

Ashley L. Toth

Shareholder

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Ashley is a member of the Professional Liability Department where she focuses her practice on the defense of public and private entities in the areas of employment law and civil rights.

Ashley has successfully defended State and local governments, school districts, police departments and private employers in litigation involving civil rights, harassment/discrimination, and whistle-blowing violations. In addition, Ashley works with employers on a consulting basis to avoid liability by establishing appropriate employment policies and procedures and investigates internal EEO complaints.

Ashley also has significant experience representing public entities and private entities in matters involving the Fair Housing Act and American with Disabilities Act in federal and state courts and agencies as well as in the Division on Civil Rights and EEOC. She has represented various entities including Homeowners' Associations in reasonable accommodation and disability discrimination cases and has provided lectures at several seminars concerning the ADA and reasonable accommodation and the use of service animals.

Ashley graduated *magna cum laude* from Monmouth University in 2006 with a major in Finance and minor in Spanish. She began working with Marshall Dennehey in 2008 while attending law school at Rutgers University School of Law-Camden. Ashley graduated Rutgers School of Law in 2009, with high honors.

Education

- Rutgers Law School (J.D., 2009)
- Monmouth University (B.S., *magna cum laude*, 2006)

Admissions

Practices

- Miscellaneous Professional Liability
- Employment Law
- Public Entity & Civil Rights Litigation
- Insurance Services – Coverage & Bad Faith Litigation

- New Jersey, 2009
- Pennsylvania, 2009

Honors & Awards

- Reed Smith Award for Clinical Excellence, 2009

Associations & Memberships

- Camden County Bar Association

Classes/Seminars Taught

- *Annual Anti-Discrimination and Harassment Training*, Marshall Dennehey Client Webinar, May 18, 2023
- *Employment Law Seminar*, NJAA East Coast Expo, February 19, 2020
- *Employment Law Ethics Panel*, NJAJ Boardwalk Seminar 2017, Atlantic City, NJ, April 2017
- *Navigating OSHA's New Rule on Injury and Illness Reporting & Anti-Retaliation*, Human Resource Association of Southern New Jersey, Vineland, NJ, October 20, 2016
- *Social Media Issues in Employment: Mock Trial Panelist*, presented to client group, Philadelphia, PA - May 2014
- *The New Jersey Tort Claims Act*: Presented to insurance broker group for a global insurance carrier, New York, NY - February 2014
- Co-presented: *the Tri-Partite Relationship and Coverage Issues*: Presented to insurance broker group for a global insurance carrier, New York, NY - November 2013
- *Anti-Discrimination Law in New Jersey: Risks, Responsibilities and Developments "What you need to know"* - Client seminar, May 2013
- Co-presented: *New Anti-Bullying Laws in New Jersey, and How They Affect School Districts and Liability Under the NJLAD*. Presented to claims professionals for a global insurance carrier, New York, NY - October 2012

Published Works

- "Best Practices for Service Animals in the Workplace," *New Jersey Law Journal*, March 12, 2024
- "How Changing Cannabis Laws are Affecting HR Policies in New Jersey", *New Jersey Defense*, Spring 2021
- "Post-Accident Drug Testing under OSHA's New Rule," *Defense Digest*, Vol. 23, No. 2, June 2017
- "Can Employers Contractually Limit an Employee's Statute of Limitations? The Effect of Employment Contracts in New Jersey," *Defense Digest*, Vol. 22, No. 2, June 2016
- *Case Law Alerts*, regular contributor, 2013-present

Results

New Jersey State University Successfully Defended in an Employment Discrimination Case

We obtained a “no cause” verdict in an employment discrimination case for a New Jersey state university. The plaintiff, seeking back pay, front pay, emotional distress, attorney fees, punitive damages and costs, alleged she was terminated from her position as director of the university’s performing arts center due to her age, gender and/or in retaliation for reporting internal complaints of age/gender discrimination. We successfully argued that the plaintiff was not terminated for discriminatory/retaliatory reasons but, instead, was terminated as a result of mandatory COVID-19 closures necessitated by Executive Orders.

Defense verdict in Section 1983 malicious prosecution jury trial.

We obtained a defense verdict in the U.S. District Court for the Eastern District of Pennsylvania in a Section 1983 malicious prosecution case. The plaintiff alleged that city narcotics officers planted drugs and stole money from her and then falsely charged her with possession and possession with intent to distribute crack cocaine. The criminal charges against her were dismissed following a Post Conviction Relief Act hearing.

Thought Leadership

March 12, 2024

Best Practices for Service Animals in the Workplace

September 22, 2023

The ADA & Service Animals

April 1, 2021

Defendants/third-party plaintiffs filing tort claims against public entities must serve a notice of claim within 90 days of the date on which the cause of action accrues.

April 1, 2021

After nine years, whistleblower lawsuit settles.

March 22, 2021

How Changing Cannabis Laws Are Affecting HR Policies in New Jersey