

Silvia G. Gerges, Esq. (01622012)
LAWRENCE & GERGES, LLC
242 Washington Avenue, Suite E1
Nutley, New Jersey 07110
Ph:973-833-4900; Fax: 973-378-0074
Email: info@thelgfirm.com
Attorneys for Plaintiff

MARIA SANTOS

Plaintiff,

vs.

PLANNED PARENTHOOD OF
NORTHERN, CENTRAL AND
SOUTHERN NEW JERSEY, INC., and/or
ABC CORPORATIONS” 1-5 (fictitious
names not known to Plaintiff at this time)

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: UNION COUNTY

DOCKET NO.:

CIVIL ACTION

**COMPLAINT
AND JURY DEMAND**

Plaintiff, MARIA SANTOS, hereinafter “SANTOS”, residing at 1523 West Third Street, City of Plainfield, County of Union, State of New Jersey, by way of Complaint against Defendants, PLANNED PARENTHOOD OF NORTHERN, CENTRAL AND SOUTHERN NEW JERSEY, INC. (hereinafter, “PLANNED PARENTHOOD”) and/or ABC CORPORATIONS” 1-5 (fictitious names not known to Plaintiff at this time) alleges:

STATEMENT OF FACTS:

1. At all times relevant hereto, Defendant PLANNED PARENTHOOD was a business operating throughout the state of New Jersey with headquarters at 196 Speedwell Avenue, Town of Morristown, County of Morris, State of New Jersey along with Defendants, “ABC CORPORATIONS” 1-5 (fictitious names not known to Plaintiff at this time) were Plaintiff SANTOS’ "employer" within the meaning of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

2. Plaintiff SANTOS was an employee of Defendant PLANNED PARENTHOOD for approximately thirty-two (32) years.
3. During the tenure of her employment, Defendant PLANNED PARENTHOOD's focus and services changed and evolved.
4. However, during the entire duration of her employment, Plaintiff SANTOS remained a front desk worker whose job was to file and enter patient information into the computer and/or paper charts.
5. Approximately ten years ago, the Elizabeth clinic of Defendant where Plaintiff Santos worked began offering abortions and abortion pills to clinic patients.
6. At that time, Plaintiff voiced that she believed abortions to be immoral based on her Christian religion.
7. Plaintiff held and continued to hold sincerely the religious belief that abortion is the taking of a human life.
8. In spite of her sincerely held beliefs about abortion, Plaintiff continued to value her work with Defendant which provided healthcare for women who would otherwise not have access.
9. Plaintiff continued being a successful member of the team at Defendant's Elizabeth clinic by completing her job duties at the front desk.
10. On or about February 17, 2022, Plaintiff was instructed by two employees of Defendant, Jarett Alende and a woman named Rebecca, to conduct an abortion consult with a patient.
11. Another employee by the name of Ms. Lida Munoz was present for this instruction and was tasked with training Plaintiff on how to conduct an abortion consult.
12. Up until that date, Plaintiff was never involved with consulting patients about the abortion process or abortion pills.

13. Plaintiff SANTOS objected to participating in an abortion consult and stated that this was against her religion.
14. Employees Jarett and Rebecca sent Plaintiff back to the front and consulted with each other. They then brought Plaintiff back and sent her home, terminating her position.
15. Defendant PLANNED PARENTHOOD had multiple other employees who were trained and capable of providing patients with abortion-related consults.
16. Further, Plaintiff's request to continue doing her work at the front desk which she did for over three decades and/or other tasks that do not involve abortion consults did not cause Defendant PLANNED PARENTHOOD any undue hardship.
17. Nonetheless, Plaintiff was not permitted to return to work after being sent home on February 17, 2022.
18. Approximately one month later, Defendant PLANNED PARENTHOOD placed Plaintiff SANTOS on what they claimed to be an "administrative leave" and paid her an amount less than her earnings would have been.
19. Plaintiff SANTOS was still not permitted to return to her employment during that time, although she required no religious accommodation beyond being permitted to do the same job she had been doing for over thirty years.
20. On or about June 14, 2022, Defendant PLANNED PARENTHOOD summarily terminated Plaintiff's administrative leave and failed to reinstate her to her position with Defendant.

COUNT ONE

(FAILURE TO OFFER REASONABLE ACCOMMODATION IN VIOLATION OF THE NJ
LAD)

1. Plaintiff repeats and re-alleges all the allegations of the previous paragraphs as if set forth more fully at length herein.

2. Defendants were aware of Plaintiff's sincerely held religious beliefs.
3. Defendant failed to engage in an interactive process with Plaintiff regarding potential accommodations.
4. Plaintiff could have continued to perform the essential functions of her job with a reasonable accommodation.
5. Specifically, Plaintiff's requested accommodation would not have impacted any part of her employment with Defendants since she could have continued to do the same job duties she did for over three decades.
6. Defendants failed to accommodate Plaintiff's reasonable request for religious accommodations in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.
7. As a result of the foregoing, Plaintiff has suffered and will continue in the future to suffer loss of income and benefits, consequential and incidental damages, and severe mental and emotional distress.
8. Defendant's discriminatory action was willful and malicious and/or in reckless disregard of Plaintiff's rights and involved the willful participation of upper management.

WHEREFORE, Plaintiff SANTOS demands judgment against Defendants PLANNED PARENTHOOD OF NORTHERN, CENTRAL AND SOUTHERN NEW JERSEY, INC. and/or ABC CORPORATIONS" 1-5 (fictitious names not known to Plaintiff at this time) for:

- A. equitable relief;
- B. back pay;
- C. front Pay;
- D. loss of benefits;

- E. compensatory damages;
- F. punitive damages;
- G. enhanced attorneys' fees and costs as permitted by law;
- H. civil penalties as prescribed by law;
- I. interest; and,
- J. such other relief as the Court may deem proper.

COUNT TWO

(TERMINATION DUE TO A PROTECTED CLASS IN VIOLATION OF THE
N.J.L.A.D.)

1. Plaintiff repeats and re-alleges all the allegations of the previous paragraphs as if set forth more fully at length herein.
2. The Plaintiff's religious beliefs as described above was a substantial motivating factor in Defendant's discriminatory termination of the Plaintiff's employment in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.
3. As a result of the foregoing, Plaintiff has suffered and will continue in the future to suffer loss of income and benefits, consequential and incidental damages, and severe mental and emotional distress.
4. Defendant's discriminatory action was willful and malicious and/or in reckless disregard of Plaintiff's rights and involved the willful participation of upper management.

WHEREFORE, Plaintiff SANTOS demands judgment against Defendants PLANNED PARENTHOOD OF NORTHERN, CENTRAL AND SOUTHERN NEW JERSEY, INC. and/or ABC CORPORATIONS" 1-5 (fictitious names not known to Plaintiff at this time) for:

- A. equitable relief;
- B. back pay;
- C. front Pay;
- D. loss of benefits;
- E. compensatory damages;
- F. punitive damages;
- G. enhanced attorneys' fees and costs as permitted by law;
- H. civil penalties as prescribed by law;
- I. interest; and,
- J. such other relief as the Court may deem proper.

JURY DEMAND

The Plaintiff demands a trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Silvia G. Gerges, Esq. is hereby designated as trial counsel in this within matter.

LAWRENCE & GERGES
Attorneys for Plaintiff

By:



Silvia G. Gerges, Esq.

DATED: July 8, 2023

CERTIFICATION PURSUANT TO R. 4:5-1

Silvia G. Gerges, Esq., of full age, certifies in accordance with R. 4:5-1 and R. 4:4-4 (b), as follows:

The matter in controversy is not the subject of any other action pending in any court or in any proceeding, and no such action or arbitration proceeding is contemplated. Based on present knowledge there exists no additional party who should be joined in the within action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Silvia G. Gerges, Esq.

DATED: July 8, 2023

Civil Case Information Statement

Case Details: UNION | Civil Part Docket# L-002194-23

Case Caption: SANTOS MARIA VS PLANNED PARENTHOOD O F NORTHER

Case Initiation Date: 07/10/2023

Attorney Name: SILVIA G GERGES

Firm Name: LAWRENCE & GERGES LLC

Address: STE E 242 WASHINGTON AVE

NUTLEY NJ 07110

Phone: 9738334900

Name of Party: PLAINTIFF : Santos, Maria

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Maria Santos? NO

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? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

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* 1:38-7(b)

07/10/2023

Dated

/s/ SILVIA G GERGES

Signed