

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY**

LAWRENCE J. CONNELL,	:	
	:	C.A. No. 11C-
Plaintiff,	:	
	:	
v.	:	Jury Trial Demanded
	:	
LINDA L. AMMONS,	:	
	:	
Defendant.	:	

**COMPLAINT
(Defamation)**

1. This is a civil action for compensatory and punitive damages for common law defamation. Defendant Ammons in bad faith and out of ill will, intentionally, recklessly, willfully and wantonly created almost two dozen false and pretextual statements and widely published these defamatory falsehoods without privilege in an attempt to destroy plaintiff's professional reputation and violate his academic freedom in the classroom as a respected criminal law professor.

THE PARTIES

2. Plaintiff Lawrence J. Connell is a member of the Delaware Bar, a citizen and resident of Delaware and a 26 year tenured faculty member at the Delaware campus of the Widener University School of Law (the "Law School").

3. Defendant Linda L. Ammons is a citizen and resident of Delaware and at all times relevant hereto was the Dean of the Law School.

FACTS

4. Plaintiff was admitted to the Delaware Bar in 1979. He is currently and always has been an attorney member in good standing of the Bar of the Supreme Court of the State of Delaware.

5. Upon graduation from law school, plaintiff clerked for the Supreme Court of Delaware in Georgetown from 1978 to 1979. He practiced law in Sussex County with the Law Office of James C. Sabo until 1984, when he joined the faculty of the Law School as an instructor.

6. In 1986 plaintiff was appointed to a tenure track position as an assistant professor at the Law School and secured tenured status in or about 1992. With tenured status his employment was permanent absent just cause to terminate him.

7. Plaintiff's career consisted of supervising students enrolled in various Law School clinical programs, including the Delaware Postconviction Relief Clinic, the Delaware Civil Clinic, and the Clinical Externship Program. Plaintiff also has taught courses in criminal law, criminal procedure, evidence, interviewing, counseling and negotiation.

8. While supervising the Postconviction Relief Clinic, plaintiff volunteered to represent James Riley, an African-American male sentenced to death after being convicted of murder by an all-white jury from which the prosecutor wrongfully had excluded all African-Americans. After more than a decade of plaintiff's volunteer legal efforts on his behalf, Mr. Riley eventually was awarded a new trial on the ground of racial discrimination in his jury selection.

9. Defendant Ammons knew of plaintiff's efforts to achieve racial justice for his client James Riley.

10. The Law School has a reputation as a liberal law school. There are only two known

conservative faculty members out of over 60 faculty members, one being plaintiff.

11. Defendant Ammons is of the liberal political and legal persuasion.

12. Plaintiff is of the conservative political and legal persuasion.

13. Plaintiff is Caucasian and a male.

14. Ammons is an African-American female.

15. Ammons is proud and thin skinned.

16. Plaintiff's conservative political and legal persuasion was well known within the Law School community and by Ammons.

17. Ammons was offended by plaintiff's conservative political and legal viewpoints in a law school which she wanted to be totally of the liberal persuasion.

18. After she became Dean of the Law School in 2006, Ammons set out to find and create pretextual reasons to destroy plaintiff's professional reputation and to violate his academic freedom in the classroom.

19. As part of a nationwide teaching methodology often used for criminal procedure and substantive criminal law, plaintiff in the classroom has used the Dean of the Law School as an example while teaching criminal law principles to grab the attention of his students and to help them remember the legal principles involved. He has done this when the Dean was Caucasian and when the Dean was African-American.

20. Professors from other law schools have testified as expert witnesses for plaintiff that this teaching methodology is within the pedagogical mainstream of U.S. law schools.

21. For example, in trying to teach students the law of attempts and murder, plaintiff would use an example where, in retaliation for Ammons' threat to fire him for stealing her

parking space at the school, plaintiff would rush to her office to shoot her and discover, to his surprise, that he had shot instead of the actual Dean a manakin with a pumpkin head.

22. In 2010 Ammons learned plaintiff had used various examples involving her in teaching his classes.

23. Ammons was infuriated and angered that she had been used in such teaching examples. She felt her dignity was impugned and that she had been called “a pumpkin head.”

24. She set out to retaliate against plaintiff for using her in his classroom teaching examples and also for his conservative political and legal views.

25. Ammons set out to destroy plaintiff’s professional reputation and to deny his academic freedom in the classroom by creating pretextual factual assertions about his character and job performance.

26. One such false assertion which she decided to use was a false claim that since plaintiff had used violent examples in teaching criminal law, such as criminals shooting other persons, he himself must be a violent person.

27. She falsely claimed that plaintiff wanted to shoot her with a weapon.

A. First Defamatory Acts

28. In December 2010 Ammons knowingly and recklessly had plaintiff falsely charged in writing with being a racist, a sexist and a threat to the physical safety of persons on the Law School campus.

29. Ammons published these written false statements without privilege within the Law School community.

30. On December 10, 2010 plaintiff was confronted with these written false statements

which left him speechless and stunned. Unnecessarily, the head of campus security, in plain clothes, was in the room during this confrontation.

31. Unnecessarily, the head of campus security was told at that time of each of these written false statements.

32. Unnecessarily staff in the office of the registrar also were told of these written false statements.

B. Second Defamatory Acts

33. Ten days later on December 20, 2011, Ammons purposefully humiliated plaintiff and had him physically banned from campus as a threat to the physical safety of herself and others in the campus community. She also denied him access to his office.

34. She informed staff that he was not permitted on campus because he was a threat to the physical safety of persons in the campus community.

35. The news that plaintiff had been thrown off campus spread like wildfire, destroying his profession reputation because this action was symbolic speech which communicated a clear message that plaintiff, a 26 year employee of the Law School, had committed some grave misdeed and he was a threat to the physical safety of persons in the Law School community.

C. Third Defamatory Act

36. Ammons also told James Harris the president of Widener University that plaintiff was a threat to her physical safety and the physical safety of other persons in the Law School community.

37. As a means of self defense, in an effort to protect his reputation from permanent damage, plaintiff had to secure legal assistance and he was compelled to publicly reply to the

tenured law school faculty and in media forums concerning the false charges which Ammons had caused to be placed against him and to explain his absence from the Law School community.

38. As a person who successfully had spent ten years voluntarily fighting for the life of a condemned African-American on death row, he denied he ever could be a racist and that the claims by Ammons that he was a threat to anyone and a sexist also were false.

D. Fourth Defamatory Acts

39. On February 24, 2011 Ammons knowingly initiated false and reckless formal written charges against plaintiff with tenured faculty of the law school to dismiss him for cause. The untrue charges are attached as Ex. A.

40. These knowingly false and reckless written statements include but are not limited to the following.

41. Ammons stated as a fact, which she believed to be true, that plaintiff uses a well known offensive racially derogatory term to refer to African-Americans to demean them by calling them "black folks."

42. The falsity of claiming that this is a well known offensive racially derogatory term for African-Americans is established by the following widely known general facts found on a respected academic freedom website -<http://thefire.org/article/12996.html>.

43. President Barack Obama himself uses the term "folks" to describe all sorts of people, including African-Americans. (Entering "President Obama folks" into Google amply demonstrates this.)

44. The first African-American to earn a doctorate at Harvard, W. E. B. Du Bois, used the term in his classic work *The Souls of Black Folk* as well as *The Gift of Black Folk and Black*

Folk, Then and Now.

45. In the past 45 days, the term "black folks" has been used by columnist Arlene Jones in the Austin Weekly News, columnist Charing Ball in The Atlanta Post, scholar Boyce Watkins at the website thyblackman.com, and many others.

46. The widespread use of the term is strong evidence that it is not, as far as most people are concerned, a negatively loaded term. In fact, it usually signifies some sense of familiarity or friendliness.

47. As stated by the Foundation For Individual Rights in Education, this is "a ubiquitous term that has no necessary relationship to discriminatory or harassing behavior."

48. The fact Ammons saw fit to include the term three times in her false statements declaring as a fact that plaintiff is a racial harasser is proof of defendant's defamatory purpose, ill will, malice and reckless behavior.

49. Plaintiff also was falsely accused of referring to women as "bitch" and "honey."

50. The untruth of all of Ammons' statements was later pointed out to defendant in two sworn affidavits which plaintiff submitted to Ammons.

51. But she did not print or circulate any retraction for any of her false statements regarding plaintiff.

52. Each of the statements in these written charges was widely published and disseminated both within and without the Law School community in bad faith, out of ill will, intentionally, recklessly, willfully, wantonly and without privilege.

53. Each of the factual assertions made by Ammons in this four page document is knowingly false, reckless and pretextual for Ammons' true motive, which was to destroy

plaintiff's professional reputation and deny his academic freedom in the classroom.

54. At this time Ammons dropped and abandoned her previous false statement that plaintiff was a threat to the physical safety of students, faculty or administrators.

55. But she still denied plaintiff access to campus and thus reiterated her prior symbolic speech about his dangerousness.

56. She published no retraction in this regard and her actions and plaintiff's continued absence from his office and from campus still communicated the same message that plaintiff was a threat to the general public.

57. In this writing, now Ammons falsely claimed plaintiff was a racist and a sexist and refused to cooperate with her in her vendetta against him.

58. Under his contract plaintiff was entitled to various substantive procedural protections before he could be terminated for cause. These included the right to the assistance of legal counsel, the right of his attorney to cross examine his accusers, testimony against him had to be made under oath, his judges would be the full tenured faculty, and a majority vote would be required to fire him.

59. After Ammons filed these false charges against plaintiff, under the procedural protections of his contract, the full tenured faculty appointed an Informal Review Committee to review Ammon's charges.

60. Plaintiff submitted to that Committee a 39 page affidavit which is attached as Ex. B.

61. On March 7, 2011 that Committee refused to join in Ammon's vendetta and dismissed the charges against plaintiff without prejudice as set forth in Exhibit C attached.

62. On March 14th Ammons wrote to the Committee and declared that she would not let

the matter rest, as set forth in Exhibit D attached.

E. Fifth Defamatory Act

63. That same day Ammons issued a press release to the media which is attached as Exhibit E. Therein, considering extrinsic facts, the innuendo and context of her statements, she falsely claimed that plaintiff had been justifiably accused of professional misconduct by students and those charges had merit to them and were not frivolous.

64. However, any such complaints were time barred under the written procedures of the Law School, a fact defendant deliberately concealed.

65. Three days after the decision of the Informal Review Committee, on March 10th Ammons caused to be published and filed new false charges, that plaintiff was a racist and a sexist, with an entirely different University administrative body which she controlled which was separate from the independent tenured faculty.

66. The judges in this administrative body consisted only of administrators and a faculty member of Ammons choosing.

67. Plaintiff no longer had a right to legal counsel before this body. He lost his right to cross examine his accusers under oath and other procedural protections he previously had by contract as a tenured faculty member.

68. The new charges filed against plaintiff again falsely claimed that he was a racist and a sexist.

69. Ammons directed that these false charges be filed despite the fact that governing Law School regulations stated that they were time barred by a 180 day statute of limitations., a fact she continued to conceal.

70. In this second proceeding plaintiff submitted the following written evidence on March 25, 2011:

71. His first and second affidavits. Ex F and B attached.

72. The expert witness affidavits of two distinguished law professors from the University of Pennsylvania School of Law and the George Washington University School of Law. Exs G (Kerr) and H (Salmanson) attached.

73. The affidavits of four students including an African American, an Egyptian, and a female. Elbardissi (Ex. I); Scott (Ex. J); Ramsay (Ex. K) Shehata (Ex. L), attached

74. Twenty-nine (29) emails from students. Exhibit M attached.

75. On April 5, 2011 he submitted another affidavit of a female student. Exhibit O (Hall) attached.

F. Sixth Defamatory Act

76. Nevertheless, despite personal knowledge from all these sworn affidavits as to the true facts, except Ex. O, on Sunday March 27, 2011 Ammons caused to be published in the News Journal, the newspaper of general circulation in the State of Delaware, a five paragraph false, reckless and defamatory letter to the editor, which considering extrinsic facts, the context and innuendo surrounding the letter, falsely and recklessly accused plaintiff of being the subject of numerous truthful complaints of misconduct by his students, of having a faculty committee rule against him in faculty proceedings, and falsely stating that plaintiff's academic freedom was not being violated by Ammons. Ex. N attached.

77. Despite plaintiff's efforts to mitigate his damages, Ammons has succeeded in her plan to destroy plaintiff's professional and legal reputation. Any statement that a law professor

and attorney is a racist and a sexist forever destroys his professional reputation and character.

78. Plaintiff's separate and distinct immediate and long term injuries and conditions, which were the direct and proximate result of defamatory statements, include, but are not limited to, damage to his professional reputation and standing in the local and nationwide academic community, the student body, and the general public at large, emotional distress, embarrassment, humiliation, and mental suffering endured by plaintiff and any physical or bodily harm caused by that suffering, as well as special injury, such as monetary losses in the future, including lost wages, pension, and other benefits, such as over one million dollars in medical insurance benefits for plaintiff's permanently disabled and institutionalized daughter.

Count I - Common Law Defamation

79. Plaintiff repeats and realleges paragraphs 1-78 set forth above.

80. Plaintiff is a private figure.

81. Plaintiff has been libeled in written statements.

82. Plaintiff has been slandered in oral statements.

83. These statements have defamed plaintiff in his trade, business or profession.

84. The libels of plaintiff are clear from the written statements themselves or are clear only after referring to extrinsic facts not contained in the writing.

85. The defendant defamed plaintiff and the defamation has been published.

86. The defendant was negligent in failing to determine the truth of the defamatory matter.

87. The defendant intentionally or recklessly failed to determine the truth of the defamatory matter.

88. The defendant knew that the defamatory matter published was false and untrue.

89. The defendant acted with utter disregard for whether the defamatory matter published was false and untrue.

90. The defendant acted with actual malice, and ill will and knowledge that her statements were false or were made in reckless disregard of whether or not they were false.

91. The chief motive of the defendant was actual malice and ill will.

92. The statements made by the defendant in the faculty employment context constitute publication within the law of defamation. They were not privileged in any employment context since they were made with actual malice and out of ill will, there was no duty to furnish the information to the recipient, and they circulated to persons other than plaintiff and injured his professional reputation.

93. They also were made with knowledge of their falsity and recklessly disregarded whether they were true or false.

94. The statements were made primarily to further interests other than those protected by any qualified privilege and the chief motive for making such statements was the ill will and malice of the defendant.

95. The statements found in a press releases or in a letter to the editor, for example, also were outside of the performance of defendant's official duties or functions which could give rise to any privilege in an employment context. There was no duty whatsoever for defendant to issue a press release about plaintiff or to write a letter to the editor about plaintiff.

96. Defendant's abuse of any privilege found in the employment context under the law of defamation is further evidenced by the fact that she is operating a higher educational

institution. The website for her employer Widener University in its “Mission & Goals” statement claims that she is committed to academic freedom “in matters pertaining to pedagogy,” in matters of classroom instruction which she instead has attacked.

97. As established by two expert witness affidavits of which the defendant was fully aware, plaintiff’s classroom teaching methodology is well within the mainstream of that found in prominent American law schools. But this did not prevent defendant from falsely asserting as fact that plaintiff uses racist and sexist classroom pedagogy.

98. Moreover, in her bulletins and handbooks the defendant claims that she is committed to “free expression” in the classroom. But she is not committed to the free expression of plaintiff in his classroom.

99. Plaintiff had to take and use reasonable efforts to minimize the effect of the defamation by defendant on the student body, among the faculty and staff at his place of employment and in the general academic community nationwide of which he was a member in good professional standing.

100. The symbolic speech of the defendant in throwing plaintiff off campus, in writing and orally declaring him to be a physical threat to her own and to student life and limb, and in causing rumors and other comment to circulate in the Law School community, which destroyed his professional reputation, all compelled plaintiff to defend his reputation publicly before the tenured faculty and in the media in an effort to salvage and rehabilitate his professional reputation in mitigation of the damages he was suffering.

101. The defendant could reasonably foresee that the nature of the false charges she lodged against plaintiff would strongly compel him to repeat them in an effort to defend himself

and to mitigate his damages in the face of the vendetta being waged against him by the defendant.

102. The actions of defendant were willful or wanton and merit an award of punitive damages.

103. Plaintiff's right to be free from defamation has been denied under the common law of the State of Delaware.

Wherefore, plaintiff prays that the Court:

- (a) Enter judgment against the defendant.
- (b) Enter a judgment against the defendant for compensatory and punitive damages.
- (c) Enter a judgment against the defendant for costs and pre and post judgment interest.
- (d) Require such other and further relief as the Court deems just and proper under the circumstances.

THE NEUBERGER FIRM, P.A.

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