

*LAW OFFICE
D. GAYLE LOFTIS
210 RIVER STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-9141
D.L.6184
Attorney for Plaintiff, Rebecca Weston*

REBECCA WESTON,

Plaintiffs,

vs.

THOMAS V. MANAHAN, individually
and in his official capacity, THE UNION
COUNTY PROSECUTOR'S OFFICE,
UNION COUNTY, DAVID F. REGAL,
individually and in his official capacity, and
LAWRENCE C. WLAZLO, individually
and in his official capacity,

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No.: 00-6071 (WJM)

PLAINTIFF'S ACCEPTANCE OF
OFFER OF JUDGMENT

TO: CLERK, DISTRICT COURT OF NEW JERSEY
M.L. KING, JR. FEDERAL BLDG & U.S. COURTHOUSE
50 WALNUT STREET
NEWARK, NEW JERSEY 07101

Clerk:

PLEASE TAKE NOTICE that Plaintiff, Rebecca Weston, hereby accepts the Offer of Judgment presented by Defendants Thomas V. Manahan, Union County, Union County Prosecutor's Office, David F. Regal and Lawrence C. Wlazlo, pursuant to F.R.Civ.P. 68, to allow Judgment to be taken against said Defendants for FOUR HUNDRED AND TWELVE THOUSAND DOLLARS (\$412,00.00), including backpay, the present value of all future medical and pension benefits, interest, attorneys fees and costs accrued to the date hereof, in full and complete settlement of all

23. In July of 1999, the Defendants acted to implement and make the promotions of two males who were younger, less qualified, less experienced, less senior within the Prosecutor's Office than Plaintiff, and otherwise not as qualified as the Plaintiff for promotions.

24. Plaintiff objected to the discriminatory practices employed and applied within the Detective Bureau.

25. On November 30, 1999, Plaintiff had a conversation with Defendant Wlazlo wherein she noted her objections to the evaluation process and criteria to which she was being subjected, and which she believed to discriminate against her on the basis of her gender, which objections were reiterated on several occasions after November 30, 1999.

26. In December of 1999, the Defendants acted to implement and make the promotions of males who were younger, less qualified, less experienced, less senior within the Prosecutor's Office than Plaintiff, and otherwise not as qualified as the Plaintiff for promotions.

27. Plaintiff objected to the discriminatory practices employed and applied within the Detective Bureau and submitted her objections in writing through Defendant Regal to Defendant Manahan by memorandum dated December 17, 1999.

28. Almost immediately thereafter, the Plaintiff became the recipient of numerous memoranda critical of her job performance, questioning her judgment and attacking her credibility, which actions were retaliatory to her expression of her objections to the gender biased and discriminatory practices within the UCPO, and also noted that her environment became increasingly hostile and adverse, and included, but was not limited to, the adverse employment actions of upper management solicitation of co-worker complaints and negative comments against Plaintiff which complaints and comments were designed to cause Plaintiff to incur great anxiety and stress, adversely affected her health and constructively terminated her employment within the

UCPO by creating work conditions which compelled her to retire earlier than she otherwise would have.

29. As a consequence of the actions complained of herein, the Plaintiff was caused to cease her employment with UCPO effective November 30, 2000.

30. The Defendants' actions have constituted violations of the Plaintiff's Constitutional rights of expression, due process and equal protection, and have caused the Plaintiff to incur damages of an economic, and non-economic nature both in the past and continuing.

31. The Defendants' actions are indicative of a malicious intent, and/or a reckless and callous indifference to the federal constitutional rights of the Plaintiff and others similarly situated.

20. The aforesaid actions of the Defendants constitute a violation of 42 U.S.C. §1983 as well as violations of the Plaintiff's rights under the Constitution of the United States.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Thomas V. Manahan, individually and in his official capacity, the Union County Prosecutor's Office, Union County, David F. Regal, individually and in his official capacity, and Lawrence C. Wlazlo, individually and in his official capacity, for compensatory damages together with interest and costs of suit, as well as counsel fees pursuant to 42 U.S.C. §1988, and punitive damages against the individual Defendants, and such other just and equitable relief as this Court may order, inclusive of equitable relief requiring the Defendants to be trained in a manner so as not to violate the constitutional rights of others and to establish a practice and policy for promotions which does not discriminate on the basis of gender or age.

COUNT TWO

1. Each and every allegation of Count One is repeated and re-alleged as if set forth at length herein.

2. The actions of the Defendants constitute violations of the rights of the Plaintiff as are accorded her by virtue of New Jersey State Constitution Article 1, paragraphs 1, 5, 18, 19, and 21.

3. The Plaintiff has been caused, and will continue to in the future, to suffer damages of an economic and non-economic nature as a consequence of these violations.

WHEREFORE, the Plaintiff demands judgment against the Defendants, the Defendants, Thomas V. Manahan, individually and in his official capacity, the Union County Prosecutor's Office, Union County, David F. Regal, individually and in his official capacity, and Lawrence C. Wlazlo, individually and in his official capacity, for compensatory damages together with interest and costs of suit, as well as counsel fees, and such other just and equitable relief as this Court may order.

COUNT THREE

1. Each and every allegation of Counts One and Two are repeated and re-alleged as if set forth at length herein.

2. The aforesaid discrimination and reprisal actions of the Defendants constitute a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*

3. The individual Defendants have acted to aid and abet the UCPO and Union County in perpetrating the discriminatory acts of which Plaintiff complains.

4. The aforesaid actions of the Defendants have resulted in the Plaintiff incurring injuries and damage, inclusive of, but not limited to, psychological damages, anxiety and emotional distress.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Thomas V. Manahan, individually and in his official capacity, the Union County Prosecutor's Office, Union

County, David F. Regal, individually and in his official capacity, and Lawrence C. Wlazlo, individually and in his official capacity, for compensatory damages together with interest and costs of suit, as well as counsel fees pursuant to New Jersey Statutes, as well as punitive damages and such other just and equitable relief as this Court may order, inclusive of equitable relief requiring the employees of the official Defendants to be trained in a manner so as not to violate the rights of others to work free of discrimination and to compel the official Defendants to establish a practice and policy for promotions which does not discriminate on the basis of gender or age.

COUNT FOUR

1. Each and every allegation of Counts One through Three are repeated and re-alleged as if set forth at length herein.

2. This Count is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.*, for unlawful gender and/or age discrimination in employment and in retaliation for her having objected to such practices.

3. On March 3, 2000, the Plaintiff signed a charge for unlawful discrimination and retaliation with the Equal Employment Opportunity Commission (hereinafter "EEOC") which was assigned charge number 171A00393.

5. On September 15, 2000, a Determination was received from the U.S. Department of Justice Civil Rights Division in regard to the aforementioned charge and the Plaintiff was put on notice that she had ninety (90) days within which to institute suit within the U.S. District Court should she so choose for violations of her rights under Title VII of the Civil Rights Act, as amended.

6. Plaintiff brings this matter pursuant to Title VII of the Civil Rights Act, and for such damages as to which she may be entitled, based upon the conclusion of the charge investigation previously referenced, and has thereby fulfilled all conditions precedent to this cause of action.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Thomas V. Manahan, individually and in his official capacity, the Union County Prosecutor's Office, Union County, David F. Regal, individually and in his official capacity, and Lawrence C. Wlazlo, individually and in his official capacity, for compensatory damages together with interest and costs of suit, as well as counsel fees, and such other just and equitable relief as this Court may order.

JURY DEMAND

Plaintiffs demands a jury trial on all issues so triable.


D. GAYLE LOFTIS, ESQ.
Attorney for Plaintiffs

Dated: December 12, 2000