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*Attorney for Defendants,*  
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MELISSA URBAN,  
  
Plaintiff,

v.

OFFICE OF ATTORNEY ETHICS OF THE  
SUPREME COURT OF NEW JERSEY,  
CHARLES CENTINARO, individually,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MERCER COUNTY

Docket No.: MER-L-000381-18

Civil Action

**ANSWER AND SEPARATE DEFENSES  
WITH JURY DEMAND TO  
PLAINTIFF’S COMPLAINT**

Defendants Office of Attorney Ethics of the Supreme Court of New Jersey and Charles Centinaro (collectively, “Defendants”), as and for an Answer and Separate Defenses to the Complaint filed by Plaintiff Melissa Urban, hereby state:

**PARTIES**

1. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein.

3. Defendants admit only that the Office of Attorney Ethics (“OAE”) acts as the investigative and prosecutorial arm of the Supreme Court of New Jersey in discharging the Court’s

constitutional responsibility to supervise and discipline New Jersey attorneys, whose principal place of business is located at 840 Bear Tavern Road, Ewing, New Jersey 08628. The remaining allegations are denied.

4. The allegations set forth herein contain legal conclusions and purported statements of law, to which no response is required. To the extent a response is required, the allegations are denied.

5. Defendants admit only that on or about January 26, 2009, Charles Centinaro was appointed to the position of Director of the OAE, and currently serves as the Director of OAE. The remaining allegations are denied.

### **JURISDICTION AND VENUE**

6. The allegations set forth herein contain legal conclusions and purported statements of law, to which no response is required; except that Defendants admit only that OAE's principal place of business is located in Mercer County, New Jersey. The remaining allegations are denied.

### **FACTS**

#### **A. Plaintiff's Employment and Work Background**

7-14. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth in Paragraphs 7 through 14 of the Complaint, as they relate to Plaintiff's work experience prior to joining the OAE. As such, the allegations are denied.

15. Defendants admit only that in or about November 21, 2011, Plaintiff was hired by OAE in the functional title of Deputy Ethics Counsel, which corresponds to the Civil Service title "Attorney 2."

16. Defendants admit only that Plaintiff's job duties and responsibilities as Attorney 2 are publicly available on the Civil Service Commission website, at the following web address:

<https://info.csc.state.nj.us/jobspec/77720.htm>. The remaining allegations are denied.

17. Admitted.

18. Admitted.

19. Defendants admit only that the Disciplinary Review Board of the Supreme Court of New Jersey (the "DRB") serves as the intermediate appellate level of the attorney disciplinary system in the State of New Jersey. The remaining allegations are denied.

20. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein.

21. Admitted.

**B. The Culture of OAE**

22. Defendants admit only that on or about January 26, 2009, Charles Centinaro was appointed to the position of Director of the OAE, and currently serves as the Director of OAE. The remaining allegations are denied.

23. Denied.

24. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein, as they relate to what Plaintiff was "informed;" except, that Defendants specifically deny the allegation that Plaintiff "could have received 15% above the bottom of the pay range." The remaining allegations are denied.

25. Denied.

26. Denied.

27. Defendants admit only that Charles Centinaro has advocated for salary exemptions to OAE employees, where eligible, irrespective of the employee's gender. The remaining allegations are denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Defendants admit only that, in his role as Director of OAE, Centinaro oversaw all files assigned to Deputy Ethics Counsels and often reviewed specific cases with Ethics Counsel to determine the status of their cases. The remaining allegations and characterizations are denied.

37. Denied.

38. Denied.

39. Admitted.

40. Denied.

41. Denied.

42. Denied.

**C. The Position of First Assistant Ethics Counsel at OAE**

43. Admitted.

44. Admitted.

45. Defendants admit only that Plaintiff met the minimum requirements for the position of First Assistant Ethics Counsel. The remaining allegations are denied.

46. Admitted.

47. Admitted.

48. Admitted.

49. Defendants admit only that Jason Saunders, an internal candidate and then-Statewide Fee Arbitration Coordinator for the OAE, was selected for the position of First Assistant Ethics Counsel. The remaining allegations are denied.

50. Denied.

51. Defendants admit only that Saunders was promoted from Deputy Ethics Counsel to Statewide Fee Arbitration Coordinator in or about March, 2016. The remaining allegations are denied.

52. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein.

53. Defendants admit only that Plaintiff discussed the First Assistant Ethics Counsel position with Angela Van Ness. The remaining allegations are denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Defendants admit only that on or about February 16, 2017, Plaintiff sent a letter to Keith D. Aversa, and that on or about March 9, 2017, Plaintiff filed a New Jersey Judiciary Formal

Discrimination/Sexual Harassment/Retaliation Complaint Form. To the extent that Plaintiff refers to the substance of the documents, the allegations are denied and Defendants refer Plaintiff to the documents, which speak for themselves. The remaining allegations and characterizations are denied.

60. Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein.

**COUNT I**  
**Sex-Based Discrimination in Violation of**  
**New Jersey Law Against Discrimination**  
**N.J.S.A. § 10:5-12**

**Plaintiff v. Office of Attorney Ethics of the Supreme Court of New Jersey**

61. Defendants repeat and re-allege each and every response set forth in Paragraphs 1 through 60 of this Answer as though fully set forth herein at length.

62. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, the allegations are denied.

63. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, Defendants admit only that the Plaintiff has identified herself as female. The remaining allegations are denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required,

Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein. As such, the allegations are denied.

69. Denied.

70. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, the allegations are denied.

**COUNT II**  
**Sex-Based Discrimination in Violation of**  
**New Jersey Law Against Discrimination**  
**N.J.S.A. § 10:5-12**  
**Plaintiff v. Charles Centinaro, Individually**

71. Defendants repeat and re-allege each and every response set forth in Paragraphs 1 through 70 of this Answer as though fully set forth herein at length.

72. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, the allegations are denied.

73. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, the allegations are denied.

74. Denied.

75. Denied.

76. Denied.

77. The allegations set forth herein assert legal conclusions and contain purported statements of law to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth or veracity of the allegations set forth herein. As such, the allegations are denied.

**FIRST SEPARATE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND SEPARATE DEFENSE**

Plaintiff's claims are barred by the doctrines of waiver, collateral estoppel and/or *res judicata*.

**THIRD SEPARATE DEFENSE**

Defendant OAE is a public entity and Defendant Centinaro is a State officer acting at all times pursuant to lawful State authority. All acts so performed were the result of the appropriate exercise of discretion.

**FOURTH SEPARATE DEFENSE**

Plaintiff did not make a complaint of discrimination, harassment or retaliation in good faith and on a reasonable basis.

**FIFTH SEPARATE DEFENSE**

Defendants acted at all relevant times with good faith and without any fraud or malice.

**SIXTH SEPARATE DEFENSE**

Plaintiff suffered no harassment, discrimination or adverse employment action on the bases of her gender treatment.

**SEVENTH SEPARATE DEFENSE**

Any actions taken by the Defendants with regard to the decision to appoint a First Assistant Ethics Counsel were for legitimate non-discriminatory business reasons.

**EIGHTH SEPARATE DEFENSE**

Recovery is barred in this action by reason of the applicable statute of limitations.



**NINTH SEPARATE DEFENSE**

Plaintiff does not have the same qualifications and/or experience as the individual selected for the position of First Assistant Ethics Counsel.

**TENTH SEPARATE DEFENSE**

The New Jersey Law Against Discrimination does not provide for individual liability against Defendant Centinaro for the claim asserted.

**ELEVENTH SEPARATE DEFENSE**

To the extent that Plaintiff seeks the imposition of punitive damages, there is no legal or factual basis for such an award.

**TWELFTH SEPARATE DEFENSE**

Plaintiff's claims are fabricated, made in bad faith and with the intent and purpose to harass the Defendants.

**THIRTEENTH SEPARATE DEFENSE**

Damages, if any, sustained by Plaintiff are the result of her own actions and/or inactions.

**FOURTEENTH SEPARATE DEFENSE**

Defendants thoroughly investigated Plaintiff's complaint(s), which were found to be without merit.

**DEMAND FOR STATEMENT OF DAMAGES**

**PLEASE TAKE NOTICE** that in accordance with Rule 4:5-2, Defendants request within five (5) days of service upon you that the Plaintiff furnish a written statement of the amount of damages claimed as against each Defendant.

**DEMAND FOR DOCUMENTS REFERRED TO IN PLEADING**

**PLEASE TAKE NOTICE** that in accordance with Rule 4:18-2, Defendants request that any and all documents or papers referred to in the Complaint, not annexed thereto, shall be served on Counsel for the Defendants within five (5) days after service of this Answer.

**RESERVATION OF RIGHTS**

Defendants reserve the right, at or before trial, to move to dismiss the Complaint and/or for summary judgment, on the grounds that the Complaint fails to state a claim upon which relief can be granted and/or the Defendants are entitled to judgment as a matter of law, based on any or all of the above defenses.

**JURY DEMAND**

Defendants demand trial by a jury on all issues.

**NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4**

**PLEASE TAKE NOTICE** that the undersigned attorneys do hereby demand, pursuant to the above-cited Rules of Court, that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, and all documents, papers and other material referred to therein, received from any party, upon the under-signed attorneys, and **TAKE NOTICE** that this is a **CONTINUING** demand.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of Rule 4:25-4, the Court is advised that Deputy Attorneys General Robert Preuss and Leonard S. Spinelli are hereby designated as trial counsel for Defendants.

**CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES**

I certify, in accordance with Rule 4:5-1, that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding, to the best of my knowledge or belief. Also, to the best of my knowledge, no other action or arbitration proceeding is contemplated. Further, I know of no other parties that should be joined in the above action.

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Leonard S. Spinelli  
Leonard S. Spinelli  
Deputy Attorney General

Dated: June 11, 2018

Re: **Melissa Urban v. Office of Attorney Ethics of the Supreme Court of N.J., et anno**  
**Docket No.: MER-L-381-18**