



Township of Egg Harbor

3515 BARGAINTOWN ROAD, EGG HARBOR TOWNSHIP, NJ 08234-8321

PRESS RELEASE

FOR IMMEDIATE RELEASE

October 3, 2018

For more information contact:

Peter J. Miller, Township

Administrator

609-926-4027

EGG HARBOR TOWNSHIP VINDICATED IN LAWSUIT FILED BY FORMER POLICE CAPTAIN DRUDING

In January 2016, Captain James Druding of the Egg Harbor Township Police Department filed a whistleblower lawsuit against the Township and Members of Township Committee alleging retaliation towards him, which resulted in Captain Druding not being promoted to the position of police chief in February 2015.

When the lawsuit was filed, the Township denied any wrong doing in the promotion of Captain Raymond Davis to the position of Chief of Police. The Township Committee found Captain Davis to be the most qualified candidate in the Egg Harbor Township Police Department to succeed Police Chief Morris.

On Wednesday, September 26, 2018, an Atlantic County Superior Court jury, after ninety minutes of deliberation, returned a unanimous verdict finding no cause of action against the Township of Egg Harbor in the lawsuit filed by Druding.

On October 2, 2018, Superior Court Judge James Savio entered a formal Order Dismissing Druding's complaint with prejudice and entered a judgement in favor of Egg Harbor Township.

The Township Committee has defended the taxpayers of Egg Harbor Township from these types of lawsuits filed by former employees which allege misconduct on behalf of Township Officials under the whistleblower standard; laws against discrimination; and the Americans with Disabilities Act.

The Township follows all federal and state laws in these matters appropriately and does not treat any of their employees unfairly.

In these legal matters, fee shifting is applied. Fee shifting is when the prevailing party is awarded legal fees. Township Administrator Peter J. Miller stated "Jurors are unaware that if they award the plaintiff, a token amount of money, say \$1,000, the municipality may be responsible for over \$100,000 in legal fees for plaintiff's attorney". While the law states the prevailing party is to receive legal fees, Miller stated "No Judge in my years of serving Egg Harbor Township has ever awarded the Township legal fees, where it was determined by a jury or a judge, that the Township did not violate the employee's rights".

The Township has successfully defended itself against similar lawsuits in the past and the public should be made aware.

A discrimination lawsuit was filed by former employee Kathy Fiedor in July 2015, alleging harassment under the Americans with Disabilities Act during her employment with Egg Harbor Township. The matter was dismissed through a Summary Judgment Motion, granted by a Superior Court Judge in March of 2017 in favor of the Township.

In June 2009, Police Lieutenant Hector Tavaréz filed a lawsuit in Federal Court alleging racial discrimination for his failure to be promoted to the position of Police Captain. A Motion of Summary Judgment was granted in March 2013 by a Federal Judge in favor of the Township. Mr. Tavaréz filed an appeal with the Third Circuit Court of Appeals, which in July 2014, reaffirmed the decision of the District Court Judge to grant Summary Judgment in favor of the Township.

A summary judgment motion is granted when there is no genuine dispute as to any material fact and the party requesting summary judgment is entitled to judgment as to matter of law. Usually summary judgments are granted where the plaintiff fails to point to some evidence, direct or circumstantial, from which a fact finder can reasonably either (1) disbelieve the employers articulated legitimately reasons; or (2) believe that invidious discriminatory reason was more likely than not a motivating or determinative cause of the employers action. In both the Fiedor and Tavaréz decisions, the Courts found that the Plaintiffs offered nothing more than speculation to support their allegations of discrimination.

Mayor McCullough said "The Township has been vindicated by the decision in the Druding matter, as well as the decisions in the Fiedor and Tavaréz matters". Mayor McCullough continued "The Township did not violate any laws which discriminate against now retired Captain Druding". This lawsuit disrupted the operation of the Police Department for the past 2 years. Mayor McCullough

stated “even when the Township has been found to be right in these matters, it still has cost the taxpayers tens of thousands of dollars in order to defend them”. Mr. Druding retired as a Police Captain on November 1, 2017. He is currently employed as the Director of Security for the Egg Harbor Township School District. Mr. Tavaréz retired as a Police Captain on September 1, 2011. He is currently employed as the Executive Director for the Egg Harbor Township Police Athletic League.

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JAMES DAVID DRUDING,

Plaintiff,

v.

TOWNSHIP OF EGG HARBOR,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION/ATLANTIC COUNTY

DOCKET NO.: ATL-L-2914-15

Civil Action

**ORDER DISMISSING COMPLAINT WITH
PREJUDICE**

THIS MATTER having been tried before a jury on September 24, September 25, and September 26, 2018 with the Honorable James Savio, J.S.C. presiding and the jury having returned a verdict on September 26, 2018 finding no cause for action against defendant Egg Harbor Township;

NOW THEREFORE, it is hereby ORDERED that judgment be entered in favor of defendant Egg Harbor Township dismissing the Complaint with prejudice.



Honorable James Savio, J.S.C.

DATED: 10/2/18