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LUCIANA IENCIU,

Plaintiff,

v.

LTS LOHMANN THERAPY SYSTEMS
CORP. and SEPANDAD NARAGHI,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY
DOCKET NO. ESX-L-8182-17

Civil Action

**AMENDED COMPLAINT AND JURY
DEMAND**

DOCUMENT ELECTRONICALLY FILED

Plaintiff, Luciana Ienciu (“Plaintiff Ienciu”), by way of complaint against Defendants LTS Lohmann Therapy Systems Corp. (“Defendant LTS”) and Sepandad Naraghi (“Defendant Naraghi”) (collectively hereinafter referred to as (“Defendants”), says:

THE PARTIES

1. Plaintiff Ienciu is a New Jersey citizen residing at 44 Leonard Terrace, Roseland, New Jersey.
2. Upon information and belief, Defendant LTS is a New Jersey corporation with its offices 21 Henderson Drive, West Caldwell, New Jersey 07006.
3. Upon information and belief, Defendant Naraghi is a Vice President at Defendant LTS and a New Jersey citizen.

VENUE

4. Pursuant to New Jersey Court Rule 4:3-2(b), venue is proper in Essex County because the conduct underlying this Complaint took place in that vicinage and Plaintiff lives in Essex County.

COMMON SET OF FACTS

5. Plaintiff Ienciu was born and raised in Romania, where she learned English starting in the second grade.

6. Plaintiff Ienciu holds a Master's Degree in Chemical Engineering, a Graduate Certificate in Good Manufacturing Practices in Pharmaceuticals from Stevens Institute of Technology, which was taught in English, and studied for a Ph.D. in Physical Chemistry.

7. Plaintiff Ienciu published her thesis and articles in the international specialty press and on www.wiley.com, all in English.

8. She is a press contributor and one of the authors of a book entitled, "QSAR and SPECTRAL-SAR in Computational Ecotoxicology," which was written and published in English.

9. Plaintiff Ienciu also taught Physical Chemistry at the University of Oradea where she worked with many bilingual foreign students to whom she communicated in English without any problem.

10. Because of her passion for advanced mathematics, Plaintiff Ienciu tutored many graduate students at NJIT and Stevens pursuing professional engineer licenses, all in English.

11. Plaintiff Ienciu and her husband were awarded green cards from the U.S. Embassy, moved to the United States in 2000, and obtained American citizenship in 2005.

12. Shortly after arriving in 2000, Plaintiff Ienciu worked in Quality Assurance and Control at a pharmaceutical company in Long Island without any language issues.

13. She was hired for a better opportunity with Purdue Pharma where Plaintiff Ienciu worked for six (6) years and consistently received advances and better assignments.

14. Thereafter, she worked at GE Healthcare for two (2) years as a Senior Quality Assurance Compliance manager.

15. When GE Healthcare moved to Scotland, Plaintiff Ienciu was offered a position but declined because of family issues.

16. Then, prior to working with LTS, Plaintiff Ienciu worked as a consultant for Lonza, where she excelled in all facets of her job.

17. Thus, Plaintiff Ienciu has worked in the pharmaceutical industry for nearly twenty (20) years during which time she exclusively spoke and wrote in English without a single issue.

18. Plaintiff Ienciu exceeded expectations in all of her positions, consistently received promotions and advanced work, made great relationships with her supervisors, coworkers and clients, and never was fired from any job.

19. In October of 2012, Plaintiff Ienciu was hired as Supervisor DEA/Regulatory Affairs for LTS.

20. Plaintiff Ienciu performed her duties and responsibilities in a superior manner. She reorganized the entire DEA and Regulatory Affairs Department, reassigned responsibilities and implemented new, efficient procedures.

21. Plaintiff Ienciu interacted very well and professionally with her colleagues.

22. In 2014, LTS was audited by the DEA.

23. At the end of the audit, a wrap up meeting took place which included the: CEO, VP of Finance, Legal, VP of Quality and Regulatory, VP of Manufacturing, Greg Appio and Plaintiff Ienciu.

24. The DEA officers presented all the issues found during the audit and issued five (5) Letters of Admonitions.

25. Due to the lack of proper documentation, the DEA wanted to fine LTS for approximately \$600,000.

26. Plaintiff Ienciu made a commitment with the DEA officers that she would fix all the issues in a timely manner if the FDA withdrew the fine.

27. Plaintiff Ienciu fixed all the issues and no fines were assessed.

28. In 2015, due primarily to Plaintiff Ienciu's efforts, LTS was able to save \$270,000 in connection with its Andernach, Germany facility.

29. For 2015, Plaintiff Ienciu's supervisor, David Pulham, Vice President of the Quality and Regulatory Department, gave her the highest rating on her performance evaluation.

30. In or about October 2015, Mr. Pulham departed from LTS and Plaintiff Ienciu began reporting to Joe Franke, CEO of LTS.

31. Plaintiff Ienciu enjoyed a positive and productive relationship with Mr. Franke.

32. In December 2015, LTS hired Defendant Naraghi as Vice President of Quality and Regulatory Affairs.

33. Notably, Defendant Naraghi had no background or experience in Regulatory Affairs or DEA Compliance.

34. From the time Defendant Naraghi started supervising Plaintiff Ienciu, he treated her differently and with hostility because of her accent and manner of speaking.

35. He repeatedly and derogatorily attacked Plaintiff Ienciu's vocabulary as being inadequate for her position.

36. Because of this treatment, Plaintiff Ienciu began to question her future work and professional advancement at LTS under Defendant Naraghi and to that end requested a meeting with Mr. Franke.

37. To Plaintiff Ienciu's surprise, when she arrived at the meeting, Defendant Naraghi and human resources were present.

38. During the meeting, Plaintiff Ienciu objected and protested to Defendant Naraghi's mistreatment of her.

39. Following the meeting, Defendant Naraghi's mistreatment of Plaintiff Ienciu intensified.

40. Defendant Naraghi was abrasive and repeatedly harassed and intimidated Plaintiff Ienciu in front of her peers and subordinates.

41. Defendant Naraghi repeatedly referred to her as "a failure" and told her that she did not have the necessary "regulatory language" to be successful at her job.

42. On numerous occasions, Defendant Naraghi would look over Plaintiff Ienciu's shoulder when she was writing emails in an effort to intimidate and harass her.

43. On two (2) separate occasions, he forced Plaintiff Ienciu to call the DEA in his presence so he could "evaluate her speech."

44. Defendant Naraghi also recommended Gwen Kuehl, an inexperienced chemist with no DEA compliance, as a mentor for Plaintiff Ienciu.

45. During the January 2016 year-end inventory, Defendant Naraghi repeatedly attacked my client and her performance.

46. Defendants Naraghi told Plaintiff Ienciu that the inventory failed, even though it passed with flying colors, and made her cry on repeated occasions in the presence of Greg Appio.

47. In 2016, when DEA returned for an audit, the inspectors were very pleased to see that LTS was in fully compliance with the DEA regulations.

48. The inspectors also stated that in their entire career they never saw a company in such outstanding compliance towards the DEA regulations.

49. DEA Officer Mike Smilek told Sepandad Naraghi that LTS should be grateful to have Plaintiff Ienciu as the head of the department.

50. DEA Officer Smilek also told Defendant Naraghi that it was such a great audit that he will use it as an example for other companies and that Plaintiff Ienciu should be promoted as a reward for the very hard work she had done in order to bring the company from a bad to an outstanding position with the DEA.

51. On the heels of this objectively superior performance, Defendant Naraghi initiated a job search for someone “above Plaintiff Ienciu” because “she lacked a proper vocabulary and expertise.”

52. Defendant Naraghi’s criticism and hostility regarding Plaintiff Ienciu’s lack of “a proper vocabulary” illegally targeted her national origin.

53. For unknown reasons, Defendant Naraghi decided to reorganize my client’s department (which had no issues, only successful projects and audits) and placed Cheryl Paprota, who had no experience with controlled substances, DEA compliance or Regulatory Affairs, in that position.

54. As part of this reorganization, Plaintiff Ienciu’s salary was cut by 10%, her bonus was taken away and her title changed to supervisor -- all adverse employment actions.

55. Notably, although her salary was cut and bonus eliminated, Plaintiff Ienciu maintained the same responsibilities.

56. A less qualified individual assumed Plaintiff Ienciu’s job.

57. Despite this discriminatory treatment, Plaintiff Ienciu volunteered to take on additional responsibilities in the company's artwork process after a colleague retired.

58. Plaintiff Ienciu was extremely successful in executing these responsibilities and ultimately was invited to Germany by Cornelia Alex, Head of Labeling Department in Germany.

59. Following Cornelia's multiple trips to LTS in West Caldwell, New Jersey, Plaintiff Ienciu was identified to become a future counterpart of Ms. Alex in West Caldwell managing the artwork process.

60. Throughout 2016, Plaintiff Ienciu, in addition to her outstanding work in the artwork process, completed her other work and projects in a superior manner.

61. In December 2016, contrary to her objective performance accomplishments, Defendant Naraghi rated Plaintiff Ienciu as below average "2."

62. The comments in support of that bias rating were contradictory on their face.

63. For example, the evaluation claimed that Plaintiff Ienciu was not strong in strategic thinking and planning, yet recognized that she "developed a great relationship with the DEA...."

64. Similarly, the evaluation recognized her willingness to successfully take on new responsibilities, establish relationships and coordinate communications, yet rated her overall below average.

65. The evaluations targeted Plaintiff Ienciu's alleged communication skill deficiencies.

66. The elevation also targeted Plaintiff Ienciu's national origin and speech habits by claiming that "statements might be misleading" and that "she isn't fully aware of the consequences of her words or she is being purposefully vague."

67. Defendant Naraghi's discriminatory comments regarding Plaintiff Ienciu's linguistic characteristics are contradicted by her excellent performance evaluations under Dr. David C. Pulham.

68. Indeed, Dr. Pulham never had a single issue with Plaintiff Ienciu's speech, vocabulary or accent.

69. These negative ratings are also belied by Plaintiff Ienciu's educational and professional accomplishments as well as highly successful work history.

70. Moreover, the legitimacy of these comments is further undermined by the fact that Plaintiff Ienciu never received any negative feedback or performance deficiency notices from Defendant Naraghi on communication issues.

71. In response to the performance evaluation, Plaintiff Ienciu submitted a form to human resources in which she suggested a road map to address these alleged performance issues.

72. Human resources did nothing to address the concerns and recommendations brought forth by Plaintiff Ienciu and thus ratified the discriminatory conduct.

73. In January 2017, Plaintiff Ienciu completed her year-end inventory and again it was a success with accurate results.

74. In June of 2017, the FDA audited LTS which resulted in several major 483 observations.

75. Defendant Naraghi and Ms. Paprota were in charge of this audit.

76. Notably, Plaintiff Ienciu's department was audited and no observations were issued.

77. On July 12th, Plaintiff Ienciu was scheduled to conduct training that she had previously scheduled with Ms. Alex in order to implement a new artwork process at the West Caldwell facility.

78. The training was scheduled to begin at 9:00 a.m.

79. Around 8:30 a.m., Plaintiff Ienciu was contacted by a few quality control chemists to request distribution of samples needed for testing.

80. Plaintiff Ienciu explained that she had training and that they needed to get the samples from the quality control supervisors who were trained on the procedure.

81. Shortly thereafter, Defendant Naraghi approached her and directed her to personally distribute the samples to the chemists.

82. When Plaintiff Ienciu explained her previously scheduled training, Defendant Naraghi forcefully insisted that she distribute the samples.

83. Based on that directive, Plaintiff Ienciu went to the Quality Control Department to dispense samples for testing.

84. Upon her arrival, Plaintiff Ienciu determined that the Chain of Custody form, which is a company form used for transferring controlled substances and which she had no responsibility for supplying, was nowhere to be found. As a result, Plaintiff Ienciu recorded all of the necessary information -- description of substance, quantity dispensed, person who received samples and date -- on "sticky" notes with the intention to transfer the information onto the Chain of Custody form when she located it.

85. There was no intention to hide these notes as Plaintiff Ienciu left them on the desk.

86. Her plan was that, upon locating the chain of custody forms, the information would be transferred.

87. This procedure was done in the past without issue and accepted by the DEA.

88. To ensure her actions were proper, Plaintiff Ienciu emailed Robert T. Slavkovsky, a Group Supervisor for the DEA, who subsequently approved Plaintiff Ienciu's documenting procedures.

89. When Plaintiff Ienciu was finished with training, she was called into Defendant Naraghi's office where Ms. Paprota and the Human Resources Director, Marc Wolf, were present.

90. During that meeting, Plaintiff Ienciu was questioned about the "sticky" notes and dispensing issues.

91. Following that meeting, Plaintiff Ienciu was suspended without pay until further notice.

92. The following day, Plaintiff Ienciu was directed to attend a meeting on July 14th where she was fired for violating company procedure in connection with the use of the "sticky" notes.

93. Notably, at no time following her suspension did LTS contact Plaintiff Ienciu to get an understanding of what happened from her perspective.

94. Other LTS employees, with the knowledge and consent of Defendant Naraghi, transferred controlled substances between buildings without completing the same "Chain of Custody" form that Plaintiff Ienciu was fired for.

95. No employee was ever disciplined, let alone fired, for this conduct.

96. In another incident involving Defendant Naraghi, he directed sample submissions to Germany with Christian Langer without the proper documentation.

97. Upon information and belief, Ms. Alex complained to human resources in Germany about Plaintiff Ienciu's treatment and termination but nothing was done.

FIRST COUNT
(NJLAD – National Origin/Wrongful Termination)

98. Plaintiff Ienciu repeats the previous allegations as set forth at length herein.

99. Plaintiff Ienciu was discriminated against due to her national origin.

100. Plaintiff Ienciu is a member of a protected class as set forth in N.J.S.A. 10:5-12.

101. Plaintiff was ridiculed and demeaned by Defendants as a result of her national origin.

102. Despite such illegal treatment by Defendants, Plaintiff maintained a high level of performance and completed her assignments in a timely and satisfactory manner.

103. Defendants fabricated a purported violation of company policy regarding the aforementioned use of “sticky notes” as a pretext to terminate her employment based upon her national origin.

104. As a direct and proximate result of Defendants’ actions, Plaintiff Ienciu has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

105. As a direct and proximate result of Defendants’ actions, Plaintiff Ienciu has experienced and continues to experience pain, suffering, personal physical injury and emotional distress.

WHEREFORE, Plaintiff Ienciu demands judgment against Defendants for back pay, front pay, compensatory damages, emotional damages, loss of enjoyment of life, personal physical injury and exacerbation of physical injury, economic damages, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

SECOND COUNT
(NJLAD-National Origin/Hostile Work Environment)

106. Plaintiff Ienciu repeats the previous allegations as set forth at length herein.

107. Plaintiff Ienciu was subjected to a hostile work environment based on her national origin.

108. Defendants knew or should have known about the hostile work environment, but failed to take remedial action.

109. Plaintiff Ienciu notified and objected to various managers of Defendants' hostile work environment, but no manager took appropriate remedial action.

110. The hostile work environment that existed at Defendant LTS was continual since December, 2015 and was in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.

111. As a direct and proximate result of Defendants' actions, Plaintiff Ienciu has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

112. As a direct and proximate result of Defendants' actions, Plaintiff Ienciu has experienced and continues to experience pain, suffering, personal physical injury and emotional distress.

WHEREFORE, Plaintiff Ienciu demands judgment against Defendants for back pay, front pay, compensatory damages, emotional damages, loss of enjoyment of life, personal physical injury and exacerbation of physical injury, economic damages, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

THIRD COUNT
(NJLAD – Individual Liability)

113. Plaintiff Ienciu repeats the previous allegations as set forth at length herein.

114. Defendant Naraghi is Vice President of Vice President of Quality and Regulatory Affairs and an upper manager of Defendant LTS.

115. Defendant Naraghi engaged in active and intentional discrimination against Plaintiff Ienciu because of her national origin.

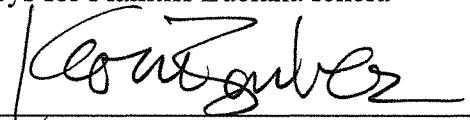
116. Defendant Naraghi aided and abetted the discrimination of Plaintiff Ienciu because of her national origin.

117. As a direct and proximate result of Defendants' actions, Plaintiff Ienciu has suffered and continues to suffer loss of income, loss of benefits, and other financial losses.

118. As a direct and proximate result of Defendants' actions, Plaintiff Ienciu has experienced and continues to experience pain, suffering, personal physical injury and emotional distress.

WHEREFORE, Plaintiff Ienciu demands judgment against Defendant for back pay, front pay, compensatory damages, emotional damages, loss of enjoyment of life, personal physical injury and exacerbation of physical injury, economic damages, punitive damages, interest, negative tax consequences as a result of any jury verdict, counsel fees, costs of suit, and such other relief as the Court may deem appropriate.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiff Luciana Ienciu

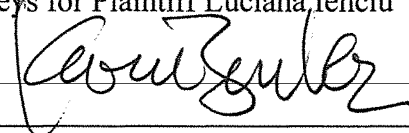
By: 
Kevin Barber

Dated: May 2, 2018

JURY DEMAND

Plaintiff Ienciu demands trial by jury on all issues.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiff Luciana Ienciu

By: 

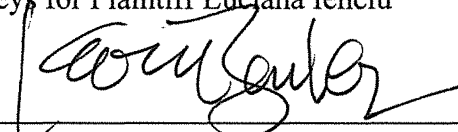
Kevin Barber

Dated: May 2, 2018

DESIGNATION OF TRIAL ATTORNEY

Kevin Barber, Esq. is hereby designated as trial counsel in the within matter.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiff Luciana Ienciu

By: 

Kevin Barber

Dated: May 2, 2018

CERTIFICATION PURSUANT TO R. 4:5-1

I, Kevin Barber, certify as follows:

I am a partner in the Law Firm of Niedweske Barber Hager, LLC, attorneys for Plaintiff Luciana Ienciu, in the above-entitled action. To the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or arbitration proceeding, no other action or arbitration proceeding is contemplated, and no other parties should be joined in this action.

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.

NIEDWESKE BARBER HAGER, LLC
Attorneys for Plaintiff Luciana Ienciu

By: _____

Kevin Barber

Dated: May 2, 2018

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