

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEBORAH GROSS-QUATRONE

Plaintiff,

v.

BONNIE MIZDOL, DIANA MOSKAL,
LAURA SIMOLDONI, and JOHN and
JANE DOE 1-10,

Defendants.

Civil Action No.

COMPLAINT AND JURY DEMAND
(Document Electronically Filed)

Plaintiff, Deborah Gross-Quatrone, by and through her attorneys, Maggs & McDermott, LLC, by way of complaint, alleges as follows.

PARTIES

1. Plaintiff, Deborah Gross-Quatrone, is, and an at all relevant time has been, a resident of the State of New Jersey. At all times relevant, Plaintiff was and remains a Judge of the Superior Court of New Jersey.
2. Defendant, The Honorable Bonnie Mizdol ("Judge Mizdol"), is, and at all relevant times has been, a resident of the State of New Jersey. At all times relevant, Judge Mizdol was and she remains a Judge of the Superior Court of New Jersey and the Assignment Judge of the Bergen Vicinage.
3. Defendant, Laura Simoldoni, is, and at all relevant times has been, a resident of the State of New Jersey. At all times relevant, Laura Simoldoni was and she remains an

employee of the Judiciary of the State of New Jersey in the capacity of the Trial Court Administrator for the Bergen Vicinage.

4. Defendant, Diana Moskal, is, and at all relevant times has been, a resident of the State of New Jersey. At all times relevant, Diana Moskal was, and she remains, an employee of the Judiciary of the State of New Jersey in the capacity of the Family Division Manager for the Bergen Vicinage.
5. Defendants John and Jane Doe 1-10 are fictitious names for persons whose identities are presently unknown and who may be liable for the damages sought herein.
6. All of the actions and omissions alleged by Plaintiff attributed to the Defendants occurred while Defendants were acting under color and authority of state law and in the course of their employment.
7. Plaintiff brings this civil action to secure redress for the sex and gender discrimination and hostile work environment she was subjected to by the Defendants and for other actionable wrongs committed by them.

JURISDICTION AND VENUE

8. One of Plaintiff's claims is brought pursuant to 42 U.S.C.A. § 1983 and, therefore, jurisdiction is proper under 28 U.S.C.A. § 1331. Jurisdiction over Plaintiff's state law claims is proper under 28 U.S.C.A. § 1367.
9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because all the Defendants reside in this judicial district and all the events giving rise to the claims occurred in this judicial district.

FACTUAL ALLEGATIONS

10. Plaintiff became a New Jersey Superior Court Judge on March 3, 2015.
11. Prior to being appointed as a Judge of the Superior Court, Plaintiff was in private practice in Bergen County, served as a municipal court judge in Bergen County and was the President of the Bergen County Bar Association.
12. Plaintiff was initially appointed by Governor Chris Christie to become a Judge in Bergen County. However, Plaintiff was immediately assigned to sit in the Passaic Vicinage in Paterson, New Jersey as a result, in part, of Judge Mizdol's preference and vote that Plaintiff not be assigned to the Bergen Vicinage.
13. On June 23, 2015, Plaintiff was notified that she would be re-assigned to the Bergen Vicinage effective in July of 2015 and was instructed to contact Judge Mizdol to make arrangements for her transfer.
14. Plaintiff contacted Judge Mizdol by telephone on June 23, 2015 as instructed. During this telephone call, Plaintiff informed Judge Mizdol of her upcoming, pre-approved vacation time. Judge Mizdol responded by yelling, "Jesus Christ, do you have any other fucking vacation time I don't know about."
15. Plaintiff first reported to work in the Bergen Vicinage on July 6, 2015 at 8:00 a.m. for a meeting with Judge Mizdol, as instructed, in Judge Mizdol's chambers. She was assigned to the Family Division. During this meeting, Judge Mizdol read a list of special rules it appeared she had created just for Plaintiff and instructed her to follow those rules. The rules included prohibitions against Plaintiff attending medical

appointments during work hours, warnings about leaving the courthouse during work hours, and also that taking lunch was strongly discouraged. Judge Mizdol said, “we have rules here.” On the same day, Judge Christopher Kazlau was also transferred to the Bergen Vicinage and met with Judge Mizdol immediately following Plaintiff’s meeting with her. None of the rules Judge Mizdol imposed on Plaintiff were imposed on Judge Kazlau or even mentioned to him. Nor were they applied, upon information and belief, to any other judges in the Bergen Vicinage reporting to Judge Mizdol. Plaintiff was also assigned a parking space which was located immediately to the left of Judge Mizdol, which was assigned at Judge Mizdol’s direction to permit her to monitor when Plaintiff arrived and left and to further intimidate her. Upon information and belief, no other new judges were assigned spaces on that side of the lot or so close to the parking garage entrance. Judge Peter Melchionne, for example, who was the Presiding Judge of the Family Division at the time, was assigned a space further back in the lot.

16. On July 7, 2015, at approximately 8:25 a.m., Judge Mizdol called Plaintiff’s chambers just to check if Plaintiff was present.
17. On July 22, 2015, at approximately 8:35 a.m., Judge Mizdol appeared in Plaintiff’s chambers and stated that she “was just checking” on Plaintiff.
18. On or about August 6, 2015, Judge Quatrone’s law clerk, Nadya Comas, appeared at her chambers for her first day of what Judge Quatrone understood to be permissible training. Judge Quatrone made no effort to hide her law clerk’s presence and the law clerk was

instructed to report to the Bergen Vicinage human resources department to arrange for a parking pass and to otherwise complete the intake process.

19. On August 25, 2015, Judge Mizdol called Plaintiff's chambers at 1:30 p.m. and then, when the phone went unanswered, sent an e-mail stating, "tried to call your chambers- no voicemail picked up. Can you give me a call." When Plaintiff returned her call shortly thereafter and informed Judge Mizdol that she had been at lunch, Judge Mizdol reminded Plaintiff of her rule that taking lunch was discouraged. Plaintiff also explained to Judge Mizdol that she believed the voicemail was not working, which turned out to be the case.
20. In late August or early September of 2015, Plaintiff was summoned to a meeting with Judge Mizdol in her chambers. Judge Mizdol expressed that some of the courthouse staff had complained about Plaintiff's demeanor. Plaintiff expressed surprise and inquired as to exactly what complaints Judge Mizdol was referring to. Judge Mizdol did not provide specifics as to who complained, but stated, "you come here with your fancy clothes and bare legs," and indicated that both were not appropriate for a Judge of the Superior Court and could be the reason why complaints had allegedly been made about Plaintiff. Judge Mizdol then also implied that Plaintiff couldn't handle the job.
21. In September of 2015, Plaintiff's secretary, Maria DeLeon, advised Plaintiff that courthouse staff had freely commented to her about her working for the "diva judge" wearing the "fancy clothes and a big ring."
22. In a separate interaction with Judge Mizdol in the summer of 2015, Judge Mizdol stated to Plaintiff that she "laughs when I see you with your beach hair and flip-flops." Plaintiff

never wore flip-flops during work hours, but did wear them while walking into the Courthouse due to the construction in the parking area.

23. On September 3, 2015, Judge Mizdol once again summoned Plaintiff to her chambers. Upon arrival, Judge Mizdol and Defendant Laura Simoldoni were present. At this meeting, Judge Mizdol was irate and abusive to Plaintiff. She repeatedly yelled and screamed at Plaintiff in front of Defendant Laura Simoldoni. Among other things, she yelled that Plaintiff was “putting the judiciary at risk of a lawsuit” by statements Plaintiff allegedly made to another courthouse employee, Jessica Mulligan. Judge Mizdol also stated, “I don’t know what kind of pedestal they put you on (in Passaic), but you’re going to come off or get knocked off.” Plaintiff insisted that she had said nothing inappropriate or actionable to Ms. Mulligan and told Judge Mizdol that she should confirm with Plaintiff’s secretary, Maria DeLeon, who was present for the subject conversation with Ms. Mulligan, that she said nothing inappropriate or actionable. Judge Mizdol then called Ms. DeLeon to her chambers and, in the presence of Defendant Laura Simoldoni and Plaintiff, immediately asked her if Plaintiff had ever yelled at her. Plaintiff and Ms. DeLeon were confused and stunned by Judge Mizdol’s volume and anger, and looked at each other for a moment. As soon as this happened, Judge Mizdol yelled at Ms. DeLeon, “don’t look at Judge Gross-Quatrone, look at me! This is very serious and I need you to tell the truth,” implying that Ms. DeLeon was going to lie before she even spoke. Ms. DeLeon then informed Judge Mizdol that Plaintiff never raised her voice or yelled at

anyone, including herself. Plaintiff returned to her chambers and was physically ill and had a nosebleed.

24. On September 28, 2015, Plaintiff's secretary received a call from a courthouse staff member asking if the Plaintiff would take a case, since it appeared to the staff member that she had no cases on her calendar. Plaintiff's secretary tried to explain that Plaintiff had just received a case and was reviewing the file, but she would ask the Plaintiff to take the new case. The staff member replied that she would call another Judge to take the new case. Plaintiff's secretary explained what had occurred to the Plaintiff and Plaintiff was immediately concerned that she would be yelled at again by Judge Mizdol and accused of refusing a case. Plaintiff attempted to call her Presiding Judge, Peter Melchionne, but was advised that he was on the bench so she spoke to his secretary, Theresa Schneck, and explained the scenario. Ms. Schneck said, "don't worry its fine, I will let him know." No sooner did Plaintiff hang up the phone, when Judge Mizdol barged into Plaintiff's chambers and yelled, in the presence of Plaintiff's secretary and court clerk, "you are not on the record but you are refusing to take a DV case. What the fuck is going on here?" Judge Mizdol remained in Plaintiff's chambers for approximately forty-five minutes and was abusive and angry towards Plaintiff. Judge Mizdol spent this time alleging that Plaintiff had refused to hear a case and would not accept Plaintiff's simple and direct explanation as to how that was untrue.

25. On October 1, 2015, Plaintiff was called into a meeting at 8:30 a.m. with Judge Melchionne to discuss a new internal judiciary report concerning outstanding motions. At the meeting,

Plaintiff received a copy of the new report. Judge Melchionne advised Plaintiff that it appeared she had not submitted any updates for any of her motions for the prior six weeks, so he had no idea what was going on with her motions. Plaintiff advised Judge Melchionne that there must have been some mistake because her secretary had given a marked-up motion calendar to the appropriate staff member after each motion cycle. Judge Melchionne also handed Plaintiff a copy of an order from a case she decided on September 29, 2015, with his own handwritten notes on it stating that the order was horrible. Plaintiff was visibly upset and apologized. Plaintiff could not understand how Judge Melchionne had this order in his possession so quickly, as it had just been entered and the files had only been returned less than twenty-four hours before this meeting. After the meeting, Plaintiff inquired with her motion team regarding how her motion list could have not been updated. Her team leader advised that she had received the marked up motion calendar from Plaintiff's secretary, but the information was not entered into the computer system, making it appear as though Plaintiff was not doing her job.

26. Sometime between October and December 2015, Judge Mizdol or Diana Moskal issued a directive that no courthouse staff were permitted to go to Plaintiff's chambers alone, further damaging the Plaintiff's reputation and causing a more hostile environment for Plaintiff and increased disparaging comments being made about the Plaintiff.
27. On December 2, 2015, Plaintiff attended a judges' meeting during the lunch hour. During the lunch, Plaintiff was reprimanded by Judge Mizdol for using her phone to respond to her daughter about an issue she was having at school. After the meeting, Judge Mizdol

summoned Plaintiff to another meeting in her chambers. Judge Mizdol was waving a piece of paper in the air began and screaming at Plaintiff, “read this!” Plaintiff read it, and Judge Mizdol screamed, “read it again, this is actionable!” Judge Mizdol was waiving and referring to an e-mail Plaintiff had sent to her law clerk on November 30, 2015, inquiring as to the subject of a meeting the law clerk had attended with Defendant, Diana Moskal. After the meeting, Plaintiff returned to her chambers and had a severe nosebleed.

28. On December 10, 2015, Defendant Laura Simoldoni appeared at Plaintiff’s chambers at 5:30 p.m. and, in the presence of Plaintiff’s husband, advised Plaintiff that “Nadya [Comas] is in a bad way.” Plaintiff asked, “what does that mean?” Defendant Laura Simoldoni responded, “yeah Judge, it’s not going to work out and she’s not going to be working for you.” The Plaintiff then asked Ms. Simoldoni, “who will complete the work for the cases scheduled for tomorrow?” Ms. Simoldoni told Plaintiff’s secretary that she should complete the law clerk’s work and have the files ready for the hearings the following day. Plaintiff’s secretary stayed at work until almost 7:00 p.m., trying to prepare the files for the following day that were not completed and was forced to take the files home with her to work on them. Plaintiff had a nose bleed at that point in the presence of her husband and secretary. Ms. Simoldoni did not state to Plaintiff that the law clerk had alleged that Plaintiff had created a hostile working environment. She also failed to mention any concern over the law clerk’s start date of August 6, 2015.

29. On December 11, 2015, Ms. Simoldoni wrote Judge Mizdol a memo claiming that Ms. Comas had alleged that Plaintiff had created a “hostile working environment,” and had her

start working three weeks before her “official start date.” The memo concluded that Plaintiff’s behavior towards the law clerk was “completely inappropriate.”

30. On December 14, 2015, Plaintiff was summoned to another meeting in Judge Mizdol’s chambers. Plaintiff explained to Judge Mizdol that she had recently confronted the law clerk with a lie the law clerk had told on December 3, 2015, and that being caught lying was probably the true impetus for the law clerk fabricating allegations of a hostile working environment. Judge Mizdol responded by yelling that Plaintiff’s husband should not have been present in chambers, and that the law clerk would not be returning to her. Plaintiff was concerned about the workload without a law clerk and asked if a new law clerk would be hired. Judge Mizdol told Plaintiff, “there’s no money in the budget for a new law clerk.”

31. On December 21, 2015, Plaintiff attended a meeting with Judge Mizdol that later included Laura Simoldoni, Diana Moskal and Judge Peter Melchionne. The meeting was demanded by Judge Mizdol to advise Plaintiff of what arrangements would be made since Ms. Comas would not be replaced. Plaintiff was recording the meeting with a digital recording device she had in her pocketbook which was placed next to her on the floor. During the meeting, while the Plaintiff was alone with Judge Mizdol, Judge Mizdol stated that she was trying to prevent an “ACJC complaint” from being filed against Plaintiff concerning Nadya Comas. At the meeting, Plaintiff learned that she would have her work written up by other family division judges’ law clerks on a rotating weekly schedule and would not be permitted to question the work product received or speak to the clerks directly. During the meeting, as this new plan was being discussed, Defendant Laura

Simoldoni reached into Plaintiff's purse, removed the recording device and refused to return it. Plaintiff later learned that a copy of the recording was made without her consent or permission. After the meeting, Plaintiff returned to her chambers and was physically ill and had a severe continuous nosebleed for hours.

32. On December 23, 2015, an attorney hired by Plaintiff contacted Judge Mizdol to inform her of his representation and that Plaintiff would not be attending work the next day in order to see a doctor. The same day, Judge Mizdol made a false report to the Advisory Committee on Judicial Conduct ("ACJC"), stating that Plaintiff had willfully violated the Judiciary's internal employment policies by allowing the law clerk, Nadya Comas, to start early. Specifically, Judge Mizdol alleged to the ACJC that Plaintiff had received and violated a memo from the Administrative Director of the Courts prohibiting law clerks from working prior to August 24, 2015, without any proof that Plaintiff had ever received the memo. When Judge Mizdol later received affirmative proof that Plaintiff had never received the memo, she failed to retract or correct her accusation to the ACJC.

33. Plaintiff learned on January 6, 2016 that she was being involuntarily transferred to the Essex Vicinage effective January 11, 2016 as a result of the false ACJC complaint made by Judge Mizdol.

34. Sometime after January 6, 2016, Judge Mizdol also called Judge Sallyanne Floria, the Assignment Judge of the Essex Vicinage, and stated, "you're getting a problem child," in an attempt to disparage Plaintiff and poison her new assignment.

35. The pattern of harassment, false allegations and extreme and outrageous conduct described above created a hostile working environment that caused Plaintiff to suffer severe emotional distress manifesting itself in physical symptoms such as sleeplessness, headaches and nosebleeds.

FIRST COUNT
(42 U.S.C.A. § 1983 and § 1985)

36. Plaintiff repeats and re-alleges the allegations set forth in the preceding Paragraphs of this Complaint as if set forth herein.

37. While acting under the color of authority granted to them by state law, the Defendants, and each of them, took action to deprive Plaintiff of the rights secured to her by the United States Constitution and agreed and conspired with each other to do so.

38. The Defendants agreed and conspired to falsely credit unfounded allegations allegedly made by Nadya Comas that Plaintiff had exposed her to a “hostile work environment.” They also conspired to falsely credit similar allegations allegedly made by Jessica Mulligan and Judith Tourso, two other courthouse staff members.

39. Defendant Moskal admitted to other courthouse employees that, with the cooperation and participation of Mizdol and Simoldoni, “we are working on getting rid of her,” referring to Plaintiff.

40. The Defendants discriminated against Plaintiff on the basis of her sex and gender, and conspired to do so, in violation of the Equal Protection Clause. The Defendants’ actions, described above, were motivated by their animus generated by their belief that Plaintiff’s

dress, hairstyle, jewelry and other expressions of traditionally feminine gender traits were not appropriate for a Judge of the Superior Court.

41. By repeatedly verbally abusing Plaintiff, by imposing special rules on Plaintiff, by commanding that courthouse staff were not permitted to appear at Plaintiff's chambers alone, by stating that Plaintiff's "bare legs," dress, jewelry, shoes and hairstyle were not appropriate for a Judge of the Superior Court, and by talking other actions, Judge Mizdol created a hostile working environment for Plaintiff based on her sex and gender.

42. Defendant, Laura Simoldoni, deprived Plaintiff of the rights secured to her by the First and Fourth Amendments when she seized Plaintiff's recording device on December 21, 2015 and had a copy made of its contents .

43. As a direct and proximate result of Defendants' conduct complained of above, Plaintiff has been damaged in her reputation, in her earning capacity, has suffered severe emotional distress with physical manifestations, has been made the subject of a pending ACJC Formal Complaint and has suffered other financial damages.

WHEREFORE, Plaintiff demands judgment against Defendants, individually, jointly and severally, for compensatory damages, consequential and incidental damages, punitive damages, treble damages, attorneys' fees, interest, costs of suit, and such other relief as the Court deems equitable and just.

SECOND COUNT
(Civil Conspiracy)

44. Plaintiff repeats and re-alleges the allegations set forth in the preceding Paragraphs of this complaint as if set forth herein.

45. The Defendants acted in concert to fabricate and exaggerate complaints and allegations that Plaintiff had been abusive to courthouse staff and that she violated a policy mentioned above concerning the permitted start date for law clerks.

46. The Defendants undertook their actions with the purpose of inflicting a wrong and injury upon Plaintiff.

47. As a direct and proximate result of the Defendants' actions, Plaintiff has suffered damages, including but not limited to, damages to her reputation and her earning capacity. In addition, the Defendants' actions have caused Plaintiff to suffer emotional and psychological injuries that have resulted in physical manifestations.

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly and severally, for compensatory damages, consequential and incidental damages, punitive damages, attorneys' fees, interest, costs of suit, and such other relief as the Court deems equitable and just.

THIRD COUNT

(New Jersey Civil Rights Act - N.J.S.A. 10:6-2(c))

48. Plaintiff repeats and re-alleges the allegations set forth in the preceding Paragraphs of this complaint as if set forth herein.

49. The actions of the Defendants alleged above deprived Plaintiff of the rights to equal protection and substantive due process and those rights guaranteed by the New Jersey Constitution, Article I, ¶ 1 and ¶ 7 as well as other rights secured by New Jersey law.

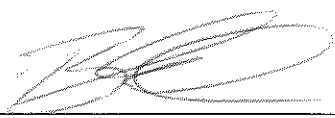
50. As a direct and proximate result of the Defendants' actions, Plaintiff has suffered damages, including but not limited to, damages to her reputation and her earning capacity. In addition, the Defendants' actions have caused Plaintiff to suffer emotional

and psychological injuries that have resulted in physical manifestations.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, consequential and incidental damages, punitive damages, treble damages, attorneys' fees, interest, costs of suit, and such other relief as the Court deems equitable and just.

MAGGS & MCDERMOTT, LLC

Attorneys for Plaintiff

By: 

Benjamin D. Light

Dated: December 14, 2017

JURY DEMAND

Plaintiff demands a trial by jury on all claims and issue to which a right to a jury trial is available.

MAGGS & MCDERMOTT, LLC

Attorneys for Plaintiff

By: 

Benjamin D. Light

Dated: December 14, 2017

DECLARATION PURSUANT TO LCR.11.2

I hereby declare under penalty of perjury pursuant to 28 U.S.C. 1746 that insofar as the undersigned is aware, the matter in controversy is the subject of a related Formal Complaint pending before New Jersey Supreme Court's Advisory Committee on Judicial Conduct, case number ACJC 2016-135. No other related actions are pending in any Court or arbitration proceeding, nor are any presently contemplated.

MAGGS & MCDERMOTT, LLC
Attorneys for Plaintiff

By: _____

Benjamin D. Light

Dated: December 14, 2017

DECLARATION OF SERVICE AND FILING

I declare under penalty of perjury that on this 26th day of September, 2017, I caused the within Complaint, along with a Civil Cover Sheet, on the Plaintiff's behalf to be filed with the Clerk of the United States District Court for the District of New Jersey by means of the Court's electronic filing system and I tendered payment of the appropriate fee.

MAGGS & MCDERMOTT, LLC
Attorneys for Plaintiff

By: _____

Benjamin D. Light

Dated: December 14, 2017