

5. However, Ottaviano soon learned that Wintermute's main interest in her was personal.

Wintermute Creates a Hostile and Threatening Environment

6. Within several days of starting work for Petro-Lubricant, Wintermute asked Ottaviano whether she would go out on a date with him.
7. Ottaviano begged off, stating that she does not date people at work and mentioned that she has little time for dating, since she is a single-parent of five children.
8. Wintermute then became annoyed and pressured her to agree to his proposal stating words to the effect: "what happens 9 to 5 is completely separate from what happens after 5. Are you telling me you aren't mature enough to handle that? I thought when I hired you that you were a mature, sensible and smart person . . . Was I wrong?"
9. Ottaviano understood that Wintermute was threatening her employment if she did not go on a date with him, but she continued to try to resist his advances.
10. Wintermute continued to pressure Ottaviano to go on a date with him.
11. Finally, Ottaviano relented hoping that one dinner would satisfy him. It didn't.
12. Wintermute continued to pursue Ottaviano asking for further dates.
13. Often, Wintermute would make excuses to work with Ottaviano.
14. When he would do so, he would purposely stand within inches of Ottaviano, clearly impinging on her personal space which made Ottaviano extremely uncomfortable and self-conscious.
15. When Ottaviano tried to address the issue and warn him off, by asking why he was standing so close, Wintermute would not move but instead would state "Why . . . I showered today . . . don't I smell good?"

16. In addition, to regularly invading Ottaviano's space, Wintermute – an avid hunter - had a penchant of bringing his hunting rifles into the office and cleaning them in full sight of Ottaviano.

17. Also, Wintermute would regularly drink beer in his office during the workday – often requiring the office secretary to make a beer run for him during the day.

Wintermute Oppresses and Humiliates Ottaviano

18. Over time, Wintermute became more and more controlling with Ottaviano.

19. Wintermute would repeatedly tell Ottaviano that he had a famous attorney named Fogle, who once represented the Mayor of New York, and had told him that as an employer he could do anything he wanted.

20. Wintermute told Ottaviano that she was an employee at-will and by law he could require her to do anything, illustrating "if I told you to get down on your hands and knees and clean the floor with a toothbrush, you have to do it."

21. Wintermute repeated this statement to Ottaviano so often that near the end of her employment, Ottaviano would finish Wintermute's statement for him.

22. In order to further exert his dominance over Ottaviano, he would have her perform menial and demeaning tasks.

23. On one occasion, Wintermute directed Ottaviano to clean his Bronco and dog cages.

24. Ottaviano, feeling she had no choice, spent the day cleaning out dog hair, trash, vacuuming and washing Wintermute's truck and the dog cages.

25. Fellow employees urged Ottaviano to refuse to do such work – that it wasn't part of her job description – but as a single mother of five, she did not feel that she had a choice.

26. On another occasion, Wintermute told Ottaviano to stand up on the lab tables in clear sight of everyone, and clean off the tops of the lab cabinets.
27. Wintermute stood and watched her with his hands on his hips and stared at her while she cleaned the cabinets.
28. Upon information and belief, Wintermute did this to publicly punish and demean her in front of the other employees.
29. In addition, Wintermute would regularly take Ottaviano out to the picnic table in front of the lab for public reprimands.
30. Wintermute would publicly berate Ottaviano for relatively minor infractions – some of which were made up.
31. Wintermute would yell at Ottaviano, slam his fist on the table and repeatedly used profanity.
32. On other occasions, when he became upset with something Ottaviano had done, he would come to her workstation yelling and throw all of her work and papers off the table and onto the floor.
33. After he would leave, Ottaviano, humiliated, would then have to pick everything back up off the floor in front of the other people in the lab.

The Rules Do Not Apply to Wintermute

34. In late July, 2007, Wintermute left for several weeks for a vacation in Vermont.
35. During that vacation, a dispute arose between the secretary and one of the Lab Techs.

36. When he returned, Wintermute asked Ottaviano to meet with him at the front picnic table because he wanted to find out what she knew about the dispute between the two other employees.
37. Ottaviano took that opportunity to raise a few complaints that she had about the secretary and then she raised an objection to Wintermute drinking and bringing his guns into the office. Ottaviano pointed out that Petro's policy on "Drug and Alcohol Use and Weapons" in the employee handbook specifically prohibited bringing alcohol and guns into the workplace.
38. Wintermute responded that as owner of both the land and company, he was above the rules in the Employee handbook and could do as he pleased. According to Wintermute, the rules in the handbook only applied to employees like Ottaviano.
39. Wintermute then asked Ottaviano on another date, and she again refused.

The Shooting Incident

40. In or around August of 2007, Wintermute, after having been drinking in his office, came out holding his rifle and told Ottaviano to come outside with him and have some fun.
41. Wintermute took her to the back where he had set up a bull's-eye target on a large cardboard box.
42. Wintermute then proceeded to shoot the rifle at the target to show Ottaviano what a good shot he was.
43. Ottaviano who does not own or like guns, felt extremely threatened.
44. Wintermute then called Ottaviano over to take the rifle and shoot the target.
45. Ottaviano refused stating that she has never shot a gun and does not like guns.

46. Wintermute insisted.

47. When Ottaviano relented, Wintermute gave her the gun and then positioned himself right behind her with his arms around her to "help" her hold the rifle.

48. Ottaviano felt trapped and sick.

49. Luckily, Ottaviano was rescued when another woman from the office stepped outside and saw them.

50. Ottaviano, extremely embarrassed to be seen in such a situation, took advantage of the interruption to excuse herself and go back inside.

The Walk in the Woods

51. On October 5, 2007, after having been drinking in his office again, Wintermute came out and confronted Ottaviano, asking her again to have dinner with him.

52. Ottaviano declined and asked Wintermute to stop asking her out.

53. Wintermute then ordered her to come outside and talk with him.

54. Wintermute led Ottaviano on a walk down a trail into the woods behind the lab.

55. The further they got from the Lab, the more nervous and scared Ottaviano became.

56. Wintermute, very agitated began to have what can only be described as some kind of psychological episode.

57. Wintermute by turns became angry and would berate Ottaviano for not liking him because he was good looking, smart and had lots of money. Then he would swing to complimentary – telling Ottaviano how beautiful he thought she was and how much he liked her eyelashes, then on to self-pitying, asking her why she would not acknowledge him when she arrived in the morning and why she did not say goodnight to him when she left for the day.

58. Wintermute then became angry again saying "Is this how you treat someone who tries to help you. I have given you a way to feed your family and this is the thanks I get. This is the way you treat the person who signs your fucking paycheck! It's getting harder and harder to sign your paycheck. You need to think about the way you are treating me, or I will need to re-think what I am going to do about it."
59. Wintermute then went into another cycle of negotiating, complimenting and self-pitying moods, finally culminating in a revelation that gives Ottaviano nightmares to this day.
60. Wintermute revealed that he has felt marked, isolated and oppressed all his life. He then told her why stating: "When I was in high school, people talked bad about me, my family . . .the Wintermute name was trash . . . people avoided me . . . no one wanted anything to do with me . . .wanna know why, . . .I'll tell you why, Lisa . . . years ago, my little brother went to a party with his girlfriend and you know what happened? They had a fight . . . so what did my little brother do? . . . I'm gonna tell you . . He fucking bludgeoned her to death with his bare fucking hands . . . that's right, he fucking killed his own girlfriend . . . and then he killed himself."
61. Wintermute's ranting and graphic revelation of his family's bloody history made Ottaviano terrified and sick.
62. Somehow, the nightmare walk in woods ended, and Ottaviano was able to return to the lab and leave for the day.
63. Ottaviano was able to force herself to work the next day, but she made secret arrangements with one of her co-workers that if Wintermute tried to take her outside, they were to come out after a few minutes and say her daughter had called on the phone.

64. Inevitably, later that day, Wintermute cornered Ottaviano and ordered her to come outside with him.

65. A couple minutes later, Ottaviano's co-worker came out to rescue her with the excuse that her daughter was calling.

66. Ottaviano left to take the call and then left for the day.

67. Ottaviano then went to see a lawyer who advised her that she shouldn't return to such an unsafe environment.

68. Ottaviano then, through her counsel, notified Petro-Lubricant that she was resigning her employment due to the hostile work environment created by Wintermute.

Wintermute Admits to Threatening Ottaviano

69. Ottaviano received unemployment after resigning from Petro-Lubricant.

70. Petro-Lubricant appealed the grant of unemployment benefits to Ottaviano.

71. In a recent hearing relating to Petro-Lubricant's appeal, Wintermute testified under oath that he told Ottaviano about his brother murdering his girlfriend because she was being "foolish" and he wanted her to know what can happen when people act "foolish."

72. The New Jersey Unemployment Appeals examiner found that Wintermute's threat justified Ottaviano's resignation from Petro-Lubricant. (Decision attached as Exhibit A)

Other Women

73. Upon information and belief, Wintermute has similarly pursued other women who have worked for Petro-Lubricant.

74. Other women in the office confided to Ottaviano that Wintermute had previously pursued them, asking them out on multiple occasions and then punished them for refusing.

75. Upon information and belief, Wintermute has driven several other women to quit their employment with Petro-Lubricant.

CLAIM ONE – DISPARATE TREATMENT (SEX)

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

77. Plaintiff claims that Defendants treated Plaintiff differently from similarly situated male employees in violation of the New Jersey Law Against Discrimination (“NJLAD”).

78. Defendants’ harassment of Plaintiff was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.

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

80. 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

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

82. Plaintiff claims that Defendants harassed Plaintiff and created a hostile work environment due to Plaintiff’s sex, and in retaliation for her refusal to accede to Wintermute’s demands for dates in violation of the NJLAD.

83. Defendants’ harassment of Plaintiff was motivated by actual malice or was the result of a willful and wanton disregard for the harm to Plaintiff.

84. 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 – CONSTRUCTIVE DISCHARGE

85. Plaintiff repeats and realleges the allegations set forth above as if set forth at length herein.
86. Plaintiff claims that Defendants constructively discharged her in violation of the NJLAD by creating an environment that was sufficiently hostile that she could not reasonably be expected to continue working.
87. 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.

Date: 8/14/09

COLIN M. PAGE, LLC
Attorneys for Plaintiff


Colin M. Page

DEMAND FOR TRIAL BY JURY

Plaintiff, Lisa Ottaviano, demands a trial by jury on all issues.

COLIN M. PAGE, LLC
Attorneys for Plaintiff

Date: 8/14/09

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: 8/14/09

Colin M. Page



CERTIFICATION PURSUANT TO R. 4:5-1

I, Colin M. Page, certify as follows:

I am counsel for Plaintiff, Lisa Ottaviano, 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: 8/14/09


Colin M. Page