



within 30 days after a defendant receives a copy of the initial pleading in a lawsuit, by service or otherwise).

2. Plaintiff purports to bring this action on behalf of himself, individually, and on behalf of those similarly situated who have suffered damages. Specifically, as stated in the Complaint: “Plaintiff seeks to represent a class of all persons who, since on or after February 22, 2021: (1) were denied employment by Defendants in the state of New Jersey because he or she tested positive for marijuana in pre-employment drug screen; and/or (2) were subject to any other adverse employment action because he or she tested positive for marijuana.” (*See* Ex. A, Compl. at ¶ 12).

3. In Count I of the Complaint, Plaintiff raises a cause of action against Defendants for violation of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. (*Id.* at ¶¶ 36-41).

4. In Count II of the Complaint, Plaintiff raises a cause of action against Defendants for failure to hire/wrongful discharge in violation of New Jersey public policy. (*Id.* at ¶¶ 42-47).

5. In the WHEREFORE clause following both Counts, Plaintiff demands the following damages: “back pay, front pay, punitive damages, and all other relief this Court deems just and proper.” (*Id.* at p. 8).

## **II. REMOVAL IS TIMELY AND VENUE IS PROPER**

6. Defendants base this removal on 28 U.S.C. § 1441(a), which allows removal of any state court action over which the United States District Courts have original jurisdiction.

7. This Court has original jurisdiction over this dispute pursuant to 28 U.S.C. § 1332, because there is complete diversity between the parties, and the amount in controversy exceeds the statutory requirement of \$75,000, exclusive of interests and costs.

8. Venue is proper because, pursuant to 28 U.S.C. §§ 1391 and 1441, this Court is in the United States District Court for the district and division embracing the place where the state court action is pending. 28 U.S.C. § 110.

9. Removal is timely because, pursuant to 28 U.S.C. § 1446(b), the Notice of Removal is filed within 30 days of the date on which Plaintiff served Defendants with a copy of the Summons and Complaint.

10. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly serve this Notice of Removal on Plaintiff's counsel and file it with the Clerk of the Superior Court of New Jersey, Gloucester County.

11. As required by 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendants in the removed case are attached to this Notice of Removal and incorporated by reference. (*See* Ex. A).

### **III. THIS COURT HAS ORIGINAL SUBJECT MATTER JURISDICTION**

12. Pursuant to 28 U.S.C. § 1441(b), suits are removable if none "of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought." The only further requirement for diversity jurisdiction is that the amount in controversy exceeds \$75,000.

#### **A. The Named Parties Are Citizens of Different States**

12. Plaintiff resides in the state of New Jersey. (*See Exhibit B*, Declaration of Leigh McMonigle, Esq., dated September 1, 2022, at ¶¶ 4-7 and Ex. 1 thereto).

13. For purposes of diversity of citizenship, a corporation is deemed to be a citizen of both the state of its incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1).

14. With respect to limited liability companies: “The citizenship of each membership layer must be traced and analyzed to determine a limited liability company’s citizenship.” *Pharma Tech. v. Stevens Pharm. Equip. Indus., LLC*, Civ. A. No. 13-2910, 2013 U.S. Dist. LEXIS 67433, at \*1 (D.N.J. May 13, 2013).

15. Wal-Mart Stores East, LLC is a Delaware limited liability company with its headquarters in Arkansas. (See **Exhibit C**, Declaration of Geoff Edwards, dated September 1, 2022, at ¶ 4). Walmart Inc. is the sole member of Wal-Mart Stores East, LLC. (See *id.* at ¶ 5). Walmart Inc. is a Delaware corporation with its headquarters in Bentonville, Arkansas. (See *id.* at ¶ 6).

16. Thus, Wal-Mart Stores East, LLC is a citizen of both Delaware and Arkansas.

17. Sam’s East is a corporation organized in the state of Arkansas with its headquarters and principal place of business in Arkansas. (See *id.* at ¶¶ 7-8).

18. Thus, Sam’s East is a citizen of Arkansas.

19. Therefore, complete diversity of citizenship exists between Plaintiff and Defendants.

**B. The Amount in Controversy Exceeds \$75,000, Exclusive of Interest and Costs**

20. Finally, the amount in controversy requirement also is met for purposes of diversity jurisdiction. See 28 U.S.C. § 1332(a).

21. The allegations in the Complaint demonstrate that the alleged damages exceed \$75,000, exclusive of costs and interest. (See Ex. A, Compl. at p. 8) (demanding back pay, front pay, punitive damages, and “all other relief this Court deems just and proper.”)

22. Where, as here, a plaintiff does not specify an amount in controversy, a defendant can satisfy its burden to establish the amount in controversy by demonstrating that the allegations in the Complaint indicate that it is more likely than not that the amount exceeds \$75,000. See

*Raspa v. Home Depot*, 533 F. Supp. 2d 514, 522 (D.N.J. 2007) (where Plaintiff did not state exact sum sought, court found “it is more likely than not that more than \$ 75,000 is in controversy in this case.”).

23. With respect to the position Plaintiff was offered with a start date of February 7, 2022, referenced in paragraph 27 of the Complaint, based on the offer documentation, Plaintiff would have earned \$19.85 per hour and worked 40 hours per week. (See **Exhibit D**, Declaration of Sergio Rangel, Jr., dated September 1, 2022, at ¶¶ 6-7). He therefore would have earned \$794.00 per week (\$19.85 x 40).

24. Based upon that compensation offer, as of the date of this filing, Plaintiff’s individual demand for back pay already equals approximately \$24,000.00.

25. Plaintiff also seeks front pay which could far exceed the amount of back pay. For example, one year of front pay could equal over \$41,000.00. See *Young v. Bloomingdale's Short Hills*, No. 2:21-10764, 2021 U.S. Dist. LEXIS 174178, at \*9 (D.N.J. Sep. 14, 2021) (considering front pay claim in evaluation of the amount in controversy).

26. In addition to front and back pay, Plaintiff is seeking punitive damages. (See Ex. A. Compl. at p. 8). For purposes of calculating the amount in controversy, punitive damages must be counted if they are available under New Jersey state law. *Venuto v. Atlantis Motor Grp., LLC*, No. 17-3363, 2017 U.S. Dist. LEXIS 169598, at \*8 (D.N.J. Oct. 13, 2017); see also *Huber v. Taylor*, 532 F.3d 237, 244 (3d Cir. 2008) (“[C]laims for punitive damages will generally satisfy the amount in controversy requirement because it cannot be stated to a legal certainty that the value of the plaintiff’s claim is below the statutory minimum.”); *Frederico v. Home Depot*, 507 F.3d 188, 199 (3d Cir. 2007) (noting that punitive damages must be considered when calculating the amount in controversy).

27. At this stage, the potential combined amount of back pay, front pay, and punitive damages satisfy the jurisdictional requirements regarding the amount in controversy.

28. Additionally, Plaintiff purports to bring this action as a class action on behalf of other similarly situated individuals who have allegedly sustained damages, which impacts the potential recoverable combined amount of lost wages and compensatory and punitive damages.

29. Accordingly, although Defendants reserve the right to object to the damages sought by Plaintiff and dispute that Plaintiff (or any identified potential class member) is entitled to recover any damages, based on a fair reading of the allegations in the Complaint, the amount in controversy exceeds \$75,000, exclusive of interests and costs. Therefore, the amount in controversy requirement is satisfied for jurisdiction purposes under 28 U.S.C. § 1332 (a).

#### IV. CONCLUSION

For the foregoing reasons, this Court has jurisdiction to hear this case. Defendants, thus, have properly removed the underlying action to this Court.

/s/ Tracey E. Diamond  
Tracey E. Diamond, Esq.  
TROUTMAN PEPPER HAMILTON SANDERS LLP  
Suite 400  
301 Carnegie Center  
Princeton, NJ 08540-6227  
609.951.4235  
Attorneys for Defendant

Christopher Moran, Esq.  
Leigh H. McMonigle, Esq.  
TROUTMAN PEPPER HAMILTON SANDERS LLP  
3000 Two Logan Square  
Eighteenth & Arch Streets  
Philadelphia, PA 19103-2799  
(215) 981-4000

Dated: September 2, 2022

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of September 2022, the foregoing was filed electronically. Notice of this filing will be sent to the below listed attorneys of record by operation of the Court's electronic filing system. The parties may access this filing through the Court's system. A copy was also served via U.S. mail:

Justin L. Swidler, Esq.  
Alexa B. Wissner, Esq.  
Richard S. Swartz, Esq.  
SWARTZ SWIDLER, LLC  
1101 Kings Highway N., Ste. 402  
Cherry Hill, NJ 08034

/s/ Tracey E. Diamond  
Tracey E. Diamond, Esq.

# **EXHIBIT A**





**Service of Process Transmittal Summary**

**TO:** KIM LUNDY- EMAIL  
Walmart Inc.  
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200  
BENTONVILLE, AR 72712-3148

**RE:** Process Served in New Jersey

**FOR:** Wal-Mart Stores East, Inc. (Domestic State: AR)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** ZANETICH ERICK, on behalf of himself and those similarly situated vs. WAL-MART STORES EAST, INC.

**DOCUMENT(S) SERVED:** Summons, Complaint, Notice

**COURT/AGENCY:** Gloucester County Superior Court, NJ  
Case # GLOL00060522

**NATURE OF ACTION:** Summons and Complaint - Class Action - Violation of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

**PROCESS SERVED ON:** C T Corporation System, West Trenton, NJ

**DATE/METHOD OF SERVICE:** By Process Server on 08/05/2022 at 01:52

**JURISDICTION SERVED:** New Jersey

**APPEARANCE OR ANSWER DUE:** Within 35 days from the date of receipt, not counting the date of receipt

**ATTORNEY(S)/SENDER(S):** Justin L. Swidler  
Swartz Swidler LLC  
1101 Kings Hwy N, Ste 402  
Cherry Hill, NJ 08034  
856-685-7420

**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/05/2022, Expected Purge Date: 08/15/2022  
  
Image SOP

**REGISTERED AGENT CONTACT:** C T Corporation System  
820 Bear Tavern Road  
West Trenton, NJ 08628  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



**CT Corporation**  
**Service of Process Notification**

08/05/2022

CT Log Number 542060618

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Aug 5, 2022  
**Server Name:** Drop Service

Entity Served	Wal-Mart Stores East, Inc.
Case Number	GLOL00060522
Jurisdiction	NJ

Inserts		



**SUMMONS**

Attorney(s) Justin L. Swidler

Office Address Swartz Swidler LLC

Town, State, Zip Code 1101 Kings Hwy N Ste 402  
Cherry Hill NJ 08034

Telephone Number 856-685-7420

Attorney(s) for Plaintiff \_\_\_\_\_

ERICK ZANETICH, individually and on

behalf of those similarly situated

Plaintiff(s)

vs.

Wal-Mart Stores East, Inc. d/b/a

Walmart Inc., et al.

Defendant(s)

**Superior Court of  
New Jersey**

Gloucester County

LAW Division

Docket No: \_\_\_\_\_

**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/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 \$175.00 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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

**/S/Michelle M. Smith**

Clerk of the Superior Court

DATED: 06/11/2022

Name of Defendant to Be Served: Wal-Mart Stores East, Inc.

Address of Defendant to Be Served: 200 Birch Creek Rd, Swedesboro, NJ 08085

*c/o CT Corp  
820 Bear Tavern Rd.  
Trenton, NJ 08628*

Justin L. Swidler, Esq.  
Alexa B. Wissner, Esq.  
Richard S. Swartz, Esq.  
**SWARTZ SWIDLER, LLC**  
1101 Kings Highway N., Ste. 402  
Cherry Hill, NJ 08034  
856-685-7420  
jswidler@swartz-legal.com

ERICK ZANETICH, *on behalf of himself and those similarly situated,*

Plaintiff,

v.

WAL-MART STORES EAST, INC. d/b/a  
WALMART, INC. and SAM'S EAST, INC.  
d/b/a SAM'S CLUB FULFILLMENT  
CENTER

Defendant.

SUPERIOR COURT OF NEW JERSEY  
GLOUCESTER COUNTY

CLASS ACTION

No:

COMPLAINT AND JURY TRIAL DEMAND

**INDIVIDUAL AND CLASS ACTION COMPLAINT**

Named Plaintiff Erick Zanetich (hereinafter referred to as "Named Plaintiff"), on behalf of himself and those similarly situated, by and through undersigned counsel, hereby complains as follows against Defendant Wal-Mart Stores East, Inc. d/b/a Walmart, Inc. (hereinafter referred to as "Defendant Walmart"), and Defendant Sam's East, Inc. d/b/a Defendant Sam's Club Fulfillment Center 6298 (hereinafter referred to as "Defendant Sam's Club")(hereinafter collectively referred to as "Defendants").

**INTRODUCTION**

1. Named Plaintiff has initiated the instant action to redress Defendants' violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J. Stat. 24:6I-31 ("CREAMMA") and the New Jersey common law. As a

result of Defendants' unlawful actions, Named Plaintiff and those similarly situated have suffered damages.

### PARTIES

2. The foregoing paragraphs are incorporated herein as if set forth in full.
3. Named Plaintiff is an adult individual with an address as set forth above.
4. Defendant Walmart is a company operating in New Jersey.
5. Defendant Sam's Club is a company operating in New Jersey.
6. At all times relevant herein, Defendants jointly employed Plaintiff.
7. At all times relevant herein, Plaintiff was jointly employed by Defendants.
8. Upon information and belief, because of their interrelation of operations, common management, centralized control of labor relations, common ownership, common financial controls, and other factors, Defendants are sufficiently interrelated and integrated in their activities, labor relations, ownership, and management that they may be treated as a single employer for purposes of this instant action.
9. At all times relevant herein, Defendants acted by and through their agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

### CLASS ACTION ALLEGATIONS

10. The foregoing paragraphs are incorporated herein as if set forth in their entirety.
11. Pursuant to Rule 4:32 of the New Jersey Rules of Civil Procedure, Named Plaintiff brings his claims for relief to redress Defendants' violations of the CREAMMA and New Jersey public policy on behalf of himself and those similarly situated.
12. Specifically, Named Plaintiff seeks to represent a class of all persons who, since on or after February 22, 2021: (1) were denied employment by Defendants in the state of New

Jersey because he or she tested positive for marijuana in a pre-employment drug screen; and/or (2) were subject to any other adverse employment action because he or she tested positive for marijuana (hereinafter members of this putative class are referred to as “Class Plaintiffs”).

13. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendants.

14. Named Plaintiff’s claims are typical of the claims of the Class Plaintiffs, because Named Plaintiff, like all Class Plaintiffs, was subject to an adverse employment action because he tested positive for marijuana, in violation of CREAMMA.

15. Named Plaintiff will fairly and adequately protect the interests of the Class Plaintiffs, because Named Plaintiff’s interests are coincident with and not antagonistic to those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee disputes.

16. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from Defendants’ records.

17. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for Defendants. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all the individual putative class members to

maintain separate actions against Defendants. Additionally, Named Plaintiff seeks injunctive relief ordering Defendants to cease enforcement of their unlawful policy.

18. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are: 1) whether Defendants' conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test violates CREAMMA; and 2) whether Defendants' conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test is unlawful as a violation of public policy.

#### **FACTUAL BACKGROUND**

19. The foregoing paragraphs are incorporated herein as if set forth in full.

20. Since February 22, 2021, and upon information and belief, continuing through the present, Defendants have enforced its Drug & Alcohol Policy ("Policy") with respect to all of their applicants seeking to work for Defendants in the state of New Jersey, and, upon information and belief, all of their employees working in the state of New Jersey.

21. Pursuant to Defendants' Policy, "any applicant or associate who tests positive for illegal drug use may be ineligible for employment."

22. Upon information and belief, Defendants consider marijuana to be an illegal drug pursuant to their policies.

23. Upon information and belief, in the state of New Jersey, on and after February 22, 2021, Defendants subjected individuals to adverse employment actions because those individuals tested positive for marijuana during a drug test.



24. Upon information and belief, pursuant to Defendants' Policy, any employee working for Defendants in the state of New Jersey who tests positive for marijuana will face disciplinary action based on the positive test result, up to and including termination of employment.

25. On or around January 21, 2022, Named Plaintiff applied for employment with Defendants to work in the Asset Protection Department of Defendants' facility in the state of New Jersey.

26. On or around January 25, 2022, Defendants' Interviewing Manager Hasan [last name unknown] interviewed Named Plaintiff for the Asset Protection position.

27. On or around January 28, 2022, Defendants extended Named Plaintiff an offer of employment with a start date of February 7, 2022, subject to him submitting to and passing a drug test.

28. On or around January 21, 2022, Named Plaintiff took the drug test through a third-party, Inspira Urgent Care.

29. In or around early February 2022, Inspira Urgent Care informed Named Plaintiff that he tested positive for marijuana and that they are required to report the results to Defendants' HR department.

30. On or around February 10, 2022, Named Plaintiff emailed Human Resources Representative Kelly Barnett ("HR Representative Kelly") requesting an update on his application.

31. On or around February 12, 2022, HR Representative Kelly emailed Named Plaintiff and rescinded his job offer.

32. Upon notice that Named Plaintiff's job offer was rescinded, Named Plaintiff promptly called Defendants' HR Department.

33. During that conversation, Defendants informed Named Plaintiff that his employment offer was rescinded because his drug test came back positive for marijuana.

34. As a result of Defendants' Policy, Named Plaintiff and Class Plaintiffs, all of whom have faced adverse employment actions because they tested positive for marijuana, have been harmed.

35. As a result of Defendants' above-described illegal actions, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**COUNT I**  
**Violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and**  
**Marketplace Modernization Act (CREAMMA)**  
**(Named Plaintiff and Class Plaintiffs v. Defendants)**

36. The foregoing paragraphs are incorporated herein as if set forth in full.

37. Pursuant to CREAMMA, "No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items, and an employee shall not be subject to any adverse action by an employer solely due to the presence of cannabinoid metabolites in the employee's bodily fluid ..." N.J. Stat. Ann. § 24:6I-52 (2021).

38. Defendants' Policy, which subjects applicants and employees to adverse employment actions for testing positive for marijuana, violates CREAMMA.

39. As a result of Defendants' Policy, Defendants subjected Named Plaintiff and Class Plaintiffs to adverse actions solely due to testing positive for marijuana on a drug test.

40. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendants' unlawful conduct.

41. As a result of Defendants' conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**COUNT II**  
**Failure to Hire/Wrongful Discharge**  
**Pierce Claim (Violation of Public Policy)**  
**(Named Plaintiff and Class Plaintiffs v. Defendants)**

42. The foregoing paragraphs are incorporated herein as if set forth in full.

43. Defendants' conduct in refusing to hire and/or terminating Named Plaintiff and Class Plaintiffs solely because they tested positive for marijuana violates a clear mandate of public policy of the state of New Jersey, as codified by CREAMMA. N.J. Stat. Ann. § 24:6I-52 (2021).

44. Defendants' conduct in refusing to hire and/or terminating Named Plaintiff and Class Plaintiffs solely because they tested positive for marijuana violates a clear mandate of public policy of the state of New Jersey, the right to privacy, which derives from Article 1, Paragraph 1 of the New Jersey Constitution.

45. Defendants' Policy which subjects applicants and employees to adverse employment actions for testing positive for marijuana violates these clear mandates of public policy, and accordingly is unlawful.

46. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendants' unlawful conduct.

47. As a result of Defendants' conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**WHEREFORE**, Named Plaintiff and Class Plaintiffs pray that this Court enter an Order providing that:

- (1) Defendants are to be prohibited from continuing to maintain their illegal policy, practice or customs in violation of CREAMMA and/or New Jersey public policy;
- (2) Defendants are to compensate, reimburse, and make Named Plaintiff and Class Plaintiffs whole for any and all pay they would have received had it not been for Defendants' illegal actions;
- (3) Defendants are to immediately reinstate Named Plaintiff's and Class Members' employment;
- (4) Defendants are to immediately rescind its Policy which imposes adverse employment actions on New Jersey employees solely for testing positive for marijuana on a drug test;
- (5) Named Plaintiff and Class Plaintiffs are to be awarded back pay, front pay, punitive damages, and all other relief this Court deems just and proper.
- (6) Named Plaintiff and Class Plaintiffs' claims are to receive a jury trial.

Respectfully Submitted,

/s/Justin L. Swidler

**SWARTZ SWIDLER, LLC**

Justin L. Swidler, Esq.  
Alexa B. Wissner, Esq.  
Richard S. Swartz, Esq.  
1101 Kings Highway N., Ste. 402  
Cherry Hill, NJ 08034  
Phone: (856) 685-7420  
Fax: (856) 685-7417

Date: June 13, 2022



**DEMAND TO PRESERVE EVIDENCE**

Defendants are hereby directed to preserve all physical and electronic information pertaining in any way to Named Plaintiff's and Class Plaintiffs' employment, to Named Plaintiff's and Class Plaintiffs' cause of action and/or prayers for relief, and to any defenses to same, including, but not limited to, electronic data storage, closed circuit TV footage, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages, any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

**JURY DEMAND**

Named Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

/s/ Justin L. Swidler

**RULE 4:5-1 CERTIFICATION**

I am licensed to practice law in New Jersey, and I am responsible for the above captioned matter. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

Respectfully Submitted,

/s/ Justin L. Swidler

**DESIGNATION OF TRIAL COUNSEL**

Justin L. Swidler, Esquire, of the law firm of Swartz Swidler, LLC, is hereby designated trial counsel.

Respectfully Submitted,

/s/ Justin L. Swidler

GLOUCESTER COUNTY COURTHOUSE  
GLOUCESTER COUNTY CIVIL DIVISION  
1 NORTH BROAD ST  
WOODBURY NJ 08096

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 878-5050  
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 13, 2022  
RE: ZANETICH ERICK VS WAL-MART STORES EAST , INC.  
DOCKET: GLO L -000605 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON SAMUEL J. RAGONESE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 101  
AT: (856) 878-5050 EXT 15265.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: JUSTIN L. SWIDLER  
SWARTZ SWIDLER, LLC  
1101 KINGS HIGHWAY NORTH  
STE 402  
CHERRY HILL NJ 08034

ECOURTS





**Service of Process Transmittal Summary**

**TO:** KIM LUNDY- EMAIL  
Walmart Inc.  
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200  
BENTONVILLE, AR 72712-3148

**RE:** Process Served in New Jersey

**FOR:** Sam's East, Inc. (Domestic State: AR)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** ZANETICH ERICK, on behalf of himself and those similarly situated vs. WAL-MART STORES EAST, INC.

**DOCUMENT(S) SERVED:** Summons, Complaint, Notice

**COURT/AGENCY:** Gloucester County Superior Court, NJ  
Case # GLOL00060522

**NATURE OF ACTION:** Summons and Complaint - Class Action - Violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

**PROCESS SERVED ON:** C T Corporation System, West Trenton, NJ

**DATE/METHOD OF SERVICE:** By Process Server on 08/05/2022 at 01:52

**JURISDICTION SERVED:** New Jersey

**APPEARANCE OR ANSWER DUE:** Within 35 days from the date of receipt, not counting the date of receipt

**ATTORNEY(S)/SENDER(S):** Justin L. Swidler  
Swartz Swidler LLC  
1101 Kings Hwy N, Ste 402  
Cherry Hill, NJ 08034  
856-685-7420

**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/05/2022, Expected Purge Date: 08/15/2022  
  
Image SOP

**REGISTERED AGENT CONTACT:** C T Corporation System  
820 Bear Tavern Road  
West Trenton, NJ 08628  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



**CT Corporation**  
**Service of Process Notification**

08/05/2022

CT Log Number 542060667

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## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Aug 5, 2022  
**Server Name:** Drop Service

Entity Served	Sam's East, Inc.
Case Number	GLOL00060522
Jurisdiction	NJ

Inserts		



**SUMMONS**

Attorney(s) Justin L. Swidler

Office Address Swartz Swidler LLC

Town, State, Zip Code 1101 Kings Hwy N Ste 402  
Cherry Hill NJ 08034

Telephone Number 856-685-7420

Attorney(s) for Plaintiff \_\_\_\_\_

ERICK ZANETICH, individually and on

behalf of those similarly situated

Plaintiff(s)

vs.

Wal-Mart Stores East, Inc. d/b/a

Walmart Inc., et al.

Defendant(s)

**Superior Court of  
New Jersey**

Gloucester County

LAW Division

Docket No: \_\_\_\_\_

**CIVIL ACTION  
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/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 \$175.00 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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

/S/Michelle M. Smith

Clerk of the Superior Court

DATED: 06/11/2022

Name of Defendant to Be Served: Sam's East, Inc.

Address of Defendant to Be Served: 200 Birch Creek Rd, Swedesboro, NJ 08085

*c/o CT Corp  
820 Bear Tavern Rd.*

Justin L. Swidler, Esq.  
Alexa B. Wissner, Esq.  
Richard S. Swartz, Esq.  
**SWARTZ SWIDLER, LLC**  
1101 Kings Highway N., Ste. 402  
Cherry Hill, NJ 08034  
856-685-7420  
jswidler@swartz-legal.com

ERICK ZANETICH, *on behalf of himself and those similarly situated,*

Plaintiff,

v.

WAL-MART STORES EAST, INC. d/b/a  
WALMART, INC. and SAM'S EAST, INC.  
d/b/a SAM'S CLUB FULFILLMENT  
CENTER

Defendant.

SUPERIOR COURT OF NEW JERSEY  
GLOUCESTER COUNTY

CLASS ACTION

No:

COMPLAINT AND JURY TRIAL DEMAND

### INDIVIDUAL AND CLASS ACTION COMPLAINT

Named Plaintiff Erick Zanetich (hereinafter referred to as "Named Plaintiff"), on behalf of himself and those similarly situated, by and through undersigned counsel, hereby complains as follows against Defendant Wal-Mart Stores East, Inc. d/b/a Walmart, Inc. (hereinafter referred to as "Defendant Walmart"), and Defendant Sam's East, Inc. d/b/a Defendant Sam's Club Fulfillment Center 6298 (hereinafter referred to as "Defendant Sam's Club")(hereinafter collectively referred to as "Defendants").

### INTRODUCTION

1. Named Plaintiff has initiated the instant action to redress Defendants' violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J. Stat. 24:6I-31 ("CREAMMA") and the New Jersey common law. As a

result of Defendants' unlawful actions, Named Plaintiff and those similarly situated have suffered damages.

### **PARTIES**

2. The foregoing paragraphs are incorporated herein as if set forth in full.
3. Named Plaintiff is an adult individual with an address as set forth above.
4. Defendant Walmart is a company operating in New Jersey.
5. Defendant Sam's Club is a company operating in New Jersey.
6. At all times relevant herein, Defendants jointly employed Plaintiff.
7. At all times relevant herein, Plaintiff was jointly employed by Defendants.
8. Upon information and belief, because of their interrelation of operations, common management, centralized control of labor relations, common ownership, common financial controls, and other factors, Defendants are sufficiently interrelated and integrated in their activities, labor relations, ownership, and management that they may be treated as a single employer for purposes of this instant action.
9. At all times relevant herein, Defendants acted by and through their agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

### **CLASS ACTION ALLEGATIONS**

10. The foregoing paragraphs are incorporated herein as if set forth in their entirety.
11. Pursuant to Rule 4:32 of the New Jersey Rules of Civil Procedure, Named Plaintiff brings his claims for relief to redress Defendants' violations of the CREAMMA and New Jersey public policy on behalf of himself and those similarly situated.
12. Specifically, Named Plaintiff seeks to represent a class of all persons who, since on or after February 22, 2021: (1) were denied employment by Defendants in the state of New

Jersey because he or she tested positive for marijuana in a pre-employment drug screen; and/or (2) were subject to any other adverse employment action because he or she tested positive for marijuana (hereinafter members of this putative class are referred to as “Class Plaintiffs”).

13. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendants.

14. Named Plaintiff’s claims are typical of the claims of the Class Plaintiffs, because Named Plaintiff, like all Class Plaintiffs, was subject to an adverse employment action because he tested positive for marijuana, in violation of CREAMMA.

15. Named Plaintiff will fairly and adequately protect the interests of the Class Plaintiffs, because Named Plaintiff’s interests are coincident with and not antagonistic to those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee disputes.

16. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from Defendants’ records.

17. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for Defendants. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all the individual putative class members to

maintain separate actions against Defendants. Additionally, Named Plaintiff seeks injunctive relief ordering Defendants to cease enforcement of their unlawful policy.

18. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are: 1) whether Defendants' conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test violates CREAMMA; and 2) whether Defendants' conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test is unlawful as a violation of public policy.

#### **FACTUAL BACKGROUND**

19. The foregoing paragraphs are incorporated herein as if set forth in full.

20. Since February 22, 2021, and upon information and belief, continuing through the present, Defendants have enforced its Drug & Alcohol Policy ("Policy") with respect to all of their applicants seeking to work for Defendants in the state of New Jersey, and, upon information and belief, all of their employees working in the state of New Jersey.

21. Pursuant to Defendants' Policy, "any applicant or associate who tests positive for illegal drug use may be ineligible for employment."

22. Upon information and belief, Defendants consider marijuana to be an illegal drug pursuant to their policies.

23. Upon information and belief, in the state of New Jersey, on and after February 22, 2021, Defendants subjected individuals to adverse employment actions because those individuals tested positive for marijuana during a drug test.



24. Upon information and belief, pursuant to Defendants' Policy, any employee working for Defendants in the state of New Jersey who tests positive for marijuana will face disciplinary action based on the positive test result, up to and including termination of employment.

25. On or around January 21, 2022, Named Plaintiff applied for employment with Defendants to work in the Asset Protection Department of Defendants' facility in the state of New Jersey.

26. On or around January 25, 2022, Defendants' Interviewing Manager Hasan [last name unknown] interviewed Named Plaintiff for the Asset Protection position.

27. On or around January 28, 2022, Defendants extended Named Plaintiff an offer of employment with a start date of February 7, 2022, subject to him submitting to and passing a drug test.

28. On or around January 21, 2022, Named Plaintiff took the drug test through a third-party, Inspira Urgent Care.

29. In or around early February 2022, Inspira Urgent Care informed Named Plaintiff that he tested positive for marijuana and that they are required to report the results to Defendants' HR department.

30. On or around February 10, 2022, Named Plaintiff emailed Human Resources Representative Kelly Barnett ("HR Representative Kelly") requesting an update on his application.

31. On or around February 12, 2022, HR Representative Kelly emailed Named Plaintiff and rescinded his job offer.

32. Upon notice that Named Plaintiff's job offer was rescinded, Named Plaintiff promptly called Defendants' HR Department.

33. During that conversation, Defendants informed Named Plaintiff that his employment offer was rescinded because his drug test came back positive for marijuana.

34. As a result of Defendants' Policy, Named Plaintiff and Class Plaintiffs, all of whom have faced adverse employment actions because they tested positive for marijuana, have been harmed.

35. As a result of Defendants' above-described illegal actions, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**COUNT I**  
**Violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and**  
**Marketplace Modernization Act (CREAMMA)**  
**(Named Plaintiff and Class Plaintiffs v. Defendants)**

36. The foregoing paragraphs are incorporated herein as if set forth in full.

37. Pursuant to CREAMMA, "No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items, and an employee shall not be subject to any adverse action by an employer solely due to the presence of cannabinoid metabolites in the employee's bodily fluid ..." N.J. Stat. Ann. § 24:6I-52 (2021).

38. Defendants' Policy, which subjects applicants and employees to adverse employment actions for testing positive for marijuana, violates CREAMMA.

39. As a result of Defendants' Policy, Defendants subjected Named Plaintiff and Class Plaintiffs to adverse actions solely due to testing positive for marijuana on a drug test.

40. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendants' unlawful conduct.

41. As a result of Defendants' conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**COUNT II**  
**Failure to Hire/Wrongful Discharge**  
**Pierce Claim (Violation of Public Policy)**  
**(Named Plaintiff and Class Plaintiffs v. Defendants)**

42. The foregoing paragraphs are incorporated herein as if set forth in full.

43. Defendants' conduct in refusing to hire and/or terminating Named Plaintiff and Class Plaintiffs solely because they tested positive for marijuana violates a clear mandate of public policy of the state of New Jersey, as codified by CREAMMA. N.J. Stat. Ann. § 24:6I-52 (2021).

44. Defendants' conduct in refusing to hire and/or terminating Named Plaintiff and Class Plaintiffs solely because they tested positive for marijuana violates a clear mandate of public policy of the state of New Jersey, the right to privacy, which derives from Article 1, Paragraph 1 of the New Jersey Constitution.

45. Defendants' Policy which subjects applicants and employees to adverse employment actions for testing positive for marijuana violates these clear mandates of public policy, and accordingly is unlawful.

46. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendants' unlawful conduct.

47. As a result of Defendants' conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

**WHEREFORE**, Named Plaintiff and Class Plaintiffs pray that this Court enter an Order providing that:

(1) Defendants are to be prohibited from continuing to maintain their illegal policy, practice or customs in violation of CREAMMA and/or New Jersey public policy;

(2) Defendants are to compensate, reimburse, and make Named Plaintiff and Class Plaintiffs whole for any and all pay they would have received had it not been for Defendants' illegal actions;

(3) Defendants are to immediately reinstate Named Plaintiff's and Class Members' employment;

(4) Defendants are to immediately rescind its Policy which imposes adverse employment actions on New Jersey employees solely for testing positive for marijuana on a drug test;

(5) Named Plaintiff and Class Plaintiffs are to be awarded back pay, front pay, punitive damages, and all other relief this Court deems just and proper.

(6) Named Plaintiff and Class Plaintiffs' claims are to receive a jury trial.

Respectfully Submitted,

/s/Justin L. Swidler

**SWARTZ SWIDLER, LLC**

Justin L. Swidler, Esq.  
Alexa B. Wissner, Esq.  
Richard S. Swartz, Esq.  
1101 Kings Highway N., Ste. 402  
Cherry Hill, NJ 08034  
Phone: (856) 685-7420  
Fax: (856) 685-7417

Date: June 13, 2022



**DEMAND TO PRESERVE EVIDENCE**

Defendants are hereby directed to preserve all physical and electronic information pertaining in any way to Named Plaintiff's and Class Plaintiffs' employment, to Named Plaintiff's and Class Plaintiffs' cause of action and/or prayers for relief, and to any defenses to same, including, but not limited to, electronic data storage, closed circuit TV footage, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages, any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

**JURY DEMAND**

Named Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

/s/ Justin L. Swidler

**RULE 4:5-1 CERTIFICATION**

I am licensed to practice law in New Jersey, and I am responsible for the above captioned matter. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

Respectfully Submitted,

/s/ Justin L. Swidler

**DESIGNATION OF TRIAL COUNSEL**

Justin L. Swidler, Esquire, of the law firm of Swartz Swidler, LLC, is hereby designated trial counsel.

Respectfully Submitted,

/s/ Justin L. Swidler

GLOUCESTER COUNTY COURTHOUSE  
GLOUCESTER COUNTY CIVIL DIVISION  
1 NORTH BROAD ST  
WOODBURY NJ 08096

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (856) 878-5050  
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 13, 2022  
RE: ZANETICH ERICK VS WAL-MART STORES EAST , INC.  
DOCKET: GLO L -000605 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON SAMUEL J. RAGONESE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 101  
AT: (856) 878-5050 EXT 15265.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: JUSTIN L. SWIDLER  
SWARTZ SWIDLER, LLC  
1101 KINGS HIGHWAY NORTH  
STE 402  
CHERRY HILL NJ 08034

ECOURTS



# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ERICK ZANETICH, *on behalf of himself* )  
*and those similarly situated* )

Plaintiff, )

v. )

WAL-MART STORES EAST, INC. d/b/a )  
WALMART, INC. and SAM’S EAST, )  
INC. d/b/a/ SAM’S CLUB )  
FULFILLMENT CENTER )

Defendants. )

Civil Action No. \_\_\_\_\_

**DECLARATION OF LEIGH MCMONIGLE, ESQUIRE**

I, Leigh McMonigle, Esquire declare as follows:

1. I am a citizen of the United States, over 18 years of age, and competent to testify as to the matters contained in this Declaration. If called as a witness, I could and would competently testify as to these same facts.

2. I have personal knowledge of the facts set forth in this Declaration, or I have knowledge of such facts based upon corporate records, which I have reviewed. Such corporate records are maintained in the regular course of business.

3. I am currently employed as an attorney at the law firm Troutman Pepper Hamilton Sanders, LLP, which is representing Defendants in the above-captioned matter.

4. I requested that a background report for Plaintiff Erick Zanetich be generated to confirm his residence in New Jersey.

5. Using Mr. Zanetich’s name and social security number, a background report was generated through the use of Westlaw’s database.

6. A copy of the Person Overview page from the People Map Report generated by the

Westlaw database is attached hereto as **Exhibit 1**.

7. This Report confirms that Mr. Zanetich's residence is in Monroeville, New Jersey, Gloucester County.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2022



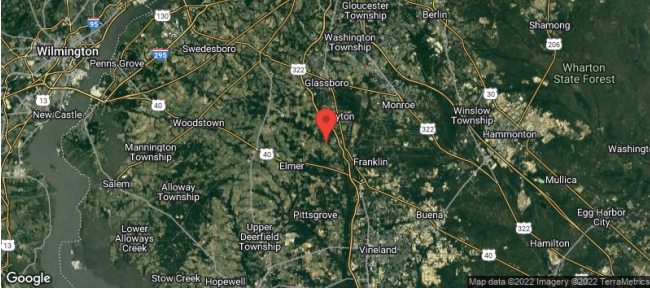
---

Leigh McMonigle, Esquire

# **EXHIBIT 1**

## Possible People Information

### Person Overview

<p><b>ERIC R ZANETICH</b></p> <p>1401 WILLOW GROVE RD MONROEVILLE, NJ 08343-4538   GLOUCESTER County</p> <p><b>Phone Number(s):</b></p> <p>856-857-9562 856-422-0494</p> <p><b>SSN:</b></p> <p>151-90-XXXX - issued in NJ in 1991-1992</p> <p><b>DOB:</b></p> <p>04/XX/1991 (Age: 31)</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

### Date of Birth Summary

Date of Birth	Source
04/1991	People Household

### SSN Summary

SSN	Source
151-90-XXXX - issued in NJ in 1991-1992	

### Name Variations

Name	Source
ERIK ZANETICH	People Find
MR ERICK ZANETICH	People Household

### Addresses

Address
<p><b>1401 WILLOW GROVE RD, MONROEVILLE, NJ 08343-4538   GLOUCESTER County</b></p> <p><i>Reported 01/01/2011 - 07/31/2020</i></p> <p>By People Household 01/01/2011 - 07/31/2020 <span style="float: right;">People Household</span></p>
<p><b>743 CARTER AVE, BELLMAWR, NJ 08031-1705   CAMDEN County</b></p>

# EXHIBIT C

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ERICK ZANETICH, *on behalf of himself* )  
*and those similarly situated* )

Plaintiff, )

v. )

WAL-MART STORES EAST, INC. d/b/a )  
WALMART, INC. and SAM’S EAST, )  
INC. d/b/a/ SAM’S CLUB )  
FULFILLMENT CENTER )

Defendants. )

Civil Action No. \_\_\_\_\_

**DECLARATION OF GEOFFREY W. EDWARDS**

I, Geoffrey W. Edwards, declare as follows:

1. I am a citizen of the United States, over 18 years of age, and competent to testify as to the matters contained in this Declaration. If called as a witness, I could and would competently testify as to these same facts.

2. I have personal knowledge of the facts set forth in this Declaration, or I have knowledge of such facts based upon corporate records, which I have reviewed. Such corporate records are maintained in the regular course of business.

3. I am currently employed by Walmart Inc. as Managing Counsel. In this role, I am responsible for management of Walmart Inc.’s domestic subsidiaries and affiliated entities, including Wal-Mart Stores East, LLC and Sam’s East, Inc. I am generally familiar with their corporate structure and business activities.

4. Wal-Mart Stores East, LLC (formerly Wal-Mart Stores East, Inc.) is a Delaware limited liability company with its corporate headquarters in Arkansas.

5. Walmart Inc. is the sole member of Wal-Mart Stores East, LLC.

6. Walmart Inc. is a Delaware corporation with its headquarters in Bentonville, Arkansas. The majority of Walmart Inc.'s corporate officers and senior executives who direct, control, and coordinate its operations are also located at its corporate headquarters in Bentonville, Arkansas. As a result, most of Walmart Inc.'s corporate decisions are made in Arkansas, including operational, executive, administrative, and policymaking decisions.

7. Sam's East, Inc. is incorporated in Arkansas.

8. Sam's East, Inc.'s headquarters also is in Arkansas. The majority of Sam's East, Inc.'s corporate officers and senior executives who direct, control, and coordinate its operations are also located at its corporate headquarters in Arkansas. As a result, most of Sam's East, Inc.'s corporate decisions are made in Arkansas, including operational, executive, administrative, and policymaking decisions.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2022



Geoffrey W. Edwards



# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ERICK ZANETICH, *on behalf of himself* )  
*and those similarly situated* )

Plaintiff, )

v. )

WAL-MART STORES EAST, INC. d/b/a )  
WALMART, INC. and SAM'S EAST, )  
INC. d/b/a/ SAM'S CLUB )  
FULFILLMENT CENTER )

Defendants. )

Civil Action No. \_\_\_\_\_

**DECLARATION OF SERGIO RANGEL, JR.**

I, Sergio Rangel, Jr., declare as follows:

1. I am a citizen of the United States, over 18 years of age, and competent to testify as to the matters contained in this Declaration. If called as a witness, I could and would competently testify as to these same facts.

2. I have personal knowledge of the facts set forth in this Declaration, or I have knowledge of such facts based upon corporate records, which I have reviewed. Such corporate records are maintained in the regular course of business.

3. I am currently employed as the General Manager of the Sam's Club eCommerce Fulfillment Center located on 200 Birch Creek Rd., Swedesboro, New Jersey.

4. I am familiar with the job offer documentation for Plaintiff Erick Zanetich.


5. Mr. Zanetich was offered a position as an Asset Protection Associate at the Sam's Club eCommerce Fulfillment Center located in Swedesboro, New Jersey in January 2022 with an expected start date of February 7, 2022.

6. The base hourly rate for the position offered to Mr. Zanetich was \$19.85 per hour.

7. The expected schedule for the position offered to Mr. Zanetich included four ten-hour shifts, for a total of 40 hours per week.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2022



---

Sergio Rangel, Jr.,

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ERICK ZANETICH, on behalf of himself and those similarly situated
(b) County of Residence of First Listed Plaintiff Gloucester
(c) Attorneys (Firm Name, Address, and Telephone Number) SWARTZ SWIDLER, LLC

DEFENDANTS
Wal-Mart Stores East, Inc. d/b/a Walmart, Inc and Sam's East, Inc. d/b/a Sam's Club Fulfillment Center
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known) Tracey E. Diamond, Esq. of Troutman Pepper Hamilton Sanders LLP.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State [X] 1 [ ] 1
Citizen of Another State [ ] 2 [ ] 2
Citizen or Subject of a Foreign Country [ ] 3 [ ] 3

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding [ ]
2 Removed from State Court [X]
3 Remanded from Appellate Court [ ]
4 Reinstated or Reopened [ ]
5 Transferred from Another District (specify) [ ]
6 Multidistrict Litigation - Transfer [ ]
8 Multidistrict Litigation - Direct File [ ]

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332
Brief description of cause: Plaintiff alleges violation of NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and common law

VII. REQUESTED IN COMPLAINT:
[X] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 9/2/2022 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Walmart, Sam's Club Illegally Refused New Jersey Job Applicant Based on Positive Marijuana Test, Lawsuit Says](#)

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