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CARLUCCIO, LEONE, DIMON,
DOYLE & SACKS, L.L.C.
9 Robbins Street
Toms River, New Jersey 08753
Telephone: (732) 797-1600
Attorneys for Plaintiffs
Our File No. 9251-001

RECEIVED
MAR 29 2021
BERKELEY TWP. BOARD OF EDUCATION

K.L., (a Minor), by her Parents and
Guardians, T.L. and D.L., T.L. and
D.L., Individually,

Plaintiffs,

vs.

BERKELEY TOWNSHIP SCHOOL
DISTRICT, BERKELEY TOWNSHIP
BOARD OF EDUCATION,
CATHERINE G. DEVINNEY,
CAROL ANN CERBO, JOHN/JANE
DOES 1-10 (fictitiously-named
persons), and ABC CORPS. 1-10
(fictitiously-named entities),

Defendants.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY – LAW DIVISION

DOCKET NO. OCN-L-704-21

CIVIL ACTION

SUMMONS

THE STATE OF NEW JERSEY to the ABOVE- NAMED DEFENDANT(S):

BERKELEY TOWNSHIP BOARD OF EDUCATION

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 thirty-five (35) days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). 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. A filing fee payable to the Clerk of the Superior Court 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 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 thirty-five (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 to pay an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. 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 on the Lawyer Referral Services. A list of these numbers is also provided.

Dated: March 16, 2021

/s/ Michelle M. Smith
Michelle M. Smith,
Clerk of the Superior Court

Name of Defendant to be served:

Address for Service: **BERKELEY TOWNSHIP BOARD OF EDUCATION**
53 Central Parkway
Bayville, NJ 08721

**\$175.00 for Chancery and Law Division Cases*

Deputy Clerks Addresses

Atlantic County, 1201 Bacharach Blvd., Atlantic City, NJ 08330
Bergen County Justice Center, 10 Main St., Hackensack, NJ 07601
Burlington County Courts Facility, 49 Rancocas Rd., Mt. Holly, NJ 08060
Camden County Hall of Justice, 101 S. 5th St., Camden, NJ 08103-4001
Cape May County Courthouse, Main St., Cape May Court House, NJ 08210
Cumberland County Courthouse, Broad & Fayette St., Bridgeton, NJ 08302
Essex County Courts Bldg., 50 W. Market St., Newark, NJ 07102
Gloucester County Courthouse, 1 N. Broad St., Woodbury, NJ 08096
Hudson County Admin. Bldg., 595 Newark Ave., Jersey City, NJ 07306
Hunterdon County Courthouse, Main Street, Flemington, NJ 08822
Mercer County Courthouse, P.O. Box 8068, Trenton, NJ 08650-0068
Middlesex County Courthouse, 1 Kennedy Sq., New Brunswick, NJ 08903
Monmouth County Courthouse, 71 Monument Park, Freehold, NJ 07728
Morris County Courthouse, P.O. Box 900, Morristown, NJ 07963-0900
Ocean County Courthouse, P.O. Box 2191, 118 Washington St., Toms River, NJ 08754
Passaic County Courthouse, 77 Hamilton St., Paterson, NJ 07505-2017
Salem County Courthouse, 92 Market St., Salem, NJ 08079
Somerset County Courthouse, P.O. Box 3000, Somerville, NJ 08876-1262
Sussex County Courthouse, 43-47 High St., Newton, NJ 07860
Union County Courthouse, 2 Broad St., Elizabeth, NJ 07207
Warren County Courthouse, 2nd & Hardwick St., Belvidere, NJ 07823

	LEGAL AID OFFICES	LEGAL SERVICES OFFICES
Atlantic County	(609) 348-4200	(609) 345-3444
Bergen County	(201) 487-2166	(201) 488-0044 or 692-1011
Burlington County	(609) 261-1088	(609) 261-4682
Camden County	(856) 964-2010	(856) 964-4520
Cape May County	(609) 465-3001	(609) 463-0313
Cumberland County	(856) 691-0494	(856) 692-6207
Essex County	(973) 622-1513	(973) 622-6207
Gloucester County	(856) 848-5360	(856) 848-4589
Hudson County	(201) 792-6363	(201) 798-2727
Hunterdon County	(908) 782-7979	(908) 735-2611
Mercer County	(609) 695-6249	(609) 890-6200
Middlesex County	(732) 249-7600	(739) 828-0053
Monmouth County	(732) 414-6750	(732) 431-5544
Morris County	(973) 285-6911	(973) 267-5882
Ocean County	(732) 608-7797	(732) 240-3666
Passaic County	(973) 345-7171	(973) 278-9223
Salem County	(856) 451-0003	(856) 678-8363
Somerset County	(908) 231-0840	(908) 685-2323
Sussex County	(973) 383-7400	(973) 267-5882
Union County	(908) 527-4769	(908) 353-4715
Warren County	(908) 475-2010	(908) 267-5882

Gary Ahladianakis, Esq., Atty. ID #017292004

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Attorneys for Plaintiffs

Our File No. 9251-001

K.L., (a Minor), by her Parents and
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D.L., Individually,

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vs.

BERKELEY TOWNSHIP SCHOOL
DISTRICT, BERKELEY TOWNSHIP
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DOES 1-10 (fictitiously-named
persons), and ABC CORPS. 1-10
(fictitiously-named entities),

Defendants.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY – LAW DIVISION

DOCKET NO. OCN-L-

CIVIL ACTION

**COMPLAINT
AND JURY DEMAND**

Plaintiffs, K.L., (a Minor), by her Parents and Guardians, T.L. and D.L., T.L.,
Individually and D.L., Individually, residing in the Township of South Toms River, County of
Ocean, State of New Jersey, by way of Complaint against the Defendants, hereby states:

The Parties

1. At all relevant times, Plaintiffs, T.L. and D.L., are the parents and legal guardians
of Plaintiff, K.L., a minor.

2. At all relevant times, Plaintiff, K.L. was a four (4) year old student, who attended Clara B. Worth Elementary School, which is a school owned, operated, managed, maintained, controlled and supervised by Defendant, BERKELEY TOWNSHIP SCHOOL DISTRICT.

3. At all relevant times, Defendant, BERKELEY TOWNSHIP SCHOOL DISTRICT, is a municipal corporation organized under the laws of the State of New Jersey, whose principal place of business is located at 53 Central Parkway, Bayville, New Jersey 08721.

4. Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, whose principal place of business is located at 53 Central Parkway, Bayville, New Jersey, is the governing body that operated, managed, controlled and supervised all daily, operational and administrative duties owed by Defendant, BERKELEY TOWNSHIP SCHOOL DISTRICT, to the public, its faculty, staff and students.

5. At all relevant times, Defendant, CATHERINE G. DEVINNEY, was an individual residing at 270 Bayview Avenue, Bayville, New Jersey, who was employed as a bus driver by Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION.

6. At all relevant times, Defendant, CAROL ANN CERBO, was an individual residing at 233 Pine Drive, Bayville, New Jersey, who was employed as a bus aide by Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION.

7. At all times relevant herein, Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT, BERKELEY TOWNSHIP BOARD OF EDUCATION, CATHERINE G. DEVINNEY, CAROL ANN CERBO, JOHN DOES 1-10 (fictitious names) and ABC CORPORATION 1-10 (fictitious names), were owners, operators, employees, agents, servants,

representatives and/or persons who supervised, controlled or otherwise had a legal duty to perform the daily, operational and administrative duties owed by Defendants to the public, its faculty, staff and students of the Clara B. Worth Elementary School and/or the Berkeley Township School District or who were otherwise liable, whether directly, indirectly or vicariously, for any of the acts, omissions or allegations set forth in this Complaint.

FIRST COUNT
(Negligence)

8. At all relevant times, Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION, owned, operated, managed, maintained, controlled and supervised a school bus transportation service and were entrusted with the safe transportation of all Berkeley Township School District students, including Plaintiff, K.L.

9. On the morning of March 28, 2019, Plaintiff, K.L., a four (4) year old female student, was put on School Bus #48 for the safe transportation from the Plaintiff's home to the Clara B. Worth Elementary School which is part of the Berkeley Township School District.

10. On the aforesaid date and at all relevant times, School Bus #48, was owned, operated, managed, maintained, controlled and in the possession of Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT, BERKELEY TOWNSHIP BOARD OF EDUCATION, CATHERINE G. DEVINNEY, and CAROL ANN CERBO.

11. On the aforesaid date, and at all relevant times, Defendants, CATHERINE G. DEVINNEY and CAROL ANN CERBO, failed to follow all the necessary, proper and required safety protocols that were in place or should have been in place to make sure that no student being transported on School Bus #48 was left on board after the students were dropped off at their intended destination.

12. On the aforesaid date, as a result of negligent, careless, reckless and palpably unreasonable conduct of Defendants, Plaintiff, K.L., was left alone on the school bus for at least one hour while the bus was parked outside the residence of Defendant, CATHERINE G. DEVINNEY, while Defendant was in her home on her lunch break.

13. Approximately one hour later, Defendant, CATHERINE G. DEVINNEY, after exiting her home from having taken a lunch break, discovered that Plaintiff, K.L., was left alone, unattended and was discovered to be crying and physically, emotionally and visibly distraught and upset from being left alone and unattended on a school bus for approximately one hour.

14. After discovering that Plaintiff, K.L., was left alone, unattended and unsupervised on her bus, Defendant, CATHERINE G. DEVINNEY, proceeded to pick Defendant, CAROL ANN CERBO, and advised Defendant, CAROL ANN CERBO, that they had left Plaintiff, K.L., on the bus alone for approximately one hour unattended.

15. Defendant, CAROL ANN CERBO'S, first reaction to hearing that Plaintiff, K.L., was left alone on the bus for approximately one hour, was not the concern or welfare of the child whose care she was entrusted, but, rather, was concerned as to whether she and Defendant, CATHERINE G. DEVINNEY, would get "in trouble" for their conduct.

16. Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION did so negligently and carelessly own, operate, control and/or maintain and supervise all daily, operational and administrative duties owed by Defendants to the public, its faculty, staff and students of the Clara B. Worth Elementary School, to wit, by allowing or otherwise causing the Plaintiff, K.L., to be left alone, unattended and unsupervised on School Bus #48, as aforementioned.

17. Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION, negligently, carelessly and with reckless disregard for the safety and well-being of the Berkeley Township School District students, including Plaintiff, K.L., hired, trained, supervised, retained and otherwise failed to properly discipline Defendants, CATHERINE G. DEVINNEY and CAROL ANN CERBO.

18. As a result of aforementioned negligent, careless, reckless and palpably unreasonable conduct by Defendants, Plaintiffs were caused to be caused to sustain and did sustain serious and permanent physical, emotional and psychological injuries, pain and suffering, humiliation and emotional distress, including, but not limited to, mental pain and anguish, difficulty sleeping, nightmares, panic attacks, anxiety, family, social and academic destruction and other sequelae, and have been and will in the future continue to be, physical, emotionally and psychologically disabled in their daily lives, along with sustaining other economic and non-economic damages.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages, including consequential and incidental damages, pre-judgment and post-judgment interest, costs of suit, attorney's fees, pre- and post-judgment interest and such other relief as the Court deems equitable, necessary and just.

SECOND COUNT
(Civil Assault & Battery)

19. Plaintiffs hereby repeat, reallege and incorporate all of the allegations in the First Count as if set forth herein at length.

20. Surveillance video from School Bus # 48 reveals that, on the aforesaid date, upon arriving at the Clara B. Worth Elementary School after the Defendants discovered that they had left Plaintiff, K.L., alone on School Bus #48, Defendant, CAROL ANN CERBO, who

was responsible for the safety, care and well-being of Berkeley Township School District students, angrily, violently and in a physically-abusive manner, grabbed Plaintiff, K.L., by the arm and thrust her out of her seat in a retaliatory manner, as if it was somehow the minor Plaintiff's fault that she was left on the school bus alone, unsupervised and unattended for approximately one hour, while Defendants enjoyed their lunch break.

21. The angry, violent and physically-abusive manner in which Defendant, CAROL ANN CERBO grabbed Plaintiff, K.L., by the child's arm and thrust her out of the school bus seat, was a harmful, offensive contact and/or an application of force to the person of the minor plaintiff, which constituted intentional, violent and nonconsensual contact with Plaintiff, K.L.

22. The aforementioned intentional forceful contact and touching of the body of the minor plaintiff without legal justification by Defendant, CAROL ANN CERBO, constitutes an assault and battery.

23. As a result of aforementioned negligent, careless, reckless and palpably unreasonable conduct by Defendants, Plaintiffs were caused to be caused to sustain and did sustain serious and permanent physical, emotional and psychological injuries, pain and suffering, humiliation and emotional distress, including, but not limited to, mental pain and anguish, difficulty sleeping, nightmares, panic attacks, anxiety, family, social and academic destruction and other sequelae, and have been and will in the future continue to be, physically, emotionally and psychologically disabled in their daily lives, along with sustaining other economic and non-economic damages.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages, including consequential and incidental damages, pre-judgment and post-judgment interest, costs of suit, attorney's fees, pre- and post-judgment interest and such other relief as the Court deems equitable, necessary and just.

THIRD COUNT
(Vicarious Liability)

24. Plaintiffs hereby repeat, reallege and incorporate all of the allegations in the First and Second Counts as if set forth herein at length.

25. At all relevant times, Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION, were responsible for the hiring, training, supervision, discipline and retention of Defendants, CATHERINE G. DEVINNEY and CAROL ANN CERBO, as their lawful employer.

26. Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION, as the employers, principals and/or in their responsibility for the training, hiring and supervision of Defendants, CATHERINE G. DEVINNEY and CAROL ANN CERBO, are vicariously liable for any and all actions, claims, conduct and/or omissions set forth against Defendants, CATHERINE G. DEVINNEY and/or CAROL ANN CERBO, herein.

27. As a result of aforementioned negligent, careless, reckless and palpably unreasonable conduct by Defendants, Plaintiffs were caused to be caused to sustain and did sustain serious and permanent physical, emotional and psychological injuries, pain and suffering, humiliation and emotional distress, including, but not limited to, mental pain and anguish, difficulty sleeping, nightmares, panic attacks, anxiety, family, social and academic destruction and other sequelae, and

have been and will in the future continue to be, physical, emotionally and psychologically disabled in their daily lives, along with sustaining other economic and non-economic damages.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages, including consequential and incidental damages, pre-judgment and post-judgment interest, costs of suit, attorney's fees, pre- and post-judgment interest and such other relief as the Court deems equitable, necessary and just.

FOURTH COUNT
(Negligent Infliction of Emotional Distress)

28. Plaintiffs hereby repeat, reallege and incorporate all of the allegations in the First, Second and Third Counts as if set forth herein at length.

29. As a direct and proximate result of Defendants' willful, wanton and reckless conduct, as aforesaid, Plaintiff, K.L. was caused to sustain, suffer and endure substantial emotional distress, mental harm and mental anguish that no child of the same age could be reasonably allowed or expected to sustain, suffer or otherwise endure under these circumstances.

30. As a result of aforementioned negligent, careless, reckless and palpably unreasonable conduct by Defendants, Plaintiffs were caused to be caused to sustain and did sustain serious and permanent physical, emotional and psychological injuries, pain and suffering, humiliation and emotional distress, including, but not limited to, mental pain and anguish, difficulty sleeping, nightmares, panic attacks, anxiety, family, social and academic destruction and other sequelae, and have been, and will in the future continue to be, physical, emotionally and psychologically disabled in their daily lives, along with sustaining other economic and non-economic damages.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages, including consequential and incidental damages, pre-judgment and post-judgment interest, costs of suit, attorney's fees, pre- and post-judgment interest and such other relief as the Court deems equitable, necessary and just.

FIFTH COUNT
(Violation of the New Jersey Law Against Discrimination)

31. Plaintiffs hereby repeat, reallege and incorporate all of the allegations in the First, Second, Third and Fourth Counts as if set forth herein at length.

32. The New Jersey Law Against Discrimination, N.J.S.A.10:5-1 to 49 ("NJ LAD"), prohibits school districts from discriminating against students, parents or guardians based on race, creed, color, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, or disability and otherwise prohibit school district from permitting bias-based harassment, intimidation or bullying based upon any of aforementioned protected legally-protected characteristics.

33. The NJ LAD requires a school district to take appropriate action to prevent or otherwise stop bias-based harassment, intimidation or bullying, if such conduct is sufficiently severe or pervasive that a reasonable student of the same age, maturity level, and protected characteristic would find that the harassment, intimidation or bullying created an intimidating, hostile, or offensive school environment.

34. Plaintiffs, T.L. and D.L., are an inter-racial African-American couple.

35. Plaintiff, K.L. (a minor), is as African-American individual born to inter-racial parents.

36. At all relevant times, Plaintiff, K.L., was an African-American student and in a legally-protected racial minority group while attending the Berkeley Township School District which consisted of a primarily Caucasian student body population.

37. Prior to the date of the aforesaid incident, Plaintiffs, T.L. and D.L., individually and as the parents and legal guardians of Plaintiff, K.L., made complaints to Defendants about Defendants arriving late to pick up their child, K.L.

38. After Plaintiffs' complaints were made, Defendant, CAROL ANN CERBO, became verbally retaliatory with Plaintiffs, T.L. and D.L., and even refused to take Plaintiff, K.L.'s backpack on to the bus that K.L. was to be transported.

39. On March 28, 2019, Defendant, CAROL ANN CERBO, left Plaintiff, K.L., on School Bus #48 alone and unsupervised in an act of discrimination, retaliation and harassment against Plaintiffs, T.L. and D.L.

40. Defendants knew or should have known of Defendant, CAROL ANN CERBO's discriminatory, retaliatory and bias-based harassment but failed to take actions reasonably calculated to stop it.

41. The conduct, omissions and other actions or inactions of Defendants, as aforementioned, constitutes reprisal or retaliation because Plaintiffs, T.L. and D.L., made complaints about the disparate, discriminatory and bias-based treatment towards them and their child, Plaintiff, K.L., by the school bus aide, in violation of the NJ LAD.

42. Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION, failed to take remedial measures to prevent, stop or otherwise correct the discriminatory, retaliatory and bias-based harassment of Plaintiffs, T.L.

D.L. and their child, K.L., by their employees in a place of public accommodation in violation of the NJ LAD.

43. Furthermore, Defendants, BERKELEY TOWNSHIP SCHOOL DISTRICT and BERKELEY TOWNSHIP BOARD OF EDUCATION knew or should have known of the aforementioned complained of bias-based harassment, based upon Plaintiffs and their child's race, but failed to take any actions, corrective measures or any reasonably calculated steps to stop the aforementioned bias-based harassment by Defendants' bus driver and/or bus aide, despite complaints from Plaintiffs in that regard.

44. As a result of aforementioned the discriminatory, retaliatory and bias-based harassment and treatment by Defendants, Plaintiffs were caused to be caused to sustain and did sustain serious and permanent physical, emotional and psychological injuries, pain and suffering, humiliation and emotional distress, including, but not limited to, mental pain and anguish, difficulty sleeping, nightmares, panic attacks, anxiety, family, social and academic destruction and other sequelae, and have been and will in the future continue to be, physical, emotionally and psychologically disabled in their daily lives, along with sustaining other economic and non-economic damages.

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages, including consequential and incidental damages, pre-judgment and post-judgment interest, costs of suit, attorney's fees, pre- and post-judgment interest and such other relief as the Court deems equitable, necessary and just.

SIXTH COUNT
(Violations of the Open Public Records Act)

45. Plaintiffs hereby repeat, reallege and incorporate all of the allegations in the First, Second, Third, Fourth and Fifth Counts as if set forth herein at length.

46. On October 15, 2019, Plaintiff, through counsel, submitted a request to Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"), via email to Defendant's Business Administrator and Board Secretary, Laura Gingerelli.

47. Plaintiffs' completed OPRA form requested a copy of the audio and visual recordings of the Defendant's bus video from the school bus operated by Defendant, CATHERINE G. DEVINNEY, on March 28, 2019, along with copies of all investigation reports, copies of Defendant's employee handbooks, policies, training manuals as well as the personnel/employee files for Defendants, CATHERINE G. DEVINNEY and Defendant, CAROL ANN CERBO.

48. Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, did not provide any response to Plaintiff's written OPRA request.

49. Plaintiffs are citizens of the State of New Jersey entitled to make public records requests under OPRA.

50. Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, is a "commission, agency or authority of the State" and its staff and employees are "officers" of the State within the meaning of N.J.S.A.47:1A-1.1.

51. All documents requested are "government records" within the meaning of N.J.S.A. 47:1A-1.1.

52. Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, and its employees and custodian of records are statutorily obligated to respond and fulfill records requests “not later than seven business days” after the request. N.J.S.A. 47:1A-5(i).

53. Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, and/or its officers or employees, including Defendant’s Business Administrator and Board Secretary, Laura Gingerelli, failed to forward Plaintiffs’ OPRA Request to the records custodian in violation N.J.S.A. 47:1A-5(h).

54. The failure to respond to the aforementioned OPRA request by Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, or otherwise provide access to Plaintiff of any of the aforementioned requested records is a violation of OPRA.

55. The conduct of Defendant, BERKELEY TOWNSHIP BOARD OF EDUCATION, is a knowing and willful violation of OPRA which has resulted in an unreasonable denial of access to records entitled to under the law, in violation of N.J.S.A. 47:1A-11.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, for the following:

- A. For compensatory, consequential and incidental damages;
- B. To compel the immediate production of all records, documents and video and audio recordings requested under Plaintiffs’ OPRA Request submitted on or about October 15, 2019;
- C. For the issuance of statutory penalties under N.J.S.A. 47:1A-11;
- D. For attorney’s fees under N.J.S.A. 47:1A-6 and N.J.S.A. 10:6-2(f); and
- E. For such other relief as the Court deems equitable, necessary and just.

DESIGNATION OF TRIAL ATTORNEY

Please take notice pursuant to the Rules of Court, GARY AHLADIANAKIS, Esq. is herewith designated trial attorney for Plaintiff as to the within matter.

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues.

NOTIFICATION OF TIME-UNIT ARGUMENT

Defendants, and all parties to this action, are hereby notified that, in accordance with R. 1:7-1(b), Plaintiff, through counsel, will request that the jury or any trier of fact, with respect to any element of unliquidated damages sought against Defendants, apply a time-unit calculation for the basis of determining such damages in this matter, without reference to a specific sum.

CERTIFICATION PURSUANT TO RULE 4:5-1(b)(2)

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

CERTIFICATION PURSUANT TO RULE 4:5-1(b)(3)

Pursuant to Rule 1:38-7(c), I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

CARLUCCIO, LEONE, DIMON, DOYLE & SACKS, LLC
Attorneys for Plaintiffs

BY: 

GARY AHLADIANAKIS, ESQ.

Dated: March 15, 2021

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000704-21

Case Caption: L. K. VS BERKELEY TOWNSHIP SC HOOL
DIST

Case Initiation Date: 03/15/2021

Attorney Name: GARY AHLADIANAKIS

Firm Name: CARLUCCIO LEONE DIMON DOYLE &
SACKS, LLC

Address: 9 ROBBINS ST
TOMS RIVER NJ 08753

Phone: 7327971600

Name of Party: PLAINTIFF : L., K.

Name of Defendant's Primary Insurance Company
(if known): NEW JERSEY SCHOOLS INSURANCE GROUP

Case Type: ASSAULT AND BATTERY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: K. L.? NO

Are sexual abuse claims alleged by: T. L.? NO

Are sexual abuse claims alleged by: D. L.? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) STUDENT

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? YES Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

03/15/2021
Dated

/s/ GARY AHLADIANAKIS
Signed

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 504-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: MARCH 15, 2021
RE: L. K. VS BERKELEY TOWNSHIP SC HOOL DIST
DOCKET: OCN L -000704 21

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 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 CRAIG L. WELLERSON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 504-0700 EXT 64385.

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: GARY AHLADIANAKIS
CARLUCCIO LEONE DIMON DOYLE &
9 ROBBINS ST
TOMS RIVER NJ 08753

ECOURTS