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UNION COUNTY, N.J.

RINALDO AND RINALDO

Counsellors at Law

2015 FEB 17 A 10:09

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February 10, 2015

UNION COUNTY COUNSEL
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ADMINISTRATION BUILDING
ELIZABETH, NJ

VIA REGULAR & CERTIFIED MAIL, RRR

Union County Administration Building
10 Elizabethtown Plaza
Elizabeth, New Jersey 07207
ATTN: County Manager Alfred Faella

VIA REGULAR & CERTIFIED MAIL, RRR

Union County Administration Building
10 Elizabethtown Plaza
Elizabeth, New Jersey 07207
ATTN: James E. Pellettiere, Clerk of the Board

**Re: Marissa Taylor-Munger vs. Kevin Burkert and County of Union, et. als.
Date of Accident/Incident:
NOTICE OF TORT CLAIM**

To the Union County Board of Freeholders:

We represent Marissa Taylor-Munger for injuries sustained during the course of her employment as a corrections officer, and, accordingly, act on her behalf.

This letter will serve as the Notice of Claim on behalf of our client, Marissa Taylor-Munger, according to the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.

If there is a Notice of Tort Claim Form to be used, please provide it immediately to our office.

a. The name and post office address of the claimant:

Marissa Taylor-Munger
[Redacted Address]

b. The post-office address to which the person presenting the claim desires notices to be sent:

Matthew T. Rinaldo, Esq.
Rinaldo and Rinaldo Associates, LLC
60 Walnut Avenue, Suite 150
Clark, New Jersey 07066

c. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted:

This Notice is based on harassment and retaliation experienced by Ms. Taylor-Munger at the hands of Sgt. Kevin Burkert. Sgt. Burkert has been harassing Ms. Taylor-Munger on a continuous and regular basis since 2011 for no reason other than her gender as female and race as African-American. Ms. Taylor-Munger made several complaints about Sgt. Burkert which were deemed substantiated. Sgt. Burkert has harassed African-American female co-workers and inmates in the past.

Sgt. Burkert has cornered Ms. Taylor-Munger and has threatened and intimidated her. He has gone out of his way to ensure that her work assignments are under his supervision. Ms. Taylor-Munger has been in fear of physical harm at the hands of Sgt. Burkert. Sgt. Burkert has attempted to disparage Ms. Taylor-Munger's reputation among her colleagues. Despite Sgt. Burkert's behavior and past history, the County simply has given him a slap on the wrist and has taken no meaningful steps to stop his reign of terror against Ms. Taylor-Munger.

No meaningful discipline has been forthcoming as a result of the above incidents. Consequently, Sgt. Burkert has been and continues to be in a position to commit acts of harassment and retaliation against Ms. Taylor-Munger.

As a result, Ms. Taylor-Munger has suffered escalating anxiety, physical and emotional trauma, and depression.

Kevin Burkert committed the acts alleged above maliciously, oppressively, and with the wrongful intention of injuring Ms. Taylor-Munger and in conscious disregard of Ms. Taylor-Munger's rights. The acts alleged created a hostile work environment.

The County of Union is responsible through respondeat superior and through wilful failure to remedy the hostile work environment.

Because the acts taken toward Ms. Taylor-Munger were carried out in a deliberate, cold, callous, deceitful, cruel, pernicious, harmful, hurtful, libelous, and intentional manner in order to injure and damage Ms. Taylor-Munger, Ms. Taylor-Munger is entitled to recover compensatory and punitive damages from the individual defendant and the County under existing law.

Because of the wilful, reckless, and outrageous nature of the conduct, the verbal threshold of Title 59 does not apply. Similarly, because Ms. Taylor-Munger has a statutory cause of action, Title 59 does not apply.

d. A general description of the injury, damage or loss incurred so far as it may be known at the time of presentation of the claim:

As a result of the unabated harassment of Ms. Taylor-Munger by Kevin Burkert, Ms. Taylor-Munger has suffered, and continues to suffer, humiliation, embarrassment, mental and emotional distress, discomfort, and difficulty sleeping.

Ms. Taylor-Munger has suffered escalating anxiety, physical and emotional trauma, and depression.

A more accurate and comprehensive statement of damages will be calculated and supplied at a later date.

e. The name or names of the public entity, employee or employees causing the injury, damage or loss, if known:

Known parties are:


- Kevin Burkert
- County of Union

f. The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed:

- Wage Loss:
- Medical expenses and other consequential expenses: To be determined.
- Personal Injury, pain and suffering, loss of reputation, humiliation, anxiety, depression, other emotional distress, and dignitary: \$250,000, based on the severity of the above-cited injuries and the fundamental rights infringed. This number is subject to modification as the full extent of Ms. Taylor-Munger's injuries is manifested.
- Punitive: To be determined in accordance with N.J.S.A. 2A:15-5.9 et seq., and especially N.J.S.A. 2A:15-5.14.
- Counsel fees and prejudgment interest for civil rights claims: To be determined.
- Medical reports, hospital records, treating physicians, office notes and reports, experts' reports, and itemized bills as well as any liability reports will be supplied when available and as discovery and investigation in this matter progresses. Claimant reserves the right to utilize all of the above, in whole or in part, in connection with his Claim.

Please be guided accordingly.

Very truly yours,
RINALDO AND RINALDO ASSOCIATES, LLC



Matthew T. Rinaldo

MTR:mv