it would be punitive for COWAN to be assigned to the Bishop Street Communications Center.

52. As a means to humiliate COWAN, SHEA then assigned COWAN to the Bishop Street Communication Center. In further retaliation, COWAN was given a desk in the locker room of the Bishop Street Communications Center, near showers and toilets used by other JCPD officers. FULOP and SHEA intentionally placed COWAN within the locker room by other officers that disliked him, including the Captain implicated in the Robbinsville, New Jersey DUI incident (who had received the telephone call from the Robbinsville PD). Many officers expressly stated that COWAN had been placed in a "shit hole" – referring to his desk by toilets in the locker room.

53. As a means to ostracize COWAN and further harass and belittle him, Defendants did not give COWAN any meaningful responsibilities or clearly defined roles in the JCPD. After the demotion, no officers were assigned to report to COWAN, effectively limiting COWAN's authority and role in the JCPD.

54. In or around August of 2014, FULOP and SHEA made false and disparaging comments about COWAN to News 12 and other media outlets, as a means to retaliate against and harass COWAN, and further ostracize him in the JCPD. FULOP and SHEA blamed COWAN for take-home cars being provided to certain officers (and suggested this was a reason COWAN was demoted), even though SHEA himself approved of the practice, it had existed prior to COWAN being named Chief, and COWAN's replacement had approved take-home cars to be issued to certain officers without consequence. In September of 2014, FULOP's spokesperson again made false

and disparaging comments about COWAN to media outlets, blaming COWAN for take home cars in the JCPD and claiming COWAN was responsible for something inappropriate.

55. COWAN was assigned to a "Research and Planning" position, but as a means to minimize his involvement, he was not given any substantive responsibilities. Not only was COWAN's take home vehicle (something provided to all other Deputy Chiefs) taken away, he was not provided a police vehicle to use while he was on duty. On occasion, COWAN had to respond to back-up requests in his personal vehicle, putting COWAN's safety at risk.

56. On or around September 12, 2014, in an effort to further ostracize and mistreat COWAN, he was denied a requested day off for medical testing, even though other superior officers in the JCPD were routinely permitted to take days off for medical testing. Ultimately, the Chief permitted COWAN to take the day but informed COWAN that he would "claim it was a mistake" if SHEA found out about it.

57. On or around September 23, 2014, COWAN was assigned the responsibility of investigating ISIS threats in Jersey City. Yet, SHEA and FULOP continued to intentionally minimize or usurp COWAN's role. SHEA and FULOP omitted COWAN from important conversations on the topic of ISIS threats and events in the City despite COWAN possessing critical information on the subject.

58. On or around September 24, 2014 COWAN complained to his replacement (and supervisor), Chief Zacche, that COWAN had been intentionally minimized and ostracized in the JCPD and that SHEA had been preventing COWAN from having any meaningful role at the JCPD. COWAN specifically mentioned to Zacche that he required



a police vehicle while on duty and expressed the negative impact the lack of a vehicle was having on COWAN's ability to perform. Chief Zacche stated to COWAN that SHEA was trying to "block you out" meaning that SHEA was trying to force COWAN out of the JCPD.

59. For example, on Friday September 26, 2014, there was an incident concerning ISIS graffiti in Jersey City, yet COWAN – in charge of investigating ISIS events in Jersey City - was intentionally excluded from being notified of the event. When COWAN learned of the event on his own (driving past the scene), he went to the scene and observed the Chief of Police, Chief of Patrol, Acting Chief of Detectives, Special Operations Captain and multiple sergeants and other police personnel at the scene. COWAN was treated in a disrespectful manner by the officers on the scene when he arrived. Several officers laughed at COWAN for pulling up in his personal vehicle.

60. Additionally, FULOP and SHEA publicly stated that FULOP had in place "tabletop" plans and exercises to deal with an ISIS threat. FULOP and SHEA intentionally excluded COWAN (who was in charge of ISIS at the JCPD) from involvement with or information concerning any such "tabletop" plans or exercises.

61. As a means to further ostracize and harass COWAN, Defendants began taking retaliatory actions against officers in the JCPD who associated with or supported COWAN (sometimes called "Bubba's people" by FULOP or SHEA - a reference to COWAN's nickname, "Bubba").

62. Because of the publicly retaliatory actions of FULOP and SHEA, COWAN was subjected to harassing and humiliating conduct at the JCPD. For example, a common "joke" going around the JCPD was that COWAN was placed in the locker room

at the Bishop Street Communications Center because “the Bubba Stink” belonged in the locker room with dirty socks and underwear. Because of the hostility displayed by FULOP and SHEA, officers subordinate to COWAN began acting disrespectfully toward him. Some would make comments about the “Bubba stink” when COWAN was present.

63. Cowan was intentionally excluded from COMPSTAT meetings, which were attended by the highest-ranking officers of the JCPD. Officers would walk past the locker room where COWAN’s desk was to go to the COMPSTAT meeting, without acknowledging COWAN.

64. In light of the retaliatory harassment COWAN faced because of the actions of Defendants, COWAN’s employment at the JCPD became humiliating and meaningless. COWAN was constructively discharged on or about September 30, 2014, in that no reasonable person would tolerate the retaliatory hostile working environment Defendants intentionally propagated onto COWAN.

**COUNT I**  
**CEPA – N.J.S.A. 34:19-1 *et seq.***

65. COWAN repeats and re-alleges the allegations set forth above as if more fully set forth herein.

66. The actions of the Defendants were in direct violation of the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 *et seq.* (CEPA).

67. Defendants removed COWAN from his position as Chief of Police in retaliation for COWAN’s protected activity under CEPA.

68. Defendants condoned and created a hostile work environment to retaliate against COWAN for his protected activity under CEPA.

69. COWAN was constructively discharged from his employment on account of the unlawful conduct of Defendants.

70. Defendants acted maliciously and willfully in creating a pretextual reason for demoting COWAN, causing him to suffer economic, emotional, and psychological damages in an amount to be determined by a jury.

71. COWAN has suffered emotional distress on account on Defendants' conduct.

WHEREFORE, COWAN demands judgment against the Defendants, jointly and severally for the following relief:

- a. Economic Damages including back pay, and front pay;
- b. Reinstatement;
- c. Compensatory damages;
- d. Punitive damages;
- e. Attorneys' fees and costs;
- f. Such other relief that the Court deems equitable and just.

**COUNT II**  
**INDIVIDUAL LIABILITY CEPA**  
**(FULOP)**

72. COWAN repeats and realleges the allegations set forth above as if more fully set forth herein.

73. The actions of FULOP were taken in direct violation of the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 *et seq.* (CEPA).

74. FULOP meets the definition of "Employer" under CEPA.

75. FULOP took adverse employment actions against COWAN for his protected activity under CEPA.

76. FULOP condoned and created a hostile work environment to retaliate against COWAN for his protected activity under CEPA.

77. COWAN was constructively discharged from his employment on account of the unlawful conduct of FULOP.

78. FULOP, acted maliciously and willfully in creating pretextual reasons for COWAN's demotion and in causing publicly disparaging comments to be made about COWAN, causing COWAN to suffer economic, reputational, emotional, and psychological damages in an amount to be determined by a jury.

WHEREFORE, COWAN demands judgment against FULOP for the following relief:

- a. Economic Damages including back pay, and front pay;
- b. Reinstatement;
- c. Compensatory damages;
- d. Punitive damages;
- e. Attorneys' fees and costs;
- f. Such other relief that the Court deems equitable and just.

**COUNT III**  
**INDIVIDUAL LIABILITY CEPA**  
**(SHEA)**

79. COWAN repeats and realleges the allegations set forth above as if more fully set forth herein.

80. The actions of SHEA were taken in direct violation of the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. (CEPA).

81. SHEA meets the definition of "Employer" under CEPA.

82. SHEA took adverse employment actions against COWAN for his protected activity under CEPA.

83. SHEA condoned and created a hostile work environment to retaliate against COWAN for his protected activity under CEPA.

84. COWAN was constructively discharged from his employment on account of the unlawful conduct of SHEA.

85. SHEA, acted maliciously and willfully in causing the demotion of COWAN, causing disparaging comments to be made about COWAN, and intentionally minimizing COWAN's role in the JCPD, causing COWAN to suffer economic, reputational, emotional, and psychological damages in an amount to be determined by a jury.

WHEREFORE, COWAN demands judgment against SHEA for the following relief:

- a. Economic Damages including back pay, and front pay;
- b. Reinstatement;
- c. Compensatory damages;
- d. Punitive damages;
- e. Attorneys' fees and costs;
- f. Such other relief that the Court deems equitable and just.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial jury as to all issues.

DATED: May 5, 2015

  
\_\_\_\_\_  
Counsel for the Plaintiff  
ADAM J. KLEINFELDT, ESQ.

**DESIGNATION OF TRIAL COUNSEL**

ADAM J. KLEINFELDT, is designated as trial counsel in this matter.

DATED: May 5, 2015

  
\_\_\_\_\_  
Counsel for the Plaintiff  
ADAM J. KLEINFELDT, ESQ.

**DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS**

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or alternatively state under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damages limits; and (g) medical payment limits.

DATED: May 5, 2015

  
\_\_\_\_\_  
Counsel for the Plaintiff  
ADAM J. KLEINFELDT, ESQ.

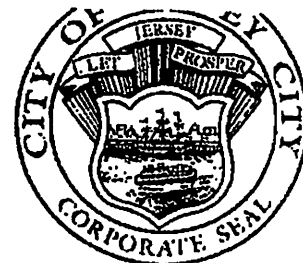
# **EXHIBIT A**

City Clerk File No. \_\_\_\_\_ Ord. 14.084

Agenda No. \_\_\_\_\_ 3. I \_\_\_\_\_ 1st Reading

Agenda No. \_\_\_\_\_ 4. I \_\_\_\_\_ 2nd Reading & Final Passage

Item # 35



## ORDINANCE OF JERSEY CITY, N.J.

**COUNCIL AS A WHOLE**  
offered and moved adoption of the following ordinance:

**CITY ORDINANCE 14.084**

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY) SUB-ARTICLE I (DIVISION OF POLICE) OF THE JERSEY CITY MUNICIPAL CODE ESTABLISHING A TABLE OF ORGANIZATION**

**COUNCIL** offered and moved adoption of the following Ordinance:

A. The following amendments to Chapter 3 (Administration of Government) Article XI (Department of Public Safety) Sub-Article I (Division of Police) are hereby adopted are hereby adopted:

### SUB-ARTICLE I Division Of Police

**§3-85. Creation of the Division of Police; Police Chief in charge.**

There shall be a Division of Police, the head of which shall be the Chief of Police.

- A. Pursuant to N.J.S.A. 40:69A-60.7, the Mayor may appoint a Chief of Police who shall have served as a superior police officer and possess at least five years' administrative and supervisory police experience.
- B. Under the direction of the Director of Public Safety, the Chief of Police shall:
- (1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
  - (2) Have, exercise, and discharge the functions, powers and duties of the division.
  - (3) Prescribe the duties and assignments of all subordinates and other personnel.
  - (4) Delegate such authority as necessary for the efficient operation of the division.
  - (5) Report at least monthly to the Director of Public Safety in such form as shall be prescribed by the Director on the operation of the division during the preceding



**§3-87. Special law enforcement officers.**

- A. The Director of Public Safety shall have the power to appoint special law-enforcement officers in accordance with the provisions of the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 et seq. The compensation of such officers shall be determined by Executive Order of the Mayor of the City of Jersey City.

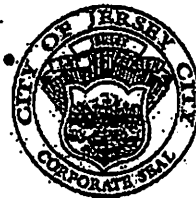
**§3-87.1. Table of Organization.**

- A. A Table of Organization is hereby established by the Director of Public Safety, the Chief of Police, and to the extent required by Collective Bargaining Agreements, the Police Unions. The Table of Organization is designed to enumerate the number, duties, and titles of Police Division personnel in order to provide stability and predictability within the Division of Police. A copy of the Table of Organization shall be maintained on file in the Office of the City Clerk.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.  
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

*JM/he*  
*6/25/14*

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.084  
 TITLE: 3.I JUN 25 2014 4.I

Ordinance amending and supplementing Chapter 3  
 (Administration of Government) Article XI (Department  
 of Public Safety) Sub-Article I (Division of Police) of the  
 Jersey City Municipal Code establishing a Table of  
 Organization.

## RECORD OF COUNCIL VOTE ON INTRODUCTION

**JUN 25 2014 8-0**

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

Councilperson \_\_\_\_\_ moved, seconded by Councilperson \_\_\_\_\_ to close P.H.

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

## RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson \_\_\_\_\_ moved to amend\* Ordinance, seconded by Councilperson \_\_\_\_\_ & adopted

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

## RECORD OF FINAL COUNCIL VOTE

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 25 2014

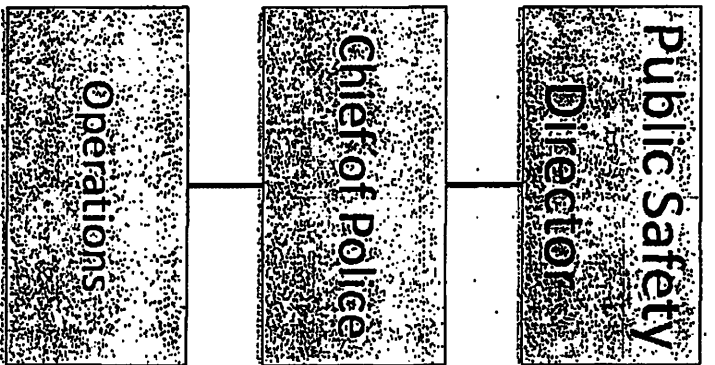
Adopted on second and final reading after hearing on \_\_\_\_\_

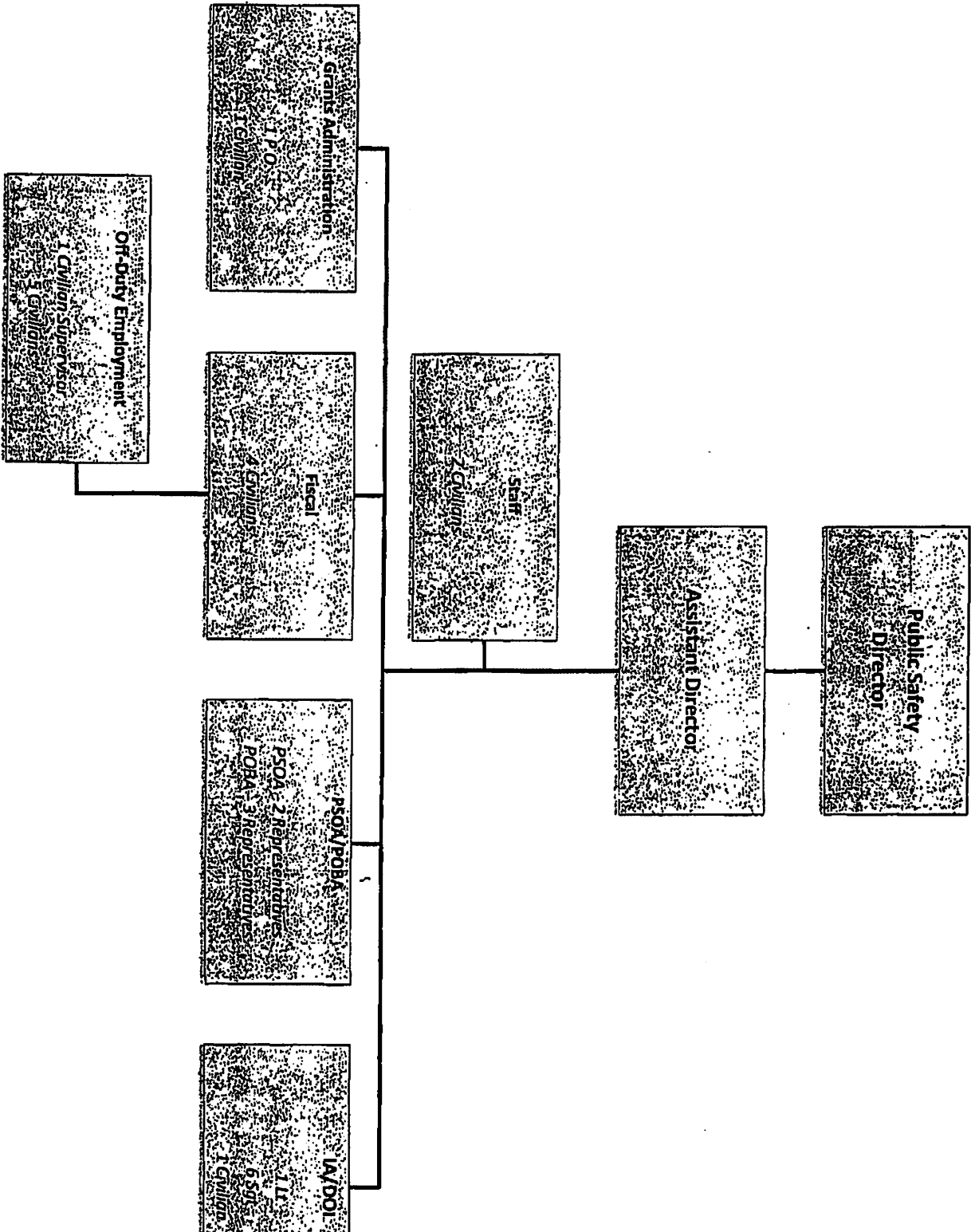
JERSEY CITY DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF POLICE

EST. 1856



DEPARTMENT OVERVIEW





Chief of Police

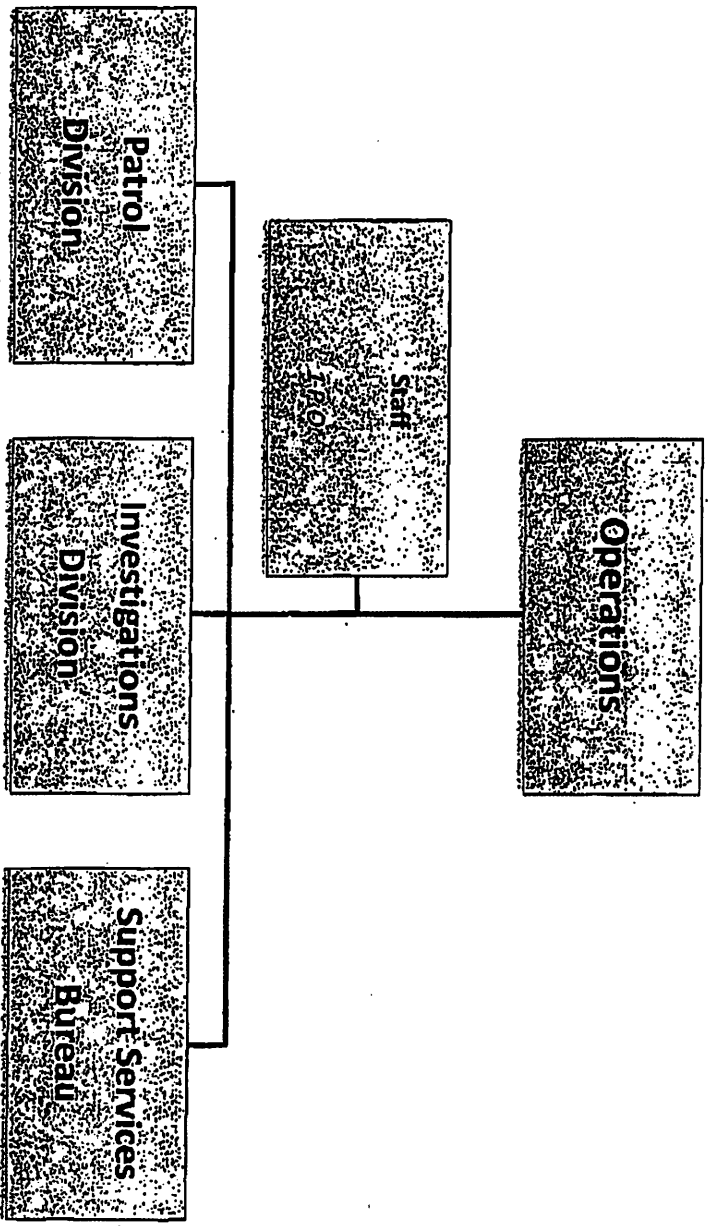
Staff  
2 Sgt  
1 P.O.

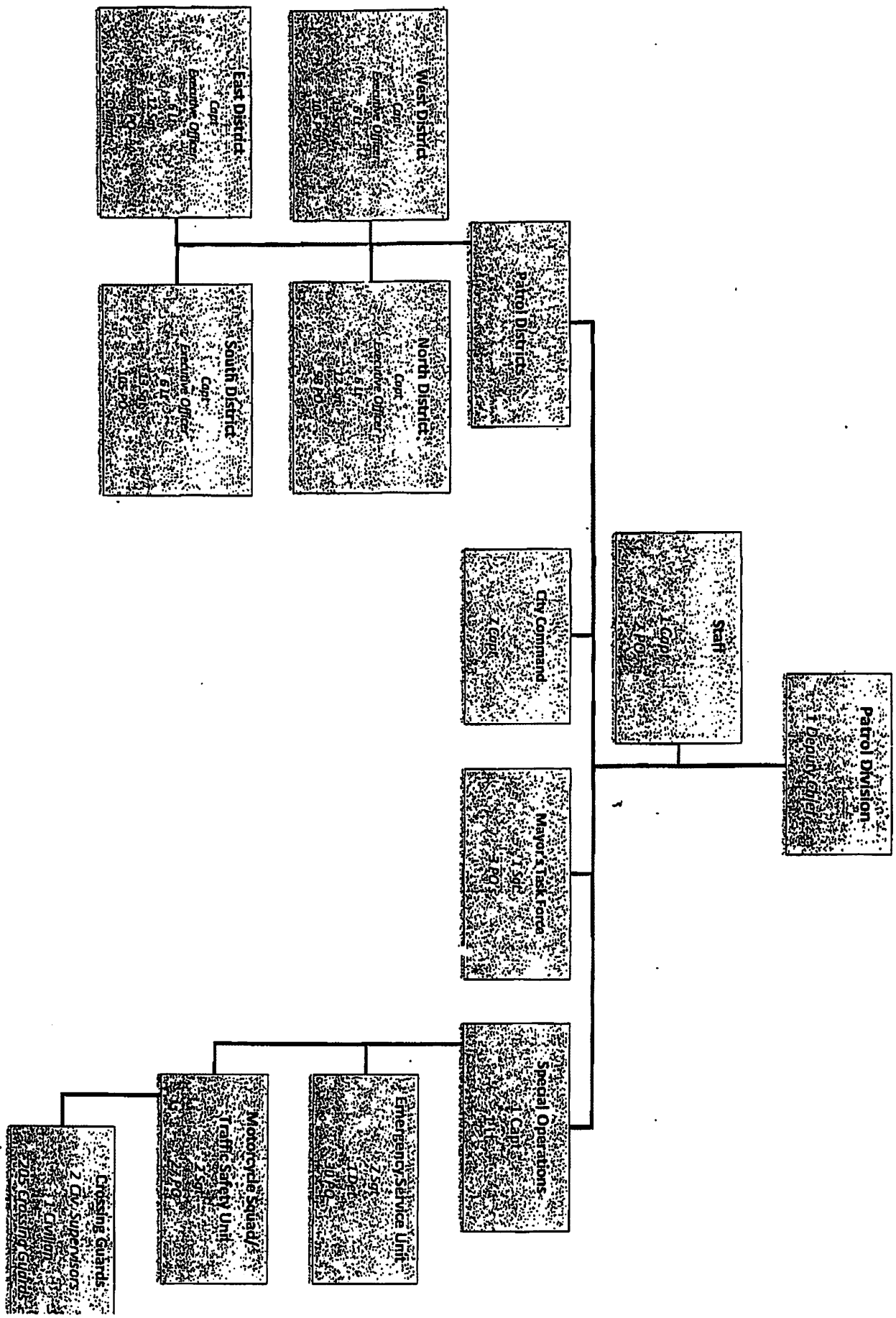
OEM  
1 P.O.

Medical Bureau  
1 Lt  
1 Captain

Gun Permit  
2 Captains



Executive Protection  
1 P.O.







**Appendix XII-B1**

	<h2 style="margin:0;">CIVIL CASE INFORMATION STATEMENT</h2> <h3 style="margin:0;">(CIS)</h3> <p style="margin:0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b></p>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA
			CHG/CK NO.
			AMOUNT:
		OVERPAYMENT:	BATCH NUMBER:
1. ATTORNEY / PRO SE NAME Adam J. Kleinfeldt, Esq.		2. TELEPHONE NUMBER (201) 498-0900	3. COUNTY OF VENUE Hudson
4. FIRM NAME (if applicable) Deutsch Atkins, P.C.		5. DOCKET NUMBER (when available) HUD-L-	
6. OFFICE ADDRESS 25 Main Street, Suite 104 Court Plaza North Hackensack, New Jersey 07601		7. DOCUMENT TYPE Complaint	
		8. JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9. NAME OF PARTY (e.g., John Doe, Plaintiff) Robert Cowan, Plaintiff	10. CAPTION Robert Cowan v. City of Jersey City, Mayor Steven Fulop, James Shea, Jane and John Does 1-10		
11. CASE TYPE NUMBER (See reverse side for listing) 616	12. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
13. RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	14. IF YES, LIST DOCKET NUMBERS		
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
20. Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
21. WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?		
22. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
23. ATTORNEY SIGNATURE:  5/5/15			



# CIVIL CASE INFORMATION STATEMENT (CIS)

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

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

### Track I - 150 days' discovery

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

### Track II - 300 days' discovery

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

### Track III - 450 days' discovery

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

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

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

### Centrally Managed Litigation (Track IV)

- |                                  |  |
|----------------------------------|--|
| 280 ZELNORM                      | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 286 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNECARE                   |
| 288 PRUDENTIAL TORT LITIGATION   | 292 PELVIC MESH/BARD                       |
| 289 REGLAN                       | 293 DEPUY ASR HIP IMPLANT LITIGATION       |

### Mass Tort (Track IV)

- |                                       |  |
|---------------------------------------|--|
| 248 CIBA GEIGY                        | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX                            |
| 271 ACCUTANE/ISOTRETINOIN             | 284 NUVARING                           |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 286 LEVAQUIN                           |
| 278 ZOMETA/AREDDIA                    | 287 YAZ/YASMIN/OCELLA                  |
| 279 GADOLINIUM                        | 601 ASBESTOS                           |

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

Please check off each applicable category  Putative Class Action  Title 59