

Jay Chatarpaul, Esq.  
NJ Bar No. 047821995  
Chatarpaul law Offices, P.C.  
7912 River Road, Suite 1212  
North Bergen, New Jersey 07047  
(201) 222-0123  
*Attorney for Plaintiff*

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JOSE RAFAEL MELENDEZ

Plaintiff,

v.

HBC MANAGEMENT SERVICES, INC.  
JOHN AND JANE DOES 1-20

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX L 2786-17

CIVIL ACTION

## SUMMONS

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From The State of New Jersey to: **HBC MANAGEMENT SERVICES, INC.**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/pro se/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/pro se/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

Dated: 5/2/17

*Michelle M. Smith*  
MICHELLE M. SMITY  
*Clerk of the Superior Court*

Name of Defendants to be served

**HBC MANAGEMENT SERVICES, INC.**

Address of Defendant/Agent to be Served:

**The Corporation Trust Company**  
**820 Bear Tavern Road**  
**West Trenton, NJ 08628**

Jay Chatarpaul, Esq.  
NJ Bar No. 047821995  
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Attorney for Plaintiff

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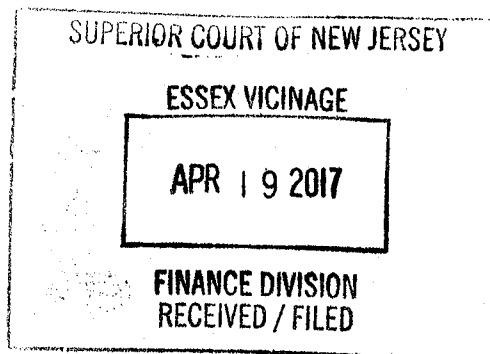
DOCKET NO. **L2786-17**

CIVIL ACTION

**COMPLAINT**

Plaintiff, RAFAEL MELENDEZ, by his attorney, Chatarpaul Law Offices, P.C., respectfully alleges as follows:

1. Plaintiff was and at all times hereinafter mentioned a resident of the State of New Jersey, County of Monmouth, residing at 718 B Tweedy Court, Colts Neck, New Jersey.
2. Defendant, HBC MANAGEMENT SERVICES, INC., was and all times hereinafter mentioned a corporation organized and/or existing under the laws of the State of New Jersey, doing business in the County of Essex, and with a principal place of business located at 485 Devon Park Drive, Suite 109, Wayne, Pennsylvania.



3. Defendant JOHN AND JANE DOES 1-20 are, upon information and belief, are residents of the State of New Jersey, who made the decision denying employment to the plaintiff on the basis as alleged below.

## **BACKGROUND**

4. Plaintiff is a male of Hispanic Origin.
5. Plaintiff was born in 1962, and was 54 years old at the time of the events described below.
6. Sometime in December 2016, Defendant HBC MANAGEMENT SERVICES, INC. (hereinafter "HBC"), placed an advertised on the internet seeking an armed security guard for its Colts Neck, New Jersey location.
7. The HBC advertisement, attached as **Exhibit A**, was as follows:

### **ARMED SECURITY OFFICER**

HBC Management Services - Colts Neck, NJ  
Part-time

HBC Management Services is currently recruiting for the next armed training academy on 13 FEB for professional security officers to join our armed guard workforce at NWS Earle.

**Summary:** In accordance with NAVY protocols, the armed guard force is concerned with all matters relating to the security of the command, which include:

1. Provide security and safety for personnel, property, facilities, and assets.
2. Provide entry control point services to ensure unauthorized personnel, property, equipment, vessels or vehicles are deterred and denied facility ingress and egress.
3. Safeguarding the base against sabotage or any other incident that might jeopardize the normal operation of the command, such as theft, robbery, riot, lawlessness, demonstrations, etc.

**Duties:** \* Perform identification checks to ensure only authorized personnel and vehicles are allowed access to the facility.

- May perform inspections to ensure only authorized commercial vehicles and cargo are allowed access to the facility.
- May execute emergency ECP closure procedures during emergencies to ensure all ingress

and egress of personnel, property, equipment, vessels or vehicles is denied.

- May provide roving guard services and Perimeter and Interior Patrol that monitor facilities to ensure security breaches and criminal or suspicious activities are detected and reported in a timely manner.
- May provide escort and courier services to ensure safe and timely delivery of personnel and property.
- Assisting in plans and procedures to be followed in the event of any major catastrophe, such as hurricanes, earthquakes, floods, conflagration, and hostile acts to insure adequate security measures are maintained within the command.

**In order to be considered, candidates must meet ALL of the following requirements and examination results must be favorable as defined by the DoD contractual requirements:**

Ideal candidates should have a minimum 2 years experience working in the security industry (guard services, police, military etc)

**1. ACTIVE SECRET CLEARANCE (preferred)**

2. Possess a valid automobile driver's license

3. Be a citizen of the United States of America

4. Possess a high school diploma or equivalent

5. Able to pass the California Psychological Inventory examination

6. Medical Evaluation

7. Drug Testing

8. Be at least 21 years of age or be an honorably discharged veteran

9. Weapons Training & Test

10. Armed Sentry Course or equivalent desirable

11. Physical Fitness –All employees must be able to participate in the Physical Fitness program that test: Endurance through a 1.5 mile run/walk in a specific time frame, upper body & core strength through pushups and sit ups. Minimum requirements are based on age categories.

HBC is an Equal Opportunity/Affirmative Action Employer: Minority/Female/Disabled/Veteran!

Job Type: Part-time

Required education:

- High school or equivalent

Required experience:

- Armed Security: 1 year
- Security: 1 year

Required licenses or certifications:

- Secret Clearance
- Driver's License

Please review all application instructions before applying to HBC Management Services.

8. The plaintiff was a well-qualified candidate for the advertised position.
9. Subsequently, plaintiff completed an online application and submitted his resume.
10. Plaintiff's qualifications include, but not limited to the following:
  - \* Currently a federal police officer for past 15 years
  - \* Possession of firearm licenses
  - \* Bachelor of Science Degree in Sociology
  - \* Associate in Science Degree in Liberal Arts
  - \* U.S. Navy Veteran- Chief Petty Officer
  - \* Various medals, awards, certifications and recognitions from U.S. Navy
  - \* Certifications by New Jersey State Police.
  - \* Qualified in use of basic and advanced weapons

(Attached as **Exhibit B** is a copy of plaintiff's Resume).

11. On or about Feb 8, 2017 HBC sent plaintiff an email that the position he applied was "filled."
12. The plaintiff was not interviewed for the position.
13. Upon information and belief, HBC filled the position with someone less qualified than the plaintiff.

14. Upon information and belief, HBC filled the position with a candidate who was substantially younger than the plaintiff.
15. Upon information and belief, HBC filled the position with a Caucasian candidate.
16. Upon information and belief, HBC discriminates against applicants based on age and race.
17. Upon information and belief, HBC's employment practices include a preference for younger candidates who are Caucasian.

### COUNT I

1. Plaintiff repeats and reincorporates each allegation heretofore alleged.
2. That defendants' refusal to consider and hire the plaintiff for employment was taken on account of his age.
3. That the aforementioned conducts complained of above would not have occurred but for the plaintiff's age.
4. That the defendants' employment practices violate the New Jersey Law Against Discrimination.
5. That Defendants' upper-management employees participated in or were willfully indifferent to the wrongful conducts as alleged above, including, but not limited to, instituting, maintaining, and enforcing a discriminatory employment policy based on age.
6. That defendants' conducts were egregious in that it was intentional and/or constitute a reckless disregard for plaintiff's right to be free from workplace discrimination.

7. As a result of the aforementioned conducts, plaintiff suffered and continues to suffer lost wages and benefits and emotional distress.

WHEREFORE, Plaintiff demands judgment against the defendants for economic damages, including lost wages and benefits, emotional distress and pain, mental anguish, embarrassment, mental anxiety and reasonable attorneys' fees and costs.

## COUNT II

1. Plaintiff repeats and reincorporates each allegation heretofore alleged.
2. That defendants' refusal to consider and hire the plaintiff for employment was taken on account of his ethnicity.
3. That the aforementioned conducts complained of above would not have occurred but for the plaintiff's ethnicity.
4. That the defendants' employment practices violate the New Jersey Law Against Discrimination.
5. That Defendants' upper-management employees participated in or were willfully indifferent to the wrongful conducts as alleged above, including, but not limited to, instituting, maintaining, and enforcing a discriminatory employment policy based on ethnicity.
6. That defendants' conducts were egregious in that it was intentional and/or constitute a reckless disregard for plaintiff's right to be free from workplace discrimination.
7. As a result of the aforementioned conducts plaintiff suffered and continues to suffer lost wages and benefits and emotional distress.



WHEREFORE, Plaintiff demands judgment against the defendants for economic damages, including lost wages and benefits, emotional distress and pain, mental anguish, embarrassment, mental anxiety, sleeplessness, headaches and stomach ache, punitive damages, and reasonable attorneys' fees and costs.

Dated: April 18, 2017

Chatarpaul Law Offices, P.C.  
7912 River Road, Suite 1212  
North Bergen, New Jersey 07047  
(201) 222-0123  
Attorneys for Plaintiff

By \_\_\_\_\_  
Jay Chatarpaul, Esq.

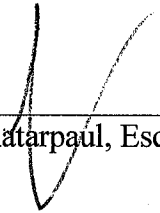
DEMAND FOR JURY TRIAL  
Plaintiff hereby demands a trial by jury as to all issues

By \_\_\_\_\_  
Jay Chatarpaul, Esq.

DEMAND FOR INSURANCE AGREEMENT


Pursuant to R. 4: 10-2(b), demand is hereby made that you disclose to the undersigned whether there are an insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of

all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

  
\_\_\_\_\_  
Jay Chatarpaul, Esq.

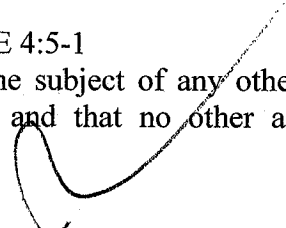
DESIGNATION OF TRIAL COUNSEL

Jay Chatarpaul, Esq. is designated as trial counsel in this matter.

By   
\_\_\_\_\_  
Jay Chatarpaul, Esq.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matters in controversy in this action are not the subject of any other action pending in any court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

  
\_\_\_\_\_  
Jay Chatarpaul, Esq.

# **Exhibit A**

what

where

  
job title, keywords or company

Colts Neck, NJ

city, state, or zip

[Find Jobs](#)[Advanced Job Search](#)

## Armed Security Officer

HBC Management Services - Colts Neck, NJ

Part-time

HBC Management Services is currently recruiting for the next armed training academy on 13 FEB for professional security officers to join our armed guard workforce at NWS Earle.

[Follow](#)

Get job updates from HBC Management Services

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2. Possess a valid automobile driver's license
3. Be a citizen of the United States of America
4. Possess a high school diploma or equivalent
5. Able to pass the California Psychological Inventory examination
6. Medical Evaluation
7. Drug Testing
8. Be at least 21 years of age or be an honorably discharged veteran

9. Weapons Training & Test

10. Armed Sentry Course or equivalent desirable

11. Physical Fitness –All employees must be able to participate in the Physical Fitness program that test: Endurance through a 1.5 mile run/walk in a specific time frame, upper body & core strength through pushups and sit ups. Minimum requirements are based on age categories.

HBC is an Equal Opportunity/Affirmative Action Employer:  
Minority/Female/Disabled/Veteran!

Job Type: Part-time

Required education:

- High school or equivalent

Required experience:

- Armed Security: 1 year
- Security: 1 year

Required licenses or certifications:

- Secret Clearance
- Driver's License

30+ days ago - save job

» **Apply Now**

Please review all application instructions before applying to HBC Management Services.

**153 people have already applied to this job on Indeed.**

**Apply Now**

**Other jobs you may like**

Armed Security Officer  
Classic Protection Security - Brooklyn, NY  
20 days ago  
Easily apply

Armed Security Officer  
Command Security Corporation - Westchester, NY  
30+ days ago  
Easily apply

Security Officer ARMED - New York, NY  
SOS Security - New York, NY  
SOS SECURITY - 30+ days ago

Part Time Armed Security Officer  
Omniplex World Services Corporation - New York, NY  
30+ days ago

security Officer/Armed Retail Brooklyn locati...  
Allied Universal - New York, NY  
20 days ago

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## **Exhibit B**

**Joe Melendez**  
718 B Tweedy Court  
Colts Neck, New Jersey 07722  
Phone: (732) 670-3419  
Email: mmelendezfa@aol.com

**OBJECTIVE:** Seeking a position that would utilize my credentials and offer opportunities for professional and personal growth.

### **SUMMARY OF KNOWLEDGE AND EXPERIENCE**

Active Federal Police Officer. State of New Jersey police powers. Interface well with the public. Excellent communication skills. Investigative skills. Detail/Efficiency Oriented. Diversified Experience. Record Keeping. Public Relations. Highly Organized. Fully Bilingual/Translations in English and Spanish. New Jersey Dept. of Personnel Bilingual Certification. New Jersey SORA Certification. Transportation Security Administration TWIC card holder.

### **EDUCATION**

Bachelor of Science in Sociology - Regents College, New York  
Associate of Science in Liberal Arts - Regents College, New York  
Federal Aviation Administration Airframe and Powerplants Licensee  
US Navy Aircraft Electrician Class "A" School and other Technical Schools

### **ACCOMPLISHMENTS AND ACHIEVEMENTS**

Honorable Discharge from US Navy as an E-5 in 1986  
US Navy Medals, Awards and Official Letters of Recognition / Commendation  
New Jersey Naval State Guard Letter of Appreciation in 2002  
New Jersey Commendation Medal - Operation Noble Eagle in 2002  
Chief of Naval Operations Meritorious Unit Commendation Medal in 2003  
DOD Letter of Recognition for Vice Pres Dick Cheney Security Detail in 2003  
DOD Letter of Recognition for First Lady Laura Bush Security Detail in 2006  
US Secret Service Letter of Appreciation in 2003  
Fort Monmouth Police Dept Training Certificate in Counterfeit Identification  
Navy Region Mid-Atlantic Level I Training Certificate in OC Spray and Baton  
NCIS Training Certificate in Surveillance Detection / Counter Surveillance  
NCIS Training Certificate in First Responder's Course  
NAES Lakehurst DOD Police Phase II Training Certificate  
Israeli Special Forces Anti Terrorism / Active Shooter Course in July 2010  
Israeli Special Forces Anti Terrorism / Aircraft Interdiction Course in August 2010

Active Member of Federal Agents PBA Lodge # 121  
Active Member of the Latino Peace Officers Association – NJ Chapter  
Active Member of the East Coast Gang Investigator's Association, New Jersey  
Veterans Administration Law Enforcement Academy Graduate, July 2011  
Joint Base McGuire-Dix-Lakehurst 87 SFS "Save a Life Award", April 2011  
Emergency Vehicles Operator's Course Instructor, Sept 2011  
Active Member of the American Legion, Lodge 0168, Red Bank, New Jersey  
Active Member of the National Police Defense Foundation, New Jersey  
Recipient of the Air Force Outstanding Unit Award, December 2012  
Certified in the use of the Taser X-26 at Joint Base MDL, December 2012  
New Jersey State Police Alcotest 7110 MKIII-C Operator Certification  
New Jersey State Police LIDAR Instructor and Operator Certifications

## **EMPLOYMENT**

- 7/2002-Present      Police Officer, US Government**  
Perform law enforcement duties. Responsible to enforce Federal and State Laws. This includes effecting the apprehension and prosecution of violators. Qualified in the use of small arms such as the M-4, M9 Beretta and the 12 Gauge Shotgun. Police / Arrest powers in the State of New Jersey.
- 10/93-7/02      Bilingual Senior Investigator, NJ Public Defender's Office**  
Assisted Attorneys in the defense and representation of indigent clients. Performed field interviews of witnesses and others, investigated allegations when required, served subpoenas, investigated crime scenes and established relationships with other agencies that could assist in these investigations. Wrote detailed reports and testified in Court. Worked in both the criminal section as well as in mental health.
- 10/88-10/93      Aircraft A & P Mechanic, Continental Airlines**  
Performed Line Maintenance on 727, 737, DC-9, MD80 and A300 aircrafts. Duties included testing, troubleshooting and repair of mechanical, electrical, hydraulic and pneumatic systems. Qualified with Airworthiness Release Authorization on 727, DC -9 and MD80. Qualified Engine Run up on the 727 aircraft.
- 5/88-10/88      Income Maintenance Tech., Hudson County Welfare**  
Responsible for the re-certification of Welfare clients during their yearly assessments. Duties included client interviews, gathering of the proper documentation and the investigation of allegations when required. Duties also involved communicating



with other agencies to exchange information or to make referrals and Court appearances as required.

6/87-9/87            **Avionics Technician, Sikorsky Aircraft Company**  
Responsible for Line Maintenance. Duties included the testing, troubleshooting and repair of electrical and electronic equipment on H60 and Sea Stallion Helicopters.

6/86-5/87            **Spare Parts Analyst, Lockheed Aircraft Company**  
Responsible for the provisioning of spare parts for the US Navy S3B Viking Aircraft. Duties included breaking down assembly's engineering drawings into spare parts and assigning them a shelf life. Duties also involved communicating with the Navy and making sure that they had the spare parts that they needed.

9/82-9/86            **US Navy Petty Officer 2<sup>nd</sup> Class, VX-1 Squadron, US Navy**  
Served as an Enlisted Non - Commissioned Officer (E-5) in the capacity of Aircraft Electrician. Assisted Engineers in the maintenance of both fixed and rotary wing aircrafts. Duties included the testing , troubleshooting and repair of electrical systems on P3, S3, H60, H2 and H3 aircrafts.

#### **RESERVE MILITARY ASSIGNMENTS**

7/01- present        **Chief Petty Officer (E-7), New Jersey Naval State Guard**  
Activated from 9/01 to 5/02. Served as the Non- Commissioned Officer in Charge at the Joint Operations Center in Fort Dix and as one of the Chiefs in Charge at Security Details.

**All References Furnished Upon Request**