

SUMMONS

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Telephone Number 908-526-4050

Attorney(s) for Plaintiff Richard Stephens

Richard Stephens

Plaintiff(s)

vs.

Borough of Paramus et al.

Defendant(s)

Superior Court of New Jersey

Bergen County

Law Division

Docket No: BER-L-6976-24

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>.) 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>.

Michelle Smith/RJP
Clerk of the Superior Court

DATED: 12/03/2024

Name of Defendant to Be Served: Borough of Paramus

Address of Defendant to Be Served: 1 West Jockish Square, Paramus, NJ 07652

BOOROUGH OF PARAMUS
2024 DEC -4 P 3:18
BOROUGH CLERKS OFFICE

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Attorneys for: Plaintiff,
Richard Stephens

RICHARD STEPHENS,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION
	:	BERGEN COUNTY
v.	:	DOCKET NO.
	:	
BOROUGH OF PARAMUS, NEW	:	
JERSEY; PARAMUS POLICE	:	Civil Action
DEPARTMENT; URBAN EDGE	:	
PROPERTIES L.P., d/b/a the	:	COMPLAINT; JURY DEMAND;
'Bergen Town Center Mall';	:	DESIGNATION OF TRIAL COUNSEL;
MICHAEL MORDAGA; MATTHEW	:	AND <u>R.</u> 4:5-1 CERTIFICATION
OREFICE; NICHOLAS BUCCI; and	:	
JOHN DOES I-V,	:	
Defendants.	:	

Plaintiff, Richard Stephens, residing at 2 Reed Street, 2nd Floor, Jersey City, New Jersey 07304, by way of Complaint against the Defendants, Borough of Paramus, Paramus Police Department, Urban Edge Properties L.P., Michael Mordaga, Matthew Orefice, Nicholas Bucci, and John Does I-V, says:

NATURE OF ACTION

1. The Plaintiff is a street minister who preaches the Christian Gospel in public spaces throughout New

Jersey. This action is brought in response to the Defendants' interference with Plaintiff's free-speech right to conduct his street ministry and preach the Gospel near the Bergen Town Center mall in Paramus, New Jersey.

FACTS COMMON TO ALL COUNTS

I. Parties

2. Plaintiff, Richard "Yokas" Stephens, is an individual who resides at the aforementioned address in Jersey City.

3. Defendant, Borough of Paramus (the "Borough") is a municipal corporation of the State of New Jersey, with an address of 1 West Jockish Square, Paramus, New Jersey 07652.

4. Defendant, Paramus Police Department, is the Borough's police department located at 1 Carlough Drive, Paramus, New Jersey 07652, which is additionally sued herein in the event it is a legal entity separate from the Borough.

5. Defendant Urban Edge Properties L.P. ("UEP") is a Delaware limited partnership registered to transact business in New Jersey, with a main business address of 210 Route 4 East, Paramus, New Jersey 07652, which owns and operates the Bergen Town Center mall located at 1 Bergen Town Center, Paramus, New Jersey.

6. Defendant Michael Mordaga is a Borough police officer who directed or participated in the violation of the

Plaintiff's civil rights and other wrongful acts as described below, who is sued herein in his individual capacity.

7. Defendant Matthew Orefice is a Borough police officer who directed or participated in the violation of the Plaintiff's civil rights and other wrongful acts as described below, who is sued herein in his individual capacity.

8. Defendant Nicholas Bucci is a Borough police officer who directed or participated in the violation of the Plaintiff's civil rights and other wrongful acts as described below, who is sued herein in his individual capacity.

9. Defendants John Does I-V are the as-yet unidentified UEP managers, employees, agents or other persons acting at the direction of UEP, including without limitation mall security guards, who directed or participated in the violation of the Plaintiff's civil rights and other wrongful acts as described below.

II. Facts

A. Plaintiff's Street Ministry

10. The Plaintiff, who is a member of the Soldiers for Christ organization, as well as a co-founder of the Our Current Reality Street Ministry, is a street minister who regularly preaches the Christian Gospel to the public, in communities throughout New Jersey.

11. Because his street ministry often takes place in congested urban areas with loud ambient street noise, the Plaintiff regularly uses a microphone and sound-amplifying speaker when preaching. The Plaintiff also uses the speaker to play recorded audio that preaches the Gospel.

12. The Plaintiff regularly carries a sound meter with him, to ensure his preaching is not unreasonably loud in comparison with the surrounding street noise. In addition, if faced with complaints about the sound level, the Plaintiff will offer to turn down the volume of his speaker, to avoid conflict.

13. The Plaintiff also generally conducts his preaching during reasonable daytime hours, and in reasonable locations (e.g., commercial areas rather than residential), as he did in this instance.

B. Defendants' Interference with Plaintiff's Street Ministry

14. On September 11, 2024, Plaintiff was preaching on a publicly-accessible space at the intersection of Forest Avenue and Bergen Town Center Drive, near the entrance to the Bergen Town Center mall.

15. Given the surrounding traffic noise, Plaintiff was preaching with the aid of a microphone and speaker.

16. Plaintiff had the constitutional right to be engaged in this activity at that location, pursuant to the free-speech protections contained in Article 1, Paragraph 6 of the New Jersey Constitution.

17. Despite the Plaintiff's constitutional right to engage in this activity, two mall security guards soon arrived, and advised Plaintiff that he could not remain in that location, and that he had to immediately "pack up" and leave the area.

18. The only reason given by the mall security guards was that Plaintiff was preaching on the private property of the mall.

19. In fact, Plaintiff was exercising his constitutional rights on a concrete walkway that was open to the public for passage; indeed, within an area that the mall invited the public to pass through to access mall property.

20. Notably, the security guards acknowledged that there was no complaint about the use of Plaintiff's sound-amplifying equipment, and that the volume of his preaching was not the issue. Indeed, given Plaintiff's location on a busy street corner with vehicular traffic, such a complaint would have been absurd.

21. Rather, according to the guards, the mall simply wanted Plaintiff to leave 'its' property.

22. Plaintiff told the guards that he would like confirmation that the public street intersection where he was located was in fact the "private property" of the mall, which Plaintiff doubted was the case.

23. One of the guards then told Plaintiff that if he wanted to talk to mall management about the matter, she would arrange for that to happen.

24. However, while Plaintiff was waiting for the promised discussion with mall management, three Borough police officers arrived on the scene.

25. The officers, who appeared to be acting at the direction of mall management, advised Plaintiff that he had to leave the area, and that he would be arrested for defiant trespass if he returned.

26. As Plaintiff was being forced to pack up and leave, one of the officers then curtly advised him that mall management had - incredibly - decreed a 'lifetime ban' on Plaintiff ever returning to the area.

27. By demand letters sent on October 14, 2024 and October 21, 2024 to the Borough and Defendant UEP respectively, the undersigned counsel for Plaintiff explained that pursuant to applicable law Plaintiff had the

constitutional right to preach in the location he was forced to leave. The undersigned counsel requested that the Defendants acknowledge the Plaintiff's right to preach at the subject location; apologize for the violations of Plaintiff's rights; reverse the 'lifetime ban' on Plaintiff; and pay Plaintiff's counsel fees to date.

28. There was no response from the Borough or UEP, both of which simply ignored the letter. As a result, the Plaintiff now brings the within action to vindicate the important constitutional rights at stake.

FIRST COUNT
(INTERFERENCE WITH RIGHT TO FREE SPEECH, IN VIOLATION
OF NEW JERSEY CIVIL RIGHTS ACT - BOROUGH DEFENDANTS)

29. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

30. Defendants Borough of Paramus, the Paramus Police Department, and Police Officers Michael Mordaga, Matthew Orefice, and Nicholas Bucci (collectively, the "Borough Defendants"), through their above-described conduct, interfered with or attempted to interfere with the Plaintiff's exercise or enjoyment of his right to freedom of speech, as protected by Article 1, Paragraph 6 of the New Jersey Constitution, in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. (the "NJCRA").

31. Individual Defendants Mordaga, Orefice, and Bucci are all "persons" within the meaning of the NJCRA, who were acting under color of law.

32. The individual Defendants violated the Plaintiff's clearly established constitutional right to freedom of speech.

33. The Borough itself is liable on this Count where the interference or attempted interference with Plaintiff's constitutional rights was the result of the execution of a Borough policy or custom, and/or a deliberate decision made by officials with policy-making authority to halt or attempt to halt the Plaintiff's street ministry, and to take retaliatory action against the Plaintiff for the purpose of interfering with constitutionally protected speech.

34. As a proximate result of the Borough Defendants' violation of the NJCRA, the Plaintiff has been damaged.

35. In addition to compensatory damages, an award of punitive damages is warranted, where the Borough Defendants acted with malicious and wanton disregard for Plaintiff's constitutional rights.

36. Plaintiff is also entitled to an award of reasonable counsel fees and costs, pursuant to the fee-shifting provision of the NJCRA.

WHEREFORE, Plaintiff Richard Stephens demands judgment against Defendants, jointly and severally, for:

- (a) appropriate injunctive relief, including an Order restraining the Defendants from further interfering with Plaintiff's free-speech rights;
- (b) damages;
- (c) interest;
- (d) costs of suit;
- (e) attorneys' fees; and
- (f) such other and further relief as the Court may deem fair and equitable.

SECOND COUNT
(FREE-SPEECH RETALIATION, IN VIOLATION
OF NEW JERSEY CIVIL RIGHTS ACT - BOROUGH DEFENDANTS)

37. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

38. As described above, the Plaintiff was engaged in the constitutionally-protected conduct of preaching in public, or publicly-accessible, spaces within the Borough.

39. The Borough Defendants, in response, took retaliatory action sufficient to deter an ordinary person from engaging in such constitutionally-protected conduct.

40. The Borough Defendants' retaliatory acts included, without limitation, making intimidating demands that Plaintiff cease his free-speech activity and leave the area where he had been preaching, and (b) imposing (or

conspiring with Defendant UEP to impose) a 'lifetime ban' on Plaintiff from the area, without justification.

41. There was an obvious causal connection between the Plaintiff's constitutionally-protected speech, and the Defendants' retaliatory acts in response.

42. The Individual Defendants are all "persons" within the meaning of the NJCRA, who were acting under color of law.

43. The Borough itself is liable on this Count where the retaliation against Plaintiff was the result of the execution of a Borough policy or custom, and/or where its officials with policy-making authority made a deliberate decision to pursue the said course of unlawful retaliation against Plaintiff.

44. As a proximate result of the Borough Defendants' violation of the NJCRA, the Plaintiff has been damaged.

45. In addition to compensatory damages, an award of punitive damages is warranted, where the Borough Defendants acted with malicious and wanton disregard for Plaintiff's constitutional rights.

46. Plaintiff is also entitled to an award of reasonable counsel fees and costs, pursuant to the fee-shifting provision of the NJCRA.

WHEREFORE, Plaintiff Richard Stephens demand judgment against Defendants, jointly and severally, for:

- (a) appropriate injunctive relief, including an Order restraining the Defendants from further interfering with Plaintiff's free-speech rights;
- (b) damages;
- (c) interest;
- (d) costs of suit;
- (e) attorneys' fees; and
- (f) such other and further relief as the Court may deem fair and equitable.

THIRD COUNT
(VIOLATION OF NEW JERSEY CONSTITUTION'S FREE-SPEECH
GUARANTEE - MALL DEFENDANTS

47. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

48. By virtue of their above-described acts, Defendants Urban Edge Properties, L.P. and John Does I-V (collectively, the "Mall Defendants") violated the Plaintiff's right to freedom of speech and expression protected by Article I, Paragraph 6 of the New Jersey Constitution.

49. This action is therefore brought pursuant to controlling case law, including State v. Schmid, 84 N.J. 535 (1980), N.J. Coalition Against War in the Middle East v. J.M.B. Realty Corp., 138 N.J. 326 (1993), and subsequent

decisions recognizing the right to bring a cause of action against private property owners for violations of the New Jersey Constitution's free-speech guarantee.

50. As a proximate result of the Mall Defendants' violations of the Plaintiff's constitutional rights, the Plaintiff was damaged.

51. In addition to compensatory damages, an award of punitive damages is warranted where the Defendants acted with malicious and wanton disregard for Plaintiff's constitutional rights.

52. Plaintiff also seeks an award of reasonable counsel fees and costs for the vindication of his rights.

WHEREFORE, Plaintiff Richard Stephens demand judgment against Defendants, jointly and severally, for:

- (a) appropriate injunctive relief, including an Order restraining the Defendants from further interfering with Plaintiff's free-speech rights;
- (b) damages;
- (c) interest;
- (d) costs of suit;
- (e) attorneys' fees; and
- (f) such other and further relief as the Court may deem fair and equitable.

FOURTH COUNT
(VIOLATION OF COMMON-LAW RIGHT OF ACCESS - MALL DEFENDANTS)

53. Plaintiff repeats and realleges all of the preceding paragraphs as if set forth at length herein.

54. By virtue of their above-described acts, including their exclusion of Plaintiff and the imposing of a 'lifetime ban' on Plaintiff ever returning to the area, Defendants Urban Edge Properties L.P. and John Does I-V (collectively, the "Mall Defendants") violated the Plaintiff's common-law right of access to places of public accommodation.

55. As a proximate result of the Mall Defendants' violations of the Plaintiff's common-law right of access, the Plaintiff was damaged.

56. In addition to compensatory damages, an award of punitive damages is warranted where the Defendants acted with malicious and wanton disregard for Plaintiff's constitutional rights.

57. Plaintiff also seeks an award of reasonable counsel fees and costs for the vindication of his rights.

WHEREFORE, Plaintiff Richard Stephens demand judgment against Defendants, jointly and severally, for:

(a) appropriate injunctive relief, including an Order restraining the Defendants from further interfering with Plaintiff's free-speech rights;

- (b) damages;
- (c) interest;
- (d) costs of suit;
- (e) attorneys' fees; and
- (f) such other and further relief as the Court may deem fair and equitable.

DEMAND FOR TRIAL BY JURY

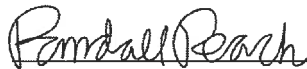
The Plaintiff hereby demands a trial by a jury of no less than six persons, on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Randall J. Peach, Esq., is hereby designated as the trial counsel in this matter.

R. 4:5-1 CERTIFICATION

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



RANDALL J. PEACH, ESQ.
Attorney for Plaintiff
NJ Bar ID No. 039541992

Dated: December 2, 2024