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Attorneys for Plaintiffs, Christine Gallinaro, as the parent and natural guardian of J.G.

<p>CHRISTINE GALLINARO, as the parent and natural guardian of J.G.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>CINEMARK HAZLET 12, CINEMARK HOLDINGS D/B/A CINEMARK USA, INC., NICOLE J. NICOLET, BRANDON M. MANSUETO, ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities) and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),</p> <p style="text-align: center;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MONMOUTH COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">COMPLAINT & DEMAND FOR TRIAL BY JURY</p>
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Plaintiffs, Christine Gallinaro (“Plaintiff C. Gallinaro”), as the parent and natural guardian of J.G. (“Minor Plaintiff J.G.”) (all collectively “Plaintiffs”), by way of Complaint against Defendant Cinemark Hazlet 12 (“Defendant Cinemark Hazlet”), Cinemark Holdings d/b/a Cinemark USA, Inc. (“Defendant Cinemark USA”), Defendant ABC Corporations 1-5 (fictitious names describing presently unknown business entities) (along with Defendants Cinemark Hazlet and Cinemark USA, collectively referred to as “Corporate Defendants”), Defendant Nicole J. Nicolet (“Defendant Nicolet”), Defendant Brandon M. Mansueto (“Defendant Mansueto”), Defendant John Does 1-5 (fictitious names describing presently unidentified individuals) (along

with Defendants Nicolet and Mansueto, collectively referred to as the “Individual Defendants”) (all collectively “Defendants”) allege as follows:

INTRODUCTION

Defendants have completely and utterly failed to abide by its duty to ensure that its movie patrons, such as Plaintiffs, are free from invidious harassment and discrimination. Indeed, on June 16, 2023, Defendants ignored moviegoers’ basic needs and neglected to provide appropriate restrooms to all of its patrons, including those with special needs such as Minor Plaintiff J.G., who require additional care and attention. Defendants’ failure in that regard, along with its blatantly negligent training of its employees, resulted in the heart-breaking humiliation of Minor Plaintiff J.G., a special needs child.

Specifically, on the aforementioned date, Minor Plaintiff J.G., a fifteen (15) year old boy diagnosed with Autism Spectrum Disorder (“ASD”) and severe speech delays, traveled to Corporate Defendants’ Hazlet, New Jersey location with his mother, Plaintiff C. Gallinaro, to watch a movie. During their visit, Minor Plaintiff J.G. needed to use the restroom. Given Corporate Defendants’ failure to provide family restrooms, and the fact that Minor Plaintiff J.G. cannot yet use public restrooms alone, he had no choice but to use the woman’s restroom with his mother. However, as Plaintiffs left the women’s restroom, Defendant Nicolet, the manager of Corporate Defendants’ Hazlet, New Jersey location, angrily approached them and shouted blatantly discriminatory remarks directed towards the visibly disabled Minor Plaintiff J.G., asserting that **“he [referring to Minor Plaintiff J.G.] shouldn’t be in here [referring to the women’s restroom]”** and that a **“grown”** man should not be in the women’s restroom.

Adding insult to injury, Defendant Nicolet then doubled down on her campaign of discriminatory rhetoric by (1) loudly exclaiming in the theater’s crowded lobby that **“this [referring to the women’s restroom] is not a transgender bathroom”**; (2) ordering Plaintiffs to

leave the premises, and (3) outrageously directing the assistant manager, Defendant Mansueto, to call the police to have Plaintiffs removed from the theater. Defendant Mansueto did, in fact, call the police despite the fact that he quickly stated, in no uncertain terms, that he was “**not with her [referring to Defendant Nicolet]**” and that he “**didn’t agree with what she [referring to Defendant Nicolet] did.**” In spite of same, Corporate Defendants’ security, along with Defendant Mansueto, publicly humiliated Plaintiffs by surrounding them in a hostile and confrontational demeanor while they waited for the police to arrive.

As a direct result of the foregoing harassing and discriminatory conduct, Defendants have not only ruined Plaintiffs’ beloved pastime of attending Corporate Defendants’ Hazlet location, but also, irretrievably traumatized Minor Plaintiff J.G. The aforementioned events on the date in question have caused him to experience major behavioral changes. Specifically, Minor Plaintiff J.G. frequently apologizes, has insisted that his mother accompany him to the bathroom, even while at home, has experienced disrupted sleep, and outright refuses to return to Corporate Defendants’ Hazlet, New Jersey location, despite the fact that same was one of Minor J.G.’s favorite places to visit prior to the date in question.

Defendants’ conduct is not only reprehensible and has no place in society, but also, in blatant violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (“NJLAD”) which provides redress for victims of harassment and discrimination on account of one’s disability. Plaintiffs, therefore, bring this lawsuit under the NJLAD to expose Defendants’ conduct and to seek redress for the unlawful harassment and discrimination Plaintiffs suffered in violation of New Jersey law.

PARTIES

1. Plaintiff C. Gallinaro is the parent and natural guardian of Minor Plaintiff J.G. and both are domiciliaries of the State of New Jersey, currently residing at 22 Huntley Road, Holmdel, New Jersey 07733. Minor Plaintiff J.G. is currently a fifteen (15) year old male with multiple disabilities, including but not limited to, Autism Spectrum Disorder (ASD)¹ and major speech delays, and at all times relevant hereto, were patrons at Corporate Defendants' Hazlet, New Jersey location.

2. Defendant Cinemark Hazlet is a movie theater located at 2821 NJ-35, Hazlet, New Jersey 07730 (also referred to as "Corporate Defendants' Hazlet location"). At all times relevant hereto, Defendant Cinemark Hazlet is an "employer" and the "owner of a place of public accommodation" as defined under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("NJLAD") and directly employed Defendants Nicolet and Mansueto.

3. Defendant Cinemark USA is, according to its website, "a leader in the motion picture exhibition industry with 516 theaters and 5,833 screens in the U.S. and Latin America as of March 31, 2023."² At all times relevant hereto, Defendant Cinemark USA is an "employer" and the "owner of a place of public accommodation" as defined under the NJLAD and directly employed Defendants Nicolet and Mansueto.

4. Defendant Nicolet, at all relevant times herein, was employed by Corporate Defendants as a manager at the Defendant Cinemark Hazlet. This claim is brought against Defendant Nicolet in her individual capacity and/or as an agent and/or employee of Corporate

¹ ASD is a developmental disability that causes differences in the brain, which can affect the way a person behaves, communicates, interacts, and learns. Certain individuals with ASD need more assistance in their daily lives than others, and are at a higher risk for developing anxiety, depression, and attention-deficit/hyperactivity disorder. *What is Autism Spectrum Disorder?*, CTR. FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/ncbddd/autism/facts.html> (last visited June 28, 2023).

² *About Us*, CINEMARK, <https://www.cinemark.com/about-cinemark/about-us> (last visited June 28, 2023).

Defendants acting during the course of her employment. At all times, Defendant Nicolet is an “employer” as defined under the NJLAD.

5. Defendant Mansueto, at all relevant times herein, was employed by Corporate Defendants as an assistant manager at the Defendant Cinemark Hazlet. This claim is brought against Defendant Mansueto in his individual capacity and/or as an agent and/or employee of Corporate Defendants acting during the course of his employment. At all times, Defendant Mansueto is an “employer” as defined under the NJLAD.

6. Defendants ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with the Defendants, and/or currently unidentified business entities responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of Defendants, and/or currently unidentified business entities who may have liability for the damages suffered by Plaintiffs under any theory advanced herein.

7. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of Defendants and are currently unidentified individuals who may have liability for the damages suffered by Plaintiffs under any theory advanced herein.

FACTS COMMON TO ALL CLAIMS

8. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

9. Minor Plaintiff J.G. is a fifteen (15) year old male, who has been diagnosed with ASD and major speech delays since the age of two (2).³

³ Minor Plaintiff J.G. has the cognitive functions of a teenager, but the communicative functions of an eighteen (18) month old.

10. On June 16, 2023, Plaintiff C. Gallinaro traveled with her son, Minor Plaintiff J.G., to see a movie at Corporate Defendants' Hazlet location. Notably, Plaintiff C. Gallinaro and her family have been regular patrons of Corporate Defendants since 2011.

11. On the aforementioned date, Plaintiff C. Gallinaro, and her son, Minor Plaintiff J.G., headed straight into the theater with their prepaid tickets at approximately 6:40 PM.

12. During the previews prior to the movie⁴, Minor Plaintiff J.G. informed Plaintiff C. Gallinaro that he needed to use the restroom.⁵

13. On prior occasions when they visited Corporate Defendants' Hazlet location, Plaintiff C. Gallinaro's husband would typically accompany Minor Plaintiff J.G. to the men's restroom; however, on the date in question, Plaintiff C. Gallinaro's husband was not present.

14. Since (1) Plaintiff C. Gallinaro did not feel comfortable accompanying Minor Plaintiff J.W. to the men's restroom, and (2) Corporate Defendants' Hazlet location did not have a family restroom, she had no choice but to accompany Minor Plaintiff J.G. to the women's restroom.

15. During this initial trip to the women's restroom, Minor Plaintiff J.G. did not actually use the toilet. However, after returning to their seats a few minutes later, Minor Plaintiff J.G. requested that Plaintiff C. Gallinaro take him to the restroom again.

16. Accordingly, Plaintiff C. Gallinaro accompanied Minor Plaintiff J.G. to the women's restroom for a second time. While traveling to the women's restroom, Plaintiffs walked directly past Defendant Nicolet, the manager on duty, who was standing close to the entrance to the women's restroom.

⁴ Plaintiff C. Gallinaro purchased tickets to see the movie "Elemental."

⁵ Minor Plaintiff J.G.'s disability results in him having poor judgment regarding special awareness as well as limited motor functions. While Minor Plaintiff J.G. is in the process of learning skills that would allow him to independently use public restrooms, Plaintiff C. Gallinaro did not feel comfortable sending Minor Plaintiff J.G. into the restroom by himself at the time of the events forming the basis of the within lawsuit.

17. Upon entering the women's restroom, Plaintiff C. Gallinaro escorted Minor Plaintiff J.G. to the larger handicapped stall at the end of the row. Once Minor Plaintiff J.G. was finished using the toilet, she walked him to the sink to wash his hands.

18. Plaintiff C. Gallinaro then carefully observed Minor Plaintiff J.G. to ensure that he washed his hands properly and disposed of his paper towel correctly in a nearby trashcan.

19. Notably, at this time, the door to the women's restroom was propped open with a garbage can, and Plaintiff C. Gallinaro stood right outside the restroom's entrance while she observed Minor Plaintiff J.G. wash his hands.

20. After disposing of his paper towel, Minor Plaintiff J.G. began exiting the women's restroom, at which time Defendant Nicolet suddenly entered the women's restroom and approached Minor Plaintiff J.G. with an angry and hostile demeanor. In doing so, Defendant Nicolet came within markedly close proximity of Minor Plaintiff J.G.

21. As a direct result of Defendant Nicolet's aforementioned actions, it was apparent to Plaintiff C. Gallinaro that Defendant Nicolet did not approve of Minor Plaintiff J.G.'s presence in the women's restroom. Plaintiff C. Gallinaro, in turn, promptly advised Defendant Nicolet that her son was disabled. Given Defendant Nicolet's reaction, Plaintiff C. Gallinaro then attempted to remove her and her son from the interaction and requested intervention by a manager.

22. However, Defendant Nicolet ignored Plaintiff C. Gallinaro's attempt to diffuse their interaction and refused to acquiesce to Plaintiff C. Gallinaro's request in that regard.

23. In further reference to Defendant Nicolet's obvious disapproval of her disabled son, Plaintiff C. Gallinaro then stated to Defendant Nicolet, "Really? With everything going on in this day and age with who can go in what bathroom," at which time Defendant Nicolet responded, in a loud and aggressive tone, that "**he [referring to Minor Plaintiff J.G.] shouldn't be in here [referring to the women's restroom].**" Plaintiff C. Gallinaro also overheard Defendant Nicolet

further state, in a rude and condescending tone, that a “**grown**” man and/or boy should not be in the women’s restroom.

24. Adding insult to injury, and doubling down on her antagonistic and blatantly discriminatory animus directed towards Plaintiff C. Gallinaro and her disabled son, Plaintiff C. Gallinaro then overheard Defendant Nicolet loudly exclaim in the theater’s crowded lobby, “**this [referring to the women’s restroom] is not a transgender bathroom.**”

25. At that time, Plaintiff C. Gallinaro immediately expressed to Defendant Nicolet that she was greatly upset and embarrassed by Defendant Nicolet’s harassing and discriminatory conduct directed towards them.

26. However, Defendant Nicolet simply ignored Plaintiff C. Gallinaro and further exhibited her overt discriminatory animus towards disabled patrons by ordering them to leave the premises and subsequently asking Defendant Mansueto, the assistant manager on duty, to call the police.

27. Prior to the arrival of the police, Corporate Defendants’ security guards on duty publicly humiliated, and attempted to intimidate, Plaintiffs by surrounding them where they were standing. Upon information and belief, the aforementioned security guards appeared to be armed; as such, Plaintiff C. Gallinaro was particularly distressed by their intimidating presence and the aggressive manner in which they towered over her and her son. It was only when Plaintiff C. Gallinaro began to video tape the encounter that the aforementioned security guards shifted their menacing demeanor and allowed Plaintiffs to return to the theater to watch the movie they came to see.

28. However, once seated, Minor Plaintiff J.G., who was visibly traumatized by Defendants’ relentless campaign of reprehensible harassment and discrimination on the basis of his disability, quickly told Plaintiff C. Gallinaro that he wanted to leave.

29. Plaintiff C. Gallinaro and Minor Plaintiff J.G. then exited through the lobby area at which time they were stopped by the same security guards they interacted with earlier as well as representatives of the Hazlet Police Department.

30. Critically, after Plaintiffs observed the police presence, Defendant Mansueto stated plainly that, despite having called the police, he was “**not with her [referring to Defendant Nicolet]**” and that he “**didn’t agree with what she [referring to Defendant Nicolet] did.**” Nevertheless, in the very same breath, Defendant Mansueto advised Plaintiffs that they had to leave the premises, per Defendant Nicolet’s orders.

31. Ultimately, other than asking Plaintiffs to leave, and then later offering free movie tickets after they could not process a refund for the already purchased movie tickets⁶, Defendants took zero action to address Defendants’ transparently harassing and discriminatory conduct towards Plaintiffs.

32. Thereafter, Minor Plaintiff J.G. has exhibited extreme levels of emotional distress on a constant basis. Specifically, Minor Plaintiff J.G. (1) apologized multiple times to Plaintiff C. Gallinaro about the foregoing events, (2) refused to use the bathroom by himself in Plaintiffs’ own home, which he had never done before, and (3) suffered from insomnia on multiple occasions. Also evidencing Minor Plaintiff J.G.’s severe emotional distress and trauma as a result of the harassment and discrimination to which he was subjected, Minor Plaintiff J.G. frequently brought up Defendants and the “lady [referring to Defendant Nicolet]” talking in conversations with his mother.

33. Plaintiffs have suffered severe emotional distress and mental anguish due to Defendants’ repugnant and unlawful actions on June 16, 2023, as well as stress, anxiety, and sleep

⁶ Plaintiff C. Gallinaro immediately rejected Defendants’ offer for said complimentary movie tickets.

loss as a direct and proximate result of Defendants' harassment and discrimination and Defendants' negligence in failing to properly train Defendants Nicolet and Mansueto.

34. Plaintiffs now bring this lawsuit with the hope that it will ensure no patron of Defendants will be forced to endure this kind of harassing, discriminatory, and retaliatory treatment ever again.

COUNT ONE

NJLAD DISPARATE TREATMENT AND HOSTILE ENVIRONMENT DISCRIMINATION DUE TO DISABILITY.

35. Plaintiffs repeat each and every allegation set forth above, as if set forth fully herein at length.

36. The NJLAD protects against unlawful discrimination on account of "disability or atypical hereditary cellular or blood trait of any individual." N.J.S.A. §10:5-12(a).

37. Defendants' actions were in violation of the NJLAD. Minor Plaintiff J.G., a special needs male with Autism Spectrum Disorder and severe speech delays, was subjected to harassment and discrimination by Defendants because of said disability.

38. The incident of harassing and discriminatory conduct by Defendants was severe and Defendants took zero action to address and/or remediate same.

39. Defendants were acting within the scope of their employment with Corporate Defendants when they took their aforementioned harassing and discriminatory actions against Minor Plaintiff J.G.

40. Defendants had knowledge or should have had knowledge about the discriminatory treatment and failed to take action reasonably calculated to end such discrimination, creating a hostile environment for Minor Plaintiff J.G., which had the effect of denying Minor Plaintiff J.G.'s accommodations, advantages, facilities, and privileges.

41. Defendants failed to implement effective preventative and remedial measures with respect to the severe harassment and discrimination of Minor Plaintiff J.G. and potentially other disabled children.

42. Defendants systematically failed to train its employees to such a degree that it amounts to a policy or custom of deliberate indifference.

43. This discriminatory conduct would not have occurred but for Minor Plaintiff J.G.'s disabilities, which is a protected characteristic, and was sufficiently severe or pervasive enough to create an intimidating, hostile, or offensive environment, which Defendants failed to reasonably address.

44. As a result of Defendants' actions and/or inaction, Plaintiffs continue to suffer from severe emotional distress.

45. As the employer and/or supervisor of Defendants Nicolet and Mansueto, Corporate Defendants are vicariously, strictly, and/or directly liable to Plaintiffs pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("NJLAD"), in that the affirmative acts of harassment and discrimination committed by Defendants Nicolet and Mansueto occurred within the scope of their employment; and/or Corporate Defendants were deliberately indifferent, reckless, negligent and/or tacitly approved Defendants Nicolet and Mansueto's conduct; and/or Corporate Defendants failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of harassment; and/or by having actual knowledge of the harassment of Plaintiffs and failing to promptly and effectively act to stop it.

46. Defendants aided, abetted, incited, compelled and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants Nicolet and Mansueto to commit acts and omissions that were in violation of the NJLAD by committing affirmatively harassing,

discriminatory, and retaliatory acts toward Plaintiffs in violation of the supervisory duty to halt or prevent harassment, retaliation, and discrimination, rendering all Defendants individually and collectively liable to Plaintiffs pursuant to N.J.S.A. 10:5-12(e).

47. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained damages and will, in the future, so suffer.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, emotional distress damages, pre-and post-judgment interest, and attorneys' fees and costs of suit. More specifically, Plaintiffs demand judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Compensatory damages;
- B. Consequential damages;
- C. Punitive damages;
- D. Consequential damages;
- E. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- F. Such other relief as may be available pursuant to the NJLAD and which the Court deems just and equitable;
- G. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- H. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- I. Ordering Defendants to undergo anti-discrimination training;
- J. Ordering Defendants to undergo anti-retaliation training;
- K. Ordering Defendants to undergo anti-harassment training;
- L. Ordering Defendants to undergo workplace civility training;
- M. Ordering Defendants to undergo bystander intervention training;
- N. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- O. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- P. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;

- Q. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- S. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- T. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- U. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- V. Such other relief as may be available and which the Court deems just and equitable.

COUNT TWO

NEGLIGENCE

48. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

49. Corporate Defendants supervised, cared for, and/or controlled the conduct of its employees at Defendant Cinemark Hazlet.

50. It at once became the duty of Corporate Defendants, by and through their agents, servants and employees, to use reasonable care to supervise the conduct of its employees under the care of Corporate Defendants.

51. Notwithstanding said duty, Corporate Defendants, by and through its agents, servants, and employees, carelessly, negligently, and recklessly trained Defendants Nicolet and Mansueto.

52. As a direct and proximate result of the carelessness, negligence, and recklessness of the Corporate Defendants as previously mentioned, Plaintiffs were damaged; Plaintiffs suffered mental anguish, and Plaintiffs suffered numerous other damages and will, in the future, so suffer.

WHEREFORE, Plaintiffs demand judgment against Defendants for damages as a result of the carelessness, negligence, and recklessness of Defendants, together with punitive damages,

attorney's fees, interest, costs of suit, and other such relief as the Court may deem just and equitable under all circumstances.

COUNT THREE

NEGLIGENT TRAINING

53. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

54. Corporate Defendants' negligence, gross negligence, reckless conduct, and training of Defendants Nicolet and Mansueto as employees and supervisors directly and proximately caused Minor Plaintiff J.G. to be ridiculed, harassed, and discriminated against.

55. Corporate Defendants' negligent training of Defendants Nicolet and Mansueto as employees and supervisors directly and proximately caused Minor Plaintiff J.G.'s severe emotional damages.

56. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre- and post-judgment interest, attorney's fees, and costs of suit, and for such other relief that the Court deems equitable and just.

COUNT FOUR

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

57. Plaintiffs repeat each and every allegation set forth above as if set forth fully herein at length.

58. Defendants, through the course of conduct set forth above, intentionally, or recklessly committed acts or omissions producing emotional distress to Plaintiffs.

59. The conduct of Defendants set forth at length above is extreme and outrageous in that it goes beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized society.

60. As a proximate result of said conduct, Minor Plaintiff J.G. has suffered emotional distress so severe that no reasonable person could be expected to endure the same.

61. On account of the conduct of Defendants, Plaintiffs have been injured.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants on this Count, together with compensatory and equitable relief, punitive damages, pre-and post-judgment interest, attorneys' fees and costs of suit, and for such other relief that the Court deems equitable and just.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiffs' attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

DEMAND FOR TRIAL BY JURY

Plaintiffs demand a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiffs, Christine Gallinaro
o/b/o J.G.

By: /s/ Austin B. Tobin
Austin B. Tobin, Esq.

Dated: July 25, 2023

DESIGNATION OF TRIAL COUNSEL

Pursuant to *Rule* 4:25-4, R. ARMEN McOMBER, ESQUIRE is hereby designated as trial counsel for Plaintiffs.

CERTIFICATION

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter and no other parties need to be joined at this time. 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.

McOMBER McOMBER & LUBER, P.C.
*Attorneys for Plaintiffs, Christine Gallinaro
o/b/o J.G.*

By: /s/ Austin B. Tobin
Austin B. Tobin, Esq.

Dated: July 25, 2023

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CHRISTINE GALLINARO, as the parent and natural guardian of J.G.,

Plaintiffs,

vs.

CINEMARK HAZLET 12, CINEMARK HOLDINGS D/B/A CINEMARK USA, INC., NICOLE J. NICOLET, BRANDON M. MANSUETO, ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities) and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO.:

Civil Action

**PLAINTIFFS’ FIRST SET OF
DOCUMENT REQUESTS,
INTERROGATORIES, AND PUNITIVE
DAMAGES REQUESTS TO
DEFENDANTS**

**FIRST SET OF DOCUMENT REQUESTS, INTERROGATORIES, AND PUNITIVE
DAMAGES REQUESTS TO DEFENDANTS**

PLEASE TAKE NOTICE that, McOmbler McOmbler & Luber, P.C., attorneys for Plaintiffs Christine Gallinaro, as the parent and natural guardian of J.G (collectively “Plaintiffs”) demand that Defendants Cinemark Hazlet 12, Cinemark Holdings d/b/a Cinemark USA, Inc., Nicole J. Nicolet, Brandon M. Mansueto, (collectively “Defendants”) produce true and complete copies of the following Document Requests and answer under oath the following Interrogatories pursuant to the Rules of Court. Interrogatory answers shall be typed beneath the questions and the

original shall be returned in accordance with Rule 4:17-4(c) and, if at any time prior to trial, you obtain information which renders any answer you provide incomplete or inaccurate, amended answers shall be served pursuant to Rule 4:17-7. Both the Document Request and Interrogatories shall be continuing so as to require supplemental responses and/or answers if Defendant(s) obtain(s) further documents or information between the time the response is served and the time of trial/hearing.

DEFINITIONS

1. “Plaintiff” shall mean, individually and collectively, each Plaintiff identified in the above-captioned action. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendants must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

2. “Defendant Cinemark Hazlet” shall mean Cinemark Hazlet 12, any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

3. “Defendant Cinemark USA” shall mean Cinemark Holdings d/b/a Cinemark USA, Inc., any of its officers, directors, employees, agents, representatives, successors, predecessors, assigns, divisions, affiliates, subsidiaries, and all persons acting or purporting to act on its behalf.

4. “Defendant Nicolet” shall mean Nicole J. Nicolet, Defendant in the above-captioned action.

5. “Defendant Mansueto” shall mean Brandon M. Mansueto, Defendant in the above-captioned action.

6. “Defendant(s)” shall individually and collectively mean all Defendants in the above-captioned action.

7. The term “Corporate Defendant(s)” shall individually and collectively any Defendant company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

8. The term “Individual Defendant(s)” shall mean any defendant in this matter sued in his/her individual capacity or as an agent/servant of any Corporate Defendant.

9. The terms “you,” “your,” or “yours” shall mean the party answering these interrogatory questions.

10. “Entity” shall mean any company, corporation, partnership, union, joint venture, sole proprietorship, association, government agency, or organization, or any other similar type of group through which business is conducted, or any director, officer, employee, or agent thereof.

11. “Person” shall mean any natural Person, partnership, corporation, or other business entity and all present and former officers, directors, agents, employees, attorneys and others acting or purporting to act on behalf of such natural Person, partnership, corporation or other business entity.

12. The term “Action” shall mean the civil action captioned above.

13. The “Complaint” shall mean the Complaint filed by Plaintiff(s) in this Action.

14. The term “Answer” shall mean any Answer to the Complaint filed by any party in this Action, which specifically includes all Affirmative Defenses, Denials, and Counterclaims, and was filed with the Court in the above-captioned Action.

15. The term “Investigation” shall mean any investigation, inquiry, analysis, review, examination, research, study, interview, interrogation, and/or collection of evidence, statements (oral or written), and documents.

16. The term “Grievance” shall mean any complaint, grievance, accusation, allegation, protest, and/or objection (formal or otherwise) by Plaintiff(s) or any Person concerning any of the Defendant(s) and Plaintiff.

17. “Document” or “documents” is defined in accordance with New Jersey Court Rule 4:18-1 and includes the original and any identical or non-identical copy, regardless of origin or location, of any written, reported, filmed, magnetically stored, or graphic matter, or record of any type or description, whether produced, reproduced, or producible on paper, cards, tapes, film, electronic facsimile, computer storage devices, or any other media, including, but not limited to, memoranda, notes, minutes, records photographs, computer programs, correspondence, telegrams, diaries, bookkeeping entries, specifications, source code, object code, flow charts, financial statements, charts, studies, reports, graphs, statements, notebooks, handwritten notes, application, feasibility studies, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations or voicemails, emails, inter-office or intra-office communications, handwritten or other notices, diaries, invoices, purchase orders, bills of lading, work papers, and also including, but not limited to, originals and all copies which are different from the original, whether by interlineation, receipt stamp, notation, indication of copy sent or received, or otherwise, and drafts, which are in the possession, custody or control of the present or former agents, representatives, employees, or attorneys of Defendant(s), or all persons acting on Defendant(s)’ behalf, including documents at any time in the possession, custody or control of such Individuals or entities who are known by Defendant(s) to exist. Include any catalog, brochure, or any other data compilations from which information can be obtained and translated if necessary, or any other written, recorded, stored, transcribed, punched, taped, filed or graphic matter however produced or reproduced, to which Defendant(s) have or have had access.

18. The term “communication” means any conversation, correspondence, discussion, meeting, message, record of phone calls, or other occurrence in which data, conclusions, information, opinions, or thoughts are exchanged between two or more persons, whether it be written, oral, or electronically transmitted.

19. The terms “all” and “any” shall both be construed as “any and all.”

20. The terms “and,” “or,” and “and/or” shall be construed in both the disjunctive and conjunctive to permit the broadest possible reading of the request so as to bring within the scope of the request documents and other material that might otherwise be construed to be outside the request.

21. The term “concerning” means concerning, comprising, constituting, containing, commenting on, dealing with, describing, discussing, embodying, evidencing, illustrating, pertaining to, referring to, reflecting, regarding, relating to, responding to, stating, or supporting in any way, either directly or indirectly.

22. The phrases “relating to” or “relate to” or “relates to” or “refer to” or “refers to” or “referred” or “relating to” and/or “regarding” shall be construed in the broadest possible sense to mean, *inter alia*, concerning, referring to, embodying, constituting, describing, connected with, commenting on, responding to, evidencing, identifying, supporting, contradicting, rebutting, pertaining to, and/or relating in any way.

23. The term “including” or “include” shall mean “including without limitation.”

24. Masculine forms of any noun or pronoun shall embrace and be read to include the feminine or neuter, as the context may make appropriate.

INSTRUCTIONS

1. In addition to the specific instructions enumerated below, the following Document Requests and Interrogatories shall be subject to the New Jersey Rules of Court.

2. If more than one Plaintiff is identified in the caption as a party to this lawsuit, Defendant(s) must respond to each request with specific responses applicable to each Plaintiff in this lawsuit.

3. When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and last known place of employment.

4. These Document Requests and Interrogatories shall be deemed continuing in nature so as to require prompt supplementation if, as, and when obtain additional information.

5. If anyone identified in response to any of the Document Requests and/or Interrogatories was formerly, but is no longer, employed by you, please so state in the answer and provide the former employee’s current address and telephone number (business or home), if known. If the current address and telephone number are not known, then please provide the former employee’s last known address and telephone number.

6. You shall be under a continuing obligation to supplement answers to the Document Requests and Interrogatories.

7. If you cannot respond to any of the following Document Requests and/or Interrogatories in full after exercising due diligence to secure the information to do so, then respond to the extent possible and explain your inability to provide a complete answer. State whatever information or knowledge you have about the unanswered portion of any Document Request and/or Interrogatories.

8. Whenever a Document Request and Interrogatories asks for a date, state the exact day, month, and year, if ascertainable or, if not, the best approximation thereof.

9. Documents shall be produced in their original state (i.e., in their original file folders in the exact order as found) without removal or rearrangement of anything contained therein.

10. Each document request that seeks information relating in any way to communications to, from, or within a business or entity is hereby designated to mean, and should be construed to include, all communications by and between that business and/or entity's present or former representatives, employees, agents, and servants of the business and/or entity.

11. All documents shall be organized and labeled to correspond with the numbered paragraphs of these document requests. If there are no documents responsive to a particular document request, Defendant(s) shall so state in writing.

12. All electronically stored information shall be produced in a reasonably usable form, and it shall not be converted from the form in which it is ordinarily maintained to a different form that would make it more difficult or burdensome for Plaintiff to use such information.

13. In the event that any document or portion thereof is withheld on the basis of any privilege or otherwise claimed to be protected against production, such document shall be identified by stating: (a) the nature of the privilege or reason for withholding which Defendant(s) contend applied; (b) the factual basis for Defendant(s)' assertion of privilege or the reason for withholding; (c) the type of document (e.g., letter, memorandum, etc.); (d) all authors and addressees; (e) all indicated and blind copies; (f) all persons to whom the document was distributed, shown, or explained; (g) the document's date; (h) a summary description of the document's subject matter; (i) the number of pages and attachments or appendices comprising the document; and (j) its present custodian.

14. Whenever a claim of privilege concerns any oral communication or statement, identify the participants to the communication and the person giving and receiving the statement,

and set forth the date and place of the communication or statement and state the general subject matter thereof and state the basis for the claim of privilege.

15. If any document was, but is no longer, in Defendant(s)' possession, or subject to Defendant(s)' control, or in existence, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred, voluntarily or involuntarily, to others; or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding any such disposition, including the authorization of the disposition, the date of destruction or discard, the manner of destruction or discard and reason for destruction or discard, the persons who authored and carried out such destruction or discard, whether any copies of the document presently exist, and, if so, the name of the custodian of each copy.

16. An objection or claim of privilege directed to part of a request does not constitute an excuse for failure to respond to the parts of the Document Request and/or Interrogatories for which no objection to claim of privilege is made.

17. If a refusal to answer a Document Request and/or Interrogatories is based on the grounds that the request is overly burdensome, identify the number and nature of documents needed to be searched.

18. Punitive Requests relate to Corporate Defendant(s)' financial condition for purposes of punitive damages. "Case law recognizes the Defendant's financial condition as a relevant factor in all punitive-damage awards." Herman v. Sunshine Chemical Specialties, Inc., 133 N.J. 329, 339, (1993). In order to properly determine the appropriate punitive damage award amount, the trier of fact "must consider evidence of the defendant's financial condition." Id. at 342. "The degree of punishment resulting from a judgment must be, to some extent, in proportion to the means of the guilty person. Restatement (Second) of Torts 908 comment d (1977)."

McDonough v. Jorda, 214 N.J. Super. 338, 349 (1986), certif. denied, 110 N.J. 302,(1988) cert. denied, 489 U.S. 1065 (1989).

DOCUMENT REQUESTS TO DEFENDANT(S)

1. All documents relating to any insurance policy or reinsurance policy that may be used to pay all or part of any judgment entered against Defendant(s) in this Action.

2. A complete copy of the personnel file(s) Defendant(s) maintained pertaining to any Individual Defendant, including, but not limited to, copies of documents (written or electronic) relating to the following: (a) disciplinary action (i.e., oral reprimand, written reprimand, suspension, demotion, loss of pay, termination) being taken against any Individual Defendant; (b) performance evaluations that were conducted for any Individual Defendant; and (c) job title or job status changes for any Individual Defendant.

3. All statements, documents, or communications relating to any complaints made by Plaintiffs.

4. Produce a copy of Defendant(s)' written policy concerning discrimination.

5. All statements, documents, or communications relating to anti-discrimination training or education completed by Defendant(s).

6. All statements, documents, or communications concerning any Investigation that relates to the claims and defenses asserted in this Action.

7. A copy of all documents (written or electronic) relating to each and every instance since January 01, 2013, in which an allegation was made and/or a lawsuit filed alleging that Defendant(s) engaged in discrimination in violation of New Jersey's Law Against Discrimination. For each and every such instance, identify the person(s) who made the allegation, the person(s) against whom the allegation was made, the date of the behavior complained of, the date the complaint was made, the nature of the behavior complained of, and how, if any way, you

investigated, handled, processed, and/or ultimately disposed of each and every such matter.

8. All statements, documents, or communications concerning or made by any person that relate to the allegations asserted in the Complaint.

9. All statements, documents, or communications relating to statements of witnesses provided to and/or obtained by Defendant(s) that relate to this Action.

10. All statements, documents, or communications concerning or made by any Person (including any of Defendant(s)' employees or coworkers) that relate to the defenses, affirmative defenses, and/or denials asserted in the Answer.

11. All statements, documents, or communications concerning any Person who has knowledge and/or information relating to this Action.

12. All statements, documents, or communications between the Plaintiff and Defendant(s) that relate to this Action.

13. All statements, documents, or communications concerning any admissions by or of Defendant(s) that relate to this Action.

14. All statements, documents, or communications concerning any of Defendant(s) denials of the allegations set forth in the Complaint.

15. All documents any expert who may testify on Defendant(s) behalf and which Defendant(s) intend to use or may rely upon at trial.

16. Copies of all books, documents, drawings, plans, photographs, or other tangible things upon which Defendant(s) will rely in support of its defenses.

17. All statements, documents, or communications relating to any complaint made by any non-party to this action concerning Defendant(s).

18. All documents Defendant(s) intend to use for any purpose in this litigation,

including, but not limited to the data it intends to use in depositions or at trial.

19. All reports (including drafts) relating to any Investigation concerning Defendant(s) and/or the Plaintiffs.

20. Any reports relevant to this matter written by an expert utilized by Defendant(s).

21. Copies of any and all books, treatises, pamphlets or other printed material upon which Defendant(s) or any experts retained by Defendant(s) will rely, including using as an exhibit at trial.

22. All documents concerning any employee Grievances against Defendant(s) for the past ten (10) years.

23. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Plaintiff.

24. Copies of any photographs, video, text messages, iMessages, emails or other medium with regard to any communications between Defendant(s) and Defendant(s)' agents, servants or representatives referring and/or relating to the subject matter of this litigation.

25. A written job description for each position held by any Individual Defendant or any employee or agent of Defendant(s) during his/her tenure of employment with Corporate Defendant(s).

26. All statements, documents, or communications concerning any communication between Defendant(s) and Defendant(s)' Human Resources department regarding Plaintiff.

27. All documents identified or referenced in Defendant(s)' Answers to Plaintiff's First Set of Interrogatories to Defendant(s).

28. Produce a copy of the employee handbook in force and effect at the time of the Individual Defendants' employment with Defendant(s).

29. All documents relating to Corporate Defendant(s)' policy or policies concerning electronic data retention and preservation.

30. All statements, documents, or communications concerning Defendant(s) receiving any sensitivity training.

31. Any and all documents outlining Corporate Defendant(s)' standard policies and/or procedures for accommodating patrons who need access to a family restroom, including, but not limited to, training materials and/or handbooks provided to Individual Defendants.

32. Any and all documents in Corporate Defendant(s)' possession that relate in any way to Plaintiffs' visit to Cinemark Hazlet on June 16, 2023, or any other date occurring within the last ten (10) years.

33. Any and all documents in Corporate Defendant(s)' possession regarding the hiring of Defendant Nicolet and Defendant Mansueto.

34. Any and all documents in Corporate Defendant(s)' possession regarding the retention of Defendant Nicolet and Defendant Mansueto.

35. Any and all documents in Corporate Defendant(s)' possession given to, or received, by the Hazlet Township Police Department on or after June 16, 2023.

INTERROGATORIES TO DEFENDANT(S)

1. Indicate whether the individual or individuals certifying these Interrogatory answers had the opportunity to review the typed responses.

2. State the policy limits of any insurance policies naming Corporate Defendant(s) as an insured which cover the claims in the litigation, along with the name of the insurance carrier and policy number, the amount of any applicable deductible, and if the claim is being defended under a Reservation of Rights Agreement or letter, attach a copy of the Reservation of Rights Agreement or letter.

3. State the name, last known address, and last known telephone number of all persons who have knowledge of facts relating in any way to this matter and specify the subject matter of each such person's knowledge.

4. State the name, last known address, and last known telephone number of each person whom Defendant(s) may expect to call as a witness at trial and indicate those facts to which each such witness is expected to testify.

5. State the names and business addresses of any and all proposed expert witnesses whom Defendant(s) have retained for this matter.

6. With respect to each proposed expert witness referred to in the preceding Interrogatory, provide the following:

- a. field of expertise;
- b. educational background;
- c. the names of any and all books, periodicals, or other writings that he or she has written or to which he or she has contributed;
- d. the date, time, and place at which any oral opinion was rendered, specifying to whom that opinion was rendered and describing the content of that opinion;
- e. true and accurate copies of any and all written reports or opinions, including drafts;
- f. the name, last known address, last known telephone number, job title, and current employer of each person with whom the expert has met in connection with formulating his or her opinion or preparing his or her report(s);
- g. true and accurate copies of any and all documents that the expert created, obtained, or reviewed in connection with the formulation of his or her opinion or the preparation of his or her report(s);
- h. all tangible things upon which your expert(s) may rely as an exhibit at trial and identify the name and address of the person in whose custody the above identified tangible things are at the present time and;
- i. if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories.

7. With respect to each proposed expert witness referred to in the preceding Interrogatory, set forth in summary form the substance of the opinion to which each is expected to testify, including a summary of grounds for each opinion.

8. Identify the names and addresses of any persons other than those named in the preceding three Interrogatories, who have been retained, specifically employed, or consulted by Defendant(s) in anticipation of litigation or preparation for trial and who may not be called as witnesses at trial and as to each:

- a. state the subject matter on which he/she was consulted;
- b. state his/her field of expertise;
- c. set forth the full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person. (As to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received);
- d. attach to the answers to these Interrogatories copies of all written reports submitted to you (or detailed resume if report was oral) of each such expert;
- e. state whether or not there are any other reports in existence from the particular experts named, either written or oral (if any such reports, either written or oral, subsequently become known to you, or become available, submit copies thereof of supplemental answers to these Interrogatories);
- f. set forth completely all expert opinions rendered by the named expert(s) which are not in writing;
- g. identify each document that has been relied upon by each expert witness in the formulation of his or her opinion; and
- h. state a summary of the grounds for each opinion.

9. For any position held by the Individual Defendant(s) while employed by Corporate Defendant(s) for which there is no job description, describe with specificity the job functions of each such position to the best of Defendant(s)' knowledge.

10. List chronologically each job title held by Individual Defendant(s) while employed by Corporate Defendant(s), indicating the time period during which each position was held.

11. State the required qualifications and skills for each and every job title that Individual Defendant(s) held while employed by Corporate Defendant(s).

12. State whether Individual Defendant(s) was/were ever promoted while employed by Corporate Defendant(s). For each promotion, state the following:

- a. from what position or job title the promotion was from and to what position or job title the promotion was to;
- b. the date of the promotion;
- c. the reason(s) for the promotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

13. State whether Individual Defendant(s) were ever demoted while employed by Corporate Defendant(s). For each demotion, state the following:

- a. from what position or job title the demotion was from and to what position or job title the demotion was to;
- b. the date of the demotion;
- c. the reason(s) for the demotion;
- d. the names, last known addresses, last known telephone numbers, and job titles, of all persons involved in the decision-making process and the nature and extent of their involvement in the decision;
- e. the criteria used in making the decision; and
- f. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

14. Identify and provide full details concerning any Investigation relating to the allegations and claims in the Complaint, including, but not limited to, who was questioned or interviewed, what was discovered, and what corrective action was taken. Identify those who Defendant(s) contacted or assigned to conduct each specific investigation or inquiry, who was questioned, what was discovered, and what corrective action was taken to the best of Defendant(s)'

knowledge. Provide copies of any examinations, audits, findings, reports, or notices in Individual Defendant(s)' possession.

15. Identify and provide full details concerning any Investigation relating to any denials or defenses asserted in the Answer, including, but not limited to who was questioned or interviewed, what was discovered, and what corrective action was taken.

16. Identify all persons employed by Defendant(s) who are responsible for Human Resources, personnel matter, training, orientation, and personnel monitoring for the previous five (5) years to the best of Defendant(s)' knowledge.

17. State whether any Individual Defendant(s) received or went through an orientation program when he/she was hired to work at Defendant(s) and describe said program. If so:

- a. provide a description of the system(s) or procedure(s) used for orientation for the past five (5) years; and
- b. identify and produce all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

18. Identify and provide full details concerning all discrimination and negligence prevention training conducted by Defendant(s) in the past five (5) years.

19. In connection with Defendant(s)' response to the preceding Interrogatory, provide full details of such training including the dates, and provide any written materials used in such training. If the training was provided by a third party, please forward the third party's name, business address, and last known phone number, together with the third party's qualifications to perform such training.

20. State whether any civil or criminal actions have ever been filed charging Defendant(s) with discrimination and/or negligence in the past ten (10) years. This includes, but is not limited to all judicial, administration, and/or arbitration hearings. If so, provide the following for each such action:

- a. the name, last known address, last known telephone number, and job title of the complainant(s);
- b. the title of the action;
- c. the name and address of the court where the action was filed;
- d. the docket number of the action;
- e. the date on which the action was filed;
- f. the nature and substance of the action;
- g. the disposition or present status of the action;
- h. whether the case was tried and, if so, the verdict;
- i. the amount of punitive damages, if any;
- j. the amount of compensatory damages, if any; and
- k. identify all documents that in any way touch upon, discuss or pertain to any of the matters referred to in this Interrogatory.

21. Please describe in detail complaints or Grievances (formal or otherwise) made by the Plaintiff with regard to discrimination and/or hostile public accommodation environment by Defendant(s).

22. Describe, in detail, all complaints or Grievances (formal or otherwise) by any patron of Defendant(s) relating to discrimination and/or hostile environment by Defendant(s) in the past ten (10) years.

23. Describe, in detail, the investigation, determination and/or disciplinary actions taken by Defendant(s) relating to all complaints or Grievances of discrimination and/or hostile environment by Defendant(s) towards patrons in the past ten (10) years.

24. Describe, in detail, the facts and circumstances relating to the method and process by which complaints or Grievances are handled and resolved with the Human Resources Departments (or similar departments) at Defendant(s).

25. Describe in detail the factual basis for each of Defendant(s) denials of the allegations of the Complaint.

26. Are there any documents that Defendant(s) know or believe to be in existence, although not in Defendant(s)' possession or control, that in any way relate to the subject matter of

this litigation? If so, identify each such document, set forth the source of Defendant(s)' information or belief regarding the existence of such document, and identify the person or entity in whose possession or control such document is known or believed to be.

27. Have any admissions been made by party or parties propounding these Interrogatories, or any of his/her/its/their agents, servants or representatives concerning the subject matter of this litigation? If the answer to this Interrogatory is in the affirmative, set forth in detail the following:

- a. the time, date and place of each admission;
- b. the content and substance of each admission;
- c. the name and address of each person making an admission;
- d. if the admission was an oral communication, the names and addresses of all persons present when the admission was made;
- e. if the admission was made in a document, attach a copy thereof to Defendant(s)' answers to these Interrogatories;
- f. if the admission was made in an oral communication, describe verbatim, to the extent possible, what was said by each party to such oral communication.

28. Set forth whether Defendant(s) have obtained a statement from the party or parties propounding these Interrogatories. If the affirmative, state:

- a. if written, attach a true copy of the statement;
- b. if oral, set forth a verbatim recitation of the statement and advise whether the statement was recorded, the manner of recording and the person who has custody of the statement; and
- c. the date the statement was obtained.

29. Set forth whether Defendant(s) have obtained a statement from any person not a party to this action. If your answer is in the affirmative, state:

- a. Name and address of the person who gave the statement, and date statement obtained;
- b. if written, whether signed by the person;
- c. if oral, name and address of the person who obtained the statement, and if recorded, the nature and present custody of recording;
- d. attach a copy of all said written statements; and
- e. if oral, set forth completely the substance of said statements.

30. Please set forth the existence and contents of any insurance agreement pertaining to the issues in the case, insuring the party answering this Interrogatory. This request is made pursuant to Rule 4:10-2(b).

31. If the party or parties answering these Interrogatories believes that some person, not a party to this action, is in some way responsible for the injuries and/or damages alleged, please set forth the name and address of such person, and the acts or omissions and address of such person, the acts or omissions of said person which caused the injury or damage and the facts which support the belief.

32. If the person certifying the answers to these Interrogatories did not answer each and every question, then identify each person supplying information used to answer the above Interrogatories and set forth the numbers of the Interrogatories as to which each such person supplied information.

33. State whether Defendant(s)' agents communicated with any persons or entities that are not parties to this litigation in connection with the subject matter of this lawsuit. For all such communications that were oral, specify the nature and substance of the communication, the date on which it occurred, the place at which it occurred, and the names, last known addresses, and last known telephone numbers of all persons present. For all such communications that were written, provide true and accurate copies of each such communication.

34. State whether at any time, Defendant(s) ever taped and/or digitally recorded any communication with the Plaintiff, whether face-to-face or telephonic. If so, describe in detail, including but not limited to:

- a. the identity of each Defendant(s) recorded;
- b. the date, time, place, and manner in which you recorded the communications;
- c. the substance of the recorded communications;

- d. the device used for making such recordings; and
- e. whether you obtained consent to tape or record such communications. Provide any such recordings.

35. Set forth in detail, to your knowledge, all notices and warnings received by the Defendant(s) over the past five (5) years from any State and/or Federal and/or Local regulatory authorities who oversee, license, regulate, or discipline your operations, and/or your employees.

36. Describe in detail Corporate Defendant(s)' ability to restore archived electronic data relating to the employment of Individual Defendant(s) contained on electronic media such that upon restoration it may be accessed, viewed, exported, or printed.

37. Identify each Individual with knowledge of:

- a. The type and location of all hardware used as terminals for email, including servers, personal computers, laptops, PDAs, etc. at Corporate Defendant(s) between January 1, 2013 and the present;
- b. Computer software operating systems and end user-applications servicing Corporate Defendant(s) between January 1, 2013 and the present;
- c. All email software and versions which have been used on hardware servicing Corporate Defendant(s) between January 1, 2013 and the present;
- d. The email file naming conventions and standards;
- e. The back-up and rotation schedules for all email generated or received by Corporate Defendant(s)' employees between January 1, 2013 and the present;
- f. Electronic data retention, preservation and destruction policies;
- g. Diskette, CD, DVD and other removable media labeling standards;
- h. Structure and organization of all information and technology departments and/or information technology support vendors involved with the computer systems at Corporate Defendant(s);
- i. The location of the email produced in response to the Plaintiff in this matter's First Request for Production;
- j. The method of search for the documents and electronic data requested in the Plaintiff in this matter's First Request for Production; and
- k. The date and time of destruction of any electronic data requested in the Plaintiff in this matter's First Request for Production.

38. Identify each email account each Individual Defendant(s) utilized as an employee of Corporate Defendant(s) in the last three years.

39. Identify and describe in full detail Corporate Defendant(s)' policy relating to patron(s)' complaint of discrimination.

40. Identify and describe in full detail Corporate Defendant(s)' policy relating to patron(s)' complaint of negligence.

41. Describe, in detail, any investigation, determination and/or disciplinary actions taken by Defendant(s) relating to any of the Individual Defendant(s) in this action in the past ten (10) years.

42. Identify and describe the facts and details of each instance concerning any of the Defendant(s) receiving any sensitivity training or any training regarding appropriate workplace language and conduct.

43. Identify and describe the facts and details of each instance concerning any of the Defendant(s) receiving any negligence training.

44. Identify and describe the facts and details relating to each instance in which any of the Defendant(s) were reprimanded or disciplined.

45. Identify and describe in detail Defendant(s)' procedure and/or policy for reprimanding, suspending, and terminating employees.

46. Describe, in detail, the factual basis for each Affirmative Defense set forth in the Answer.

47. Describe, in full detail, the facts and circumstances relating to any change in Defendant(s) position and/or job responsibilities.

48. Describe in full detail the reasons why Defendant Nicolet made comments about transgender restrooms.

49. Describe in full detail the reasons why Defendant Nicolet made comments about Minor Plaintiff J.G. should not be allowed in the women's restroom with his mother, Plaintiff C. Gallinaro.

50. Describe in full detail the reasons why Defendant Nicolet instructed Defendant Mansueto to have Plaintiffs removed from Cinemark Hazlet's premises.

51. Describe in full detail the reasons why Defendant Nicolet instructed Defendant Mansueto to call the Hazlet Township Police Department.

52. Describe in full detail the reasons why Defendant Mansueto called the Hazlet Township Police Department.

53. Describe in full detail the reasons why Defendant Mansueto "did not agree" with Defendant Nicolet's instructions to contact the Hazlet Township Police Department.

54. State whether it is Corporate Defendant(s)' policy to call the local police department any time patron(s) cannot access a family restroom.

55. State whether it is Corporate Defendant(s)' policy to have their armed security officer(s) hostilely surround patron(s) when in non-violent and/or non-emergent situations.

56. State in full details why Corporate Defendant(s) do not have access to a family restroom.

INTERROGATORIES TO INDIVIDUAL DEFENDANT(S) ONLY

1. Identify every paper, writing, memorandum or document of every kind and description of which Individual Defendant(s) has knowledge which is, in any way, intended to support any claim, defense, affirmative defense, or factual allegation, or to be used by Individual Defendant(s) in any manner in this matter, including but not limited to, during the examination of any witness; describe the document as to content and other characteristics, and state the present location of such documents, or in lieu thereof, attach true copies to Individual Defendant(s)'s

answers to these Interrogatories. Annex hereto a copy of each said document. For each such document or tangible thing upon which Individual Defendant(s) will rely in support of Individual Defendant(s)'s claims/defenses/affirmative defenses state:

- a. its description;
 - b. its nature;
 - c. the name and address of person who has custody;
 - d. its location; and
 - e. its condition.
2. Identify all email addresses used by Individual Defendant(s) the past five (5) years to send and receive emails and identify the internet service provider affiliated with those email addresses.
3. Identify all cell phone numbers used by Defendant(s) for the past five (5) years as well as carrier and current location of each cell phone. For any such cell phones that are no longer in Individual Defendant(s)' possession, please identify the name and address of the person's whose possession they are in.
4. Has Individual Defendant(s) ever been convicted of a criminal offense? If so, for each of Individual Defendant(s)'s convictions, identify and set forth in detail:
- a. the particular offense(s) or crime(s) of which Individual Defendant(s) has been convicted;
 - b. the date of each such conviction;
 - c. the courts in which Individual Defendant(s) was convicted;
 - d. the facts surrounding and underlying each such conviction; and
 - e. the punishment or sentence received.

DOCUMENT REQUESTS RELATED TO PUNITIVE DAMAGES

1. All financial statements prepared for the years 2013 through 2022 up to and including the present, setting forth income, expenses, assets, liabilities, and profits of the Corporate Defendant(s).

2. All tax returns filed by the Corporate Defendant(s) for the years 2013 through 2022, up to and including the present.

3. All documents evidencing assets of the Corporate Defendant(s).

4. All documents evidencing the Corporate Defendant(s)' interest in any real estate.

5. All documents evidencing the financial obligations of the Corporate Defendant(s) and all payments on those obligations.

6. All documents evidencing judgments against the Corporate Defendant(s) and the amount of those judgments for the years 2013 through 2022, up to and including the present.

7. All documents evidencing bank accounts held by the Corporate Defendant(s), the location of those accounts, account numbers, and balances of those accounts.

8. All documents evidencing or setting forth accounts receivable and/or obligation owed by others to the Corporate Defendant(s) for the years 2013 through 2022, up to and including the present.

9. All documents evidencing payments made by the Corporate Defendant(s) to creditors.

10. All corporate books or any other written memorandum setting forth income received by the Corporate Defendant(s).

11. All copies of inventories taken by the Corporate Defendant(s) of its property at any time during the years 2013 through 2022, up to and including the present.

INTERROGATORIES RELATED TO PUNITIVE DAMAGES FOR DEFENDANT(S)

1. If the Defendant(s) is a corporation, set forth as to each:

- a. The full name of the corporation;
- b. Date of incorporation;
- c. State of incorporation;
- d. All States in which the Defendant(s) conducts its business;
- e. All States in which the Defendants has registered to do business;

- f. The full and correct names and residential address of all stockholders for the last two (2) years;
- g. The number of shares issued to each of the said stockholders and directors of the corporation during the past two (2) years to include specific dates during which said individuals served as directors;
- h. Number of shares issued to each of said stockholders;
- i. The full and correct names and addresses of all officers of the corporation during the past two (2) years to include the specific dates during which said individuals served as officers;
- j. All trade or fictitious names under which the corporation has conducted its business in the past two (2) years;
- k. The complete street address of all locations where the Defendant(s) has conducted its business in the past two (2) years and include the specific dates during which it was at each location;
- l. The name and address of the person who has custody of this corporation's books and records.

2. Is a majority interest in the corporate stock of the Defendant(s) owned by any individual, corporation or holding company?

3. If your answer to the preceding interrogatory is in the affirmative, please state for the individual, corporation or holding company with a majority interest in the Defendant(s):

- a. Name and address;
- b. State of incorporation;
- c. The state in which doing business;
- d. Address of each business office;
- e. The name and address of each current officer or director;
- f. The nature of the business in which engaged.

4. For each facility owned or maintained by the Defendant(s), please state:

- a. The business address;
- b. The names and addresses of all current officers of the facility;
- c. The nature of the business conducted at the facility;
- d. The dates during which the facility has been owned or maintained by the Defendants' employer;
- e. The number of individuals presently employed at the facility.

5. Set forth in detail the name, address, and telephone number of all businesses in which the principals of the Defendant(s) now has an interest and set forth the nature of the interest.

6. For all bank accounts of the Defendant(s), list the name of the bank, the bank's address, the account number, and the name in which the account is held.

7. Specifically state the present location of all books and records of the Defendant(s), including checkbooks.

8. State the name and address of the persons or entities that prepare, maintain, and/or control the business records and checkbooks of the Defendant(s).

9. List all the physical assets of the Defendant(s) and their location. If any asset is subject to a lien, then state the name and address of the lienholder and the amount due.

10. Does the Defendant(s) own any real estate?

11. If the answer for the preceding interrogatory is in the affirmative, please state for each property:

- a. Name(s) in which property is owned;
- b. Address of property;
- c. Date property was purchased;
- d. Purchase price;
- e. Name and address of mortgage holder, if any;
- f. Balance due on mortgage, if any;
- g. The names and addresses of all tenants and monthly rentals paid by each tenant.

12. List all motor vehicles owned by the Defendant(s) and state the following for each vehicle:

- a. Make, model, and year;
- b. License plate number;
- c. Vehicle identification number;
- d. If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien.

13. List all accounts receivable due to the Defendant(s), stating the name, address, and amount due on each receivable.

14. For any transfer of business assets that has occurred within six months from the date of these Interrogatories, specifically identify:

- a. The nature of the asset;
- b. The date of the transfer;
- c. Name and address of the person or entity to whom the asset was transferred; The consideration paid for the asset and the form in which it was paid (check, cash, etc.);
- d. Explain in detail what happened to the consideration paid for the asset.

15. Set forth all judgments that have been entered against the Defendant(s) and include the following for each:

- a. Creditor's name;
- b. Creditor's attorney;
- c. Amount due;
- d. Name of Court;
- e. Docket number.

McOMBER McOMBER & LUBER, P.C.
*Attorneys for Plaintiffs, Christine Gallinaro
o/b/o J.G.*

By: /s/ Austin B. Tobin
Austin B. Tobin, Esq.

Dated: July 25, 2023

CERTIFICATION

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on () my personal knowledge and/or () information provided by others. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me:

- 1.
- 2.
- 3.
- 4.
- 5.

Dated: _____, 2023

By: _____

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, whether written or oral, are unknown to me and, if such become later known or available, I shall serve them promptly on the propounding party.

I certify that the foregoing answers to the Interrogatories 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.

Dated: _____, 2023

By: _____