

BURLINGTON COUNTY
SUPERIOR COURT
49 RANOCAS ROAD
MT HOLLY NJ 08060

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (609) 518-2815
COURT HOURS 8:30 AM - 4:30 PM

DATE: SEPTEMBER 14, 2015
RE: GURDEN VS PEMBERTON TOWNSHIP BOARD OF EDUCATION
DOCKET: BUR L -002139 15

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 JOHN E. HARRINGTON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (609) 518-2814.

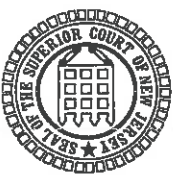

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: KEVIN M. COSTELLO
COSTELLO & MAINS
18000 HORIZON WAY
SUITE 800
MT LAUREL NJ 08054-4319

JUCRYAO

Appendix XII-B1

	<h2 style="margin: 0;">CIVIL CASE INFORMATION STATEMENT (CIS)</h2> <p style="margin: 5px 0 0 0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME Kevin M. Costello, Esquire		TELEPHONE NUMBER (856) 727-9700
	COUNTY OF VENUE Burlington		DOCKET NUMBER (when available) BUR-L-2139-15
	FIRM NAME (if applicable) Costello & Mains, P.C.		DOCUMENT TYPE Complaint
OFFICE ADDRESS 18000 Horizon Way, Suite 800 Mt. Laurel, New Jersey 08054		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) WILLIAM GURDEN, Plaintiff		CAPTION WILLIAM GURDEN v. PEMBERTON TOWNSHIP BOARD OF EDUCATION, et al.	
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?	
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 <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE:			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|---|---|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 278 ZOMETA/AREIDIA 279 GADOLINIUM 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 288 PRUDENTIAL TORT LITIGATION | <ul style="list-style-type: none"> 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 601 ASBESTOS 623 PROPECIA |
|---|---|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

DEPT. OF TREASURY
SUPERIOR COURT
BURLINGTON COUNTY
SEP 11 AM 9:35
RECEIVED
BY: 001

FILED

SEP 11 2015

Superior Ct of NJ-Burlington
Civil Division

COSTELLO & MAINS, P.C.
By: Kevin M. Costello, Esquire
Attorney I.D. No. 024411991
18000 Horizon Way, Suite 800
Mount Laurel, NJ 08054
(856) 727-9700
Attorneys for Plaintiff

WILLIAM GURDEN,

Plaintiff,

vs.

PEMBERTON TOWNSHIP BOARD OF
EDUCATION and JOHN DOES 1-5
AND 6-10,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: BURLINGTON COUNTY - LAW DIV.

: CIVIL ACTION

: DOCKET NO: BUR-L-2139-15

: COMPLAINT AND JURY DEMAND

Plaintiff, William Gurden, residing in Medford Lakes, New Jersey, by way of Complaint
against the defendant, says:

Preliminary Statement

This matter arises out of the course of plaintiff's employment with the defendant in
violation of the New Jersey Civil Rights Act.

Identification of Parties

1. Plaintiff William Gurden is, at all relevant times herein, a resident of the State of New Jersey and was an employee of the defendant at all relevant times herein.
2. Defendant Pemberton Township Board of Education is a public entity located in Burlington County, New Jersey and was plaintiff's employer at all relevant times herein.
3. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff for the acts set forth herein.

General Allegations

4. Plaintiff has been employed by the defendant since approximately September 2006 and continuing through the filing of this Complaint.
5. Plaintiff is employed as an English Teacher and previously taught Journalism as well as served as Advisor to the school newspaper, The Stinger.
6. Plaintiff served as Advisor to the school newspaper from approximately September 2008 through June 2014, during which time he also taught two Journalism courses.
7. Plaintiff received a yearly stipend of approximately \$4,600.00 for serving as the Advisor to the newspaper.
8. Under plaintiff's supervision, the newspaper performed extremely well.
9. For instance, at the October 2014 meeting of the Garden State Scholastic Press Association, out of approximately 200 school newspapers, The Stinger won first place awards for in-depth reporting, news writing and editorial cartoons, and second place awards for editorial writing and sports writing.

10. The year prior, The Stinger had won first place awards for news writing and feature writing and second place awards for sports writing and feature writing.

11. Since in or about 2010, defendant has exercised “prior review” over publication of the newspaper, in which the paper had to be approved by the principal and department head prior to publication.

12. In or about December 2013, Principal Ida Smith expressed concern over two articles and declined publication of the same.

13. The two pieces she objected to included an article about the departure of the school’s athletic director and an opinion piece about smoking in the bathrooms.

14. She subsequently changed her position with regards to the article on the athletic director and allowed the same to be published with deletion of the last two sentences.

15. Thereafter, two students, S.G. and K.S., contacted the Student Press Law Center (“SPLC”).

16. As a result, both the SPLC and Burlington County Times ran stories about censorship at defendant’s school.

17. In or about January 2014, plaintiff was called to a meeting with Principal Smith and Superintendent Michael Gorman.

18. During this meeting, plaintiff was questioned as to why he was leading the students in that fashion and told that he should direct them to stop.

19. Plaintiff refused to engage in an act of censorship and instruct the students to stop.

20. Plaintiff further explained that the students were proceeding as they had been taught and that the SPLC telephone number was in the textbooks and had been mentioned at a seminar the students had attended.

21. In or about February 2014, two students, K.S. and M.T., wrote an article concerning censorship.

22. The article did not specifically reference a censorship occurring at defendant's school but Principal Smith refused to allow the article to run, claiming it to be inappropriate.

23. Following this, both the SPLC and Burlington County Times ran stories on defendant censoring an article about censorship.

24. In or about April 2014, Principal Smith relented and allowed both the article concerning censorship as well as the December opinion piece concerning smoking to run.

25. With regards to the opinion piece, Principal Smith only allowed it to be run after she was interviewed and a quote from a security guard, in which it was claimed that smoking was worse than the prior year, was removed.

26. In or about May 2014, the students decided that they wanted to publish the newspaper online.

27. After Principal Smith had approved the newspaper for publication, it was then published to issuu.com, the fastest growing digital publishing platform in the world.

28. Plaintiff thereafter received a letter of insubordination for having published the newspaper online without approval.

29. That disciplinary letter was false and pretextual and was meant to punish and/or otherwise intimidate the plaintiff for his refusal to censor his students and/or because of his association with individuals exercising free speech.

30. The same day plaintiff received the disciplinary letter, Principal Smith also advised him that the school would not be offering Journalism classes for the upcoming year.

31. For the 2014-2015 academic year, not only did plaintiff have his Journalism courses removed, but for the first time in his employment at the school, he was removed from teaching Honors classes and instead assigned to basic skills courses.

32. A first year teacher, Ms. Schleifman, replaced plaintiff as the Journalism advisor.

33. Plaintiff thereby experienced an economic loss and was deprived of money in which he had a property interest.

34. Under Ms. Schleifman's supervision, the quality of the newspaper decreased significantly and no issue was even published until March 2015.

35. In or about January of 2015, plaintiff inquired of the Humanity Supervisor, Marie Germano, if Journalism courses would be put back on the schedule for the 2015-2016 academic year.

36. Ms. Germano falsely responded that the courses would not be put back on because plaintiff was not certified to teach Journalism.

37. This statement was false because the State of New Jersey does not offer certification in Journalism and instead all that is required is a secondary education certification.

38. Plaintiff personally confirmed this fact with the State Department of Education.

39. Defendant knew this to be false because plaintiff had taught Journalism for multiple years in the past without any certification issues.

40. Whenever a person, acting under color of law, subjects or causes to be subjected another person to the deprivation of any substantive due process or equal protection right, privilege or immunity secured by the Constitution or laws of the United States or of this State, a civil rights violation has occurred.

41. As well, and to the extent that any person, acting under color of law, interferes with or attempts to interfere with by threats, intimidation or coercion the exercise or enjoyment of any substantive due process or equal protection right, also commits a civil rights violation.

42. N.J.S.A. 10:6-2, et seq., the New Jersey Civil Rights Act, make strictly illegal the acts undertaken against plaintiff interest as described herein.

43. The actions taken against plaintiff were, at all times, taken with maliciousness, intentional desire to cause plaintiff harm, and were in all ways egregious, warranting the imposition of punitive damages.

44. Plaintiff did, in fact, suffer economic harm by way of law stipend and non-economic harm by way of injury to his reputation and emotional suffering.

COUNT I

Violation of New Jersey Civil Rights Act

45. Plaintiff hereby repeats and realleges paragraphs 1 through 44, as though fully set forth herein.

46. For the reasons set forth above, defendant has violated plaintiff's civil rights such that it is liable to him.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front pay, equitable reinstatement, and any other relief the Court deems equitable and just.

COUNT II

Request for Equitable Relief

47. Plaintiff hereby repeats and realleges paragraphs 1 through 46 as though fully set forth herein.

48. Plaintiff requests the following equitable remedies and relief in this matter.

49. Plaintiff requests a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein.

50. Plaintiff requests that this Court order the defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific plaintiff and as to all other individuals similarly situated.

51. To the extent that plaintiff was separated from employment and to the extent that the separation is contested herein, plaintiff requests equitable reinstatement, with equitable back pay and front pay.

52. Plaintiff requests, that in the event that equitable reinstatement and/or equitable back pay and equitable front pay is ordered to the plaintiff, that all lost wages, benefits, fringe benefits and other remuneration is also equitably restored to the plaintiff.

53. Plaintiff requests that the Court equitably order the defendants to pay costs and attorneys' fees along with statutory and required enhancements to said attorneys' fees.

54. Plaintiff requests that the Court order the defendants to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein.

55. Plaintiff requests that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, equitable back pay, equitable front pay, equitable reinstatement, and any other relief the Court deems equitable and just.

COSTELLO & MAINS, P.C.

By: 

Kevin M. Costello

Dated: 9/8/15

DEMAND TO PRESERVE EVIDENCE

RECEIVED
SUPERIOR COURT
BURLINGTON COUNTY
2011 SEP 11 AM 9:35
RECEIVED
BY: J001

1. All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so **will** result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

COSTELLO & MAINS, P.C.

By: _____

Kevin M. Costello

JURY DEMAND

Plaintiff hereby demands a trial by jury.

COSTELLO & MAINS, P.C.

By: _____

Kevin M. Costello

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BY: OOI
2015 SEP 11 AM 9:35
SUPERIOR COURT
MIDDLESEX COUNTY

RULE 4:5-1 CERTIFICATION

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.
2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

COSTELLO & MAINS, P.C.

By: _____
Kevin M. Costello

DESIGNATION OF TRIAL COUNSEL

Kevin M. Costello, Esquire, of the law firm of Costello & Mains, P.C., is hereby designated trial counsel.

COSTELLO & MAINS, P.C.

By: _____
Kevin M. Costello