

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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YUSEF AWADALLAH,
Plaintiff

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WEST NEW YORK, N.J.

V.

SUMMONS IN A CIVIL CASE

TOWN OF WEST NEW YORK, ET AL.,
Defendant

CASE
NUMBER: 2:16-CV-05421-WJM-MF

TO: (Name and address of Defendant):

Town of West New York
428-60th Street, West New York, New Jersey 07093
West New York Police Department
428-60th Street, West New York, New Jersey 07093

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ayman A. Aboushi, Esq.
The Aboushi Law Firm, PLLC
1441 Broadway, 5th Floor
New York, New York 10018

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Susan Miller
(By) DEPUTY CLERK



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Yousef Awadallah

Plaintiff,

v.

Town of West New York, West New York
Police Department, John and Jane Does 1-10.
Defendants.

CIVIL ACTION NO.: _____

JURY TRIAL DEMANDED

x

Introduction

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion, and to provide appropriate relief to Yousef Awadallah who has been adversely affected by such practices. As alleged with greater particularity in paragraphs below, Defendants has discriminated against Plaintiff and employees whose religion conflicts with the Defendants' Appearance Policy ("appearance policy"), in violation of Title VII and New Jersey's Law Against Discrimination. This discrimination includes the unlawful failure to provide negligible religious accommodations to Defendants' appearance policy. Indeed, this action seeks to declare as unlawful Defendants' appearance policy so that men of faith do not have to choose between protecting and serving their community or practicing their faith.

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, and 1343.
2. The employment practices alleged to be unlawful were within the jurisdiction of the United States District Court for the District of District of New Jersey. Defendants' principle place of business is within this district.

PARTIES

3. Plaintiff is a police officer who is employed by the West New York Police Department and the Town of West New York, NJ.
4. At all relevant times, Defendants are municipalities located in Hudson County, NJ, duly organized and existing pursuant to the laws of the State of New Jersey.
5. John and Jane Does 1-10 represent individuals whose identities are not yet known, but participated in, carried out, and or were responsible for the unlawful conduct alleged herein.

STATEMENT OF CLAIMS

6. Plaintiff filed a timely charge of discrimination with the EEOC.
7. On August 20, 3016, the Commission issued to right to sue letter to the Plaintiff.
8. All conditions precedent to the initiation of this lawsuit have been fulfilled.
9. Plaintiff observes the Muslim faith and, as part of his religious observance, wears a light beard.
10. Defendant maintains an Appearance Policy that is applicable to all employees.
11. The appearance policy prohibits male employees from wearing beards of any length no matter what the reason.
14. Since at least 2014, Defendants have engaged in unlawful employment practices in violation of Sections 701(j) and 703 of Title VII, 42 U.S.C. § 2000e(j) and e(2).

religion conflicts with Defendants' appearance policy where the requested accommodation would not pose an undue hardship upon Defendants.

16. Defendants have also failed to inform employees of its policy through which individuals may seek a religious accommodation to the appearance policy.

17. Defendants have unlawfully denied the existence and availability of religious accommodations to its appearance policy when such accommodations have been requested by employees.

18. Defendants have unreasonably delayed action on employee requests for religious accommodation, including delays of nearly a year, forcing employees to choose between violating their religious beliefs or violating Defendants' unlawful, arbitrary, and capricious appearance policy with the attendant risk of discipline or dismissal.

19. For example, Plaintiff was not permitted to work overtime while he displayed his slight beard, costing him thousands of dollars in compensation. This was due to an unlawful appearance policy of prohibiting employees from working overtime if they had any facial hair, except for a mustache, but could work their normal shifts with facial hair.

20. Plaintiff sought a religious accommodation but the Defendants denied there was any policy regarding accommodation.

21. Plaintiff was then told that his request was being considered, but that he would not be able to work any overtime hours while wearing his beard. This process dragged on for nearly a year while the Defendants were "considering" Plaintiff's request.

22. Defendants ultimately denied Plaintiff's request.

23. Particularly egregious is the fact that the Defendants refused to even consider any religious accommodation without first unlawfully requiring Plaintiff to submit "proof" that he

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was practicing his religion by wearing a beard as part of the Plaintiff's religious observance.

24. Defendants unlawfully created a religious test.

25. The unlawful employment practices complained of in the paragraphs above were and are intentional.

26. The unlawful employment practices complained of herein were done with malice or with reckless indifference to the federally protected rights of the Plaintiff whose religion conflicted with Defendants' unlawful appearance policy.

Count I. Violation of Civil Rights Act

27. Plaintiff repeats and re-alleges each and every paragraph as if fully set forth herein.

28. Defendants violated Plaintiff's rights under the Civil Rights Act by failing to provide him with a reasonable religious accommodation.

29. The requested accommodation would not have resulted in an undue hardship upon the Defendants.

30. Indeed, Defendants' policy regarding facial hair is arbitrary, unreasonable, not related to any legitimate workplace concern or responsibility, and wholly aimed at depriving Plaintiff his right to practice his religion in accordance with the law.

Count II. Violation of New Jersey Law Against Discrimination

31. Plaintiff repeats and re-alleges each and every paragraph as if fully set forth herein.

32. Defendants violated Plaintiff's rights under the New Jersey law Against Discrimination by failing to provide him with a religious accommodation as required under the NJLAD.

33. The requested accommodation would not have resulted in an undue hardship upon the Defendants.

related to any legitimate workplace concern or responsibility, and wholly aimed at depriving Plaintiff his right to practice his religion in accordance with the law.

35. Defendants sought to stymie Plaintiff's request for an accommodation and in doing so, costs him thousands of dollars in compensation.

36. Defendants unlawfully forced Plaintiff to choose between practicing his religion and providing for his family.

PRAYER FOR RELIEF

Wherefore, the Plaintiff respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in employment practices that discriminate on the basis of religion.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities regardless of religion, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants to make whole Mr. Awadallah, who has been discriminated against because his religion conflicts with Defendants' appearance policy by providing appropriate back-pay and overtime pay, with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices.

D. Order Defendants to make whole Plaintiff who have been discriminated against because their religion conflicts with Defendants' appearance policy by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described herein above in amounts to be determined at trial.

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future nonpecuniary losses resulting from the unlawful practices complained of herein, including but not limited to, emotional pain, suffering, humiliation, and inconvenience, in amounts to be determined at trial.

F. Order Defendants to pay Plaintiff punitive damages for its malicious and reckless conduct described herein, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Plaintiff his costs of this action and reasonable attorneys fees.

JURY TRIAL DEMAND

Plaintiff requests a jury trial on all triable issues raised in the complaint.

Dated: September 5, 2016

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