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Date Filed 9-1-2010  
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 Payor Robert Tandy  
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SEP 01 2010  
 SUPERIOR COURT OF NEW JERSEY  
 COUNTY OF BERGEN  
 FINANCE DIVISION

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<p>JAMES SWEENEY</p> <p>Plaintiff,</p> <p>vs.</p> <p>STATE OF NEW JERSEY; STATE OF NEW JERSEY OFFICE OF ATTORNEY GENERAL; STATE OF NEW JERSEY DEPARTMENT OF LAW &amp; PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE; GREGORY PAW, individually and in his official capacity; PAUL MORRIS, individually and in his official capacity; MARK G. ELIADES, individually and in his official capacity; XYZ CORP. INC. (1-10); JOHN DOES (1-10) and JANE DOES (1-10)</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY          LAW DIVISION: BERGEN COUNTY</p> <p>Docket No.: <u>L 8430-10</u></p> <p>CIVIL ACTION</p> <p><b>COMPLAINT, JURY DEMAND,          DESIGNATION OF TRIAL COUNSEL</b>          SUPERIOR COURT BERGEN COUNTY          FILED</p> <p>SEP - 1 2010</p> <p>          DEPUTY CLERK</p>
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Plaintiff, James Sweeney ("Plaintiff"), complaining of the Defendants, State of New Jersey; State of New Jersey Office of Attorney General; State of New Jersey Department of Law & Public Safety, Division of Criminal Justice; Gregory Paw, individually and in his official capacity; Paul Morris, individually and in his official capacity; Mark G. Eliades, individually and in his official capacity; XYZ Corp, Inc. (1-10); John Does (1-10); and Jane Does (1-10), by his attorneys, Law Office of Robert A. Tandy, LLC, alleges and says as follows:

**NATURE OF ACTION AND VENUE**

1. This is an action pursuant to the New Jersey Racketeer Influenced and Corrupt Organizations Act ("NJRICO"), N.J.S.A. 2C:41-1 et seq., to remedy Defendants' unlawful and

corrupt enterprise whose combined and/or associated activities affect(ed) trade or commerce resulting in a pattern of racketeering activity; common law retaliation; common law wrongful termination for violations of public policy as expressly provided in federal and state statutes and regulations other than NJRICO; and intentional infliction of emotional distress.

2. Venue lies in the County of Bergen pursuant to R. 4:3-2(a).

### PARTIES

3. Plaintiff, James Sweeney, a resident of County of Bergen, State of New Jersey, is a former employee who held the position of Sergeant State Investigator for Defendants State of New Jersey and/or State of New Jersey Office of Attorney General, Department of Law and Public Safety, Division of Criminal Justice.

4. Defendant, State of New Jersey, is a body corporate and politic and was Plaintiff's former employer. Defendant State of New Jersey constitutes an "enterprise" under NJRICO.

5. Defendant, State of New Jersey Office of the Attorney, is a department of the State of New Jersey and is charged with the responsibilities of chief law enforcement organization within the State of New Jersey including oversight of all County Prosecutors' Offices in the State of New Jersey and was Plaintiff's former employer. Defendant State of New Jersey Office of the Attorney General constitutes an "enterprise" under NJRICO.

6. Defendant, State of New Jersey Department of Law & Public Safety, Division of Criminal Justice, is a department/division formed under the laws of the State of New Jersey and is charged with the responsibility of detecting, enforcing and prosecuting the criminal business of the State of New Jersey through the uniform and efficient administration of New Jersey's criminal laws. The Division of Criminal Justice investigates and prosecutes crimes of statewide

significance and supersedes county prosecutions when necessary to advance the goals of enforcing and prosecuting criminal activities within the State. The Division of Criminal Justice was Plaintiff's former employer. Defendant State of New Jersey Department of Law & Public Safety, Division of Criminal Justice constitutes an "enterprise" under NJRICO.

7. Defendant, Gregory Paw, in his individual and official capacity as Director of Division of Criminal Justice, is upon information and belief a resident of the State of New Jersey. Defendant Paw served in a supervisory capacity over Plaintiff. Defendant Paw is named individually and in his official capacity for his role in an unlawful "enterprise" under NJRICO.

8. Defendant, Paul Morris, in his individual and official capacity as Chief State Investigator at Division of Criminal Justice, is upon information and belief a resident of the State of New Jersey. Defendant Morris served in a supervisory capacity over Plaintiff at the Division of Criminal Justice. Defendant Morris is named individually and in his official capacity for his role in an unlawful "enterprise" under NJRICO.

9. Defendant, Mark G. Eliades, in his individual and official capacity as Supervising Deputy Attorney General, Chief Organized Crime Bureau, is upon information and belief a resident of the State of New Jersey. Defendant Eliades served in a supervisory capacity over Plaintiff at the Division of Criminal Justice. Defendant Eliades is named individually and in his official capacity for his role in an unlawful "enterprise" under NJRICO.

10. Defendant, XYZ Corp, Inc. (1-10), was Plaintiff's former employer. Defendant, XYZ Corp, Inc. (1-10) constitutes an "enterprise" under NJRICO.

11. Defendant, John Does (1-10), is/are, upon information and belief, a resident of the State of New Jersey. Defendant John Does (1-10) served in a supervisory capacity over Plaintiff at the Division of Criminal Justice. Defendant John Does (1-10) is/are named individually and in

their official capacities for their role(s) in an unlawful "enterprise" under NJRICO.

12. Defendant, Jane Does (1-10), is/are, upon information and belief, a resident of the State of New Jersey. Defendant Jane Does (1-10) served in a supervisory capacity over Plaintiff at the Division of Criminal Justice. Defendant Jane Does (1-10) is/are named individually and in their official capacities for their role(s) in an unlawful "enterprise" under NJRICO.

### **FACTUAL ALLEGATIONS**

13. In or around March 1964, Plaintiff commenced employment with the New Jersey State Police ("NJSP") where he worked his way up through the ranks achieving the position of Supervisor North Unit within the Intelligence Bureau.

14. In his capacity as Supervisor North Unit within the Intelligence Bureau of the NJSP, Plaintiff was responsible for such duties which included, but were not limited to, investigating, identifying, and collecting data on members and associates of organized crime groups and their illegal enterprises and activities; development of sources of information relating to illegal enterprises and activities; and collecting and disseminating information to operational units for further investigation and prosecutorial purposes.

15. During his tenure of employment within the NJSP, Plaintiff performed his job duties in an exemplary manner and met and/or exceeded NJSP's job performance expectations.

16. In or around 1986, after approximately twenty-two years of dedicated service to the NJSP, Plaintiff was offered and accepted a position of employment with the New Jersey State Commission of Investigation where his duties included, but were not limited to, investigating and/or identifying traditional and non-traditional organized crime groups active within the State of New Jersey. Plaintiff's findings were then published and disseminated to federal, state, county and local law enforcement entities/agencies.

17. During his tenure of employment within the New Jersey State Commission of Investigation, Plaintiff performed his job duties in an exemplary manner and met and/or exceeded the New Jersey State Commission of Investigation's expectations for his job performance.

18. On or about October 6, 1990, after approximately four (4) years of dedicated service to the New Jersey State Commission of Investigation, Plaintiff was offered and accepted a position of employment with Defendants State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Criminal Justice in the position of Investigator of the North Squad for the Organized Crime Unit.

19. Plaintiff was subsequently promoted to the position of Supervisor of the North Squad for the Organized Crime Unit.

20. During his tenure of employment with Defendants, Plaintiff was assigned and/or "on loan" to the Federal Bureau of Investigations ("F.B.I.") Terrorist Task Force for approximately eighteen (18) months.

21. After Plaintiff's duties with the F.B.I. concluded, Plaintiff resumed his post as Supervisor of the North Squad, Organized Crime Bureau.

22. On or about December 1, 2004, as part of an investigation being conducted by the Prosecutor's Office of a New Jersey County, members of that County's Prosecutor's Office executed search and arrest warrants for an individual identified herein only as "FL", a man believed by law enforcement agencies to be a member of the Luchese Organized Crime Family.

23. Upon information and belief, prior to December 1, 2004, FL enjoyed a personal and business relationship with at least one (1) [then] prominent employee of that Prosecutor's Office identified herein only as "MM".

24. Upon information and belief, FL and MM's personal and business relationship consisted of the lending of money by FL to MM, multiple business ventures together, social visits to each other's homes, vacationing together, assisting with the plans for the construction of MM's family room for his new home, family dinners together, and dinners with FL's brothers, who were alleged members of the Genovese and Gambino Organized Crime Families.

25. Upon information and belief, at the time of the execution of search warrants at the residence of FL, members of the Prosecutor's Office inquired whether FL had any money in his house.

26. Upon information and belief, FL advised the members of the Prosecutor's Office conducting the search that he had approximately \$50,000.00 in the house and provided the representatives with the location of those monies in his house.

27. Upon information and belief, on the same day prior to the execution of the arrest and search warrants, FL met with a "source" of Plaintiff/the Division of Criminal Justice identified herein only as the "Source".

28. Upon information and belief, members of the Prosecutor's Office confiscated the monies from FL's home and failed and/or refused to provide the family with a receipt of same when they requested an inventory of the items removed from the premises.

29. Upon information and belief, members of the Prosecutor's Office also executed search warrants on FL's bank relating to items in FL's safe deposit box.

30. Upon information and belief, members of the Prosecutor's Office searched the safe deposit box only after directing the bank representative to leave the room.

31. Upon information and belief, members of the Prosecutor's Office seized items from FL's safe deposit box and failed and/or refused to provide a receipt of same.

32. The arrest of FL was part of an investigation which resulted in the arrest of approximately 40 individuals relating to participation in an alleged multi-million dollar Genovese crime family gambling ring. Also arrested as part of the investigation was the Source, which ultimately lead to the Division of Criminal Justice's application for the case to be dismissed because it would have compromised the integrity of the Source.

33. Upon information and belief, after FL was arrested and processed at the Prosecutor's Office, FL was brought into MM's private office.

34. Upon information and belief, MM advised FL the identity of the Source working with Plaintiff and Defendant Department of Law and Public Safety, Division of Criminal Justice.

35. Upon information and belief, MM presented FL with a business card of an attorney and advised FL that the attorney and MM could make ninety percent (90%) of his legal problems go away. MM further advised FL to provide the attorney with a \$25,000.00 retainer for his representation.

36. Upon information and belief, after the arrest, FL's relationship with MM soured, in part because FL claimed not all of his money and property was returned to him.

37. Sometime after FL was arrested, the Source arranged for a meeting between Plaintiff and FL in which FL then became a source of Plaintiff and the Division of Criminal Justice.

38. Upon information and belief, FL separated from MM and sought his own legal representation.

39. Upon information and belief, MM showed up at a dinner meeting FL was having with a mutual acquaintance in an effort to reconcile with FL and move forward.

40. Upon information and belief, at the dinner meeting, MM advised FL that he could

arrange to have half of FL's money returned to him and guaranteed FL would not serve any time in prison if he returned to the attorney suggested by MM and allow MM to provide him protection.

41. Upon information and belief, FL refused MM's offer and left to go to another establishment whereby MM followed FL to the second establishment and pleaded with him to accept his offer.

42. Upon information and belief, FL again refused and MM advised FL words to the effect "Don't count on Sweeney helping you, he's going to jail."

43. Upon information and belief, prior to his arrest, MM introduced FL to an attorney who began borrowing large sums of money from FL for purposes of paying for pretrial litigation expenses. In one instance, the loan of \$150,000.00 returned \$300,000.00.

44. Upon information and belief, after FL's arrest and after this attorney won a large verdict in a lawsuit for one of his clients, MM and FL were each to receive 10% of the attorney's contingency percentage.

45. Upon information and belief, FL contacted the attorney and advised him he wanted 20% of the monies owed and instructed the attorney not to give MM his share. The attorney refused citing his friendship with MM.

46. Upon information and belief, the attorney then contacted FL a month or so later requesting \$100,000.00 for litigation expenses concerning a lawsuit. FL refused and the attorney agreed to send FL 20% of the monies from the other lawsuit.

47. FL, members of FL's immediate family, and the Source provided Plaintiff with information and data relating to the factual allegations contained within Paragraphs 23 through 47 of the within Complaint.



48. On or about February 8, 2005, Plaintiff sent a detailed memorandum to Deputy Chief of the Organized Crime Bureau Michael Tarantino relating to the Source's arrest and the manner in which the County Prosecutor's investigation was being conducted.

49. Specifically, Plaintiff complained that the Attorney General's Office and/or the Division of Criminal Justice had failed to take any action relating to the fact that no notifications were made by the County of the captured conversations during the electronic surveillance; the County's (MM's) repeated failure to allow Plaintiff and members of the Division of Criminal Justice to review the transcripts of the electronic surveillance; the disclosure of the identity of the Source by the Prosecutor's Office to several individuals (alleged members of traditional Organized Crime families) arrested in the December 2004 round up which compromised the Division of Criminal Justice's investigations and the safety of the Source; and, most strikingly, why the Division of Criminal Justice did not take action to supersede the investigation and take over the case from the Prosecutor's Office, especially in light of the allegations of wrongdoing and potential corruption of high ranking members of the Prosecutor's Office.

50. Plaintiff advised his superiors, including Defendants Morris and Eliades, of potential corruption within the hierarchy of that County's Prosecutor's Office, including business dealings with alleged members of Organized Crime families and the unlawful seizure, retention and use of monies by high ranking members of that County's Prosecutor's Office.

51. Defendants Morris and Eliades knowingly refrained from engaging in the performance of their duties imposed to them by law and/or those duties that are clearly inherent in the nature of their respective offices.

52. On or about May 5, 2006, Plaintiff, having had no action taken by Defendants Morris and Eliades in the face of his claims of corruption, sent an email to Defendant Director

Gregory Paw requesting an opportunity to present situations of corruption confronting the Organized Crime Bureau.

53. Defendant Paw failed to respond to Plaintiff's email relating to claims of corruption.

54. Defendant Paw knowingly refrained from engaging in the performance of his duties imposed to him by law and/or those duties that are clearly inherent in the nature of his office.

55. A prominent individual within the Division of Criminal Justice advised Plaintiff the reason Defendants failed to supersede that County Prosecutor's investigation and/or engage in an investigation into possible corruption within the hierarchy of that County's Prosecutor's Office was because the Prosecutor of that County, at that time, was being considered for a high ranking position within the Office of Attorney General and/or a high ranking position within the Department of Law and Public Safety and did not want to act in any manner contrary to the interests of that individual who was a prominent political figure in the Democratic party in the State and who would potentially have been the next boss of the organization.

56. Between May 2006 and April 2007, Plaintiff continued to advise his supervisors of allegations of corruption and potentially illegal activities by MM and/or activities of that County's Prosecutor's Office.

57. No action was taken by Defendants to investigate Plaintiff's claims and no authorization was provided to Plaintiff to investigate further the alleged corruption and illegal activities of that County's Prosecutor's Office.

58. Defendants again knowingly refrained from engaging in the performance of their duties imposed to them by law and/or those duties that are clearly inherent in the nature of their

respective offices.

59. On or about April 12, 2007, FL was murdered. To this day, no individual(s) has been charged with FL's murder.

60. On or about April 17, 2007, Plaintiff sent Defendant Morris an email advising him of sensitive data concerning MM and FL's relationship and the relationship of other county professionals. Plaintiff advised he believed the data could potentially have created a motive for FL's murder.

61. Plaintiff advised Defendant Morris that he was contacted by the NJSP Internal Affairs Bureau requesting Plaintiff sit for an interview relating to an investigation into Plaintiff's actions leading to the dismissal of the charges brought by the County Prosecutor's Office.

62. Plaintiff advised Defendant Morris of IAB's request and Defendant Morris ordered Plaintiff to ignore the request advising Plaintiff that he [Morris] would handle the matter.

63. Plaintiff wanted to meet with IAB to defend his role relating to his communications with the Source that County officials claim resulted in the dismissal of the County's case involving mob-related gambling activities and to discuss the alleged corruption within MM's County Prosecutor's Office.

64. Plaintiff made repeated requests from his superiors and IAB to provide him with the status of the investigation into Plaintiff's actions.

65. None of Plaintiff's requests were ever responded to; and, to this day, Plaintiff does not know the results of the investigation into Plaintiff's actions.

66. On or about May 7, 2007, Plaintiff advised Defendant Morris that an alleged Genovese "Capo" became aware of the identity of the Source which jeopardized his safety. No action was taken by Defendant Morris.

67. On or about May 11, 2007, Plaintiff drafted a memorandum to Defendant Morris in which Plaintiff provided that members of traditional Organized Crime groups denied any participation in FL's murder and these groups were also attempting to gain the identities of the individuals responsible for FL's murder.

68. Plaintiff's detailed memorandum also provided that while efforts expended up until the date of his report failed to provide a motive for FL's murder, Plaintiff's memorandum provided a possible motive for FL's murder possibly arising out of FL's relationship with and connections to MM. Plaintiff sought authorization to further investigate his theory to determine if his theory held any merit.

69. On multiple, separate and distinct occasions after Plaintiff submitted his report to Defendant Morris, Defendants Morris and Eliades advised Plaintiff to immediately cease his investigation into the homicide of FL and refrain from any further efforts to investigate FL's homicide.

70. Defendants again knowingly refrained from engaging in the performance of their duties imposed to them by law and/or those duties that are clearly inherent in the nature of their respective offices.

71. At some point after FL's murder and Defendants ordering Plaintiff to cease his investigation into the murder of FL, Defendant Morris advised Plaintiff that the County Prosecutor's Office investigating the murder of FL obtained knowledge that FL was an informant of the Division of Criminal Justice.

72. Defendant Morris ordered Plaintiff to deny that FL was ever a source/informant of the Division of Criminal Justice if asked and directed Plaintiff to take immediate action to eliminate any connection between FL and the Division of Criminal Justice.

73. Plaintiff, however, was never contacted by the County Prosecutor's Office investigating FL's homicide nor was he ever asked as part of any investigation whether FL was a source of the Division of Criminal Justice.

74. Plaintiff complained directly to Defendant Eliades relating to Defendant Morris' order to destroy any connection identifying FL as a source/informant of the Division of Criminal Justice to which Defendant Eliades responded "How can you prove he said that?" and left Plaintiff's office.

75. Defendant Morris' directive constituted a knowingly unauthorized exercise of his official functions in an effort to obstruct an ongoing investigation.

76. Defendant Eliades failed to take any action to investigate Plaintiff's complaint.

77. Defendant Eliades again knowingly refrained from engaging in the performance of his duties imposed to him by law and/or those duties that are clearly inherent in the nature of his office.

78. At some point in time, Defendant Paw, through Defendant Morris directed Plaintiff to copy his file on the Source and deliver it to Director Paw's residence.

79. Plaintiff advised Defendant Morris, in the presence of Defendant Eliades, that Defendant Paw was not entitled to the complete Source file because it violated law - - specifically, it violated Section 30-7 "Access to Confidential Informant Files" which prohibited access to the file by the Director.

80. Defendant Morris, in the presence of Defendant Eliades, ordered Plaintiff to produce the file to Defendant Paw and ignore the regulation.

81. Defendant Morris' directive constituted a knowingly unauthorized exercise of his official functions.

82. Defendant Eliades again knowingly refrained from engaging in the performance of his duties imposed to him by law and/or those duties that are clearly inherent in the nature of his office.

83. In or around the Fall 2007, despite being qualified for a promotion in rank, Plaintiff was denied a promotion.

84. In or around the winter 2007, Plaintiff was removed from his position as Primary/Back up Duty Officer after years of being assigned to this position.

85. On or about January 22, 2008, Plaintiff advised Defendant Morris, and copied Defendant Eliades on the communication, that a source advised him that a NJSP and county investigation into gambling facilities was compromised because a member of the surveillance team notified MM of the surveillance because an individual being monitored was related to MM.

86. On or about January 25, 2008, Defendant Morris advised Plaintiff that he was not going to investigate the issue and refrain from engaging in any further investigation into the matter.

87. On or about January 28, 2008, Plaintiff advised Defendant Morris that unless the gambling operation was not raided within two weeks, it would be moved.

88. Again, Defendant Morris failed to take any action.

89. On or about January 29, 2008, Plaintiff advised Defendant Eliades of the fact that the investigation was compromised due to a link to MM.

90. Defendant Eliades took no action.

91. Defendants again knowingly refrained from engaging in the performance of their duties imposed to them by law and/or those duties that are clearly inherent in the nature of their respective offices.

92. In or around the Spring/summer 2008, Plaintiff's cellular phone number appeared on a dialed number receiver electronic surveillance of the Source in a federal investigation.

93. Upon information and belief, Defendant Morris advised a federal agent that Plaintiff's number appearing on the dialed number receiver was enough to fire Plaintiff and believed Plaintiff was continuing with an investigation into FL's murder.

94. At no time was Plaintiff instructed and/or ordered that he could no longer utilize the Source as a source/informant or was Plaintiff aware of any reason why he would be prohibited from employing the Source as a source/informant.

95. Sometime shortly after Plaintiff's number appeared on the dialed number receiver, Plaintiff was removed from his position as Acting SSI within the North Squad, Organized Crime Bureau.

96. After being removed from his position, Plaintiff advised Defendant Eliades to the effect "I knew this was going to happen." Defendant Eliades responded "I knew it was going to happen too, but did not think it would happen so quickly."

97. On or about September 3, 2008, Plaintiff thought he was returning a call to Paul McCarthy, a FBI agent who was the Head of the CI Unit in Newark, who had contacted Plaintiff looking for certain information relating to an investigation the FBI agent was conducting. Plaintiff was unaware of the nature of the federal investigation.

98. In fact, Plaintiff misdialed and called Defendant Paul Morris. Plaintiff stated to the effect "Paul, I couldn't find anything out on the information you were seeking." Defendant Morris immediately responded, "Wait, this is the wrong Paul." Plaintiff then replied, "Sorry Chief, I thought I dialed Paul McCarthy. I was returning his call because he was looking for some information."

99. On or about September 4, 2008, Plaintiff was terminated. No reason was provided for Plaintiff's termination.

**FIRST COUNT**

**(NJRICO)**

100. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 99 of the Complaint as if set forth at length herein.

101. Defendants Paw, Morris, and Eliades were employed by and/or associated with Defendants State of New Jersey, State of New Jersey Office of Attorney General, and State of New Jersey Department of Law and Public Safety, Division of Criminal Justice, defined as enterprises under NJRICO, whose individual and combined and/or associated activities affect(ed) trade or commerce.

102. Defendants' actions as alleged constitute a pattern of racketeering activity.

103. Defendants conspired and acted together and in concert with other Defendants to engage in a pattern of racketeering activities.

104. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues to suffer substantial loss of income and other pecuniary harm; damage in his business and property; personal injury; diminishment of career opportunity; loss of self-esteem; disruption of his family life; emotional trauma and distress; physical manifestations of pain and suffering and other irreparable harm.

**WHEREFORE**, Plaintiff, James Sweeney, prays for judgment against Defendants, as follows:

A. For money damages for all economic losses including, but not limited to, lost, past and future salary and fringe benefits;



- B. For treble damages;
- C. For compensatory damages or Consequential damages;
- D. For punitive damages;
- E. For emotional distress damages;
- F. For physical manifestations of pain and suffering;
- G. For attorneys' fees and costs of this action;
- H. For interest at the maximum legal rate on all sums awarded;
- I. For such other and further relief as the Court deems just and proper.

**COUNT TWO**

**(Wrongful Termination)**

105. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 104 of the Complaint as if set forth at length herein.

106. Plaintiff was performing his job at a level that met Defendants' legitimate expectations.

107. Defendants' decision to terminate Plaintiff was in direct violation of public policy as expressly provided in federal and state statutes other than NJRICO.

108. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues to suffer substantial loss of income and other pecuniary harm; damage in his business and property; personal injury; diminishment of career opportunity; loss of self-esteem; disruption of his family life; emotional trauma and distress; physical manifestations of pain and suffering and other irreparable harm.

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- D. For punitive damages;
- E. For emotional distress damages;
- F. For physical manifestations of pain and suffering;
- G. For attorneys' fees and costs of this action;
- H. For interest at the maximum legal rate on all sums awarded;
- I. For such other and further relief as the Court deems just and proper.

**COUNT THREE**

**(Retaliation)**

109. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 108 of the Complaint as if set forth at length herein.

110. Defendants caused Plaintiff to suffer the above-described adverse employment consequences because he was believed to be continuing with an investigation into the murder of FL and into the alleged corruption within a County Prosecutor's Office.

111. The above acts and practices of Defendants constitute unlawful common law retaliation.

112. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues to suffer substantial loss of income and other pecuniary harm; damage in his business and property; personal injury; diminishment of career opportunity; loss of self-esteem; disruption

of his family life; emotional trauma and distress; physical manifestations of pain and suffering and other irreparable harm.

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- E. For emotional distress damages;
- F. For physical manifestations of pain and suffering;
- G. For attorneys' fees and costs of this action;
- H. For interest at the maximum legal rate on all sums awarded;
- I. For such other and further relief as the Court deems just and proper.

**COUNT FOUR**

**(Intentional Infliction of Emotional Distress)**

113. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 112 of the Complaint as if set forth at length herein.

114. The conduct alleged above with respect to Plaintiff was intentional, outrageous in character, and so extreme as to go beyond the bounds of decency.

115. By the alleged conduct described above, Defendants intentionally inflicted emotional distress on Plaintiff.

116. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues to suffer substantial loss of income and other pecuniary harm; damage in his business and property; personal injury; diminishment of career opportunity; loss of self-esteem; disruption of his family life; emotional trauma and distress; physical manifestations of pain and suffering and other irreparable harm.

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- D. For punitive damages;
- E. For emotional distress damages;
- F. For physical manifestations of pain and suffering;
- G. For attorneys' fees and costs of this action;
- H. For interest at the maximum legal rate on all sums awarded;
- I. For such other and further relief as the Court deems just and proper.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Court Rule, R. 4:25-4, it is hereby asserted that Robert A. Tandy, Esq. is designated trial counsel for the trial of this action.

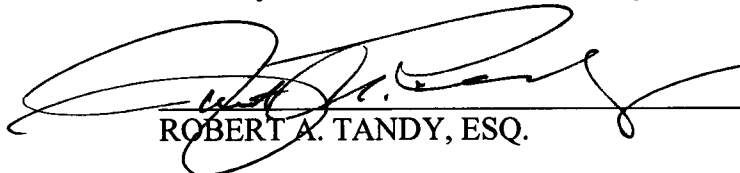
**DEMAND FOR TRIAL BY JURY**

Plaintiff, James Sweeney, herein demands a trial by jury on all issues.

**DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS**

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose and make a copy to the undersigned of any insurance agreements or policies applicable to this action.

**LAW OFFICE OF ROBERT A. TANDY, LLC**  
Attorney for Plaintiff, James Sweeney



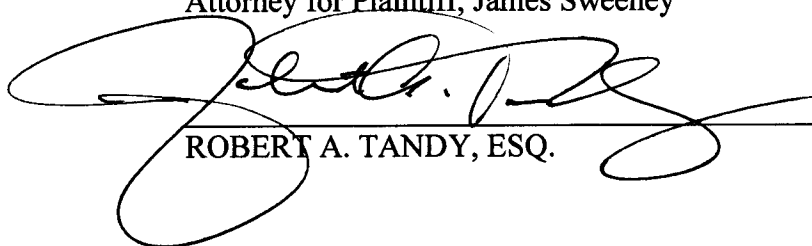
ROBERT A. TANDY, ESQ.

Dated: September 1, 2010

**CERTIFICATION PURSUANT TO R.4:5-1 & 1:38-7(b)**

I certify that the above matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, and I have no knowledge that any other action or arbitration proceeding is contemplated. To the best of my knowledge, no other party should be joined in this action. I further certify that confidential personal identifiers have been redacted in accordance with Rule 1:38-7(b).

**LAW OFFICE OF ROBERT A. TANDY, LLC**  
Attorney for Plaintiff, James Sweeney



ROBERT A. TANDY, ESQ.

Dated: September 1, 2010