

KIPNIS LAW OFFICES

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<p>JUANITA McKOY</p> <p style="text-align: center;">Plaintiff</p> <p>vs.</p> <p>GLENN J. FLEMING, SR.; REGINALD JOHNSON; NAACP METUCHEN-EDISON AREA BRANCH; BEATRICE MOSKOWITZ; MICHELE HAAS; HOAGLAND, MORAN, DUNST & DOUKAS, LLP; MURPHY FOR GOVERNOR; NEW JERSEY DEMOCRATIC STATE COMMITTEE; MIDDLESEX COUNTY DEMOCRATIC ORGANIZATION; JOHN DOES 1-10 & ABC CORPS 1-10 (FICTITIOUS NAMES)</p> <p style="text-align: center;">Defendants</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>Docket No. MID-L-</p> <p>Civil Action TORT</p> <p>COMPLAINT, JURY DEMAND, DEMAND FOR PRODUCTION OF DOCUMENTS & DEMAND FOR INSURANCE INFORMATION</p>
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PLAINTIFF, JUANITA MCKOY, residing at 1404 Mendy Lane, Piscataway, NJ 08854, states the following by way of Complaint against the Defendants:

THE PARTIES, FACTUAL BACKGROUND, VENUE, AND JURISDICTION

1. Plaintiff, Juanita McKoy, is a natural person and a resident of Piscataway, New Jersey. At all times relevant to this action, she is an elected member of Defendant Middlesex County Democratic Organization’s County Committee (Hereinafter “MCDO” or “Defendant”) for her election district in Piscataway. Defendant MCDO is located at 266 Fernwood Ave., Edison, NJ 08837. She also served as a volunteer for Defendants New

Jersey Democratic State Committee (Hereinafter “NJDCS” or “Defendant”), which is located at 196 W. State St., Trenton, NJ 08608, Defendant MCDO, and Murphy For Governor, located at One Gateway Center, Suite 511, Newark, NJ 07102 (Hereinafter “MFG” or “Defendant”)) at all times relevant to this action, all of whom are responsible for Plaintiff’s damages claimed herein. In some instances, Plaintiff received monetary compensation for her above-described political campaign activity. Plaintiff is an African-American female and a member of one or more protected classes for the purposes of State and Federal law.

2. Defendant, Glenn J. Fleming, Sr. (Hereinafter “Fleming” or Defendant) is an individual residing at 21 North Pennington Road, New Brunswick, NJ 08901 and at all times relevant to this action was a member of the New Brunswick City Council, an operative/activist of Defendant Middlesex County Democratic Organization and/or the New Jersey Democratic State Committee and a volunteer for MFG. He is responsible for Plaintiff’s damages claimed herein.
3. Defendant, Reginald Johnson (Hereinafter “Johnson” or Defendant) is, at all relevant times to this action the President of Defendant NAACP Metuchen-Edison Area Branch (Hereinafter “NAACP-MEAB” or “Defendant”), a non-profit organization, both of which share the mailing address of 127 Newman Street, Metuchen, NJ 08840. He is understood by Plaintiff to be an operative/activist of Middlesex County Democratic Organization and/or the New Jersey Democratic State Committee, as well as a volunteer for MFG.
4. Defendant Beatrice Moskowitz (hereinafter “Moskowitz” or “Defendant”), residing at 279 Middlesex Ave., Metuchen, NJ 08840, is an individual who at all relevant times to this action served as Vice-Chairwoman of Defendant MCDO, and was an

operative/activist of Defendant MCDO and/or the New Jersey Democratic State Committee and a volunteer for MFG. She is responsible for Plaintiff's damages claimed herein.

5. Defendant Michele Haas (Hereinafter "Haas" or Defendant) is an individual residing at 109 Sherwood Lane, Westampton, NJ 08060, and who is attorney at law in the State of New Jersey, and a partner in Defendant law firm Hoagland, Longo, Moran, Dunst & Doukas LLP (Hereinafter "HLMDD" or "Defendant") whom, on information and belief, at all times relevant to this action served as legal counsel (attorney and firm) to Defendants Middlesex County Democratic Organization and/or New Jersey Democratic State Committee and/or Murphy For Governor. They are responsible for Plaintiff's damages claimed herein.
6. Defendant MFG is the campaign committee organization of Philip D. Murphy, who at all times relevant to this action was a candidate for Governor of the State of New Jersey, and ultimately was elected Governor in November of 2017. It is responsible for Plaintiff's damages claimed herein.
7. Defendants John Does 1-10 and ABC Corps 1-10 are fictitious persons and entities whose identities are unknown to Plaintiff at this time, but are responsible for Plaintiff's damages herein.
8. On November 29, 2016, Plaintiff and Defendant Fleming met for the first time, and became acquainted with one another as a result of their mutual involvement in the Democratic Party in their neighboring towns in Middlesex County, and they would be volunteering together on the upcoming gubernatorial campaign of Phil Murphy. Defendant Fleming had been recently appointed by the local Democratic Party

organization in New Brunswick to fill an open seat on the New Brunswick City Council.

Plaintiff worked as a freelance grant writer for various non-profit organizations.

9. Some time thereafter, Defendant Fleming made various advances of a sexual nature at Plaintiff, to which Plaintiff resisted, and he persisted. He advised Plaintiff that if she capitulated to same, he can “make things happen” for her grant-writing career, help her “navigate some political pitfalls” and introduce her to political prospects based upon his position of apparent influence. He advised Plaintiff (who is unmarried) that although he was currently married, he was in the process of divorcing and only “co-parenting” with his wife until the divorce became finalized.
10. On or about January 15, 2017, Plaintiff and Fleming met at The Brown Stone Bar & Grill in Metuchen, NJ. Upon exiting the restaurant, Fleming entered Plaintiff’s car which was parked in the parking lot with other patrons’ vehicles present and exposed his genitalia to her and asked Plaintiff “what are you going to do about this?” and grabbed the Plaintiff’s hand. Plaintiff then asked Fleming to exit her vehicle, he complied, and she left.
11. Thereafter, Fleming persisted in contacting Plaintiff, purporting to apologize for this incident, and advising that he wished to pursue a “relationship” with her. As he made Plaintiff afraid of what he might do if she refused him, she allowed him to visit her at her home on or about February 4, 2017, and again on March 19, 2017. On both occasions, Fleming again made unwanted sexual advances to Plaintiff, including, but not limited to pulling his pants down and exposing himself to her.
12. On the February 4, 2017 visit, Fleming forced himself on the Plaintiff demanding that she have intercourse with him, and she retreated into her powder room and locked the door.

When she came out, he approached her in a menacing fashion with his pants down and his belt in his hands stating “oh here’s my belt.” Plaintiff refused to sit back on her couch and quickly walked to the other side of the living room and demanded that Fleming leave, telling him that although it was late at night, her adult son who resided with her, David McKoy, could wake up and “it would be trouble.” Fleming then left.

13. Thereafter, Fleming continued to contact Plaintiff via her mobile phone. He made various threats to Plaintiff in an attempt to intimidate her from taking any action against him based upon the above-referenced sexual abuse, advising that “[i]t would be best for both of us if you kept this quiet.” He repeatedly reminded Plaintiff of his position of power and influence and that it would behoove her work and political prospects if she remained silent, and suggested there would be unspecified retaliation if she didn’t.
14. In the course of his attempts to convince Plaintiff not to report his sexual misconduct, he then intimidated Plaintiff into allowing him to visit her again, which he did on March 19, 2017. At that time, he again exposed himself to Plaintiff, and this time, Plaintiff’s son witnessed Fleming with his pants off. A confrontation ensued and Fleming left, however, he thereafter continued to intimidate Plaintiff in an attempt to silence her.
15. Plaintiff continues to encounter Fleming to this day at various political and community functions and throughout the course of their work as volunteers for the MCDO, NJDSC, and/or the MFG campaign. During these occasions, he would either verbally or non-verbally intimidate her, on each occasion, she would suffer mental triggers from the trauma that he caused her.
16. During the course of the MFG campaign in 2017 and thereafter, Plaintiff confided with Defendants Haas and Moskowitz, who are women in stations of power and influence

within the Democratic Party and the MFG campaign, regarding what Fleming had done and continues to do to her. Both assured Plaintiff that her concerns would be addressed appropriately. Thereafter, on March 27, 2018, she confided in Defendant Johnson what had transpired. However, none of these three individuals took any action to protect her or did anything on her behalf to address the situation.

17. On the contrary, in fact, it became apparent after Plaintiff reported Fleming's sexual abuse to them that Plaintiff had been "blackballed" from grant writing work which was she was previously led to understand she would receive from the organizations known as Emmett's Place, Inc. and JobCorp, as well as the NJ State Office of Faith Based Initiatives. Defendants Johnson, a known associate of Fleming, and the NAACP-MEAB organization he controlled is understood by Plaintiff to be involved and/or connected with in these organizations and the assignment of their grant-writing work. It became apparent to Plaintiff that Fleming appears to have directed, instructed, or advised Johnson and/or NAACP-MEAB to prevent Plaintiff from obtaining this work only after Plaintiff confided in Defendants Haas and Moskowitz what had transpired.
18. Thereafter, Plaintiff came to discover that she had been "slut-shamed" and defamed to various people associated with the MCDO and NJDSC. She has not received any offers of grant writing work since her conversations with Defendants Haas, Moskowitz and Johnson. On May 10, 2019 she was advised by Edward LaPorte of the New Jersey State Office of Faith Based Initiatives, for which she had previously done grant-writing work, that she would not be invited back to do so.
19. As a result of Fleming's conduct and the foregoing circumstances, Plaintiff was physically, psychologically, and economically damaged, and had to treat with a

psychotherapist and psychiatrist regularly, and will continue to require medication and treatment now and in the future. She has been diagnosed with Major Depressive Disorder and Post-Traumatic Stress Disorder. After much soul-searching and reflection, Plaintiff is only now physically and mentally ready and able to proceed with the within action, which is timely commenced pursuant to N.J.S.A. 2A:14-2(a) and 2(b).

20. Venue and jurisdiction are proper in the Superior Court of New Jersey, Middlesex County by virtue of the location of Plaintiff and several of the above-named Defendants.

COUNT I– SEXUAL ABUSE (AS AGAINST DEFENDANT FLEMING, ONLY)

1. Plaintiff repeats and re-alleges all allegations of the Complaint as if fully set forth therein.
2. Defendant Fleming has knowingly, purposefully, and/or wantonly engaged in an intentional, vicious, calculated pattern of barbaric and predatory sexual abuse, and related harassment and intimidation of Plaintiff which has irreparably harmed her, causing her catastrophic physical, emotional, and psychological pain and suffering for which she will require therapy and treatment now and in the future, as well as economic damages related to financial losses she sustained as a result of his grievous conduct.
3. As a result of the foregoing, Plaintiff has been damaged.

WHEREFORE, Plaintiff Juanita McKoy demands judgment against the Defendant Glenn J. Fleming, Sr., for compensatory and punitive damages, an award of attorneys' fees, pre-judgment interest pursuant to R. 4:42-11 to accrue to the date of entry of judgment, and Court costs.

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and re-alleges all allegations of the Complaint as if fully set forth herein.

2. The above-described intentional actions of the Defendant Fleming and all other Defendants to whom Plaintiff confided concerning his sexual abuse and whom, instead of doing anything on her behalf as they told her they would do, apparently acted against her interests, constitute extreme and outrageous conduct that have caused Plaintiff to suffer emotional distress resulting in anxiety, night terrors, inability to sleep, and extreme depression, as well as Major Depressive Disorder and Post-Traumatic Stress Disorder which severely limits her ability to perform major life functions. Plaintiff does require and will require medication and treatment and therapy now and in the future as a result.
3. As a direct and proximate result of the above-described actions of the Defendants, Plaintiff has been damaged

WHEREFORE Plaintiff demands judgment against Defendants jointly, severally, and in the alternative for monetary damages in an amount to be determined at time of trial and as otherwise provided by law, together with punitive damages, counsel fees, pre-judgment interest accruing to the date of entry of judgment pursuant to R. 4:42-11, costs of suit, and such other relief the Court deems equitable and just.

COUNT III – NEGLIGENCE

1. Plaintiff repeats and re-alleges all previous allegations of the Complaint as if fully set forth herein.
2. Without limitation, the various individual and organizational Defendants owed Plaintiff a duty of care to act reasonably under the circumstances when she reported having been sexually abused, harassed and intimidated by another volunteer of MCDO, NJDSC, and the MFG campaign during the course thereof, and breached that duty of care by either failing to protect her from harm, leading to further actions by Fleming and others which have caused Plaintiff's damages complained of herein. Particularly, the failure of the MFG campaign and subsequently, the administration of now-Governor Murphy to address allegations of sexual abuse and/or harassment by other individuals connected with same is a well-documented topic in the news media.
3. As a direct and proximate result of the above-described actions of the Defendants, Plaintiff has been damaged

WHEREFORE Plaintiff demands judgment against Defendants jointly, severally, and in the alternative for monetary damages in an amount to be determined at time of trial and as otherwise provided by law, together with punitive damages, counsel fees, pre-judgment interest accruing to the date of entry of judgment pursuant to R. 4:42-11, costs of suit, and such other relief the Court deems equitable and just.

COUNT IV - DEFAMATION

1. Plaintiff repeats and re-alleges all previous allegations of the Complaint as if fully set forth herein.

2. Following Plaintiff's reporting that she had been a victim of Defendant Fleming's sexual predation, harassment, and intimidation, the various Defendants engaged in a pattern of making various statements concerning Plaintiff to various parties which were purposefully and/or knowingly false when made, violating her privacy, and "gas-lighting" her credibility, resulting in her loss of grant-writing work and damaging her reputation as a respected member of her community and her relationships with various individuals and organizations associated with the Democratic Party that she had built and cultivated over many years of activism, causing Plaintiff to suffer physical, psychological, psychiatric, emotional and/or economic harm.
3. As a direct and proximate result of the above-described actions of the Defendants, Plaintiff has been damaged

WHEREFORE Plaintiff demands judgment against Defendants jointly, severally, and in the alternative for monetary damages in an amount to be determined at time of trial and as otherwise provided by law, together with punitive damages, counsel fees, pre-judgment interest accruing to the date of entry of judgment pursuant to R. 4:42-11, costs of suit, and such other relief the Court deems equitable and just.

COUNT V- TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC

ADVANTAGE

1. Plaintiff repeats and re-alleges all allegations of the Complaint as if fully set forth herein.

2. Following Plaintiff's report of Defendant Fleming's abuse, Defendants interfered with Plaintiff's prospective economic advantage of grant-writing work intentionally and with malice, the interference caused the loss of the expected advantage, and the injury caused economic damage to Plaintiff.

3. As a result of the foregoing, Plaintiff has been damaged.

WHEREFORE Plaintiff demands judgment against Defendants jointly, severally, and in the alternative for monetary damages in an amount to be determined at time of trial and as otherwise provided by law, together with punitive damages, counsel fees, pre-judgment interest accruing to the date of entry of judgment pursuant to R. 4:42-11, costs of suit, and such other relief the Court deems equitable and just.

COUNT VI - CIVIL CONSPIRACY

1. Plaintiff repeats and re-alleges all allegations of the Complaint as if fully set forth herein.
2. The above-described actions of all named Defendants indicate that they have entered into an agreement with one another for the purposes of covering up Defendant Fleming's underlying sexual abuse, harassment, and intimidation of Plaintiff in order to advance their own personal, financial and/or political interests, taking various actions in furtherance of this agreement including, but not limited to, defaming Plaintiff to various parties, violating her privacy, and "gas-lighting" her credibility, resulting in her loss of grant-writing work and damaging her relationships with various individuals and organizations associated with the Democratic Party that she had built and cultivated over many years of activism, causing Plaintiff to suffer physical, psychological, psychiatric, emotional and/or economic harm.

3. As a direct and proximate result of the above-described actions of the Defendants,
Plaintiff has been damaged.

WHEREFORE Plaintiff demands judgment against Defendants jointly, severally, and in the alternative for monetary damages in an amount to be determined at time of trial and as otherwise provided by law, together with punitive damages, counsel fees, pre-judgment interest accruing to the date of entry of judgment pursuant to R. 4:42-11, costs of suit, and such other relief the Court deems equitable and just.

KIPNIS LAW OFFICES
Counsel for Plaintiff



DARYL J. KIPNIS, ESQ.

May 11, 2020

JURY DEMAND

Pursuant to R. 4:35-1, Plaintiff hereby demands trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Daryl J. Kipnis, Esq. is hereby designated as trial counsel for the Plaintiff.

CERTIFICATIONS PURSUANT TO R. 1:38-7 AND R. 4:5-1

I certify that any confidential personal identifiers have been redacted from any documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b). I further certify that the matter in controversy is not the subject of

any other court action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action.

Date: May 11, 2020



DARYL J. KIPNIS, ESQ.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2(b), Plaintiff hereby demands from each named Defendant herein the production of a copy of any and all insurance agreements under which the Defendants may be covered to satisfy part of all of a judgment which may be entered in this action or to indemnify or reimburse them for payments made to satisfy such judgment.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to R. 4:18-1, Plaintiff demands from each named Defendant herein the production for purposes of inspection and copying at Kipnis Law Offices, 220 Davidson Ave., 3rd Floor, Suite 3C, Somerset, NJ 08873, within 50 days after the service of this Complaint, of the following items pertaining to the allegations of this Complaint:

1. Any written statements which you, or your counsel, have in your possession, custody and/or control which in any way concern the underlying incident(s) described in the Complaint.
2. Copies of any photographs, videotapes, or other reproduction which you have in your possession, custody and/or control which in any way relate to the injuries Plaintiffs claim to have sustained as result of the underlying incident(s) described in the Complaint.
3. Copies of any/all medical records regarding any treatment or consultation sought or received by Plaintiff as a result of the underlying incident(s) described in the Complaint.

4. All documentation regarding any compensation nor reimbursement which you claim Plaintiffs received, or requested, as a result of the underlying incident(s).
5. A copy of, or a description by category or location of, all documents, dates of compilations, and tangible things in the possession, custody or control of Defendants that relate to the disputed facts alleged with particularity in the pleadings.
6. A copy of all written reports prepared and signed by any person who may be used at trial under N.J.R.E. 702, 703 or 705.
7. Copies of all notes, records and reports of all doctors, psychiatrists, nurses, psychiatrists, psychologists, neuropsychologists, neurologists, or any other healthcare professional retained by Defendants for purposes of performing an examination and/or evaluation of Plaintiff.
8. Any written statement(s) which you or your counsel possess regarding any of the facts set forth in any party's Answer to Interrogatories, initial pleading, or responsive pleading, or with respect to any damages.
9. All insurance agreements or policies under which any person or firm carrying an insurance business may be liable to satisfy part of all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy judgment pursuant to R. 4:10-2(b). Terms of the policy are also requested.
10. Copies of all documents, not otherwise set forth, which were sent to or received from the Plaintiffs.
11. Copies of all statements and other documents obtained by any person or entity which concern or relate to Plaintiff's Complaint or any Defendant's Answers, Affirmative Defenses, or Counterclaim(s).

12. All documents which were filled out by or on behalf of Plaintiff at the request of Defendants' expert(s), or his/her/their agents or employees.
13. All documents considered by Defendants' expert(s) in preparing his/her/their report(s) or conducting an examination or evaluation.
14. All diagrams, charts, models, drawings, maps, reproductions, or other exhibits prepared or on behalf of any party relating to the subject matter of the Complaint.
15. All reports concerning any incident involving any Defendant that occurred within one year (before and after) the date of the incident(s) complained of in the Complaint wherein an individual claimed to have their placenta destroyed despite their wishes that it be preserved.
16. All books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations, standards or other documents referred to and utilized by or relied upon by any expert witness whom the party responding to this document demand intends to call at trial.
17. All treatises, textbooks, articles, papers, writings, commentaries and documents which you, your counsel, and/or your experts intend to rely upon, utilize, and/or offer into substantive evidence or to substantiate any opinions, testimony or conclusions asserted by your experts.
18. All treatises, textbooks, articles, papers, writings, commentaries and documents which you, your counsel, and/or your experts intend to rely upon to rebut, examine and/or cross-examine any witness, including expert witnesses, in this matter, including but not limited to the exact page upon which you, your attorney and/or your expert intend to rely, as well as the exact title, name, author, publisher, date of publication, and edition.

19. All transcripts of sworn testimony (including but not limited to depositions and testimony before any tribunal and/or court) given by an expert who may testify in this matter.
20. All documents concerning all claims for bodily injury to plaintiff that are in the possession, custody or control of Defendant or Defendant's attorney.
21. All documents you have which in any way relate to any claim for injuries made by Plaintiff other than the incident concerning this lawsuit.
22. Copies of all statements that will be used at trial, or will be used to cross-examine or impeach any witness.
23. All surveillance videos, reports, notes, memoranda or other documents respecting Plaintiff.

24. Any written statements or transcripts of verbal statements given by Plaintiff in connection with the subject incident and/or claim, or regarding any prior or subsequent claim, in the possession of Defendants, their attorneys, or their insurance carrier.

Date: May 11, 2020



DARYL J. KIPNIS, ESQ.

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-002860-20

Case Caption: MCKOY JUANITA VS FLEMING, SR.
GLENN

Case Initiation Date: 05/11/2020

Attorney Name: DARYL J KIPNIS

Firm Name: KIPNIS LAW OFFICES

Address: 220 DAVIDSON AVE. 3RD FL. STE 3C

SOMERSET NJ 08873

Phone: 7325955298

Name of Party: PLAINTIFF : McKoy, Juanita

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: TORT-OTHER

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? YES

Are sexual abuse claims alleged? YES

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) SEE COMPLAINT

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Fictitious Parties Named to Be Identified

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

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 *Rule 1:38-7(b)*

05/11/2020

Dated

/s/ DARYL J KIPNIS

Signed

