

SCIARRA & CATRAMBONE, L.L.C.
Charles J. Sciarra, Esq. – Attorney ID No. 011371996
Matthew R. Curran, Esq. - Attorney ID No. 024172005
1130 Clifton Avenue
Clifton, New Jersey 07013
(973) 242-2442
(973) 242-3118 [Facsimile]
Attorneys for Plaintiff

AHMED LAWSON <i>Plaintiff,</i> -v- CITY OF ASBURY PARK, JOHN DOE(S) 1-10, JANE DOE(S) 1-10, and XYZ CORP(S) 1-10, <i>Defendants.</i>	: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION : MONMOUTH COUNTY : : DOCKET NO: MON-L- -22 : : CIVIL ACTION : : COMPLAINT & JURY DEMAND : : : : : : :
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Plaintiff AHMED LAWSON ("Plaintiff" or "Lawson"), by and through his undersigned attorneys, Sciarra & Catrambone, LLC, by way of the within Complaint, alleges and says as follows:

PRELIMINARY STATEMENT

1. This is an action brought by Plaintiff against his employer, City of Asbury Park. Plaintiff seeks judgment of this Court against Defendant for relief permitted under the New Jersey Law Against Discrimination ("LAD").

PARTIES

2. At all times relevant to the within Complaint, Plaintiff is an employee of Defendant within the meaning of the LAD.

3. At all times relevant to this Complaint, Defendant is an employer within the meaning of the LAD.
4. Defendant Asbury Park is a public entity located in the County of Monmouth, State of New Jersey.
5. John and Jane Doe(s) 1-10 and XYZ Corp.(s) 1-10 are fictitious parties.

JURISDICTION

6. Jurisdiction is properly laid in this Court in that Defendant is subject to personal jurisdiction in the State of New Jersey. As Defendant is a public entity located in Monmouth County, this matter is being filed in Monmouth County Superior Court.

STATEMENT OF FACTS

7. Plaintiff is an African American Police Officer for the City of Asbury Park.
8. Plaintiff began his employment with Asbury Park on July 1, 2004.
9. After his hiring, Lawson was advised by several minority coworkers senior to him that some Caucasian members of the Police Department held themselves out to be members of the CRAB Club.
10. Plaintiff was advised that CRAB stood for Crazy Racists Against Blacks.
11. Lawson was working a road job overseeing construction when he thought he heard a transmission on the Asbury Park police radio of Patrol Captain John Crescio use the “n-word”.
12. Specifically, Lawson heard Capt. Crescio state on a taped line, “oh shit, they drug that ‘n-word’ out of there”, or words to that effect.
13. Following this radio transmission, Lawson approached Lieutenant Michael Barnes who was assigned to the Internal Affairs unit.
14. Lawson reported to Lt. Barnes that he heard Capt. Crescio use the “n-word” on a transmission over the police radio.

15. In addition to Lawson, Lt. Barnes and Officer Josh Kendle also reported that they heard Capt. Crescio use the “n-word” during the radio transmission.
16. Shortly after Lawson made his complaint, Lt. Barnes was removed from Internal Affairs.
17. Defendant assigned two new individuals to the Internal Affairs unit: Sergeant Steve Ramseur and Lieutenant Daniel Kowsaluk.
18. Both Sgt. Ramseur and Lt. Kowsaluk admitted that they thought Capt. Crescio used the “n-word” after listening to the transmission.
19. Also shortly after Lawson made his complaint, Capt. Crescio initiated Internal Affairs complaints against Lawson, Barnes and Kendle wherein he alleged that the three had conspired to fabricate charges against him.
20. In order for Capt. Crescio to have issued his Internal Affairs complaints against Lawson and the others, Internal Affairs officers had to have breached confidentiality and disclosed to the Captain the identity of the complainants.
21. Ultimately, Lawson was advised that his complaint was forwarded to the Monmouth County Prosecutor’s Office (“MCPO”).
22. MCPO Detective Danny Newman also admitted that the audio of Capt. Crescio sounded like he used the “n-word”.
23. Notwithstanding the fact that a half dozen people believed that the transmission sounded like Capt. Crescio used the “n-word” on the radio transmission, the MCPO nonetheless did not sustain the complaints.
24. Upon information and belief, the MCPO has failed to appropriately address other complaints of discrimination or a hostile work environment made by another minority Asbury Park law enforcement officer.

25. On or about March 22, 2019, 12 members of the Police Department, including Lawson, broke off from the local Policemen's Benevolent Association ("PBA") union to form a new local union with the Fraternal Order of Police ("FOP").
26. At its inception, this local FOP consisted of 10 African American officers, one Pakistani-American, and one Caucasian.
27. The following week, four more African American officers joined the local FOP.
28. The Caucasian Officer who joined the FOP is Craig Breiner.
29. In addition to joining the FOP, Breiner is friends with Kamil Warraich, a minority employee who has filed his own LAD lawsuit against Asbury Park and has been an outspoken critic of the Police Department's systemic discrimination and retaliation.
30. Breiner informed Lawson that he has been referred to as a "race traitor" due to his association with minority employees.
31. Breiner has also asserted that he has been called a "white devil" due to his association with minority employees.
32. Upon information and belief, on or about April 1, 2019, Lieutenant Kamil Warraich emailed Chief Kelso to advise him about issues including but not limited to Caucasian officers/supervisors labelling Breiner as a "race traitor" for standing in solidarity with minority officers.
33. Upon information and belief, Defendant did not take any action to investigate this complaint either by Internal Affairs or through the City's anti-harassment policies.
34. Upon information and belief, shortly after Lt. Warraich made this complaint, on or about May 15, 2019, Asbury Park advised him that he was being demoted from Lieutenant to Sergeant.
35. Plaintiff is a certified Field Training Officer ("FTO").

36. A FTO is responsible for training newly hired police officers after they have completed their training in the Police Academy.
37. There have been occasions where Lawson and other minority police officers who are certified FTOs were not assigned to train new hires.
38. Instead, the Police Department had uncertified Caucasian officers train new hires.
39. On or about March 30, 2021, Lawson was deposed by Sgt. Marshawn Love's attorney as part of discovery in that LAD litigation.
40. During this deposition, Lawson engaged in conduct protected by the LAD when he discussed topics including but not limited to the Crab Club, disparate treatment with respect to the City's imposition of discipline on minority officers as opposed to Caucasian officers, and the discriminatory assignment of training duties to non-certified Caucasian officers as opposed to certified minority officers.
41. Plaintiff is qualified for promotion to Sergeant as he successfully passed the Civil Service examination for Police Sergeant.
42. Plaintiff is currently the second highest ranked candidate on the Civil Service promotional list for Sergeant which is due to expire during the summer of 2022.
43. The highest ranked candidate currently on the Sergeant Civil Service list is Craig Breiner who, as set forth above, has been labelled a "race traitor" and a "white devil" due to his affiliation with minority police officers.
44. With vacancies in the Sergeant's rank as well as vacancies in other supervisory ranks above Sergeant, there are more than two Sergeants spots available for Defendant to fill.
45. On or about May 27, 2021, Plaintiff wrote to City Manager Donna Vieiro in order to express his interest in the position of Police Sergeant.

46. Plaintiff also noted that with the retirement of senior ranking officers, he should become eligible for promotion prior to the expiration of the current Civil Service list.
47. The most recent vacancy arose when a sergeant retired on or about May 1, 2022.
48. On May 12, 2022, Plaintiff once again wrote to City Manager Vieiro to inform her of his interest in the position of Police Sergeant.
49. Defendant has had the past practice of promoting candidates off of the Civil Service list for Sergeant in order of the candidate's current ranking on the list.
50. In fact, all of the candidates who ranked ahead of Craig Breiner and Plaintiff were promoted in order off of the list.
51. With discriminatory intent, Defendant has decided not to fill these vacant Sergeant spots in the hopes that Plaintiff ranks outside of the top three candidates on the next Civil Service promotional list for Sergeant so that they do not have to promote him.
52. Defendant has manipulated the Civil Service regulations in an effort to avoid having to promote Plaintiff who has a protected status and engaged in conduct protected by the LAD.

COUNT ONE

(VIOLATION OF THE LAD – DISCRIMINATION)

53. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.
54. Defendant's actions against Plaintiff outlined above, including but not limited to failing to promote him and withdrawing benefits formerly provided to him constitute discrimination and disparate treatment of and against Plaintiff based upon his race in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.; *see also* Montone v. City of Jersey City, 2013 WL 6764525 (App. Div. Dec. 24, 2013).

55. Plaintiff has suffered damages resulting in the loss of compensation, loss of earning power, loss of self-esteem, physical injury, mental injury, the loss of opportunities for prospective employment, and is incurring legal expenses and other expenses as a result of Defendant's actions.
56. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiff's statutory and civil rights, and Plaintiff is entitled to punitive damages under applicable law.

COUNT TWO

(VIOLATION OF THE LAD – RETALIATION)

57. Plaintiff reasserts and realleges each and every previous paragraph as if fully set forth and reiterated herein.
58. Plaintiff has engaged in an activities protected by the Law Against Discrimination including but not limited to filing the within Complaint.
59. Defendants' actions as outlined above constitute retaliation against Plaintiff as a result of Plaintiff's protected activities in violation of the LAD. This includes Defendants' failure to promote Plaintiff to the rank of Sergeant.
60. As a result, Plaintiff's statutory rights have been violated and his protections under the law have been eviscerated.
61. Plaintiff has suffered damages resulting in the loss of compensation, loss of earning power, loss of self-esteem, physical injury, mental injury, the loss of opportunities for prospective employment, and is incurring legal expenses and other expenses as a result of Defendants' actions.

62. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiff's statutory and civil rights, and Plaintiff is entitled to punitive damages under applicable law.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. Awarding Plaintiff damages, including, but not limited to, equitable, punitive and compensatory damages on all lost benefits, wages and rights, including but not limited to front and back pay, as well as all commensurate pension/retirement benefits, and other benefits with respect to Plaintiff's employment, and non-economic damages for emotional distress, any statutory fines, compensation for the adverse tax consequences of a lump sum award, together with both pre-judgment and post judgment interest and attorneys' fees and costs, as well as any enhancements pursuant to the case law, and costs of court;
- b. For an Order of the Court pursuant to its equitable powers and consistent with the case law instating Plaintiff to the rank of Sergeant.
- c. For an Order of the Court retaining jurisdiction over this action until Defendant has fully complied with the Orders of this Court, and that the Court require Defendant to file such reports as may be necessary to supervise such compliance; and
- d. For such other, further, additional and different relief as this Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Charles J. Sciarra, Esq. is hereby designated as trial counsel.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues involved herein.

Respectfully submitted,
SCIARRA & CATRAMBONE, L.L.C.
Attorney for Plaintiff

By: Matthew R. Curran, Esq. (024172005)
Matthew R. Curran, Esq.

Dated: June 24, 2022

CERTIFICATION PURSUANT TO R. 4:5-1

1. The matter in controversy is not the subject of any other pending action before any Court.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties to be joined in this action at the present time.

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

Respectfully submitted,
SCIARRA & CATRAMBONE, L.L.C.
Attorney for Plaintiff

By: Matthew R. Curran, Esq. (024172005)
Matthew R. Curran, Esq.

Dated: June 24, 2022