

Lomurro, Munson, Comer, Brown & Schottland, LLC
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Freehold, New Jersey 07728
Telephone: (732) 414-0300
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Attorneys for Plaintiff, Darci Santella

DARCI SANTELLA,

Plaintiff,

v.

HAZLET TOWNSHIP BOARD OF
EDUCATION, JOHN DOE
COMPANIES/ENTITIES 1-10, JOHN
DOE INDIVIDUALS 1-10.

Defendants.

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY - LAW DIVISION

Docket No.: MON-L-2550-19

CIVIL ACTION

SUMMONS

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

HAZLET TOWNSHIP BOARD OF EDUCATION
421 MIDDLE ROAD
HAZLET, NEW JERSEY 07730

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.judiciary.state.nj.us/prose/10153_deputy_clerk_lawref.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.Judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf](http://www.Judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf).

Dated: July 31, 2019

/s/ Michelle M. Smith

MICHELLE M. SMITH, Clerk

Name of defendant to be served: Hazlet Township Board of Education

Address of the Defendant
or Registered Agent to be served: 421 Middle Road
Hazlet, New Jersey 07730

*\$175.00 CHANCERY DIVISION CASES OR \$175.00 FOR LAW DIVISION CASES WITHOUT A COUNTERCLAIM OR THIRD PARTY CLAIM OR \$250.00 FOR LAW DIVISION CASES WITH A COUNTERCLAIM OR THIRD PARTY CLAIM

Revised 11/17/2014, CN 10792-English (Appendix X11-A)

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DARCI SANTELLA,

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Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

Docket No.:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

The Plaintiff, Darci Santella ("Plaintiff"), having an address of 11 Monmouth Road, Oceanport, New Jersey, 07757 by way of Complaint against Defendants HAZLET TOWNSHIP BOARD OF EDUCATION, JOHN DOE COMPANIES/ENTITIES 1-10 and JOHN DOE INDIVIDUALS 1-10 ("Defendants"), by and through its undersigned attorneys, says:

PARTIES

1. Plaintiff is an individual residing at 11 Monmouth Road, Oceanport, New Jersey, 07757.
2. Defendant Hazlet Township Board of Education is an entity with a principal place of business of 421 Middle Road, Hazlet, New Jersey, 07730.
3. John Doe Companies/Entities 1-10 and John Doe Individuals

1-10 are unknown and unidentified individuals who may have participated in the actions giving rise to this lawsuit.

JURISDICTION AND VENUE

4. Venue in Monmouth County is proper because it is the county out of which all of the events underlying this action took place.

5. The Court has jurisdiction over all parties as they are residents of the State of New Jersey.

STATEMENT OF THE CASE

6. Until her unlawful termination, Plaintiff was an openly homosexual teacher employed by Defendant Hazlet Township Board of Education.

7. Plaintiff had always earned above-average performance reviews and had never received any discipline during her employment with Defendant. While employed by Defendant, Plaintiff was associated with the Gay-Straight Alliance and had been working on establishing gender neutral bathrooms for the health and safety of transgender and non-binary students.

8. The Raritan High School Guidance Department has an official twitter account that is run by and is a part of the social media platform of Defendant Hazlet Township Board of Education.

9. On January 7, 2019, the Raritan High School Guidance

Counselor liked a twitter post that was obviously mocking, discouraging and discriminating against students who wish to or need to use a gender-neutral bathroom.

10. The liking of such an obviously discriminatory tweet by the Raritan High School Guidance Counselor twitter account amounted to Defendant condoning and encouraging discrimination and bullying of their non-binary and transgender students and faculty other students and faculty who want to or need to use gender-neutral bathrooms.

11. Plaintiff immediately and reasonably believed the Raritan High School Guidance Counselor's liking of said twitter post to be dangerous bullying and discrimination by Defendants of its students and faculty in violation of New Jersey law and public policy.

12. Plaintiff immediately and courageously objected to, disclosed and reported to a supervisor the actions of her employer that she reasonably believed were unlawful and in violation of public policy, said violations including, but not being limited to, the New Jersey Law Against Discrimination and the Anti-Bullying Bill of Rights.

13. Immediately thereafter, Defendants terminated Plaintiff in such a hurry in retaliation for her conscientious protected

conduct and due to her own sexual orientation and identity that they failed to even give Plaintiff her Rice Notice in violation of established law.

COUNT ONE

N.J.S.A. 34:19-1, et seq.

14. The foregoing paragraphs are incorporated herein by reference as if fully set forth herein.

15. As outlined above, Plaintiff was terminated because she disclosed, objected to and reported to a supervisor activity, practice and policy of her employer that she reasonably believed was illegal and in violation of public policy.

16. Plaintiff has been significantly damaged thereby.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- A. An injunction to restrain any current or future Violations of N.J.S.A. 34:19-1, et seq.;
- B. All remedies provided by N.J.S.A. 34:19-1, et seq.;
- C. Compensatory damages, including economic and non-economic damages;
- D. Punitive damages;
- E. The assessment of a civil penalty as allowed by law; and
- F. Any other additional relief this Court deems equitable and just.

COUNT TWON.J.S.A. 10:5-12, ET SEQ.

17. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

18. Plaintiff is an openly homosexual individual and has perceived and actual gender identities and expressions.

19. Defendants unlawfully discriminated against Plaintiff by terminating her employment due to her own sexual orientation and actual gender identities and expressions and because she supported similar rights of other faculty and students.

20. Plaintiff has been significantly damaged thereby.

WHEREFORE, Plaintiff hereby demands judgment against Defendants as follows:

- A. An injunction to restrain any current or future Violations of N.J.S.A. 10:5-12, et seq.;
- B. All remedies provided by N.J.S.A. 10:5-12, et seq.;
- C. Compensatory damages, including economic and non-economic damages;
- D. Punitive damages;
- E. The assessment of a civil penalty as allowed by law; and
- I. Any other additional relief this Court deems equitable and just.

COUNT THREEN.J.S.A. 10:4-7, ET SEQ.

21. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

22. Defendants were in such a hurry to unlawfully terminate Plaintiff that they failed to provide Plaintiff with her statutorily mandated notice under the Open Public Meetings Act.

23. Plaintiff's termination was therefore illegal.

24. Plaintiff has been significantly damaged thereby.

WHEREFORE, Plaintiff hereby demands judgment against Defendants as follows:

- A. An injunction to restrain any current or future Violations of N.J.S.A. 10:4-7, et seq.;
- B. All remedies provided by N.J.S.A. 10:4-7, et seq.;
- C. Compensatory damages, including economic and non-economic damages;
- D. Punitive damages;
- E. The assessment of a civil penalty as allowed by law; and
- I. Any other additional relief this Court deems equitable and just.

JURY DEMAND

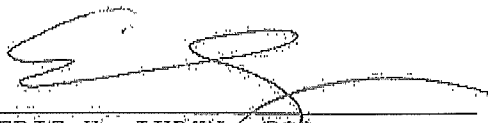
Plaintiff hereby demands a trial by jury as to all issues.

TRIAL COUNSEL DESIGNATION

Please take notice that pursuant to the provisions of Rule 4:25-4, ERIC H. LUBIN, ESQ. is hereby designated as trial counsel on behalf of the Plaintiff.

NOTICE OF OTHER ACTIONS

I hereby certify pursuant to Rule 4:5-1 that this matter is not the subject of any other civil action pending in any Court or of a pending arbitration proceeding, and that no such action or arbitration is contemplated. I further certify that I am unaware of any other person who should be joined in the listed litigation and whose identity I cannot currently ascertain.


ERIC H. LUBIN, ESQ.

Dated:

07/31/2019

12:23

Received:

Jul 31 2019 01:39pm

(FAX)

P.012/013

MON-L-002550-19 07/22/2019 9:34:36 AM Pg 1 of 2 Trans ID: LCV20191266646

Civil Case Information Statement

Case Details: MONMOUTH Civil Part Docket# L-002550-19

Case Caption: SANTELLA DARCI VS HAZLET TWP
BOARD OF EDUCATION

Case Initiation Date: 07/22/2019

Attorney Name: ERIC HARRIS LUBIN

Firm Name: LOMURRO MUNSON COMER BROWN &
SCHOTTLAND LLC

Address: 4 PARAGON WAY SUITE 100

FREEHOLD TWP NJ 07728

Phone:

Name of Party: PLAINTIFF : Santella, Darci

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE
PROTECTION ACT (CEPA)

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

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? NO

If yes, is that relationship:

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? 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)

07/22/2019
Dated

/s/ ERIC HARRIS LUBIN
Signed

07/31/2019 12:23

Received:

Jul 31 2019 01:39pm

(FAX)

P.013/013

MON L 002550-19 07/23/2019 4:58:36 AM Pg 1 of 1 Trans ID: LCV20191273567

MONMOUTH COUNTY
SUPERIOR COURT
PO BOX 1269
FREEHOLD

NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 358-8700
COURT HOURS 8:30 AM - 4:30 PM

DATE: JULY 22, 2019
RE: SANTELLA DARCI VS HAZLET TWP BOARD OF EDUCATION
DOCKET: MON L -002550 19

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 LINDA G. JONES

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (732) 358-8700.

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: ERIC H. LUBIN
LOMURRO MUNSON COMER BROWN &
4 PARAGON WAY
SUITE 100
FREEHOLD TWP NJ 07728

ECOURTS