

Civil Rights
(R) 000
Jury X

RECEIVED / FILED
Superior Court of New Jersey

SEP 13 2011

CIVIL CASE MANAGEMENT
UNION COUNTY

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Attorneys for Plaintiff

RICHMOND LAPOLLA

Plaintiff,

v.

COUNTY of UNION; GEORGE
DEVANNEY, County Manager and
individually;

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
DOCKET NO. UNN-L-3547 11**

Civil Action

**VERIFIED COMPLAINT IN LIEU OF
PREROGATIVE WRIT AND DEMAND
FOR JURY TRIAL**

3547

Plaintiff, Richmond Lapolla, residing in the city of Cranford, County of Union, State of New Jersey, verifies as follows:

PRELIMINARY STATEMENT

Plaintiff brings this Verified Complaint in Lieu of Prerogative Writ alleging continuing violations by Defendants County of Union and George Devanney, of the New Jersey State Constitution, and The New Jersey Civil Rights Act on the basis of political affiliation, freedom of association, and freedom of beliefs. Plaintiff also alleges intentional infliction of emotional and mental distress by Defendants. Plaintiff seeks injunctive relief, damages – both compensatory and punitive – counsel fees and costs of suit.

**COMPUTER
SEP 16 2011
SECTION**

9-14-11 FEE ATTACHED
BATCH NO. 417
CHECK CASH M.O. D.C.
PAYOR Breuninger
CHECK/CASH RECEIPT # 11013
AMOUNT \$ 200 of 230

PARTIES

PLAINTIFF

1. Plaintiff RICHMOND LAPOLLA (“Plaintiff”) has been employed by the County of Union since 1979 – thirty-two years. He presently holds the civil service title of Director of Repair and Maintenance and is presently assigned to the County Department of Engineering, Public Works and Facilities Management.

DEFENDANTS

2. Defendant, THE COUNTY OF UNION (“County”) is a political subdivision of the State of New Jersey with general offices in the Union County Administration Building, Elizabeth, New Jersey. Union County has been and continues to be the employer of Plaintiff.

3. Defendant, GEORGE DEVANNEY (“Devanney”) was the County Manager of Union County from 2002 until August 1, 2011. As such, he was the supervisor of Plaintiff with the ultimate authority to hire, fire and assign County employees.

STATEMENT OF FACTS

4. Plaintiff began his public service in Union County in September of 1979 with the civil service title of Maintenance Repair Carpenter. Through the years, Plaintiff took additional civil service tests and was certified in the following higher job titles: Senior Carpenter in October, 1983; Assistant Carpenter Foreman in May, 1985; Assistant Director of Repair and Maintenance in July, 1987. Plaintiff was then appointed the Director of the Division of Buildings and Grounds in the Department of Public Works by then County Manager Ann Baron. In December, 1999, Plaintiff was

promoted to the civil service position of Director of Repair and Maintenance (**Exhibit A** –job description). In April of 2004, while maintaining this title, Plaintiff was appointed to the County position of Director of Department of Operations and Facilities by Defendant George Devanney. In this position, Plaintiff managed a work force of over 200 county employees and maintained over one million square feet of office space.

5. Plaintiff's promotions through the ranks of Union County positions illustrate his abilities and commitment to public service. During his thirty-two years, Plaintiff received many positive reviews regarding his work performance and ability to effectively function on the County's behalf. He worked under a number of County Managers appointed by both political parties – never with any problems until George Devanney.

6. Plaintiff's brother, Michael Lapolla, was previously very active in Union County politics. Michael Lapolla served for many years as a Union County Freeholder. He was later appointed County Manager of Union County, a position in which he served for five years. Plaintiff, on the other hand, while supportive of his brother, continued to work in County government as a civil service employee with little or no active involvement in politics.

7. Although the government of Union County is primarily controlled by the Union County Democratic Party, there are factions within the Party competing for political power. One faction is led by Charlotte Defilippo who has been a major political power broker in the Union County Democratic Party for years. Michael Lapolla belonged to another faction.

8. Michael Lapolla was an open critic of Charlotte Defilippo. He openly criticized her use of power and authority to manage and manipulate County workers as well as most of the County Manager's duties. Defilippo was openly hostile to Michael Lapolla as he was to her. Defendant,

