

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(CAMDEN VICINAGE)

ANEQUA R. JOYCE, a minor, by her mother
and legal guardian,

and

GLENDON DURHAM, a minor, by his
mother and legal guardian,

and

DORETHA WATERS-RICE, in her own right
and on behalf of Anequa R. Joyce and
Glendon Durham,

Plaintiffs,

CIVIL ACTION NO. 04-5345 (RBK)

v.

CITY OF SEA ISLE CITY, and SEA ISLE
CITY BOARD OF EDUCATION, and SEA
ISLE CITY SCHOOL, and JOANN SMITH,
individually, and in her official capacity as
Chief School Administrator of Sea Isle City
School, and ANGELA DAVENPORT,
individually, and as agent, servant, and
employee of Sea Isle City School, and GAIL
RODGER, individually, and as agent, servant,
and employee of Sea Isle City School, and
ELIZABETH TEGLER, individually, and as
agent, servant, and employee of Sea Isle City
School, and CITY OF SEA ISLE CITY, NEW
JERSEY, POLICE DEPARTMENT, and
WILLIAM J. KENNEDY, individually, and in
his official capacity as the Chief of the Sea Isle
City, New Jersey, Police Department, and in
his official capacity as the President of the Sea
Isle City Board of Education, and JAMES
IANNONE, individually, and in his official
capacity as the Police Commissioner of the Sea
Isle City, New Jersey, Police Department, and
J. GANSERT, individually, and as agent,
servant, and employee of Sea Isle City, New
Jersey, Police Department, and DENNIS R.
FELSING, individually, and as agent, servant,
and employee of Sea Isle City, New Jersey,
Police Department, and JANE AND JOHN
DOES, 1-5, individually,

Defendants.

JURY TRIAL DEMANDED

AMENDED COMPLAINT - CIVIL ACTION

I. INTRODUCTION

1. Plaintiffs, Anequa R. Joyce, age 10 ("Anequa"), Glendon Waters, age 16 ("Glendon"), and Doretha Waters-Rice ("Doretha") commenced this litigation to recover, *inter alia*, compensatory damages, punitive damages, injunctive relief and attorneys' fees for violations by the Defendants of the Plaintiffs' rights under the Constitution and laws of the United States of America, as well as the laws of the State of New Jersey. The Plaintiffs have been subjected to a policy, custom, pattern and practice of deep-rooted community-wide racial discrimination and bias, which exists in the public school system, the police department and the community at large. This wrongful conduct included, but was not limited to, the following: (i) Anequa was denied the opportunity to participate in the school Christmas play in 2003 because she was black, and was ordered to sit on the floor by herself while her fellow classmates practiced for the play; (ii) on one or more occasions Defendant Rodger referred to Anequa as a "nigger" in the presence of Anequa's classmates, thereby causing students to ignore, avoid and ostracize Anequa; (iii) Defendant Smith referred to the Plaintiffs as "niggers" in the presence of Glendon; (iv) Defendant Davenport referred to Anequa as an "animal" in the presence of Anequa's classmates, thereby causing students to ignore, avoid and ostracize Anequa; (v) Anequa was denied the opportunity to ride the bus to school because she is black, while a white classmate of Anequa's who lived across the street was permitted to and did ride the bus to school; (vi) when Doretha complained to the school about the discriminatory treatment directed to Anequa, various school officials trumped up false criminal charges against Doretha, caused her house to be searched and ransacked in the presence of Doretha's son, Louis Waters, and caused Doretha to be wrongly arrested and charged with a crime that she did not commit (the trumped-up criminal charges were mysteriously dropped once the "message" was sent); (vii) as a part

of the conspiracy to wrongly arrest Doretha, the Sea Isle City Police Department, and specifically Detective Sergeant Dennis Felsing and Detective John Gansert, two of the department's highest ranking officers, facilitated the false arrest by lying under oath and misleading the court to obtain an arrest warrant that they knew to be unlawful; (viii) Anequa and Glendon were ostracized by the school and their classmates (both being called "nigger" on numerous occasions), and caused to suffer significant and possibly permanent, embarrassment, physical and emotional distress; (ix) Glendon was physically assaulted on numerous occasions by other students in the presence of school officials, who implicitly encouraged the attacks and racial discrimination by intentionally turning away and pretending not to know what is truly going on; (x) on or about July 27, 2004, when Anequa suffered from physical manifestations caused by the racial discrimination, the police arrived at Doretha's home and refused to carry Anequa to the waiting ambulance because she was black; (xi) local establishments refused to serve Doretha and her family; (xii) Doretha received threatening telephone calls spewing racial epithets and had her tires slashed; and (xiii) the police conspicuously appeared and remained in front of Doretha's home from time to time in an effort to intimidate Doretha and her family and to cause Doretha and her family to move out of Sea Isle City, where blacks were apparently not welcome; and, (xiv) the Plaintiffs were retaliated against for having initiated this litigation and intimidated by both school employees, specifically principal Joann Smith and teacher Elizabeth Tegler, and police officers, specifically Detective Sergeant Dennis R. Felsing and Detective John Gansert. When Smith and Tegler wrongfully accused Doretha of making a threatening phone call to a teacher at the school – an allegation they knew was untrue – various police officers, including Felsing and Gansert, conducted an intentionally "dead-end" investigation in which they learned of the school employees' framing of Doretha and covered it up to prevent the

school employees from being prosecuted and to protect all of the Defendants' interests in defeating the Plaintiffs' claims and sabotaging the administration of justice.

II. PARTIES

The Plaintiffs

2. Plaintiff, Anequa R. Joyce ("Anequa"), is a black female, age 10, who resided with her mother and legal guardian Doretha Waters-Rice at 122 - 43rd Street, Sea Isle City, New Jersey 08243 until on or about May 31, 2005, at which time the family left Sea Isle City and moved to 330 N. Orchard Road, Vineland, New Jersey 08360, because they were no longer able to tolerate the discrimination, harassment and other wrongful conduct being inflicted upon them.

3. Plaintiff, Glendon Durham ("Glendon"), is a black male, age 16, who resided with his mother and legal guardian Doretha Waters-Rice at 122 - 43rd Street, Sea Isle City, New Jersey 08243 until on or about May 31, 2005, at which time the family left Sea Isle City and moved to 330 N. Orchard Road, Vineland, New Jersey 08360, because they were no longer able to tolerate the discrimination, harassment and other wrongful conduct being inflicted upon them.

4. Plaintiff Doretha Waters-Rice ("Doretha"), is a black female who resided with her husband, Walter Rice and her children at 122 - 43rd Street, Sea Isle City, New Jersey 08243 until on or about May 31, 2005, at which time the family left Sea Isle City and moved to 330 N. Orchard Road, Vineland, New Jersey 08360, because they were no longer able to tolerate the discrimination, harassment and other wrongful conduct being inflicted upon them.

The Defendants

5. Defendant, City of Sea Isle City ("Sea Isle City"), is a city in the State of New Jersey

with an address of 4416 Landis Avenue, Sea Isle City, New Jersey 08243.

6. Defendant, Sea Isle City Board of Education ("Board of Education"), is an association with an address of 4501 Park Road, Sea Isle City, New Jersey 08423. At all times material hereto, Defendant Board of Education oversaw the Sea Isle City School and was responsible for establishing and enforcing the policies, practices and regulations for the School.

7. Defendant, Sea Isle City School (the "School"), is the only school located in the City of Sea Isle City and encompasses grades pre-kindergarten through eight. The School is located at 4501 Park Road, Sea Isle City, New Jersey 08243.

8. Defendant, Joann Smith ("Smith"), a white female, is the Chief School Administrator at the School, with an office at 4501 Park Road, Sea Isle City, New Jersey, 08243. At all times material hereto, Defendant Smith was responsible for establishing and enforcing the policies, practices and regulations for the School.

9. Defendant Angela Davenport ("Davenport"), a white female, was at various times material hereto the Curriculum Coordinator at the School, with an office at 4501 Park Road, Sea Isle City, New Jersey 08243.

10. Defendant, Gail Rodger ("Rodger"), a white female, is the music teacher at the School, with an office at 4501 Park Road, Sea Isle City, New Jersey 08243.

11. Defendant, City of Sea Isle City, New Jersey, Police Department (the "Police Department"), is located at 233 J.F.K. Boulevard, Sea Isle City, New Jersey 08243-0700.

12. Defendant, William J. Kennedy ("Kennedy"), a white male, is the Chief of the Police Department, as well as the President of the Board of Education, with an office address of 233 J.F.K. Boulevard, Sea Isle City, New Jersey 08243-0700. At all times material hereto, Defendant Kennedy

was responsible for establishing and enforcing the policies, practices, and regulations for the Police Department and the School.

13. Defendant, James Iannone ("Iannone"), a white male, is the Police Commissioner of the Police Department, with an office address of 233 J.F.K. Boulevard, Sea Isle City, New Jersey 08243-0700. At all times material hereto, Defendant Iannone was responsible for establishing and enforcing the policies, practices and regulations for the Police Department.

14. Defendant J. Gansert ("Gansert"), a white male, is a detective with the Police Department, with a place of business at 233 J.F.K. Boulevard, Sea Isle City, New Jersey 08243-0700.

15. Defendant Elizabeth Tegler ("Tegler"), a white female, is the music teacher at the School and resides at 6422 Central Avenue, Sea Isle City, New Jersey 08243.

16. Defendant Dennis R. Felsing ("Felsing"), a white male, is a detective sergeant and one of the highest ranking officers in the Police Department, with a place of business at 233 J.F.K. Boulevard, Sea Isle City, New Jersey 08243-0700.

17. At all times material hereto, the individual Defendants acted individually and within their official capacities, under color of state law, and within the scope of their employment as school officials, police department employees or other government officials.

III. JURISDICTION AND VENUE

18. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343 and 1367.

19. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b), because the

Defendants reside, and the unlawful conduct complained of herein occurred, in this District.

IV. FACTUAL ALLEGATIONS

20. In the summer of 2003, Doretha married Walter Rice ("Rice"), who is white, and moved with her family, including Anequa and Glendon, into Rice's home at 122- 43rd Street, Sea Isle City, New Jersey 08243.

21. Anequa and Glendon enrolled in the School for the start of the 2003-2004 school year, began attending the School in the fall of 2003, and continued to attend the School as of the filing of the initial Complaint.

22. The School holds an annual Christmas play, in which the students participate.

23. On or about Friday, November 21, 2003, Defendant Rodger informed Anequa – who was in second grade at the time – that Anequa would not be permitted to participate in the school play because she was "different," a code-word for black. Defendant Rodger excluded Anequa from the Christmas play because she was black and Defendant Rodger and some or all of the other Defendants discriminated against Anequa on the basis of her race.

24. As the other students were participating in the Christmas play-related activities, Defendant Rodger instructed Anequa to sit by herself on the floor and to draw pictures.

25. On Friday, November 21, 2003, Anequa returned home in tears and explained to her family that Defendant Rodger excluded her, and only her, from the Christmas play. Anequa was so traumatized by the racial discrimination that, shortly after it first occurred she was observed by her family pouring white powder over her face in an effort to look white, and to be accepted by her classmates, teachers and the School.

26. On or about Monday, November 24, 2003, Doretha, Walter Rice, and family friend Sarah Schaeffer ("Schaeffer") went to the School to question school officials concerning Anequa having been excluded from participating in the Christmas play.

27. When they arrived at the School, they were met by a man believed to be Mr. Fiedler and the assistant principal of the School. After Doretha explained why she was there, Fiedler ushered Doretha, Rice and Schaeffer into a conference room and they were joined shortly thereafter by Defendants Rodger and Smith.

28. Upon being confronted by Doretha about Anequa's exclusion from the Christmas play, Defendant Rodger looked to Defendant Smith for a sign, provided no explanation and left the room.

29. During the meeting, Defendant Smith talked to Doretha, Rice and Schaeffer in a condescending and arrogant manner, bluntly stating to Doretha that Defendant Smith had black friends, who she referred to as "your kind of people" and that Smith's husband taught "blackies" and "darkies" in another school.

30. Following the meeting at the School, the Police, and specifically, Defendants Felsing and Gansert, lied under oath and provided false information to the court – falsely stating that Plaintiff Doretha had threatened to return to the school and cause bodily harm to the school staff – in order to obtain an arrest warrant for Plaintiff Doretha.

31. Later that same day, numerous Sea Isle City police officers (approximately 10 - 12) – led by Defendants Felsing and Gansert – appeared at the Plaintiffs' residence, surrounded it and barged in with a warrant for the arrest of Doretha. The arrest warrant charged Doretha with terroristic threats, specifically alleging that, while meeting with school officials earlier that day,

Doretha threatened to kill Defendants Smith and Rodgers with a butcher's knife.

32. When Defendants Felsing, Gansert and the army of other police officers arrived at the Plaintiffs' home, it was made clear to Defendants Felsing and Gansert by Doretha's son, Louis Waters, that Doretha was not home. Defendants Felsing and Gansert and the other police officers barged into the home, conducted a destructive search of the home and attempted to intimidate Louis and Walter Rice, who were present at the time.

33. As all Defendants who participated in the process were well aware at the time, the criminal charges against Doretha were trumped-up, known to be false and filed solely to intimidate Doretha and her family into keeping quiet about the racial discrimination being perpetrated upon Anequa and Glendon.

34. When Doretha returned home that same day and found out that the police had been there with a warrant for her arrest, she surrendered to the police.

35. On or about Tuesday, November 25, 2003, Defendants Felsing and Gansert returned to Plaintiffs' house, again with an army of 10-12 officers and entered the home, at which time Doretha was told by an unidentified officer that the allegations made against her were true because "your type of people do shit like that," and that unidentified officer referred to Doretha as a "nigger."

36. While Defendants Felsing and Gansert were in the Plaintiffs' home on Tuesday November 25, 2003, Doretha's son, Daniel Young, tape recorded the unidentified officer's racially prejudiced remarks concerning Doretha.

37. At some point during the incident, the unidentified officer became aware that he was being tape recorded, confiscated the tape and destroyed it.

38. Prior to discovery, Plaintiffs believed the unknown officer to be Defendant Gansert,

however, through discovery, Plaintiffs have learned that while Defendant Gansert was at the home on both November 24 and 25, 2003, he was not the officer who made the racially motivated remarks alleged above and who confiscated and destroyed the tape.

39. Less than a month later, the trumped-up criminal charges filed against Doretha were mysteriously dropped without any reason being provided.

40. On various occasions, Defendant Rodger has called Anequa a "nigger" in the presence of other students.

41. In or about December, 2003, Defendant Smith referred to the Plaintiffs' family as "niggers" in the presence of Glendon.

42. Glendon was physically assaulted on numerous occasions by other students in the presence of school officials, who implicitly encouraged the attacks and racial discrimination by intentionally turning away and pretending not to know what is truly going on.

43. In or around January, 2004, Plaintiff Doretha was visited by a Division of Family Services Worker who stated that he was concerned about her welfare due to statements made to him by school officials that Doretha might kill herself because the school officials had "pushed her too hard."

44. In or about September or October, 2004, Defendant Davenport entered a room at the School where Anequa was present along with several other students and, while looking directly at Anequa, stated, "it smells like an animal in here."

45. Anequa was not permitted to ride the bus to school, despite the fact that the bus stopped directly in front of her house and the fact that other students in Anequa's grade at school regularly rode the same bus to the School and, in fact, got on the bus when it stopped directly in front

of Anequa's house.

46. As a result of the various racially motivated unlawful acts committed by the Defendants, both Anequa and Glendon were forced to go to school and to attempt to learn and grow, on a daily basis, in an environment that was intimidating, hostile and hateful. This has resulted in serious physical and emotional damage to both Anequa and Glendon, some or all of which may be permanent in character.

47. At all times material hereto, Defendant Sea Isle City and Defendant Board of Education, through Defendants Kennedy, Smith and Rodger, knew or should have known of the pervasive racial discrimination at the School, to which Plaintiffs Anequa and Glendon have been and continue to be subjected on a regular basis.

48. Despite Defendant Sea Isle City's and Defendant Board of Education's actual and/or constructive knowledge of the unlawful conduct herein, Defendant Sea Isle City and Defendant Board of Education failed and/or refused to take corrective action to end the hostile, intimidating and racially discriminatory environment at the School and, through their inaction, condoned the unlawful conduct.

49. From time to time, the police conspicuously appeared and remained in front of Doretha's home in an effort to intimidate Doretha and her family and to cause Doretha and her family to move out of Sea Isle City, where blacks are apparently not welcome.

50. Upon information and belief, the Plaintiffs aver that another black family was recently discriminated against in a similar fashion by the School and the community and that such discrimination was successful in achieving its unlawful purpose – to force the other black family to leave the School and to move out of Sea Isle City.

51. On or around November 22, 2004, Plaintiff Glendon was removed from class by Defendant Davenport, and forced to sit in Davenport's office while continuously being harassed and interrogated by her concerning this lawsuit and an article that appeared in the Atlantic City Press concerning this lawsuit. Additionally, Glendon was told by Davenport that he would be forced to leave his regular classes and to sit with Davenport on a daily basis until his mother, Plaintiff Doretha, agreed to come to the school to discuss the lawsuit with Davenport. As a result of this incident, Glendon was subject to substantial emotional distress.

52. In or around late November of 2004, Defendant Davenport chose Plaintiff Anequa as her partner for a game in Anequa's Spanish class. Anequa was the only student who had a faculty member as partner. During the game, Davenport acted in a bizarre and overly affectionate manner towards Anequa. Additionally, Davenport during the same time frame, often rolled her eyes at Anequa and threw her hands up at her in the presence of other students and faculty. As a result of Davenport's conduct, Anequa was subject to substantial humiliation in front of other students and faculty and to emotional distress.

53. On March 22, 2005, Defendants Smith and Elizabeth Tegler, one of Plaintiff Glendon's teachers at the School, conspired to falsely accuse, and in fact falsely accused Doretha of, threatening Tegler.

54. In that regard, Smith and Tegler falsely claimed that Doretha called Tegler's cell phone and threatened Tegler and her family, knowing full well that no such call and no such threats were made.

55. Smith and Tegler concocted a series of events that they knew to be false and filed false reports with the Sea Isle City Police Department and the attorney representing the School in

this case.

56. A subsequent investigation by Defendants, Felsing, Gansert and the Police Department revealed that Smith's and Tegler's story was fabricated. In fact, Defendants Felsing, Gansert and the Police Department had examined the phone and determined that no call was placed to Tegler's phone by Doretha on the day in question.

57. Shortly thereafter, on April 5, 2005, Tegler destroyed her cell phone – in an attempt to destroy the evidence that the alleged call from Doretha had never been placed – and filed a false police report to the effect that the cell phone was stolen.

58. Defendants Felsing, Gansert and the Police Department joined the conspiracy, buried the truth, took no action against and protected Smith, Tegler and the School – at all times knowing that Doretha had been retaliated against and charged with another crime that she did not commit.

59. At all times material hereto, Defendant Sea Isle City and Defendant Police Department, through Defendants Kennedy, Iannone and Gansert knew or should have known of the pervasive racial discrimination at the Police Department to which Doretha and her family were subjected.

60. Despite Defendant Sea Isle City's and Defendant Police Department's actual and/or constructive knowledge of the unlawful conduct herein, Defendant Sea Isle City and Defendant Police Department failed and/or refused to take corrective action to end the hostile, intimidating and racially discriminatory practices of the Police Department and, through their inaction, condoned the unlawful conduct.

61. As a result of the unlawful conduct of the Defendants, the Plaintiffs have suffered, and continue to suffer, severe physical, mental and emotional injuries, distress, pain and suffering,

some of which may be permanent in nature.

62. The Defendants acted in concert and agreement with each other, with the purpose and intent of discriminating against the Plaintiffs on the basis of race, and in an effort to intimidate Doretha and her family and to cause Doretha and her family to move out of Sea Isle City, where blacks are apparently not welcome.

63. The conduct of the Defendants, as aforesaid, was intentional, wanton, wilful and outrageous, thereby subjecting the Defendants to liability for punitive damages.

FIRST CLAIM FOR RELIEF
42 U.S.C. § 1983

64. The allegations and averments contained in paragraphs 1 through 63 above are incorporated by reference herein, as if fully set forth.

65. The conduct of the Defendants, as aforesaid, constitute a pattern, practice, policy and custom of racial discrimination against Plaintiffs in violation of 42 U.S.C. § 1983.

66. The unlawful conduct of the Defendants, as aforesaid, was engaged in and perpetrated under color of state law.

67. The Defendants, acting under color of state law, subjected the Plaintiffs to, and caused the Plaintiffs to be subjected to, deprivations of their rights, privileges and immunities under the Constitution and laws of the United States, thereby subjecting Defendants to liability under 42 U.S.C. § 1983.

68. As a result of the Defendants' wrongdoing, the Plaintiffs have suffered the harm previously set forth.

SECOND CLAIM FOR RELIEF
42 U.S.C. § 1985

69. The allegations and averments contained in paragraphs 1 through 68 above are incorporated by reference herein, as if fully set forth.

70. The conduct of the Defendants, as aforesaid, constitutes an unlawful conspiracy against Plaintiffs in violation of 42 U.S.C. § 1985.

71. The Defendants conspired to deprive the Plaintiffs of the equal protection of the laws and of the equal privileges and immunities under the Constitution and laws of the United States, thereby subjecting Defendants to liability under 42 U.S.C. § 1985.

72. As a result of the Defendants' wrongdoing, the Plaintiffs have suffered the harm previously set forth.

THIRD CLAIM FOR RELIEF
NEW JERSEY LAW AGAINST DISCRIMINATION

73. The allegations and averments contained in paragraphs 1 through 72 above are incorporated by reference herein, as if fully set forth.

74. The conduct of the Defendants, as aforesaid, constituted unlawful discrimination, and violated the civil rights of the Plaintiffs, in violation of the New Jersey Law Against Discrimination. N.J.S.A. 10:5-1 et seq.

75. As a result of Defendants' violations of the New Jersey Law Against Discrimination, the Plaintiffs have suffered the harm previously set forth.

FOURTH CLAIM FOR RELIEF
NEW JERSEY CONSTITUTION

76. The allegations and averments contained in paragraphs 1 through 75 above are incorporated by reference herein, as if fully set forth.

77. The conduct of the Defendants, as aforesaid, constituted unlawful discrimination, and violated the civil rights of the Plaintiffs, in violation of the New Jersey Constitution, including Article I, Paragraphs 1, 5 and 6.

78. As a result of Defendants' violations of the New Jersey Constitution, the Plaintiffs have suffered the harm previously set forth.

FIFTH CLAIM FOR RELIEF
CLAIM FOR MALICIOUS PROSECUTION

79. The allegations and averments contained in paragraphs 1 through 78 above are incorporated by reference herein, as if fully set forth.

80. The Defendants instituted a criminal action against the Plaintiff.

81. The criminal action instituted by the Defendants against the Plaintiff was actuated by malice.

82. There was no probable cause for the Defendants to institute the criminal action against the Plaintiff.

83. The criminal action that the Defendants instituted against the Plaintiff was terminated favorably to Doretha.

84. The Defendants' conduct constituted a malicious prosecution, and the Defendants are liable for those damages which flowed from their conduct.

85. As a result of the Defendants' conduct, the Plaintiffs suffered damages.

SIXTH CLAIM FOR RELIEF

**All Plaintiffs v. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport,
William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and
Sea Isle City School**

42 U.S.C. § 1983 & 42 U.S.C. § 1985: RETALIATION

86. The allegations and averments contained in paragraphs 1 through 85 above are incorporated by reference herein, as if fully set forth.

87. The Plaintiffs engaged in constitutionally protected activity when they originally filed this lawsuit.

88. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport, William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and Sea Isle City School engaged in adverse action against the Plaintiffs in retaliation for the Plaintiffs' filing of this lawsuit.

89. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport, William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and Sea Isle City School conspired for the purpose of impeding, hindering, obstructing and defeating the due course of justice in this litigation with intent to deny the Plaintiffs the equal protection of the laws.

90. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport, William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and Sea Isle City School conspired to injure the Plaintiffs for attempting to lawfully enforce their rights to the equal protection of the laws.

91. The Plaintiffs have suffered damages as a result which would likely chill a person of ordinary firmness from continuing to engage in the constitutionally protected activity being retaliated

against.

SEVENTH CLAIM FOR RELIEF

**All Plaintiffs v. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport,
William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and
Sea Isle City School**

NEW JERSEY LAW AGAINST DISCRIMINATION: RETALIATION

92. The allegations and averments contained in paragraphs 1 through 91 are incorporated by reference herein, as if fully set forth.

93. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport, William Kennedy, Dennis Felsing, John Gansert, Sea Isle City Police Department and Sea Isle City School took reprisals against the Plaintiffs in retaliation for the Plaintiffs' original filing of this Complaint.

94. Defendants Joann Smith, Elizabeth Tegler, Angela Davenport, William Kennedy, Dennis R. Felsing, John Gansert, Sea Isle City Police Department and Sea Isle City School have coerced, intimidated, threatened and interfered with the Plaintiffs in their exercise or enjoyment of their rights granted and protected by the New Jersey Law Against Discrimination, specifically, their right to originally file this Complaint and pursue subsequent justice.

95. As a result of the Defendants' conduct, the Plaintiffs suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand that judgment be entered in their favor and against the Defendants, jointly and severally, and that Plaintiffs be awarded the following relief:

(i) Compensatory damages for each Plaintiff in an amount in excess of \$150,000.00;

- (ii) Punitive damages for each Plaintiff in an amount to be set by the jury;
- (iii) An order permanently enjoining the Defendants and their officers, agents, servants, employees and successors from continuing to engage in the aforesaid unlawful conduct, and mandating that the Defendants and their officers, agents, servants, employees and successors implement, publicize and enforce policies and practices to ensure that such unlawful conduct is eradicated and no longer tolerated;
- (iv) Reasonable attorneys' fees, costs and related litigation expenses pursuant to 42 U.S.C. § 1988(b) and N.J.S.A. 10:5-27.1; and
- (v) Such other and further relief as the Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues and claims.

KAUFMAN, COREN & RESS, P.C.

**Steven M. Coren, Esquire
Brett F. Perloff, Esquire
ID#s: 32140; 89138
1717 Arch Street, Suite 3710
Philadelphia, PA 19103
(215)735-8700
Attorneys for Plaintiffs**

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