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JASON GORTO,  Plaintiff,  v.  COUNTY OF ESSEX, CAPTAIN JOHN CAMPO, JOHN DOES 1-10.  Defendants.	Superior Court of New Jersey Law Division: Civil Part Essex County  Docket No.:  CIVIL ACTION  <b>COMPLAINT</b>
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Plaintiff, Jason Gorto (“Plaintiff”), complaining of Defendants County of Essex, and Captain John Campo, collectively referred to hereafter as “Defendants,” states as follows:

**PARTIES:**

1. Plaintiff, Jason Gorto, is a person residing in Howell, New Jersey and at all times relevant herein was a resident of New Jersey and an employee of the County of Essex as defined by the New Jersey Conscientious Employee Protection Act.
2. Defendant County of Essex is the County Government of Essex County, New Jersey and at all times relevant herein an employer as defined under the New Jersey Conscientious Employee Protection Act.
3. Defendant John Campo was a Lieutenant and/or Captain of Detectives employed by Defendant Essex at all times relevant to this complaint and was Plaintiff’s supervisor as defined by the New Jersey Conscientious Employee Protection Act.
4. John Does 1-10 are fictitious designations for parties holding liability in this matter, identities currently unknown.

**JURISDICTION AND VENUE:**

5. The amount in controversy satisfies the Court's jurisdictional requirements.
6. The State of New Jersey has subject matter and personal jurisdiction over this controversy.
7. Venue is proper in this Court, as Defendants are the County Government of Essex, and their employee and/or appointee therein, and maintain a primary place of business in the City of Newark, Essex County.

**FACTS COMMON TO ALL CLAIMS:**

8. The Plaintiff is a Detective working for the County of Essex in the office of the Essex County Prosecutor.
9. The Plaintiff has been employed by Defendant County of Essex ("Defendant Essex") since July 2015.
10. The Plaintiff has a bachelor's degree in criminal justice/professional security studies, from New Jersey City University.
11. The Plaintiff has over 25 years of experience in law enforcement having worked as a Parole Officer, Police Officer, and Detective.
12. The Plaintiff possesses a wide range of advanced law enforcement training including specialized investigative and instructional training.
13. The Plaintiff started his career with Defendants with the Adult Trial Unit of the Essex County Prosecutor's Office. ("ECPO")
14. In 2016 the Plaintiff was transferred to the Juvenile Unit where he was assigned until 2019.
15. The Plaintiff was transferred to the Adult Trial Unit in 2019, until 2022 when he was transferred back to the Juvenile Unit where he remained until August 2023.
16. While assigned to the Adult Trial and Juvenile Units, the Plaintiff was supervised

by then-Lieutenant, Defendant John Campo. (“Defendant Campo”)

17. The Plaintiff earned good performance evaluations either meeting or exceeding standards during his employment with Defendant Essex.
18. Other than a minor disciplinary infraction in 2016, the Plaintiff had no disciplinary actions until July 2023 when he suddenly began experiencing an intense series of retaliatory adverse employment actions.
19. Each of the retaliatory adverse employment actions share the common nexus of Defendant Campo, or persons acting under the direction of Defendant Campo.
20. The Plaintiff initially had a good relationship with Defendant Campo for several years of his employment.
21. The supervisor-subordinate relationship with Defendant Campo degraded after the Plaintiff returned to the Juvenile Unit and began reporting what he reasonably believed to be clear violations of policy, procedure, rules, regulations, public policy, and/or laws to his superiors at the ECPO.
22. Upon arriving at the Juvenile Unit in 2023, Detective Andrew Mueller advised the Plaintiff that Sergeant Ain Farrow (Plaintiff’s direct-report supervisor), was late each morning and that Detective Mueller and Detective John Yarnell (“Detective Yarnell”) were signing her in to cover for her.
23. The Plaintiff learned Detectives Yarnell and Mueller were improperly signing the time sheet for Sergeant Farrow, scanning the time sheet and emailing it to Defendant Campo.
24. This was the official unit sign-in sheet utilized for time-keeping purposes that the Plaintiff was also required to sign, a cause for significant concern, as the plaintiff opposed, and did not wish to participate in fraud.
25. Detective Yarnell urged the Plaintiff to engage in this fraudulent activity, telling

the Plaintiff that he must sign the Sergeant in.

26. The Plaintiff refused to do so, and thereafter Sergeant Farrow contacted the Plaintiff by cell phone directly requesting that he sign her in even though she was not there; the Plaintiff refused advising Sergeant Farrow this would be improper, as he was aware to do so would violate ECPO policy and procedure.
27. Moving forward from this incident the Plaintiff realized the work environment within the Juvenile unit had chilled because he had refused to participate in, and opposed fraudulently signing-in Sergeant Farrow.
28. The Plaintiff later learned from Detective Mueller that Sergeant Farrow had sat Detectives Mueller and Yarnell down, explained she was going to be late every day, and instructed them to sign her in and email the time sheet to Defendant Campo.
29. After refusing to participate in signing-in Sergeant Farrow, the Plaintiff came to realize he was being assigned far more work than other Detectives in the unit, Mueller and Yarnell; the Plaintiff suspected this was retaliation for opposing the improper practice of signing in Sergeant Farrow when she was not at work.
30. In the late June–July 2023 time frame the Plaintiff began to be assigned to front desk duty by Sergeant Farrow on short notice, sometimes with little notice at all.
31. Front Desk duty entailed general duties at a fixed duty location, and by repeatedly being assigned to this duty, interfered with the Plaintiff's ability to complete his assigned Juvenile Unit tasks.
32. After refusing to violate rules, policies, procedures, and the law(s) related to prohibitions on falsification of time records, the Plaintiff was himself written up for lateness by Sergeant Farrow, often for only being a few minutes late.
33. The Plaintiff also noted that his paid time off, such as sick time, was now being

intensely scrutinized by Sergeant Farrow.

34. In one instance, Sergeant Farrow sent an email to the Plaintiff reminding him of call-out procedures, copying the Plaintiff's chain of command, only for the Plaintiff to learn Sergeant Farrow herself was out on the day in question.
35. The Plaintiff particularly noted that Detective Yarnell was not being assigned a commensurate level of work or responsibility compared to the Plaintiff.
36. While Detective Yarnell had been assigned a caseload in the 30s, the Plaintiff had been assigned nearly 180 cases.
37. On July 12, 2023, the Plaintiff asked Sergeant Casey McCabe ("Sergeant McCabe") if he could pick up evidence and serve a medical subpoena with Detective Mueller from the Adult Trial Services unit ("ATS").
38. Sergeant McCabe asked the Plaintiff why he wanted to do field work with Detectives from ATS rather than Detective Yarnell.
39. The Plaintiff was confused by this statement, because he had not been prohibited from doing field work with ATS Detectives in the past and perceived it as incongruent micromanagement compared to usual practice.
40. The Plaintiff explained to Sergeant McCabe that he was not comfortable conducting field work with Detective Yarnell and worked well cooperatively with ATS.
41. Sergeant McCabe acknowledged the Plaintiff's statement but did not wish to hear the Plaintiff's explanation as to why he was uncomfortable working with Detective Yarnell.
42. The Plaintiff believed it was important for supervisors to know why he was uncomfortable with Detective Yarnell, and proceeded to provide Sergeant McCabe with his concerns about Detective Yarnell, and yet Sergeant McCabe expressed no

concerns of her own.

43. The Plaintiff subsequently learned from Detective Mueller that Sergeant McCabe had immediately called Defendant Campo about the Plaintiff's complaints regarding Detective Yarnell.
44. Instead of looking into the Plaintiff's concerns, Defendant Campo asked Detective Mueller about the Plaintiff's own work habits, statements, and activities.
45. Defendant Campo then sent an email to Essex County Prosecutor's Office law enforcement staff that Detectives from different ECPO units can no longer ride together when conducting field work, prohibiting the Plaintiff from working cooperatively with ATS as he had in the past.
46. Defendant Campo knew or should have known this prohibition would further hamper the Plaintiff's ability to complete his assigned tasks in a timely and efficient manner, already impacted by repeated assignments to Front Desk duty.
47. The Plaintiff suspected due to the temporal proximity of Defendant Campo's new policy, that it was specifically designed to affect him, utilized as a pretext in retaliation for the Plaintiff reporting concerns regarding Detective Yarnell.
48. The Plaintiff meanwhile had serious concerns about Detective Yarnell based on his factual observations of Detective Yarnell's work performance and aberrant workplace behavior.
49. The Plaintiff noted that Detective Yarnell, instead of engaging in his duties as a Detective, was working his personal phone in furtherance a pool business he ran on the side.
50. On information and belief, Detective Yarnell operates Yarnell Pool Services, a Pennsylvania based pool service company.
51. The Plaintiff noted that Detective Yarnell would spend hours on the phone

engaged in the pool business each day.

52. In early 2023 an anonymous complaint was made regarding Detective Yarnell's inappropriate use of work time for the pool business.
53. Detective Yarnell then stopped talking to the Plaintiff, as he apparently and incorrectly assumed the Plaintiff was the anonymous caller.
54. The Plaintiff was not the anonymous caller.
55. The Plaintiff subsequently met with Detective Yarnell in the company of another unit Detective in an effort to relieve tension within the workplace.
56. During the conversation Detective Yarnell described the complaint that was made about him and explained this was the basis of his rift with the Plaintiff.
57. Detective Yarnell also advised the Plaintiff that a complaint had been made by an employee about Sergeant Farrow and there was a rumor going around that the Plaintiff made the complaint.
58. During the conversation the Plaintiff offered Detective Yarnell advice to not be on his phone so much in the office, or perhaps to make non-work calls from the hallway.
59. The Plaintiff was concerned for Detective Yarnell as the Plaintiff was aware of significant issues in Yarnell's past which could potentially impact the safety, security, and integrity of the ECPO should they recur, and had offered Detective Yarnell an opportunity to talk if Yarnell ever had the need.
60. Despite the seemingly positive nature of the Plaintiff's conversation with Detective Yarnell, after a day or two Detective Yarnell returned to avoiding communication with the Plaintiff in the workplace.
61. The Plaintiff was concerned about Detective Yarnell's behavior, but also concerned about the rumor Yarnell had described, as it was not the Plaintiff who

had complained about Sergeant Farrow as it appeared a person or persons unknown were attempting to falsely portray the Plaintiff as disloyal to Sergeant Farrow.

62. The Plaintiff brought his concerns about Detective Yarnell, and the rumor directly to Sergeant Farrow.
63. The Plaintiff's motive was to have a frank conversation with Sergeant Farrow and dispel the belief that he was the Detective who had complained about her.
64. The Plaintiff had also brought his concerns about Detective Yarnell to Sergeant McCabe as described above.
65. After the conversation with Sergeant Farrow, instead of Detective Yarnell's behavior being addressed, instead of the tension in the unit being mitigated, the Plaintiff was targeted for retaliation by Sergeant Farrow and her superior, Defendant Campo.
66. The Plaintiff notes that Detective Yarnell is known to be a favorite of Chief of Detectives Mitchell G. McGuire III.
67. After bringing his concerns about Detective Yarnell to Sergeant Farrow, the Plaintiff was written up or admonished for even the most minor infractions, his work parameters were constricted, he was assigned extra duties to cover for Detective Yarnell, all while purposely being overburdened with a disproportionate amount of case work.
68. On July 1, 2023, Defendant Campo was covering supervision of the Juvenile Unit arriving for work at 0835.
69. Defendant Campo handed the Plaintiff the unit time sheet and had him scan and submit it by email.
70. The Plaintiff noted that although he had recently been written up for being even 2



minutes late by Defendant Campo, Defendant Campo was late himself and did not document it on the timesheet.

71. Also on July 13, 2023, the Plaintiff notes Detective Yarnell was out on an Administrative Leave Day despite Detective Yarnell being assigned Front Desk duty which another Detective would be compelled to cover in his absence.
72. Detective Yarnell's absence on this day meant the Plaintiff had to cover for him.
73. Despite covering for Detective Yarnell, the Plaintiff was inexplicably assigned two additional tours on front desk duty, while having a massive caseload of 174 active cases compared to Detective Yarnell's meager caseload of 36 active cases.
74. On July 19, 2023, the Plaintiff was in his assigned workspace and was subjected to Detective Yarnell talking loudly and incessantly about pool business.
75. Detective Yarnell's loud, non-work conversations distracted the Plaintiff from his duties.
76. The Plaintiff politely asked Detective Yarnell to go somewhere else to discuss his pool business, as Detective Yarnell's loud conversation was distracting the Plaintiff from important work tasks.
77. Detective Yarnell replied that other staff in the office talked loudly, citing that "Laquanda" talked loud also as an excuse for his own behavior, and then ignoring the Plaintiff's request, continued to talk loudly about non-work business.
78. The Plaintiff became concerned about Detective Yarnell's behavior and advised Sergeant Farrow that Detective Yarnell was behaving oddly, was introverted, his affect was bizarre, he had red watery eyes and exhibited a shuffling gait.
79. The Plaintiff requested a transfer from the Juvenile Unit from Sergeant Farrow as given Detective Yarnell's bizarre affect, and Sergeant Farrow's failure to address it, he felt unsafe and uncomfortable working with Detective Yarnell.

80. The Plaintiff was not granted a transfer and although Detective Yarnell's concerning workplace behavior continued, it remained unaddressed by Sergeant Farrow.
81. On August 10, 2023, the Plaintiff noted Detective Yarnell's cubicle wall had fallen blocking the aisle between cubicles and requested Detective Yarnell fix it.
82. Detective Yarnell did not acknowledge the Plaintiff's requests that he fix the issue, leaving the right of way blocked by the fallen partition for hours, and meanwhile the Plaintiff observed Detective Yarnell talking on his phone while watching TV, not engaged in any ECPO work-related activities.
83. At some point that day when once again asked to correct the issue, Detective Yarnell said he didn't know what to do with it, and the Plaintiff jokingly told him to stick it up his ass.
84. Plaintiff notes this type of cop banter was constant among the law enforcement personnel in the ECPO.
85. Detective Yarnell jokingly responded that it wouldn't fit and laughed along with the Plaintiff.
86. The Plaintiff thought nothing more of this and the office relations between the Plaintiff and Detective Yarnell went on as usual.
87. The Plaintiff had to pick up the fallen portion of Detective Yarnell's cubicle however, while Detective Yarnell continued to watch TV on his phone.
88. On August 16, 2023, the Plaintiff observed that Detective Yarnell spent nearly two hours on a non-work-related call and then made several more calls related to his pool business.
89. The Plaintiff observed that Detective Yarnell then watched TV on his phone for the remainder of the day, conducting no ECPO work-related activities.

90. The Plaintiff was concerned by the fact Detective Yarnell was not performing his duties, but instead improperly running a business in direct violation of rules, policies and procedures of Defendant Essex.
91. The Plaintiff was also concerned by Detective Yarnell neglecting his duties by watching TV all day, and appearing so disaffected that he could not be bothered to fix his cubicle that had fallen into the office aisle.
92. The Plaintiff was particularly concerned as Detective Yarnell, despite the workplace deficiencies reported by the Plaintiff, continued to enjoy a light caseload, while the Plaintiff had been overburdened with a massive number of active cases, while being assigned additional duties making his workload harder to manage.
93. The Plaintiff had reported Detective Yarnell's workplace behavior to Sergeant Farrow as it represented numerous violations of policy and procedure of the Defendant Essex related to timekeeping, secondary employment, and failing to perform law enforcement functions due to what appeared to be a breakdown of Detective Yarnell's mental and or physical health.
94. The Plaintiff also advised Sergeant Farrow about Detective Yarnell's odd affect and behavior issues as he believed these may be indicators of substance abuse issues.
95. After reporting these concerns to Sergeant Farrow in July 2023, to the Plaintiff's knowledge, no action to correct Detective Yarnell's behavior was taken, and instead, the Plaintiff suffered from increasingly severe retaliation.
96. On August 17, 2023, the Plaintiff was inexplicably transferred to the Homicide Task Force ("HTF") with less than one day of notice in the middle of his shift on the front desk.

97. Sergeant Farrow instructed the Plaintiff to turn over his post to a replacement, and to report to the Juvenile Unit to move his gear out immediately.
98. After being transferred, the Plaintiff was also instructed to complete an Administrative Report because he had inadvertently left his body worn camera in the charger at the Juvenile Unit in the morning before reporting for front desk duty.
99. An “Administrative Report” is a document that memorializes minor workplace deficiencies, and forms what is colloquially known as a “paper trail” in furtherance of supporting subsequent disciplinary action.
100. The Plaintiff noted that not only was he transferred with no notice, but he was also written up for a minor violation that would typically result in no action.
101. The Plaintiff reasonably concluded that his supervisors were building a “paper trail” of minor infractions in preparation for supporting more serious disciplinary actions in the future.
102. The Plaintiff notes that while transfer to the HTF was ostensibly desirable, the manner in which it was administered by Defendants, on short notice and with no explanation, tainted the assignment with the feel of passive-aggressive retaliation.
103. The Plaintiff was also instructed by Sergeant Farrow to reassign all 180 of his assigned cases in the Infoshare system, which was typically a supervisor's task.
104. On August 18, 2023, the Plaintiff received two additional phone calls from Sergeant Farrow instructing him to complete yet another Administrative Report documenting his transfer.
105. The Plaintiff had already been tasked with duties by his current supervisor on the HTF, so forwarded SGT Farrow’s email to his current supervisor, and notified Sergeant Farrow he was assigned to, and engaged in, other duties.

106. On August 29, 2023, the Plaintiff was served with a Target Letter from Internal Affairs alleging misuse of a database in 2019 and 2023.
107. Meanwhile the Body Worn Camera paper-trail was addressed by Defendant Campo.
108. On September 1, 2023, the Plaintiff was instructed to meet with Defendant Campo, who counseled the Plaintiff on, and served the Plaintiff with, ECPO body worn camera policy; this was related to the earlier Administrative Report for leaving the body worn camera in the charger.
109. On September 2, 2023, the Plaintiff received a target letter from Defendant's Human Resources department that he was being investigated for a Harassment Complaint.
110. The Plaintiff would later learn this complaint was filed by Detective Yarnell related to the innocuous banter between the Plaintiff and Detective Yarnell in early August 2023 regarding Detective Yarnell's failure to fix his own dilapidated cubicle.
111. The Plaintiff was thereafter subjected to an investigatory interview by Essex County Human Resources staff in the presence of his union representative Detective Anthony Deprospro.
112. During the interview with Human Resources, the Plaintiff raised his concerns about Detective Yarnell's fitness for duty that had been ignored by his superiors.
113. After the interview with Human Resources the Plaintiff wrote a letter to the Essex County Inspector General describing what he was experiencing in the Juvenile Unit.
114. The Plaintiff described the tension, the issues with Detective Yarnell, and his subsequently being ostracized and retaliated against after his discussions with

Sergeant Farrow.

115. To the Plaintiff's knowledge, no action was taken to mitigate the issues, to the contrary the retaliation from his superiors only intensified.
116. Not only did Human Resources also ignore the Plaintiff's reported concerns about violations of rules, laws, policies and procedures, the Plaintiff was found liable for making harassing comments to Detective Yarnell, an absurd result considering the totality of the circumstances.
117. The Plaintiff was later advised that his allegations regarding Detective Yarnell he had made to Human Resources, and the entire matter, was turned over to Internal Affairs for investigation.
118. The Plaintiff's concerns regarding Detective Yarnell were intensified due to Detective Yarnell's personal relationship with Chief McGuire; Yarnell was well known to be one of Chief McGuire's favorites in the workplace.
119. In or about January 2024, the Plaintiff and other Detectives of the Essex County Prosecutor's Office were improperly ordered by the Chief McGuire, to perform difficult, dirty, and time-consuming manual labor moving files from a warehouse in Belleville, New Jersey to the Essex County Building in Newark, New Jersey.
120. The move of the files which Defendant Essex County named the "Belleville Project" utilized highly trained law enforcement officers from the Homicide and Special Victims Unit reassigned from investigative duties to manual labor of moving files.
121. In addition, the whistleblowers who appeared in the I-Team report stated that the files were kept in a location open to the public, which is a clear violation of laws, rules, regulations, policies and procedures related to confidentiality of law enforcement files.

122. The Detective's Union and individual Detectives, including the Plaintiff, were vocal about this being out of title work, representing fraud, waste and abuse in violation of their collective bargaining agreement, and the rules, regulations, laws governing duties of sworn law enforcement staff.
123. On January 11, 2024, the NBC 4, New York television station's I-Team show featured the file whistleblowers on their program.
124. Reporter Sarah Wallace featured video footage of numerous Detectives performing manual labor, packing and moving boxes within a dingy warehouse, instead of performing their assigned public safety tasks.
125. Wallace's article also featured an interview with the Detective's Union President, Detective Anthony Deprospro.
126. Wallace also interviewed other Essex County Detectives, their faces and voices disguised for fear of retaliation from Defendants.
127. When the ITeam report was released in the press it caused a furor within the leadership of the Prosecutor's Office, with Chief McGuire being particularly incensed at press critical of his leadership.
128. After the I-Team report aired, the Plaintiff was assumed by Defendant Campo and Chief McGuire to have been one of those who provided an anonymous interview to Wallace, and retaliation swiftly followed and continues to date.
129. Defendant Campo initiated an intense scrutiny of the Plaintiff's work, and even the most minor of mistakes continued to be memorialized in writing.
130. A stream of official investigations also followed, initiated by or stemming from Defendant Campo and his superiors.
131. Internal Affairs contacted the Plaintiff's wife and father on February 7, 2024, related to an investigation of alleged misuse of a database.

132. In a highly intrusive contact the Plaintiff's wife and father were questioned as to the status of the Plaintiff's marriage and other personal aspects of the Plaintiff's life with no bearing on his work as a detective.
133. On February 12, 2024, the Plaintiff was served with yet another set of disciplinary charges at ECPO Internal Affairs stemming from the August 2023 Human Resources interview concerning issues with Detective Yarnell.
134. On February 13, 2024, Defendant Campo insensitively questioned the Plaintiff about a mass card on the Plaintiff's desk for a friend's daughter who passed away recently, despite knowing that the Plaintiff was hurting emotionally due to his mother-in-law being treated for cancer.
135. The Plaintiff perceived this as Defendant Campo making an inference to the Plaintiff's sick relatives in a pejorative manner.
136. Despite the Plaintiff being a highly trained and experienced Detective, Defendant Campo treated him like an incompetent recruit.
137. Among the incessant scrutiny by Defendant Campo, when the Plaintiff momentarily left a case file box on his desk, Defendant Campo pounced, seizing the box and had the Plaintiff complete an Administrative Report as to why the box was not under constant watch.
138. The Plaintiff understood that this was a retaliatory action for Plaintiff's perceived public complaints regarding the improper conduct of Defendant Campo and others in approving, aiding and abetting the use of Detectives to perform manual labor of moving boxes of files.
139. Solidifying the Plaintiff's belief this was a retaliatory gesture from Defendant Campo, despite documenting the Plaintiff's alleged failure to secure evidence, Defendant Campo himself left case evidence on (at least) two Detective's desks.



140. The Plaintiff himself entered and entered into evidence the two packets on February 15 and 20, 2024, to assure the evidence would not go unaccounted.
141. On February 22, 2024, the Plaintiff was summoned to Internal Affairs for an interview ostensibly regarding the Human Resources complaint between the Plaintiff and Detective Yarnell.
142. Despite the ostensible reason for the interview, the Plaintiff was questioned regarding database misuse allegations, as well as served with yet another Internal Affairs allegation for the February 6, 2024, incident in which Defendant Campo took control of the Plaintiff's evidence box.
143. In January 2024 the Plaintiff had noticed the area around the desk that Defendant Campo had assigned him to in January was exuding the foul stench of decomposing flesh.
144. The Plaintiff searched for a dead animal at that time, but it could not be located.
145. On March 11, 2024, the Plaintiff noticed again the foul smell of decomposition.
146. The Plaintiff again searched the area of his desk, and this time located a dead mouse which appeared to have been decomposing under his desk for several weeks.
147. The Plaintiff was concerned that a dead mouse was found under his desk, as a mouse and rat are similar, and the connotation of the Plaintiff being a "rat" by allegedly voicing his concerns about the improper use of Detectives to move files did not escape him.
148. The eventual disposition of the database internal affairs investigation was for the Plaintiff to receive training on the database and no disciplinary action was taken.
149. The Plaintiff notes scrutiny of his marital status was made an issue as part of the internal investigation regarding his use of the database, including intrusive

internal affairs interviews with his wife and father.

150. In September 2023, the Plaintiff was also told to see Defendant Campo about the Body Worn Camera issue and was compelled to sign for Standard Operating Procedures.
151. This was ostensibly for the Plaintiff leaving his BWC in the juvenile unit.
152. On September 2, 2023, the Plaintiff was subjected to a Human Resources interview regarding his alleged harassment of Detective Yarnell.
153. This claim of harassment was based on the innocuous banter between the Detectives which was only made an issue when the Plaintiff communicated to his superiors his concerns for Yarnell's behavior in the workplace.
154. The Plaintiff was subjected to a grueling one-and-a-half-hour interview at which his union representative was present.
155. During the interview the Plaintiff advised the Human Resources interviewer that he had complained about Yarnell's behavior in the workplace and his concerns regarding possible substance abuse and unauthorized off-duty work.
156. During the interview the Plaintiff repeated the allegations and expressed his concerns regarding Yarnell to Human Resources.
157. Yarnell's complaint was thereafter sustained by the Defendants, to wit the Plaintiff telling Yarnell to "stick it up his ass" in reference to the fallen section of Yarnell's cubicle was deemed "harassment."
158. The Plaintiff found this to be incongruent with the work environment at the ECPO, a law enforcement workplace on the rougher edge of society where such banter routinely occurred between Detectives.
159. None of Yarnell's behaviors the Plaintiff brought to the attention of Human Resources were investigated or acted upon to the Plaintiff's knowledge.

160. To the Plaintiff's knowledge Yarnell continued work unaffected, while the Plaintiff has been subjected to numerous adverse employment actions because he reported Yarnell's improper conduct to his superiors.
161. On September 27, 2023 the Plaintiff sent a letter to Essex County Inspector General, Dominic Scaglione, outlining the various concerns regarding the Essex County Prosecutor's office.
162. Other than to respond "received" the Plaintiff had no further contact from Scaglione, nor to his knowledge were any of his complaints investigated by the Defendants.
163. As of this filing the Plaintiff remains the subject of at least two open Internal Affairs investigations which have been inexplicably extended, in one case for over a year, with no resolution.
164. The New Jersey Attorney General, Internal Affairs Policy and Procedures, states in §6 Investigation of Internal Complaints, Time Limitations, ¶6.1.1. "It is vitally important that agencies complete internal affairs investigations in a prompt manner. Long, unnecessary delays do not simply create additional uncertainty for the subject officer; they can also threaten the integrity of an investigation and the trust of the community."
165. Despite the Attorney General's guidelines, the Internal Affairs investigations of the Plaintiff inexplicably, and against policy and procedure, remain open.
166. By leaving the Internal Affairs investigations open for an improper amount of time, the Defendants leave the Plaintiff in perpetual peril of major disciplinary action, serving to reinforce the hostile work environment inflicted on the Plaintiff.
167. In and of itself an Internal Investigation may not be an adverse employment action, but it becomes an ongoing adverse employment action when left as an

implied threat against, and ongoing detriment, to a law enforcement officer's career.

168. In January 2024, the Plaintiff was again subject to a retaliatory involuntary transfer from the Homicide Task Force to the Adult Trial Section.
169. The involuntary transfer to the Adult Trial Section represents a significant career downgrade from a high profile unit such as the Homicide Task Force.
170. The transfer is also incongruent with the high level of performance documented in the Plaintiff's latest Performance Evaluation Review.
171. The Plaintiff was given no explanation for his involuntary transfer from the Homicide Task Force to the Adult Trial Unit, an irregularity which has not been addressed by his superiors, including Defendant Campo.
172. A transfer from a high profile unit to a unit such as Adult Trial is perceived by the Plaintiff and his detective peers as an adverse employment action.
173. The involuntary transfer caused the Plaintiff professional embarrassment, represented a regressive career placement, and served to intensify the hostile work environment he suffers.
174. Defendant Campo is a supervisor with control of the Plaintiff's work activities.
175. Defendant Campo was employed by the County of Essex at all times relevant to this Complaint.
176. Defendant Campo both independently and at the direction of his superiors of the Essex County Prosecutor's Office retaliated against the Plaintiff for Plaintiff's protected communications regarding violations of law, rules, regulation, policies and procedures by his superiors and a coworker in the workplace.
177. This retaliation took the form of unwarranted and intense scrutiny of the Plaintiff's work, followed by pretextual Internal Affairs and Human Resources

investigations.

178. The internal investigations have been purposefully left open-ended in violation of the Attorney General's Internal Affairs Policies and Procedures, in an ongoing act of retaliation against the Plaintiff.
179. Further retaliation includes involuntary transfers, dead vermin under the Plaintiff's desk, purposely making the Plaintiff's work more difficult and dangerous to complete, intrusive investigations of his marriage, family relations and other aspects of his personal life in furtherance of spurious, pretextual, retaliatory internal investigations.
180. The Plaintiff suffered from and continues to suffer from a hostile work environment of severe and pervasive retaliation by the Defendants based on his protected communications regarding violations of laws, rules, policies and procedures at the Essex County Prosecutor's Office.
181. Based on the continuous retaliation Plaintiff suffered and continues to suffer from the Defendants, the Plaintiff came to the reasonable conclusion that the terms and conditions of his employment are altered, and the working environment is hostile and abusive.
182. The Plaintiff was subjected to retaliation by the Defendants for protected communications to supervisors (and others) regarding violations of laws, policies, regulations, and procedures in the workplace of Defendants.
183. But for the Plaintiff's protected communications regarding violations of laws, rules, regulations and policies in the workplace, Defendants would not have retaliated against the Plaintiff.
184. The Plaintiff suffered not only from discrete incidents of retaliatory adverse employment actions, but an ongoing pattern and practice of severe and pervasive

retaliation creating a hostile work environment and continuous, ongoing adverse employment action.

185. As a New Jersey employer, the Defendant owes a duty to the Plaintiff not to retaliate against him for communications protected by CEPA.

186. As a New Jersey employer Defendant County of Essex had an affirmative duty to the Plaintiff to refrain from and prevent retaliation in the workplace, including preventing supervisory personnel such as Defendant Campo from doing so.

187. In retaliating against the Plaintiff for his protected communications the Defendants have damaged the Plaintiff in violation of CEPA.

188. The Defendants are jointly and severally liable to the Plaintiff for damages.

189. The Plaintiff reserves the right to name additional individual defendants as they become known in discovery and names them herein as Defendants John Does 1-10 in anticipation of adding such defendants.

**FIRST COUNT:**  
**CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA)**

190. Plaintiff repeats and reasserts each and every fact and allegation set forth above.

191. At all times relevant hereto Defendant Campo was a “supervisor” as defined in N.J.S.A. 34:19-2.

192. The Defendant Essex had supervisory authority over Defendant Campo.

193. At all times relevant hereto Plaintiff was an “employee” and Defendant Essex was an “employer” as defined in N.J.S.A.34:19-2.

194. Defendant Essex had a duty to hire, train, supervise, discipline, and retain supervisory personnel in a manner which would reasonably prevent retaliation in the workplace.

195. Defendant Essex is responsible for the actions of their supervisory employees pursuant to the doctrine of *Respondeat Superior*.
196. Plaintiff repeatedly objected to activities of the Defendants which violated laws, rules, policies and regulations, including those of Defendant Essex itself.
197. The Plaintiff diligently reported these violations to his superiors.
198. Instead of taking prompt and effective actions to address the Plaintiff's complaints, Defendant Essex aided and abetted Defendant Campo in his campaign of retaliation against the Plaintiff.
199. When the Plaintiff reported the violations occurring in the workplace, Defendant Essex took only pretextual action, failed to properly investigate the Plaintiff's complaints, and thereafter allowed and empowered Defendant Campo and others to retaliate against the Plaintiff with impunity.
200. The Plaintiff engaged in protected activity by communicating complaints regarding violations of rules, regulations, laws, policies and procedures by his superiors and to his superiors about a coworker.
201. The retaliatory adverse employment actions by Defendant Campo and others were aided and abetted by Defendant Essex causing the Plaintiff emotional distress, adversely impacting the Plaintiff's good name and reputation, causing severe humiliation, and adversely affected his personal life.
202. The acts of retaliation carried out by the Defendant Campo, aided and abetted by Defendant Essex, are willful, egregious, and malicious, qualifying the Plaintiff's claims for punitive damages.
203. Defendant Essex failed to supervise and train Defendant Campo in a manner which would reasonably prevent retaliation in the workplace.
204. On information and belief, Defendant Essex improperly retained Defendant

Campo despite complaints of retaliation.

205. The Plaintiff suffered from and continues to suffer from an ongoing hostile work environment of severe and pervasive retaliation by the Defendants based on his protected communications regarding violations of laws, rules, policies and procedures at the Essex County Prosecutor's Office.

206. As a direct, foreseeable, and proximate result of the outrageous, illegal retaliatory actions of Defendants, Plaintiff has suffered and will continue to suffer damages, including but not limited to emotional distress, humiliation, loss of pay, loss of reputation, and embarrassment.

**WHEREFORE** Plaintiff demands judgment jointly and severally against Defendants for reinstatement, seniority level back pay and front pay, restoration of all seniority and all employee benefits that Plaintiff may have lost, compensatory damages for pain and suffering as well as loss of earnings and other employee benefits, damages for reputational and career development injury, consequential damages, incidental damages, punitive damages, attorney fees and costs of suit, injunctive relief requiring remediation of Defendants' workplace retaliation policy, and any other relief deemed by the Court to be equitable and just.



Date: August 13, 2024

By: \_\_\_\_\_

Christopher J. D'Alessandro, Esq.



**CERTIFICATION OF NO OTHER ACTIONS**

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.



Date: August 13, 2024

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Christopher J. D'Alessandro, Esq.

**CERTIFICATION PURSUANT TO RULE 1:38-7**

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:39-7(b).



Date: August 13, 2024

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Christopher J. D'Alessandro, Esq.

**JURY DEMAND**

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a)



Date: August 13, 2024

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Christopher J. D'Alessandro, Esq.

Christopher J. D'Alessandro, Esq. is hereby designated as trial counsel for Plaintiff, Jason Gorto in the above matter.



Dated: August 13, 2024

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Christopher J. D'Alessandro, Esq.  
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