

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING
SETTLEMENT AGREEMENT IN THE MATTER KNOWN AS
MICHAEL ACOSTA v. TOWN OF WEST NEW YORK, ET. AL.**

WHEREAS, the Town of the West New York is involved in a civil action in the Superior Court captioned as follows:

Acosta v. Town of West New York et. al. Docket # HUD-L-3274-14

WHEREAS, the Town and its employees admit no wrong doing or liability; and

WHEREAS, the Town, through Counsel, has settled the litigated matter subject to governing body approval, and upon such approval and upon receipt of appropriate closing documents by Counsel for West New York, the settlement proceeds shall be paid to the plaintiffs' attorney in accordance with the settlement agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of West New York, that the Town Clerk, Counsel for West New York and any other appropriate officer are hereby authorized and directed to take such actions, as are necessary to effectuate the terms of this resolution, including but not limited to the execution of the settlement agreement or release in a form acceptable to Counsel for West New York and implementation of the executory provisions thereof.

BE IT FURTHER RESOLVED, that the plaintiff shall provide to the Counsel for West New York a satisfactory release and closing documents and Counsel for West New York shall hold the settlement documents and proceeds in escrow until receipt of the closing documents.

Adopted: 5/19/16

RESNICK LAW GROUP
A Professional Corporation
5 Becker Farm Road, 4th Floor
Roseland, New Jersey 07068
(973) 781-1204
Attorneys for Plaintiff

RECEIVED

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ICWII CLERK'S OFFICE
WEST NEW YORK, N.J.

MICHAEL ACOSTA

Plaintiff,

v.

**WEST NEW YORK POLICE
DEPARTMENT and ROBERT ANTOLOS**

Defendant.

SUPERIOR COURT OF NEW JERSEY

**HUDSON COUNTY
LAW DIVISION**

DOCKET NO. HUD-L-003274-14

CIVIL ACTION

SUMMONS

From the State of New Jersey to the Defendant(s) named above:

WEST NEW YORK POLICE DEPARTMENT

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro se/10153_deputyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages and property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statement Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro se/110153_deputyclerklawref.pdf.

Date: August 6, 2014




/s/ Michelle M. Smith
Superior Court Clerk

Name of Defendant to be Served: Carmela Riccio, Borough Clerk
Township of West New York

Address of the Defendant to be Served: West New York Town Hall
428 60th St.
West New York, NJ 07093

*\$135.00 FOR CHANCERY DIVISION CASES OR \$135.00 FOR LAW DIVISION CASES

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		<small>FOR USE BY CLERK'S OFFICE ONLY</small>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
			AMOUNT:	OVERPAYMENT:
			BATCH NUMBER:	
ATTORNEY / PRO SE NAME Gerald Jay Resnick, Esq.		TELEPHONE NUMBER (973) 781-1204	COUNTY OF VENUE Hudson	
FIRM NAME (if applicable) Resnick Law Group, P.C.		DOCKET NUMBER (when available) L3274-14		DOCUMENT TYPE Complaint & Jury Demand
OFFICE ADDRESS 5 Becker Farm Road, 4th Floor, Roseland, NJ 07068		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Michael Acosta, Plaintiff		CAPTION Michael Acosta v. West New York Police Department and Robert Antolos		
CASE TYPE NUMBER (See reverse side for listing) 618	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A.-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
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 <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- .151 NAME CHANGE
- .175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREXIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

Putative Class Action

Title 59

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(973) 781-1204
Attorneys for Plaintiff

FILED
TEAM #1

JUL 24 2014

**SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #6**

MICHAEL ACOSTA

Plaintiff,

v.

**WEST NEW YORK POLICE
DEPARTMENT and ROBERT ANTOLOS**

Defendant.

SUPERIOR COURT OF NEW JERSEY

**HUDSON COUNTY
LAW DIVISION**

DOCKET NO. L 3274-14

CIVIL ACTION

**COMPLAINT, JURY DEMAND AND
DESIGNATION OF TRIAL COUNSEL**

Plaintiff, Michael Acosta ("Acosta"), currently residing at 5906 Park Avenue, Apartment B-2, West New York, NJ 07093, complaining of the Defendants herein, states as follows:

COUNT ONE.

**(Sexual Orientation Discrimination in Violation of
The New Jersey Law Against Discrimination)**

1. On information and belief, and at all times pertinent hereto, the Defendant, West New York Police Department ("WNYPD") is the police arm of the municipality of West New York, with official offices at 428 60th Street, West New York, New Jersey.
2. On information and belief, and at all times pertinent hereto, the Defendant, Robert Antolos ("Antolos"), has been the Police Director at WNYPD since May, 2013, whose current home address is unknown.

3. At all times pertinent hereto, Acosta was hired as a police officer by WNYPD on or about February 10, 2005.

4. It has been well known by members of the WNYPD and Antolos that Acosta is gay, and lives with a male partner.

5. At all times pertinent hereto, Acosta is the only openly gay police officer in the WNYPD.

6. Since Antolos has taken over the position as Police Director at WNYPD, Acosta has been subjected to constant discriminatory acts due to his sexual orientation by Antolos in violation of the New Jersey Law Against Discrimination ("NJLAD"), N.J.S.A. 10:5-1 et seq., including, but not limited to the following:

- a. Threatening Acosta by stating that the "police department will no longer be run by one patrolman" while staring at Plaintiff, in an effeminate manner;
- b. Failing to provide overtime shifts to Plaintiff, available to other officers;
- c. Singling out Acosta regarding the filing of Internal Affairs Charges against him;
- d. Filing baseless Internal Affairs charges against Plaintiff;
- e. Shaking Plaintiff's hand in an effeminate manner;
- f. Exhibiting to Plaintiff his tattoos and lightning bolt key chain in an attempt to intimidate Acosta.

7. At all times pertinent hereto, Antolos also engaged the President of Plaintiff's union local, Thomas Mannion, to threaten Acosta with "an Attorney General investigation", if

Plaintiff complained about the conduct of the Police Director to anyone, such as the Commissioner of Public Safety, or the City attorney.

8. Pursuant to Section 11 of the NJLAD, N.J.S.A. 10:5-12, it shall be an unlawful employment practice or unlawful discrimination for any employer to discriminate against such individual in compensation or in terms, conditions or privileges of employment due to their sexual orientation.

9. Under Section 25 of the NJLAD, N.J.S.A. 10:5-27.1, the prevailing party in an action brought under the NJLAD may be awarded a reasonable attorney's fee as part of the costs of the action.

10. Pursuant to N.J.S.A. 10:5-3, the legislature has determined that, because of discrimination, people suffer personal hardships, including economic loss, time loss, physical and emotional stress, and, in some cases, severe emotional trauma, illness, homelessness or other irreparable harm, resulting from the strain of employment controversies; relocation, search and moving difficulties, anxiety caused by lack of information, uncertainty, and resultant planning difficulty, career, education, family and social disruption, and adjustment problems, which particularly impact on those protected by this act. Such harms have, under the common law, given rise to legal remedies, including compensatory and punitive damages. The Legislature intends that such damages be available to all persons protected by this act and that this act shall be literally construed in combination with all protections available under the laws of this state.

11. As a direct and proximate result of defendants' wrongful actions, Plaintiff has suffered severe emotional distress, humiliation, embarrassment, loss of income, loss of benefits, and other severe financial losses.

12. Said conduct was egregious, willful and wanton and in reckless disregard of Plaintiff's rights, and involved the direct participation of upper management for which punitive damages are appropriate.

WHEREFORE, Plaintiff hereby demands Judgment against the Defendants for the following relief:

- (a) back pay and front pay;
- (b) compensatory damages;
- (c) emotional distress damages;
- (d) reasonable costs, together with attorney's fees;
- (e) punitive damages, and
- (f) such other and further relief that this Court may deem equitable and just.

RESNICK LAW GROUP, P.C.
Attorneys for Plaintiff

Dated: July 22, 2014

By: 
GERALD JAY RESNICK

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all causes so triable.

RESNICK LAW GROUP, P.C.
Attorneys for Plaintiff

Dated: July 22, 2014

By: 
GERALD JAY RESNICK

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Gerald Jay Resnick as trial counsel.

RESNICK LAW GROUP, P.C.
Attorneys for Plaintiff

Dated: July 22, 2014

By: 
GERALD JAY RESNICK

CERTIFICATION PURSUANT TO R. 4:15

The undersigned attorney for Plaintiffs hereby certifies that the within matter is not the subject of any other action or arbitration proceeding pending or contemplated, nor are there any other parties known to Plaintiffs who should be joined in this proceeding.

RESNICK LAW GROUP, P.C.
Attorneys for Plaintiff

Dated: July 22, 2014

By: 
GERALD JAY RESNICK

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JUL 23 2014