

# **EXHIBIT A**

THE LAW OFFICES OF  
RONALD J. WRONKO, LLC  
134 COLUMBIA TURNPIKE, FLORHAM PARK, NEW JERSEY 07932  
TEL: 973-360-1001; FAX: 973-360-1881

FAX COVER SHEET

DATE: OCTOBER 2, 2017  
TO: KEITH J. ROSENBLATT, ESQ. @ (973)-741-2304  
SENDER: RONALD J. WRONKO, ESQ.  
COMMENTS:

CONFIDENTIALITY NOTICE

**The documents included in this fax message are intended only for the personal and confidential use of the designated recipients named above. This message may be an attorney-client communication and, as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for the return of the documents to us.**

**LAW OFFICES OF**  
**RONALD J. WRONKO, LLC**  
*134 COLUMBIA TURNPIKE*  
*FLORHAM PARK, NEW JERSEY 07932*  
 (973) 360-1001  
 FAX (973) 360-1881

315 Madison Avenue, Suite  
 901  
 New York, New York 10165  
 (973) 360-1001  
 (973)-360-1881

Member of New Jersey Bar •  
 Member of New York Bar ◯

Ronald J. Wronko ◯

[ron@ronwronkolaw.com](mailto:ron@ronwronkolaw.com)  
[www.ronwronkolaw.com](http://www.ronwronkolaw.com)

Reply to New Jersey

October 2, 2017


**VIA FACSIMILE AND REGULAR MAIL**

Keith J. Rosenblatt, Esq.  
 Littler Mendelson, P.C.  
 One Newark Center, 8<sup>th</sup> Floor  
 1085 Raymond Boulevard  
 Newark, New Jersey 07102

**Re: Francesca Jean-Baptiste v. AT&T Mobility Services, LLC et al.**  
**Docket Number: ESX-L-6029-17**

Dear Mr. Rosenblatt:

Enclosed please find a copy of plaintiff's filed First Amended Complaint and Jury Demand and CIS regarding the above referenced matter.

Very truly yours,  
  
 Ronald J. Wronko

Enclosures

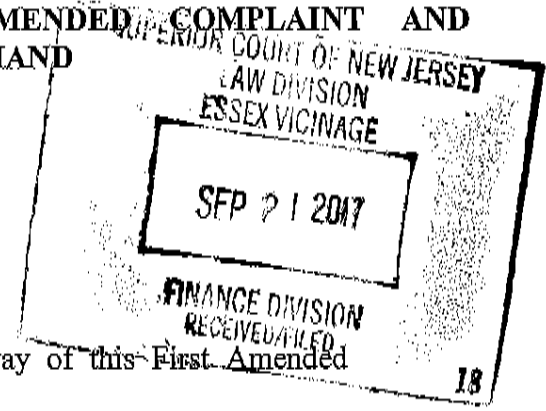
RONALD J. WRONKO, LLC  
 Attorney ID 019061997  
 134 Columbia Turnpike  
 Florham Park, New Jersey 07932  
 (973) 360-1001  
 Attorney for plaintiff  
 Francesca Jean-Baptiste

FRANCESCA JEAN-BAPTISTE,  
  
 Plaintiff,  
  
 v.  
  
 AT&T MOBILITY SERVICES, LLC,  
 ROBERT WOODIER, JOHN DOES 1-10,  
 and ABC CORP. 1-10, said names being  
 fictitious,  
  
 Defendants.

SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION: ESSEX COUNTY  
 DOCKET NUMBER: L-6029-17

CIVIL ACTION

**FIRST AMENDED COMPLAINT AND  
 JURY DEMAND**



Plaintiff Francesca Jean-Baptiste ("Plaintiff"), by way of this First Amended Complaint and Jury Demand against the defendant, AT&T Mobility Services, LLC and Robert Woodier ("defendants"), hereby says:

**I. Nature of Action, Jurisdiction and Venue**

1. This is an action seeking legal relief for a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.* ("LAD") (gender); and aiding and abetting liability against Robert Woodier.
2. This court has jurisdiction due to the nature of the action and the amount in controversy. Additionally, plaintiff has satisfied all prerequisites to bringing these claims.
3. Venue is appropriate in this court since plaintiff resides in Essex County, New Jersey.

## II. Parties

4. Plaintiff was hired with AT&T on December 2, 2008.

5. Defendants are subject to suit under the LAD.

6. At all times referred to in this complaint, employees of the corporate defendant, including Robert Woodier, and John Does 1-10, were acting within the scope of their employment at the workplace during working hours. Moreover, the corporate defendant ratified, embraced and added to their conduct.

## III. Factual Allegations

7. Plaintiff was hired by AT&T on December 2, 2008, sales support representative. She is African-American and of Haitian descent.

8. Plaintiff has twice been named Acting Store Manager and has performed her job to the satisfaction of AT&T.

9. Plaintiff has been the subject of race and gender discrimination and, most recently, retaliation that has prevented her from being promoted.

10. Plaintiff applied for a promotion to a Credit and Collection analyst position in or around July 2015. Plaintiff was qualified for this position.

11. Plaintiff was passed over for this position in favor of an underqualified Caucasian employee. She was advised of this decision on August 20, 2015.

12. Race was a substantial factor in the decision making process denying her the promotion.

13. Through the present, plaintiff has been passed over for other promotions based upon race and gender. She has been kept in the same position since March 2012, even though she has applied to over 100 positions.

14. In the last quarter of 2016, plaintiff met with Howard Satnick, Area Retail Sales Manager, to report her complaints about failure to promote based on race and gender. Plaintiff's immediate supervisor was present. Mr. Satnick immediately denied plaintiffs' allegations and failed to report the complaint.

15. Plaintiff received a bad performance review in December 2016 from Mr. Satnick, in retaliation for having reported that she was the subject of discrimination.

16. Plaintiff was subjected to racially charged remarks in the workplace. In or around October 2016, an Assistant Store Manager used the term, "N\*gger" in the workplace and insulted another African-American employee with remarks such as that her hair looks like "brillo."

17. In or around January 2017, a retail sales consultant said, "Why are black people so made at slavery?"

18. On February 18, 2017, plaintiff was the closing manager at the Union store with two retail sales consultants. There was a discrepancy in the amount of funds on hand resulting in an overage. Plaintiff called Retail Store Manager William Cortes on his AT&T company phone, but he did not answer. One of the retail sales consultants called him on his personal phone. He texted her back instructing that the money should be "taken out," which would be against AT&T's Retail Cash Reconciliation Policy. Plaintiff looked at the cell phone regarding the text. She did not "grab" the cell phone out of the retail sales

consultant's hands. Plaintiff then advised Mr. Cortes by text that she would not violate the policy.

19. On the following day, Mr. Cortes came into the store and proceeded to scream at plaintiff in front of Area Retail Sales Manager Rick Collins. During the meeting, plaintiff reported the fact that an Assistant Manager had used the term "N\*gger" in the work place. She also reported that a Retail Sales Consultant had asked, "why are black people so mad at slavery?" Mr. Cortes simply smiled at the report.

20. Plaintiff contacted the AT&T ethics hotline and made a report regarding the hostile treatment she received and of the racially biased incidents.

21. Plaintiff was the subject of retaliatory treatment. On a daily basis, Cortes would send her daily tasks to complete but would not provide any assistance so that she could complete such tasks along with all of her other responsibilities. He would also change her schedule without notification. He unfairly criticized her coachings without assisting her to improve the alleged deficiency.

22. On March 20, 2017, plaintiff was placed on a Final Written Warning of AT&T's Code of Business Conduct. AT&T skipped steps of progressive discipline. She was allegedly given it because she looked at the text message on February 18, 2017, shown to her by the retail sales consultant. They wrongfully alleged that plaintiff had grabbed the phone out of the retail store consultant's hands and had yelled at her, even though video surveillance footage did not bear out either allegation.

23. By placing her on a Final Written Warning, AT&T has prevented plaintiff from being promoted.

24. AT&T conducted a sham investigation of plaintiff's complaints and concluded that plaintiff was not promoted because she lacked leadership skills. She was denied a transfer. She was told that her claims of gender and race discrimination were unfounded.

25. She has been the subject of a hostile work environment and disciplinary write-up. Mr. Woodier has aided and abetted the corporate defendant in such actions.

26. Plaintiff further brought her internal complaint to Brian Gonterman, Vice President and General Manager of Metro New York. Plaintiff advised him of the issues noted herein. Mr. Gonterman advised her that all investigations are deemed closed.

#### **COUNT I**

#### **(Gender Discrimination under the Law Against Discrimination-Disparate Treatment)**

27. Plaintiff realleges and incorporates herein the above paragraphs.

28. The foregoing facts and circumstances demonstrate that defendant has violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by treating plaintiff in a disparate fashion and discriminating against plaintiff based upon plaintiff's gender.

29. As a direct and proximate result of the actions of defendant, plaintiff has suffered mental anguish, physical discomfort, pain and suffering, and shame and embarrassment. Furthermore, plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy plaintiff's life. Moreover, plaintiff may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

30. Furthermore, plaintiff has been required to retain an attorney to assist Plaintiff in asserting plaintiff's claims and protecting plaintiff's rights.



**COUNT II****(Race Discrimination under the Law Against Discrimination-Disparate Treatment)**

31. Plaintiff realleges and incorporates herein the above paragraphs.

32. The foregoing facts and circumstances demonstrate that defendant has violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by treating plaintiff in a disparate fashion and discriminating against plaintiff based upon plaintiff's race.

33. As a direct and proximate result of the actions of defendant, plaintiff has suffered mental anguish, physical discomfort, pain and suffering, and shame and embarrassment. Furthermore, plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy plaintiff's life. Moreover, plaintiff may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

34. Furthermore, plaintiff has been required to retain an attorney to assist Plaintiff in asserting plaintiff's claims and protecting plaintiff's rights.

**COUNT III****(Retaliation under the Law Against Discrimination)**

35. Plaintiff realleges and incorporates herein the above paragraphs.

36. The foregoing facts and circumstances demonstrate that defendant has violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by retaliating against plaintiff for complaint(s) of discrimination.

37. As a direct and proximate result of the actions of defendant, plaintiff has suffered mental anguish, physical discomfort, pain and suffering, and shame and embarrassment. Furthermore, plaintiff has suffered lost wages, a diminished ability to earn

a living, and a diminished capacity to enjoy plaintiff's life. Moreover, plaintiff may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

38. Furthermore, plaintiff has been required to retain an attorney to assist Plaintiff in asserting plaintiff's claims and protecting plaintiff's rights.

**COUNT IV**  
**(Hostile Work Environment under the Law Against Discrimination)**

39. Plaintiff realleges and incorporates herein the above paragraphs.

40. The foregoing facts and circumstances demonstrate that defendant has violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*, by creating a severe and pervasive hostile work environment.

41. As a direct and proximate result of the actions of defendant, plaintiff has suffered mental anguish, physical discomfort, pain and suffering, and shame and embarrassment. Furthermore, plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy plaintiff's life. Moreover, plaintiff may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

42. Furthermore, plaintiff has been required to retain an attorney to assist Plaintiff in asserting plaintiff's claims and protecting plaintiff's rights.

**COUNT V**  
**(Aiding and Abetting under the Law Against Discrimination against defendant Robert Woodier)**

43. Plaintiff realleges and incorporates herein the above paragraphs.

44. The foregoing facts and circumstances demonstrate that defendant Robert Woodier has violated the New Jersey Law Against Discrimination, by aiding and abetting or otherwise assisting the commission of or attempting to commit acts of disparate treatment.

45. As a direct and proximate result of the actions of defendant Robert Woodier, plaintiff has suffered mental anguish, physical discomfort, pain and suffering, and shame and embarrassment. Furthermore, plaintiff has suffered lost wages, a diminished ability to earn a living, and a diminished capacity to enjoy plaintiff's life. Moreover, plaintiff has and/or may have to incur expenses for medical, psychiatric, and/or psychological counseling and care. Plaintiff's damages have been experienced in the past, and they will continue into the future.

46. Furthermore, plaintiff has been required to retain an attorney to assist Plaintiff in asserting plaintiff's claims and protecting plaintiff's rights.

**WHEREFORE**, as to each and every of the foregoing counts, plaintiff demands judgment on each and all of these counts against the defendants jointly and severally, as follows:

- A. Compensatory damages;
- B. Damages for lost wages and benefits, back pay and front pay;
- C. Damages for humiliation, mental and emotional distress;
- D. Statutory damages, if applicable;
- E. Punitive damages and or liquidated damages where permitted by law;
- F. Attorneys' fees and costs of suit;
- G. Lawful interest – including pre-judgment interest on lost wages;

H. Lawful interest – including pre-judgment interest on any wages not paid in a timely manner; and

I. Such other, further and different relief as the Court deems fitting, just and proper.

Plaintiff hereby reserves the right to amend this Complaint to supplement or modify the factual obligations and claims contained herein, based upon information received from the defendant, witnesses, experts, and others in the course of discovery in this matter.

#### **DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 4:35-1(a) and (b), plaintiff respectfully demands a trial by jury on all issues in the within action so triable.

#### **DESIGNATION OF TRIAL COUNSEL**

In accordance with Rule 4:25-4, RONALD J. WRONKO is hereby designated as trial counsel on behalf of plaintiff.

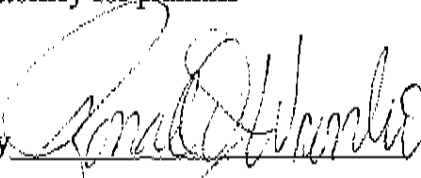
#### **DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS**

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment.

If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

RONALD J. WRONKO, LLC

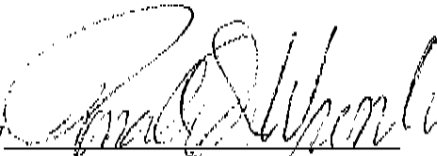
Attorney for plaintiff

By   
Ronald J. Wronko

Dated: September 19, 2017


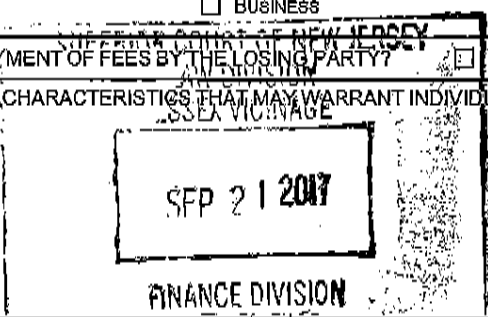

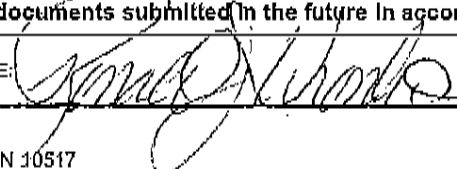
**CERTIFICATION PURSUANT TO R. 4:5-1**

Pursuant to Rule 4:5-1, the undersigned certifies that to the best of his knowledge, the within matters in controversy are not the subject of any other action pending in any other Court or of a pending arbitration proceeding nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action.

By   
Ronald J. Wronko

Dated: September 19, 2017

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 <b>Pleading will be rejected for filing, under Rule 1:5-6(c),          if information above the black bar is not completed          or attorney's signature is not affixed</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b> 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 Ronald J. Wronko, Esq.		TELEPHONE NUMBER (973) 360-1001	
	COUNTY OF VENUE Essex <input checked="" type="checkbox"/>		DOCKET NUMBER (when available) ESX-L-6029-17	
	FIRM NAME (if applicable) Law Offices of Ronald J. Wronko, LLC		OFFICE ADDRESS 134 Columbia Turnpike Florham Park, New Jersey 07932	
NAME OF PARTY (e.g., John Doe, Plaintiff) Francesca Jean-Baptiste, Plaintiff		CAPTION Francesca Jean-Baptiste v. AT&T Mobility Services, LLC, Robert Woodier, John Does 1-10 and ABC Corp. 1-10, said names being fictitious.		
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		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION <div style="text-align: center;">  </div>				
 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 Rule 1:38-7(b).				
ATTORNEY SIGNATURE: 				

Side 2



# 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)
- 506 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
- 613 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |  |   |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN                  | 292 PELVIC MESH/BARD                                      |
| 274 RISPERDAL/SEROQUEL/ZYPREXA             | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL     | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 282 FOSAMAX                                | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS           | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                               | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR              |
| 287 YAZ/YASMIN/OCELLA                      | 300 TALC-BASED BODY POWDERS                               |
| 289 REGLAN                                 | 601 ASBESTOS  |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA  |
| 291 PELVIC MESH/GYNECARE                   | 624 STRYKER LFIT CoCr V40 FEMORAL HEADS                   |

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