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JUN 21 2010

Sussex County Law Division

Kristin Laforgia,

Plaintiff

v.

Petro-Lubricant Testing Laboratories, Inc,
John Wintermute and Josiah Wintermute

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SUSSEX COUNTY

Docket No.

SSX - L - 527 - 10

Civil Action

COMPLAINT

1. The Plaintiff, Kristin Laforgia ("Laforgia"), residing at 9 Price Road, Augusta in the County of Sussex, New Jersey states by way of Complaint against the Defendants, Petro-Lubricant Testing Laboratories, Inc. ("Petro-Lubricant"), and its owners, John Wintermute ("John") and Josiah Wintermute ("Josiah"):

FACTUAL ALLEGATIONS

2. Laforgia was hired by Petro-Lubricant as a Chemist in 1993.
3. Throughout her seventeen (17) years with Defendants she has received good reviews for her work and has received periodic pay increases and bonuses.

The Hostile and Threatening Environment Created by John Wintermute

4. Within several days of starting at Petro-Lubricant, it became clear to Laforgia that she had entered a bizarre environment.

5. Laforgia stayed because she was a single-mother with two kids and this was the first job she could find that provided good pay and benefits.
6. Laforgia believes that John is a dangerous and violent alcoholic.
7. John regularly drinks while at work and often has employees fetch him alcohol during the workday.
8. John also regularly brings his guns to the workplace.
9. John target shoots behind the lab building and occasionally hunts on the company's property and brings birds he has killed back to the lab where he guts and cleans them and then feeds them to his dogs.
10. John not only hunts animals at work, he also hunts his female employees.
11. John regularly harasses the women at work.
12. John has had affairs with several of the women that work at Petro and has attempted to have relationships with other women that work at the office.
13. John regularly uses profanity in the workplace and has referred to female employees as "bitches" and "cunts."
14. John has an explosive temper when drunk and upon information and belief, he has beaten or destroyed the property of female employees that he was having or had a personal relationship with.
15. Upon information and belief, John once smashed the windshield of a female employee's car with a sledgehammer.
16. Upon information and belief, John once tried to kick in the door of another female employee during non-work hours.

17. Upon information and belief, John assaulted another female employee while drunk one day at the office after hours.
18. Upon information and belief, John threatened to kill a female employee that refused to continue dating him.
19. On another occasion, Laforgia witnessed John, while in a rage; chase another female employee who ran out of the lab screaming in fear.
20. The environment was so bad, that the women in the office had an informal agreement to make sure that no woman was left alone in the lab after hours with John.
21. John's bizarre conduct is not limited to sexual harassment.
22. John is an avowed atheist and white-supremacist.
23. John regularly subjects his employees to anti-religion, anti-minority, anti-Jewish, anti-catholic, anti-gay rants.
24. John regularly listens to broadcasts from white supremacists and will turn up the broadcasts so loudly that employees are forced to hear it.
25. He hands out hate-filled white supremacist and atheist books and papers and requires his employees to read them.
26. When Laforgia expressed that she was not interested in reading such materials he accused her of being "ignorant."
27. John recognizes absolutely no limits on his conduct and has stated to LaForgia, "I'm the boss; I can do whatever I want."
28. Josiah Wintermute has always been and remains aware of his brother's bizarre conduct and has done nothing to put a stop to it.

LaForgia Discloses John's Harassment of Women and Inappropriate Conduct

29. In 2009, Petro-Lubricant and John Wintermute were sued by a female employee, Lisa Ottaviano, who alleged that he had threatened to kill her when she refused to continue dating him.
30. Ottaviano made many allegations related to John's threats, demeaning conduct towards women and inappropriate workplace conduct.
31. When Petro-Lubricant's attorney came to the office to investigate Ottaviano's complaints, Laforgia confirmed many of Ottaviano's complaints.
32. The next time that Petro-Lubricant's attorney came to speak with employees, Josiah went around to employees and told them that their jobs were on the line because Petro-Lubricant did not have insurance and Ottaviano's lawsuit could put them out of business.
33. Josiah told one employee that lying for Petro-Lubricant was all right because it was self-preservation.
34. Despite Josiah's threats, Laforgia again told the attorney the truth, that John was capable of harassment, that he was a bully and abusive towards women.

LaForgia Refuses to Lie for John

35. After the second meeting with the attorney, John took matters into his own hands.
36. After cautioning employees that they could not tell the attorney that he had met with them, he went through Ottaviano's complaint with each employee and made them listen to his explanation for why all of her claims were not true.
37. John's meeting with LaForgia did not go well.

38. LaForgia refused to agree with John that Ottaviano's claims were all untrue. LaForgia told John that she knew certain of the claims were true because she had witnessed them.
39. John became angry with LaForgia and threatened that she would lose her job if Ottaviano succeeded in her claim and he said that she should be loyal to the Company.
40. LaForgia said she was trying to be loyal but that she could not lie if she was asked about what happened.
41. LaForgia reasonably believed that lying in a lawsuit to protect Petro-Lubricant and John would be fraudulent and would violate the law.

John Retaliates Against LaForgia

42. After this meeting, John became very hostile towards LaForgia.
43. John would purposely bump and jostle LaForgia when he was walking near her.
44. John would regularly come over and stand next to her overseeing what she was doing and would force her to move from her workspace.
45. LaForgia was no longer allowed to use the computer that had internet access, without supervision.
46. John would stand and glare at LaForgia and he would talk to other employees about LaForgia within earshot and make comments about her being disloyal.
47. John began to give LaForgia a hard time about when she arrived at work. Previously, LaForgia's arrival time was flexible.
48. Upon information and belief, the Ottaviano lawsuit was settled in March 2010.

49. On May 12, 2010, John and Josiah called Laforgia into a meeting and told her that Petro-Lubricant was reorganizing, that her position was being eliminated and her employment was being terminated.
50. Laforgia was not offered any severance or recognition for her seventeen years of service.

CLAIM ONE – DISPARATE TREATMENT (SEX)

51. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.
52. Plaintiff claims that Defendants Petro-Lubricant and John Wintermute treated Plaintiff differently from similarly situated male employees in violation of the New Jersey Law Against Discrimination (“NJLAD”).
53. Defendants’ disparate treatment of women was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.
54. Defendants caused Plaintiff to suffer economic, physical and emotional harm.
55. **WHEREFORE**, Plaintiff demands judgment against the Defendants and seeks damages for back pay, front pay, lost benefits, other compensatory damages, emotional distress damages, punitive damages, interest, compensation for the negative tax consequences of receiving a damage award in the form of a one-time lump sum, attorneys fees, costs of suit, and such other relief that the Court may deem just and proper.

CLAIM TWO – HOSTILE WORK ENVIRONMENT

56. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.
57. Plaintiff claims that Defendants created and/or allowed a hostile work environment due to sex, race and religion in violation of the NJLAD.

58. Defendants' creation of a hostile work environment was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.

59. Defendants caused Plaintiff to suffer economic, physical and emotional harm.

WHEREFORE, Plaintiff demands judgment against the Defendants and seeks damages for back pay, front pay, lost benefits, other compensatory damages, emotional distress damages, punitive damages, interest, compensation for the negative tax consequences of receiving a damage award in the form of a one-time lump sum, attorneys fees, costs of suit, and such other relief that the Court may deem just and proper.

CLAIM THREE – RETALIATION

60. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.

61. Plaintiff claims that Defendants retaliated against her for telling the truth in response to the investigation of another employee's complaint of discrimination and harassment in violation of the NJLAD.

62. Defendants' retaliation was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.

63. Defendants caused Plaintiff to suffer economic, physical and emotional harm.

WHEREFORE, Plaintiff demands judgment against the Defendants and seeks damages for back pay, front pay, lost benefits, other compensatory damages, emotional distress damages, punitive damages, interest, compensation for the negative tax consequences of receiving a damage award in the form of a one-time lump sum, attorneys fees, costs of suit, and such other relief that the Court may deem just and proper.

CLAIM FOUR – WHISTLE-BLOWER RETALIATION

64. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.
65. Plaintiff claims that Defendants retaliated against her for objecting and refusing to engage in conduct that she reasonably believed to be fraudulent or illegal, in violation of the New Jersey Conscientious Employee Protection Act (“CEPA”).
66. Defendants’ retaliation was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.
67. Defendants caused Plaintiff to suffer economic, physical and emotional harm.

WHEREFORE, Plaintiff demands judgment against the Defendants and seeks damages for back pay, front pay, lost benefits, other compensatory damages, emotional distress damages, punitive damages, interest, compensation for the negative tax consequences of receiving a damage award in the form of a one-time lump sum, attorneys fees, costs of suit, and such other relief that the Court may deem just and proper.

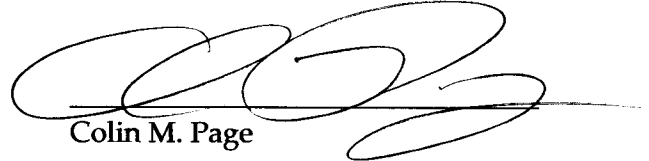
CLAIM FOUR – ASSAULT AND BATTERY

68. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.
69. Plaintiff claims that Defendants Petro-Lubricant and John Wintermute subjected Plaintiff to an unwelcome physical contact against her will.
70. Defendants’ assault and battery was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.
71. Defendants caused Plaintiff to suffer physical and emotional harm.

WHEREFORE, Plaintiff demands judgment against the Defendants and seeks compensatory damages, emotional distress damages, punitive damages, interest, attorneys fees, costs of suit, and such other relief that the Court may deem just and proper.

COLIN M. PAGE, LLC
Attorneys for Plaintiff

Date: 6/18/10

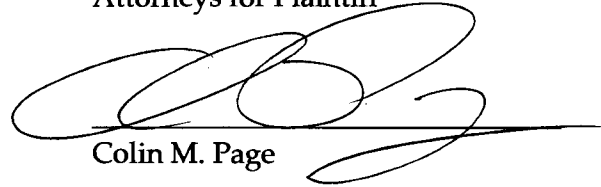

Colin M. Page

DEMAND FOR TRIAL BY JURY

Plaintiff, Kristin Laforgia, demands a trial by jury on all issues.

COLIN M. PAGE, LLC
Attorneys for Plaintiff

Date: 6/18/10


Colin M. Page

DESIGNATION OF TRIAL COUNSEL

Colin M. Page is hereby designated as trial counsel in this matter.

COLIN M. PAGE, LLC
Attorneys for Plaintiff

Date: 6/18/10


Colin M. Page

CERTIFICATION PURSUANT TO R. 4:5-1

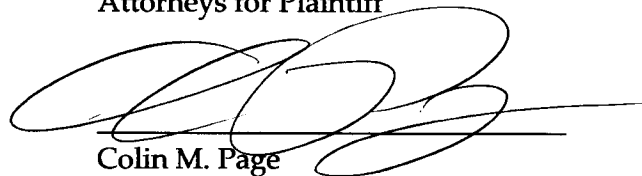
I, Colin M. Page, certify as follows:

I am counsel for Plaintiff, Kristin Laforgia, in this matter. To the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or arbitration proceeding, and no other action or arbitration proceeding is contemplated, and no other parties should be joined to this action.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

COLIN M. PAGE, LLC
Attorneys for Plaintiff

Date: 6/18/10



Colin M. Page