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Attorneys for Claimant, Stefaine Mathis

STEFAINE MATHIS,
Plaintiff

vs.

RUTGERS, THE STATE UNIVERSITY
OF NEW JERSEY, and
WAYNE GOUMAS,
Defendants

x SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ESSEX COUNTY
:
: Docket No. ESX-L-001706-18
:
: *Civil Action*
:
:
: **COMPLAINT WITH JURY DEMAND**
:
:
:
:
x

Plaintiff, Stefaine Mathis, ("Plaintiff") residing in the County of Somerset, New Jersey, alleges the following:

NATURE OF THIS ACTION

1. Plaintiff brings this action to remedy employment discrimination and sexual harassment and a hostile work environment in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (hereinafter, the "LAD").

PARTIES

2. During all times relevant to this cause of action, Ms. Mathis, a married woman with children, was employed as a Supervisor-Housekeeper for the Defendant, Rutgers, The

State University of New Jersey, working at Rutgers' Robert Woods Johnson Medical School facility (RWJMS) at 675 Hoes Lane West, in Piscataway, New Jersey.

3. Defendant, Rutgers, The State University of New Jersey ("Rutgers"), is a public entity and public institution organized and existing under the laws of the State of New Jersey, for the purposes of providing higher education with campus locations throughout the State of New Jersey and elsewhere, including but not limited to multiple, large facilities at Rutgers-Newark campus in Essex County, New Jersey. The Rutgers-Newark facilities include but are not limited to: Hill Hall at 360 MLK Jr. Boulevard; the Center for Law & Justice at 123 Washington Street; the Rutgers Business School, at 1 Washington Park; the Graduate School-Newark, at Conklin Hall, 175 University Avenue; the Center for Urban and Public Service at 111 Washington Street; Ackerson Hall, at 180 University Avenue; and Stanley S. Bergen Building, at 65 Bergen Street -- all in Newark, Essex County, New Jersey.

4. Defendant, Wayne Goumas ("Goumas"), is a male individual, residing at 500 Ellis Parkway, Piscataway, New Jersey, and, at all relevant times hereto, was employed by Defendant Rutgers in the position of Area Manager, working at its said Piscataway campus. Defendant Goumas as an Area Manager was Plaintiff's direct supervisor and he was a member of "upper management" and a decision maker with respect to Plaintiff.

5. Defendants Rutgers and Goumas (collectively, "Defendants") are the Plaintiff's employers, as that term is defined by the LAD, N.J.S.A. 10:5-5.

VENUE

6. Pursuant to Rule 4:3-2, venue is proper in Essex County since Defendant Rutgers' operations are situated in Newark, Essex County, as detailed above.

INTRODUCTION

7. Defendant Rutgers permitted Defendant Goumas to engage in a pattern and practice of sexual harassment, hostile work environment and discrimination against Ms. Mathis and other female employees. Defendant Rutgers failed to properly screen Goumas prior to employment and failed to properly train and supervise him after he became a management level employee, and even after complaints arose about his conduct, Defendant Rutgers permitted and placed Defendant Goumas in a position of power and authority over Plaintiff and other female employees and students, culminating in the sexual harassment, assault and battery described herein against Plaintiff.

8. On October 23, 2017, Plaintiff timely and properly filed a written Notice of Tort Claims against Defendants for the non-LAD claims arising out of the September 22, 2017 incident described below. Plaintiff proceeds for now only with respect to her LAD claim as the LAD is exempt from the Notice provisions of the Tort Claims Act. Plaintiff reserves the right to amend her Complaint to include additional tort-based causes of action once the six-month (6) waiting period has expired under N.J.S.A. 59:8-8.

COUNT ONE

(Sexual Harassment LAD Claims - Against Rutgers)

9. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

10. Plaintiff Mathis has been employed by Defendant Rutgers for over sixteen years and was and remains a hard-working, experienced, efficient and dedicated employee in the Housekeeping Department for Rutgers. Over the years, because of Ms. Mathis'

exemplary performance, she was promoted to Supervisor-Housekeeper, working at Rutgers' RWJMS Piscataway location.

11. In or about August of 2017, Defendant Goumas was hired by Defendant Rutgers as an Area Manager and became Plaintiff's direct supervisor. As an Area Manager, Defendant Goumas supervised approximately ten (10) supervisors, including Plaintiff, as well as over 100 staff housekeepers/employees who reported to those supervisors in the Piscataway and New Brunswick campuses.

12. Defendant Goumas soon began using foul, degrading and sexist comments in the workplace, including but not limited to calling female employees "bitches" if they did not help him with something (even though it was not their job as he was the Area Manager) and cursing in the workplace, including using the term, "fuck," and other degrading comments. On information and belief, he did this in the presence of upper managers, yet nothing was done to discipline or remove him from the workplace. On information and belief, other female co-workers mentioned to Plaintiff that Defendant Goumas had made sexually inappropriate comments about their buttocks.

13. On several occasions, Plaintiff, who reported to Defendant Goumas, objected to his discriminatory comments and foul language by telling him that Rutgers had Ethics and Corporate Compliance guidelines and that he had to watch the things he said and did in the workplace.

14. Because of his inability or unwillingness to do his own job, Defendant Goumas also offered to improperly "assist" Plaintiff, if she helped him do his own job. Plaintiff refused and reported his unethical, discriminatory and bullying behavior to another female

employee, Stacey Hinson, the prior acting Area Manager, prior to the September 22, 2017 incident described below.

15. On or about September 22, 2017, Ms. Mathis was at work in the supervisor's room and was approached by her superior, Defendant Goumas, and Ms. Mathis began speaking to him about certain work-related issues.

16. Suddenly, Defendant Goumas, without any justification, grabbed Ms. Mathis's face and head with one hand, pressing his palm into her forehead while powerfully gripping the top of her head with his outstretched fingers. The effect was to immobilize Ms. Mathis and prevent her from turning her head. While Goumas so gripped Ms. Mathis's face and head and held it rigid, he ordered Ms. Mathis to "calm down," and, still gripping her head, Goumas turned to a male employee, Daryl Dinkins, who was standing nearby, and casually began to speak with him. Ms. Mathis struggled to free herself from Goumas's violent grip, finally using both hands to pry his grip off her face and head.

17. While Ms. Mathis stood there, profoundly traumatized and in a state of shock, Goumas sat down at her desk and said, "I hope you weren't offended by my grabbing your face—you [would] probably be more offended if I grab[bed] your ass."

18. Thereafter, Defendant Goumas continued to sexually harass, taunt and retaliate against Ms. Mathis. On September 25, 2017, Ms. Mathis was speaking with Ms. Hinson and had just informed Ms. Hinson about what Defendant had done to her on September 22, 2017, when Defendant Goumas interrupted their conversation. Having seen Ms. Hinson take a piece of lint out of Plaintiff's hair, Goumas sarcastically said to Ms. Hinson, "You don't supposed to touch her" (sic) over and over again, meaning "You're not supposed to touch

her.” Once Ms. Hinson left, Defendant Goumas asked Ms. Mathis, in a threatening, angry tone, “What’s wrong with you?”

19. Upon information and belief, Defendant Goumas had sexually harassed and made discriminatory and derogatory remarks to and about other female employees prior to the September 22, 2017 sexually harassing battery and assault incident. Defendant Rutgers did not take any prompt and remedial action to protect Plaintiff and end his sexual harassment.

20. Even after the September 22, 2017 and September 25, 2017 incidents, Defendant Rutgers neglected or refused to protect and remove Defendant Goumas from the workplace. Plaintiff was fearful and traumatized by Defendant Goumas who remained in the workplace.

21. It was only after Plaintiff made a police report on September 27, 2017 about the September 22, 2017 incident with the Rutgers’ Police Department, because she was so fearful and traumatized by Defendant Goumas and Rutgers’ refusal to remove him from the workplace, that her employer, Rutgers, finally began to investigate her claims.

22. Because of the sexual harassment, hostile work environment and discrimination against Plaintiff, she was unable to continue to work after September 27, 2017 and has been out of work on approved sick and/or FMLA leave until March 27, 2018, with an estimated return to work date shortly thereafter. Plaintiff continues to treat for her injuries and trauma from the harassment.

23. Plaintiff has also provided information and filed a formal internal complaint against Defendant Goumas regarding the incidents.

24. Plaintiff later found out that Defendant Goumas has since been terminated or removed from Rutgers’ employment because he did not pass the probationary period.

25. Upon information and belief, other employees have complained about Defendant Goumas' sexually harassing, threatening behavior, foul language, bullying, insensitive and derogatory remarks, as well as him violating or attempting to violate Rutgers' code of conduct and his lack of experience and poor management skills. Despite these complaints, Defendant Rutgers continued to place him in a position of power and authority over other employees, including the Plaintiff, resulting in the September 22, 2017 and September 25, 2017 incidents described above.

26. Based on the foregoing, Defendants have subjected Plaintiff Mathis to a continuing pattern of sexual harassment which has created a dangerous, violent and sexually hostile work environment.

27. The Defendant Rutgers was willfully indifferent to the Plaintiff's complaints of discrimination, harassment and a hostile work environment, and actually retaliated against Plaintiff Mathis, by permitting Defendant Goumas to remain in the workplace even after the September 22, 2017 assault, battery and sexual harassment. By so doing, the Defendant Rutgers placed Defendant Goumas in a position of power over the Plaintiff and other female employees who had complained of his conduct, thereby causing additional severe emotional distress, anxiety and humiliation to Plaintiff Mathis.

28. Defendant Rutgers has negligently, recklessly and/or intentionally:

(a) failed to have in place a well-publicized and enforced anti-harassment, anti-discrimination and anti-retaliation policies;

(b) failed to properly train its employees regarding compliance with any anti-harassment, anti-discrimination and anti-retaliation policies;

(c) failed to properly supervise its employees to ensure compliance with anti-harassment, anti-discrimination and anti-retaliation policies;

(d) failed to make an unequivocal commitment from the top of the organization to any anti-harassment, anti-discrimination and anti-retaliation policies as not just words but backed up by consistent practice;

(e) failed to properly screen, hire and monitor new managers and employees, including Defendant Goumas, to ensure compliance with any anti-harassment, anti-discrimination and anti-retaliation policies; and

(f) failed to protect Plaintiff Mathis and others from sexual harassment in the work place.

29. Defendant Rutgers failed to take prompt, appropriate and/or reasonable remedial steps to prevent, stop and remedy the sexual harassment, hostile work environment and discrimination aimed at Plaintiff Mathis and other female employees. By and through its agents, Defendant Rutgers has fostered a discriminatory and harassing atmosphere and allowed actions which consisted of sexual harassment, unwanted physical touching and threats, all in violation of the LAD.

30. Defendant Rutgers acts through Plaintiff Mathis' superiors, including Defendant Goumas, who are upper level managers and for whom defendant has *respondeat superior* liability.

31. As a direct and proximate result of Defendants' conduct, Plaintiff Mathis has suffered and continues to suffer severe mental, physical and emotional distress, stress, suffering, pain, humiliation, and physical injury and sickness and other damages.

WHEREFORE, cause having been shown, Plaintiff, Stefaine Mathis, demands judgment against Defendants and seeks the following relief:

(a) Compensatory damages for loss of wages and benefits, pension losses, pain, suffering, stress, humiliation, mental anguish, emotional harm, and personal physical injury and sickness;

(b) Reimbursement for medical expenses;

(c) Punitive damages;

(d) Attorney's fees, interest and costs of suit; and

(e) Such other relief as the Court may deem equitable and just.

COUNT TWO

(Against Defendant Goumas-Aiding and Abetting under LAD)

32. Plaintiff repeats and re-alleges the allegations contained in Count One as if set forth at length herein.

33. The LAD prohibits conduct that aids or abets unlawful discrimination and harassment.

34. Defendant Goumas, at all relevant times hereto, was a manger and decision-maker regarding Plaintiff Mathis.

35. Defendant Goumas knowingly and substantially assisted himself and Rutgers in their violations of the LAD.

36. During all times relevant hereto, Defendant Goumas acted within the scope of his employment with Rutgers and, as a result, Defendant Rutgers has *respondeat superior* liability.

37. Defendant Goumas intentionally aided and abetted Rutgers and his own aforesaid violation of the LAD by creating a hostile work environment and by engaging in a pattern and practice of sex harassment, hostile work environment and discrimination against Plaintiff Mathis in violation of the LAD, N.J.S.A. 10:5-1, et seq.

38. As a direct and proximate result of Defendant Goumas' conduct, Plaintiff Mathis has suffered and continues to suffer severe mental, physical and emotional distress, suffering, stress, humiliation, and physical injury and sickness.

WHEREFORE, cause having been shown, Plaintiff, Stefaine Mathis, demands judgment against Defendants and seeks the following relief:

- (a) Compensatory damages for loss of wages and benefits, pension losses, pain, suffering, stress, humiliation, mental anguish, emotional harm, and personal physical injury and sickness;
- (b) Reimbursement for medical expenses;
- (c) Punitive damages;
- (d) Attorney's fees, interest and cost of suit; and
- (e) Such other relief as the Court may deem equitable and just.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: 

NEIL MULLIN (id. 011891980)

Dated: March 9, 2018

JURY DEMAND

Plaintiff demands trial by jury with respect to all issues that are so triable.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: _____


NEIL MULLIN (Id. 011891980)

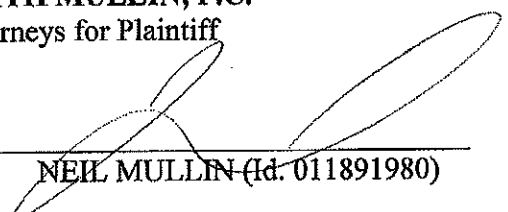
Dated: March 9, 2018

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Neil Mullin, Esq. as trial counsel of record in this matter.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: _____

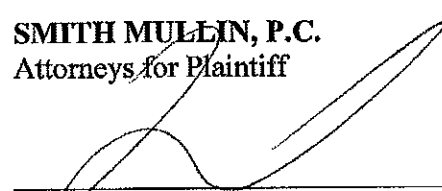

NEIL MULLIN (Id. 011891980)

Dated: March 9, 2018

CERTIFICATION

Pursuant to New Jersey Court Rule 4:5-1, I hereby certify that to my knowledge, the matter in controversy is not and will not be the subject of any other litigation or arbitration in any court or before any body nor do I know of any other party who should be joined in this action.

SMITH MULLIN, P.C.
Attorneys for Plaintiff


NEIL MULLIN (Id. 011891980)

Dated: March 9, 2018

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-001706-18

Case Caption: MATHIS STEFAINE VS RUTGERS, THE STATE U NIVERSIT

Case Initiation Date: 03/09/2018

Attorney Name: NEIL M MULLIN

Firm Name: SMITH MULLIN, PC

Address: 240 CLAREMONT AVENUE
MONTCLAIR NJ 07042

Phone:

Name of Party: PLAINTIFF : Mathis, Stefaine

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

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)? NO

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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

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

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:

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)*

03/09/2018
Dated

/s/ NEIL M MULLIN
Signed