

Bannon, Rawding, McDonald, & Mascera, P.A.
10 South Prospect Street
Verona, New Jersey 07044
(973) 239-2800
Attorney ID 024991984
Attorney for Plaintiff, Louis Racioppe

LOUIS RACIOPPE

Plaintiff

v.

VERONA BOARD OF EDUCATION; RUI
DIONISIO in his individual and official
capacity; JOHN QUATTROCCHI in his
individual and official capacity;
MICHELE BERNARDINO, in her
individual and professional capacity, JOSH
COGDILL, in his individual and
professional capacity, JOHN/JANE DOE 1-
10, fictitious individuals and ABC
ENTITIES 1-10, fictitious entities,

Defendants.

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: ESSEX COUNTY

:
: DOCKET NO.: ESX-L-

:
: **COMPLAINT**

Plaintiff, Louis Racioppe residing at 22 Birdseye Glen, Verona, New Jersey, against
Defendants, Verona Board of Education, Rui Dionisio, John Quattrocchi, Michele Bernardino,
Josh Cogdill, John/Jane Doe 1-10 and ABC Entities, 1-10 (hereinafter known as "Defendants"),
says:

PARTIES

1. Plaintiff, Louis Racioppe, was the Head Coach of the Verona High School football team
and had held that position for 20 years until he was unlawfully terminated during that twentieth
year of coaching for Verona High School in 2017.

2. During his tenure as the Verona High School coach, Plaintiff led Verona to numerous NJSIAA playoff appearances and four state championships.
3. Plaintiff was elected to, and is a member of, the New Jersey High School Coaches Hall of Fame.
4. Defendant Verona Board of Education, is a public entity that oversees the activities of the Verona High School.
5. Defendant Rui Dionisio is currently and at all relevant times the Superintendent of the Verona Board of Education.
6. Defendant John Quattrocchi is currently and at all relevant times a member of the Verona Board of Education.
7. Defendant Michele Bernardino is currently and at all relevant times a member of the Verona Board of Education.
8. Defendant Josh Cogdill is currently and at all relevant times the principal of Verona High School.
9. Defendants John/Jane Does 1-10, are fictitious names of individuals who aided in, participated in, conspired to commit, facilitated, abetted or are otherwise liable for the actions complained of herein whose identities have not yet been discovered.
10. Defendants, ABC Entities 1-10 are fictitious names for entities whose identities have not yet been determined who directly and/or through their agents, employees and/or officers participated in, aided, abetted, supervised, permitted, allowed, directed and/or condoned the acts and/or omissions complained of herein.

FACTS RELEVANT TO ALL COUNTS

11. On October 10, 2017, while traveling in his automobile to Verona High School to conduct football practice, Plaintiff received a telephone call from Defendant Cogdill wherein Cogdill advised Plaintiff that that afternoon's football practice had been cancelled. Plaintiff was advised that he had been placed on Administrative Leave effective immediately. Plaintiff was ordered by Cogdill not to have contact with any Verona High School football player or student.
12. The telephone conversation was brief and one-sided. Plaintiff was immediately stunned and bewildered.
13. Soon thereafter, Defendant Cogdill confirmed the telephone conversation by email message to Plaintiff.
14. Defendant Cogdill did not provide Plaintiff with any details as to why Plaintiff had been placed on Administrative Leave.
15. Plaintiff's Administrative Leave lasted for the remainder of the 2017 football season.
16. Plaintiff remains to the date of this Complaint without knowledge why he was placed on Administrative Leave.
17. Also on or about October 10, 2017, the majority of the members of the Verona High School football team were individually interrogated by an array of Verona High School staff members.
18. On October 10, 2017, the Verona Football team had six senior members. Only two senior members were interviewed.
19. Also on October 10, 2017, the Verona Football team had three captains. Only one captain was interviewed.

20. The Defendants, at all times relevant hereto, misrepresented to Plaintiff and to the general public that all seniors and all captains had been interviewed.
21. Upon information and belief, each player that was interviewed was interviewed by one staff member.
22. Upon information and belief, the players were each given a questionnaire to complete and, upon information and belief, all players who were given a questionnaire completed a questionnaire.
23. Bizarrely, prior to conducting the interviews, the Defendants covered the windows of the interview room with paper purportedly to protect the players' privacy. In reality, the action was taken to intimidate and coerce the players into cooperation.
24. Upon information and belief, the questions presented to the players were drafted by the Board attorney, members of the high school staff, and Dionisio.
25. Plaintiff, through counsel, has made numerous requests to review the completed questionnaires, but Plaintiff has never seen the responses provided by the players. Plaintiff's requests have been refused and Plaintiff has never seen the completed questionnaires.
26. Plaintiff remains unaware of who decided to place Plaintiff on Administrative Leave. Plaintiff remains equally unaware as to why the investigation against him was begun, whether the investigation began as a HIB investigation, and the identity of the party that spearheaded the investigation.
27. Upon information and belief, Defendant Dionisio instituted the investigation against the Plaintiff because of a personal vendetta against Plaintiff.
28. Upon information and belief, Dionisio encouraged parents of team members to lodge complaints against Plaintiff so that Dionisio could order an investigation of Plaintiff and could thereafter suspend Plaintiff from coaching.

29. Upon information and belief, Defendant Cogdill conspired with Dionisio to bring charges against Plaintiff so that Plaintiff could be suspended.
30. Neither Dionisio nor Cogdill, on or immediately after October 10, 2017 informed Plaintiff of the charges against him.
31. In any event, upon information and belief, Defendant Quattrocchi authorized the investigation at Dionisio's behest.
32. Between October 11, 2017 and October 23, 2017 Plaintiff and his assistants met with Cogdill and were interrogated by him.
33. On October 23, 2017, Plaintiff, 13 days after having been placed on Administrative Leave, was first "interviewed" by Cogdill.
34. Cogdill did not inform Plaintiff of the charges against him.
35. Cogdill asked Plaintiff a series of questions that mirrored the questions in the questionnaire that had been presented to the team members.
36. Cogdill sought only "yes" or "no" answers from Plaintiff.
37. Cogdill acted at all times with hostility and disrespect to Plaintiff. Cogdill tried to intimidate Plaintiff and did not allow Plaintiff to converse with Cogdill about the substance of a question, its context, or its meaning.
38. In fact, Cogdill ordered Plaintiff to give Cogdill respect and Cogdill informed Plaintiff that Cogdill was entitled to that respect as principal of Verona High School.
39. Plaintiff had no direct contact with Cogdill after October 23, 2018.
40. From on or about October 7, 2018, the Board members were actively engaged in the investigation of Plaintiff, and in conjunction therewith, the assistant football coaches.
41. The Board members' participation included an October 10, 2017 meeting in which it reviewed summaries of the questionnaires, (incorrectly calculated and interpreted).

42. The Board met and interacted on several occasions with the Board attorney.
43. The Board reviewed, either directly or indirectly, the coaches interviews with Defendant Cogdill that had taken place after October 10, 2017 and before October 23, 2017, the date that Plaintiff finally was interviewed by Cogdill.
44. The Board held a meeting on October 30, 2017, the sole purpose of which was to discuss the investigation of Plaintiff. During these meetings, the Board members reviewed personnel files, summarized notes of student feedback, and of the audio interviews of the coaches, including Plaintiff.
45. The Board attorney met with each Board sub-committee and Board member individually.
46. Despite having participated in the investigation and continuing to be involved in the investigation, the Defendants acknowledged publicly that Plaintiff's employment matter was not a Board issue.
47. Rather than allowing the Verona superintendent or surrogate to conduct the investigation, the Board members actively participated in the investigation and addressed public inquiries about the investigation.
48. The Board delivered a Rice notice to Plaintiff. Plaintiff did not choose to have his personnel issue discussed in public because to the best of Plaintiff's knowledge there was an ongoing investigation and the Board should not have been involved in any manner with the investigation.
49. On November 4, 2017, Defendant Quattrocchi sent a press release by email from the Board email account to an undisclosed group of Verona employees and residents and to the media. Within the email, Quattrocchi declared that Board administrators had completed an investigation regarding allegations against Plaintiff Verona High School ("VHS") football

coaches, including Plaintiff. Quattrocchi acknowledged the confidentiality of the matter yet remarkably and unabashedly released results of the investigation to the public.

50. Plaintiff still had not been informed of any charges against him or of the outcome of any investigation explained that the interviews for both the VHS players and coaches were confidential.

51. Thereafter, Quattrocchi presented in accurate and misleading information to the public with the intent to discredit Plaintiff and to damage Plaintiff's reputation.

52. By releasing the investigation results, the Board took action to effectuate policies and plans without consulting Plaintiff and without Plaintiff's express or implied permission. The email and release of information was unrelated to the Board's duties.

53. In communication with members of the public, Quattrocchi repeatedly expressed the purported concerns of the parents and students stemming from the investigation. Quattrocchi, however, neglected to assert the need for Verona to fully investigate the matter before addressing any misconduct by Plaintiff. Rather, Quattrocchi stressed to the public that Plaintiff had been Rice noticed and that Plaintiff did not opt to address the allegations against him in an open forum.

54. Quattrocchi stressed to the public and misled the public that Plaintiff was blocking the release of the results of the investigation to the public simply because Plaintiff did not agree to have his job status discussed by the Board in an open forum.

55. Quattrocchi stated on many occasions that he wished that he could express publicly the allegations against the Plaintiff and Quattrocchi's statements and actions were designed to imply that Plaintiff had committed a dastardly deed.

56. Defendant Quattrocchi took deliberate action for the purpose of undermining, opposing, compromising or harming Plaintiff in the proper performance of his duties. Rather than

protecting Plaintiff as a school district employee, Quattrocchi attacked Plaintiff through his statements and innuendo.

57. On or around November 5, 2017, Defendant Bernardino engaged in Facebook communications with multiple members of the Verona community regarding the investigation of the Plaintiff and his assistant football coaches. Bernardino acknowledged during the communications that the matter had not yet become a Board issue, but Bernardino continued to address the matter. Bernardino even directed a member of the public to call her directly to further discuss the matter.
58. Despite that the Board had no formal issue before it regarding Plaintiff, ending matter before the Board, Bernardino addressed the allegations in public forums and social media.
59. On November 7, 2017, after the Defendant had breached their duty of privacy and confidentiality to Plaintiff, Plaintiff received a Rice Notice to inform Plaintiff that his job status would be discussed at a November 14, 2017 Board Meeting.
60. Thereafter the Verona High School football season ended and Plaintiff's suspension effectively was expired.
61. In or about January 2018, Plaintiff filed a grievance against the Defendants with the New Jersey School Ethics Commission. There has not yet been a final decision regarding the grievance.
62. In or about January, 2018, Plaintiff submitted his name to the Verona Board of Education as a candidate for the 2018 head football coach.
63. Plaintiff was not hired.
64. Thereafter, Plaintiff has sought football and baseball coaching jobs from various school districts and private schools in New Jersey.

65. Plaintiff, despite his hall of fame credentials, has been unable to obtain any such employment.

FIRST COUNT

66. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 65 of the Complaint as if set forth at length herein.

67. Upon information and belief, on or about October 7, the complaint made against the Plaintiff was pursuant to the New Jersey's Anti-Bullying Bill of Rights Act ("Anti-Bullying Act" or "Act"), N.J.S.A. 18A:37-13 *et seq.*

68. The Anti-Bullying Act specifically provides due process rights to anyone who is accused of a violation of the HIB Policy, including the right to information as to the HIB complaint, and provides for a hearing with the accused before the Board of Education. N.J.S.A. 18A:37-15.

69. Based on this complaint, the Defendants made decisions and determinations having a negative impact on the Plaintiff.

70. At no time did Defendant Dionisio or any other Defendant provide any details of their investigation or give any reason to Plaintiff why Plaintiff had been placed on Administrative Leave.

71. No Defendant has confirmed that the school's investigation was performed under its HIB Policy.

72. The Defendant Board of Education's HIB Policy mirrors the Anti-Bullying Act. In this respect, the policy requires that any person accused of a HIB violation must be informed in writing of "the nature of the investigation, whether the district found evidence of [HIB], or whether discipline was imposed or services provided to address the incident of HIB."

73. Although no information was provided that indicated a HIB complaint was filed or that a HIB investigation would take place, the Defendants began the investigation pursuant to the HIB

policy, by, among other things, having the Verona High School HIB investigator participate in the investigation that began apparently immediately after the complaint against Plaintiff had been lodged.

74. Although a HIB investigation had begun, Plaintiff was not informed in writing of the nature of the investigation, In fact, at no point did the Defendants ever provide Plaintiff with information about the nature of the investigation, and Plaintiff to the date of this Complaint has never been informed whether the district found evidence of violation of its HIB policy.

75. Plaintiff remains unaware of the nature of the investigation and the results thereof.

76. Because no information was provided to Plaintiff regarding whether a HIB investigation took place, Plaintiff was unable to request a hearing before the Defendant Board prior to its decision to affirm, reject or modify the Superintendent's recommendation.

77. The Defendants actions violate the anti-bullying act and the board's policy regarding the implementation of the Act causing damage to Plaintiff.

WHEREFORE, Plaintiffs demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement under *Rendine v. Pantzer*, interest, costs and such other relief as the Court deems just and equitable.

SECOND COUNT
(Section 1983 Civil Rights Claim)

78. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 77 of the Complaint as if set forth at length herein.

79. Defendant Board of Education is a public entity and at all relevant times, the Plaintiff's employer.

80. On or about October 8, 2017, the Defendants purportedly received a complaint of a student or on behalf of a student, about Plaintiff's conduct as the Verona High School football coach.

81. Upon information and belief, the complaint was made pursuant to the New Jersey's Anti-Bullying Act and the school's HIB Policy.

82. Defendants failed to advise the Plaintiff of the details of the complaint and/or the investigation that ensued as a result of the complaint, whether or not the complaint was made pursuant to the New Jersey Anti-Bullying Act or otherwise.

83. Defendants determined the Plaintiff violated the Anti-Bullying Act or the Verona School District's HIB Policy, or some other standard without providing the Plaintiff an opportunity to be heard.

84. Defendants did not advise Plaintiff of his rights and did not provide Plaintiff with the opportunity for a hearing as per the Anti-Bullying Act, as per the Verona School District's policies, or as Plaintiff was otherwise entitled under the law.

85. Defendants failed to follow their own rules in suspending and terminating the Plaintiff from his coaching position. Defendants have thus violated and deprived Plaintiff of his procedural due process rights and therefore, Section 1983 of the United States Civil Rights Act..

86. Each of the aforesaid acts and/or omissions constitutes a separate and distinct violation of Section 1983.

87. As a direct and proximate result of Defendants' conduct, Plaintiff was injured and will continue to suffer damages.

WHEREFORE, Plaintiffs demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement under Rendine v. Pantzer, interest, costs and such other relief as the Court deems just and equitable.

THIRD COUNT
(New Jersey Civil Rights Act Claim)

88. Plaintiffs repeat and re-allege the allegations in paragraphs 1 through 87 of the Amended Complaint as if set forth at length herein.

89. Defendant Board of Education is a public entity and at all relevant times, the Plaintiff's employer.

90. Defendants John Quattrocchi and Michele Bernardino at all relevant times, were members of the Board of Education.

91. In or around September, 2017, the Defendants purportedly received a complaint on behalf of a student against the Plaintiff.

92. Although an investigation ensued, the Defendants failed to advise the Plaintiff of the details of the complaint and the investigation.

93. Defendants determined that the Plaintiff violated school policy without providing Plaintiff with an opportunity to be heard.

94. Defendants did not advise the Plaintiff of his rights and did not provide the Plaintiff with the opportunity for a hearing as per the Anti-Bullying Act, or other controlling law.

95. Defendants failed to follow their own rules in suspending and terminating the Plaintiff's coaching position. Defendants have thus violated and deprived Plaintiff of his procedural due process rights and therefore, the New Jersey Civil Rights Act.

96. Each of the aforesaid acts and/or omissions constitutes a separate and distinct violation of the New Jersey Civil Rights Act.

97. As a direct and proximate result of Defendants' conduct, Plaintiff was injured and will continue to suffer damages.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement under Rendine v. Pantzer, interest, costs and such other relief as the Court deems just and equitable.

FOURTH COUNT
(Malicious Abuse Of Process)

98. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 97 of the Complaint as if set forth at length herein.

99. The Defendants made the decision to continue to prosecute a complaint they knew was not legitimate and in which they knew they had not followed any of the statutory due process requirements and in which they knew was not based on any legitimate facts.

100. The Defendants could have stopped the investigation after realizing it had failed to meet the requirements of investigating a HIB complaint and after realizing Plaintiffs due process rights had been violated.

101. The complaint against Plaintiff was pursued by the Defendants based on ill will and non-legitimate innuendo and rumor.

102. Upon information and belief, Defendant Dionisio made decisions adversely impacting Plaintiff based on personal relationships and for the benefit of family members all to the detriment of the Plaintiff.

103. There was no reasonable basis to pursue the complaint against Plaintiff but Defendants individually and collectively continued to maliciously attack Plaintiff by their deeds and words.

104. As a direct and proximate result of Defendants' conduct, Plaintiff was injured and will continue to suffer damages.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement under *Rendine v. Pantzer*, interest, costs and such other relief as the Court deems just and equitable.

FIFTH COUNT
(Malicious Use of Process)

105. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 104 herein as if set forth at length.

106. The Defendants continued to prosecute the complaint despite that Defendants knew that they had not followed any of the statutory due process requirements to which Plaintiff was entitled.

107. The Defendants could have stopped the investigation after realizing that the Defendants had failed to follow HIB investigation guidelines and therefore that the Plaintiff's due process rights had been violated.

108. The HIB complaint was pursued by the Defendants based on ill will towards the Plaintiff.

109. Despite that there was no reasonable basis to pursue the complaint, Defendants continued to maliciously attack the Plaintiff.

110. As a direct and proximate result of Defendants' conduct, Plaintiff was injured and will continue to suffer damages.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement, interest, costs and such other relief as the Court deems just and equitable.

SIXTH COUNT

(Violation of the New Jersey Law Against Discrimination – Age Discrimination)

111. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 110 as if set forth at length herein.

112. Plaintiff Racioppe was a member of a protected class under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (“LAD”) because he was 62 years old at the time of termination.

113. Defendant Verona Board of Education is an “employer” as defined under the LAD.

114. Plaintiff was terminated and not re-hired by the Defendant Board because of his age, in violation of the LAD.

115. As a direct and proximate result of the actions alleged herein, Plaintiff Racioppe has suffered and will continue to suffer both economic and non-economic damages, including but not limited to pain and suffering, mental anguish, emotional distress, physical manifestations of injury, loss of employment opportunities and compensation, pension or retirement benefit reduction, and other such damages compensable under the New Jersey Law Against Discrimination.

WHEREFORE, Plaintiff, demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement under Rendine v. Pantzer, interest, costs and such other relief as the Court deems just and equitable.

SEVENTH COUNT

(Pierce Claim – Violation of Public Policy)

116. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 115 of the Complaint as if set forth at length herein.

117. By and through the conduct described above, Defendant Board decided not to re-hire Plaintiff as the Verona football coach because Plaintiff had filed a grievance with the New Jersey School Ethics Commission.

118. Plaintiff's effective firing was due to Plaintiff protecting his rights pursuant to New Jersey Law.

119. It is against the public policy of the State of New Jersey to be terminated for filing an administrative appeal or for filing a lawsuit.

120. The Defendants' conduct is clear violation of public policy in the State of New Jersey.

121. Plaintiff's termination was retaliatory in nature based on Plaintiff's filing of a grievance to the School's Ethics Commission. Defendants were acting under the color of law.

122. As a direct and proximate result of the actions alleged herein, Plaintiff has suffered and will continue to suffer both economic and non-economic damages, including but not limited to pain and suffering, mental anguish, emotional distress, physical manifestations of injury, loss of employment opportunities and compensation, pension or retirement benefit reduction, and other such damages compensable under the this Pierce Claim.

WHEREFORE, Plaintiff, demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement, interest, costs and such other relief as the Court deems just and equitable.

EIGHT COUNT
(Defamation)

123. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 122 as if set forth at length herein.

124. Plaintiff is a New Jersey Hall of Fame football coach who, prior to the allegations set forth herein had an impeccable reputation in the community and among his peers.

125. Defendants have made false defamatory statements concerning Plaintiff, damaging Plaintiff's reputation.

126. Defendants have communicated these defamatory statements to at least one person other than Plaintiff, including to the general public, verbally and by transmitting a press release.

127. Defendants have communicated these false statements with the actual knowledge that these statements were false, or with reckless regard by Defendants of the statement's truth or falsity, or with negligence in failing to determine the falsity of the statement.

128. The statements made by Defendants clearly denigrated Plaintiff's reputation and ability to continue in the coaching profession.

129. As a direct and proximate cause of the Defendants' conduct, Plaintiff has been impaired in his ability to obtain employment in the coaching profession.

130. As a direct and proximate cause of the Defendants' conduct, Plaintiff has suffered and will continue to suffer extreme mental anguish and distress.

131. As a direct and proximate cause of the Defendant's conduct, Plaintiff has suffered damages.

132. Defendants are therefore liable for the Plaintiff's damages proximately caused by their defamatory statements.

WHEREFORE, Plaintiff, demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement, interest, costs and such other relief as the Court deems just and equitable.

NINTH COUNT

(Intentional Infliction of Emotional Duress)

Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 132 herein as if set forth at length.

133. The Defendants owed a duty to Plaintiff not to create a risk of emotional harm to the Plaintiff.

134. The Defendants breached that duty by their, reckless, intentional, unreasonable, outlandish and vindictive actions toward the Plaintiff with the intent to cause the Plaintiff embarrassment and severe emotional harm.

135. The Defendants' actions caused the Plaintiff to suffer, and to continue to suffer, severe emotional distress.

WHEREFORE, Plaintiff, demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement, interest, costs and such other relief as the Court deems just and equitable.

TENTH COUNT

(Negligent Infliction of Emotional Duress)

136. Plaintiff repeats and realleges the allegations contained in Paragraph 1 through 135 herein as if set forth at length.

137. The Defendants owed a duty to Plaintiff not to create a risk of emotional harm to the Plaintiff.

138. The Defendants breached that duty by their negligent, unreasonable, outlandish and vindictive actions toward the Plaintiff which caused the Plaintiff embarrassment and severe emotional harm.

139. The Defendants actions caused Plaintiff to suffer, and to continue to suffer, severe emotional distress.

WHEREFORE, Plaintiff, demands judgment against Defendants for compensatory damages, consequential damages, punitive damages, attorney fees with enhancement, interest, costs and such other relief as the Court deems just and equitable.

DESIGNATION OF TRIAL COUNSEL

You are hereby notified that Gregory Mascera is assigned to try this case.

DEMAND FOR TRIAL BY JURY

This party hereby demands trial by jury as to all issues raised by the Pleadings.

BANNON RAWDING McDONALD & MASCERA
Attorneys for Plaintiff

Dated: August 14, 2018

By: Gregory Mascera
GREGORY MASCERA

RULE 4:5-1 CERTIFICATION

The undersigned hereby certifies that:

1. I am an attorney at law of the State of New Jersey and a Partner with the Law Bannan Rawding McDonald & Mascera. In that capacity, I am familiar with the facts of this case.

2. To the best of my knowledge, information and belief, our investigation and investigation on behalf of our client has disclosed no other action or arbitration pending concerning the subject matter of this action. In addition, as of this date, there are no actions or arbitrations contemplated which relate to this matter.

3. I am aware of my continuing obligation during the course of this litigation to file and serve on all parties and with the Court an Amended Certification if there is a change in the facts stated in this Certification.

4. I hereby 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.

Dated: August 14, 2018

By: Gregory Mascera
Gregory Mascera