

Leslie A. Farber, Esq.
Attorney ID: 019041991
LESLIE A. FARBER, LLC
33 Plymouth Street, Suite 204
Montclair, New Jersey 07042
Ph. (973) 509-8500

Fred Shahrooz Scampato, Esq.
Attorney ID: 020811991
LAW OFFICES OF SHAHROOZ SCAMPATO, P.C.
445 East Broad Street
Westfield, New Jersey 07090
Ph. (908) 301-9095
Attorneys for Plaintiff

LISA DURDEN,

Plaintiff,

v.

**ESSEX COUNTY COLLEGE, ANTHONY
E. MUNROE, Ed.D., JEFFREY LEE,
Ph.D., and JOHN DOE 1 THROUGH X (X
being a number as yet undetermined) being
persons or corporations whose identities are
unknown,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO.

CIVIL ACTION

**COMPLAINT
AND
JURY DEMAND**

Plaintiff LISA DURDEN, a citizen of the State of New Jersey, residing at [REDACTED]

[REDACTED], Essex County, New Jersey, by way of Complaint against the defendants, says:

I. PRELIMINARY STATEMENT

1. Plaintiff Lisa Durden, brings this civil rights action under the New Jersey Civil Rights Act, *N.J.S.A. 10:6-2* ("NJCRA"), to remedy deprivation of her right to free speech secured by the Constitution of the State of New Jersey, and for creating a hostile work environment based on this category. Plaintiff's claim also arises out of a breach of contract, violation of a clear mandate of the public policy of the State of New Jersey, and defamation of plaintiff's character.

Plaintiff alleges that her employer, ESSEX COUNTY COLLEGE (“College”), ANTHONY E. MUNROE, Ed.D. (“Munroe”), JEFFREY LEE, Ph.D. (“Lee”), and John Doe 1 through X, individually, and by and through their employees, representatives and agents, subjected plaintiff to discrimination because of her exercise of her right to free speech guaranteed by Article I, paragraph 6, of the New Jersey Constitution, that defendants’ employment action were in violation of a clear mandate of the public policy of the State of New Jersey, that defendants breach of the contract of employment between plaintiff and Essex County College, and that defendant Munroe made public statements which have defamed plaintiff’s good name and character.

II. JURISDICTION AND VENUE

2. Defendant, Essex County College, is a public institution and subdivision of the State of New Jersey and County of Essex, which has its principal place of business at 303 University Avenue, Newark, Essex County, New Jersey.

III. PARTIES

3. At all times relevant hereto, defendant, Munroe, was the President of Essex County College and made or participated in the decision to suspend and/or terminate plaintiff’s employment and violate plaintiff’s civil rights as described herein. He is being sued both individually and in his official capacity.

4. At all times relevant hereto, defendant, Jeffrey Lee, Ph.D., was a Vice-President for Academic Affairs of Essex County College and made the decision to suspend and later terminate plaintiff’s employment and violate plaintiff’s civil rights as described herein and/or with Munroe and/or aided and abetted Munroe or participated the decision to terminate plaintiff’s employment and violate plaintiff’s civil rights described herein. He is being sued both individually and in his official capacity.

5. At all times relevant hereto, defendants were plaintiff's employer and through their employees, agents and servants engaged wrongful acts enumerated herein in violation of the NJCRA, violation of a clear mandate of the public policy of the State of New Jersey, and breach of contract.

6. Defendants, John Doe 1 through X, their names being unknown to plaintiff at this time, are individuals or other entireties which were plaintiff's employer or agents or employees thereof, and committed the acts complained of with the named defendants to harm plaintiff as set forth below, or who acting on their own, harmed plaintiff as set forth below. These defendants may include, but are not limited to, agents of the named defendants, or employees of any of the named defendants. They are being sued herein individually and in whatever official capacity they may serve or have served.

7. Defendants, Essex County College and John Doe 1 through X as entities, are otherwise known as the "corporate defendants" herein.

8. At all times relevant hereto, all defendants acted under the color or law.

IV. FACTUAL ALLEGATIONS

9. Plaintiff Lisa Durden was employed by the defendants as an adjunct professor in public speaking and media from January 6, 2017, until June 23, 2017, had intended to be a career employee of the corporate defendants, and, but for the incidents described hereinafter, would still be in their employ.

10. Defendants hired plaintiff as an adjunct professor at Essex County College because of her previous work and reputation as a media professional, including securing internships in top documentary projects in New York media for communications students, her numerous television and radio appearances as a commentator on political and social issues, the numerous honors and

awards she has received in journalism, communications, and media, and because she previously had facilitated various workshops and sat on various speaking panels at Essex County College over the course of many years, including one entitled “Radical Woman in Media.”

11. During the course of her employment, plaintiff met the reasonable expectations of her employer, except insofar as it was impaired by constitutional and statutory violations, hostile work environment, violation of public policy, and breach of contract described herein.

12. Plaintiff repeats, reiterates, and realleges all of the preceding allegations and incorporate same as if set forth at length herein.

13. On June 6, 2017, plaintiff appeared in her personal capacity as a political and social issues commentator on the Tucker Carlson Tonight television show on the Fox News channel which was broadcasted in the New Jersey / New York metropolitan area and elsewhere.

14. During her appearance on the aforesaid television program, plaintiff publicly stated her political opinions regarding a recent Black Lives Matter event.

15. At no time during plaintiff’s appearance on the aforesaid Fox News channel broadcast did plaintiff state or imply that she was employed by Essex County College or that she was speaking on behalf of Essex County College.

16. After the plaintiff appeared and spoke on the Tucker Carlson Tonight television show on the Fox News channel on June 6, 2017, the defendants named herein, under color of law, wrongfully suspended the plaintiff from employment as an adjunct professor at Essex County College on June 8, 2017, and then terminated her employment on June 23, 2017.

17. When plaintiff arrived on campus on June 8, 2017, defendant’s Humanities Department Chair, Dr. Christopher Rivera, told plaintiff that she had to cancel her Effective Speech class and report to the Human Resources Department, and that he thought plaintiff was being fired.

18. Then Rivera accompanied plaintiff to her classroom whereupon he stood next to her and required her to tell her students without explanation that the class was canceled. Plaintiff knew that her students would be especially confused because plaintiff had always told them that she would never be absent unless she had died.

19. Being forced to announce the class cancellation without explanation, while standing next to the department chair, was especially embarrassing and humiliating to plaintiff because she had to enter the classroom and announce to her students that class was being cancelled, but she was unable to offer any reason, even though defendants chose to put plaintiff on display to perform this act.

20. Then Rivera accompanied plaintiff to Human Resources, whereupon defendant Lee was present and acquiesced as Human Resources Director Karen Bridgett told plaintiff that she was suspended, and falsely stating the reason was because plaintiff had mentioned her affiliation with Essex County College during her appearance on the aforementioned Tucker Carlson television program.

21. After suspending plaintiff's employment, defendant Lee stated to Professor Jennifer Wager in reference to plaintiff: "She's just an adjunct. If she doesn't like it, she can sue."

22. After Essex County College suspended plaintiff's employment and before it terminated her employment, plaintiff and others spoke publicly at a public meeting of the Essex County College Board of Trustees meeting on June 20, 2017, about the right to free speech and academic freedom in general and about Essex County College's wrongful suspension of plaintiff.

23. Plaintiff's right to speak, write and publish freely her sentiments on all subjects is guaranteed under the New Jersey Constitution and the New Jersey Civil Rights Act.

24. Defendants, acting under color of law, did willfully and wrongfully attempt to coerce and intimidate plaintiff for exercising her Constitutional and statutory right to speak, write and publish freely her public sentiments on television on June 6, 2017, by suspending and subsequently terminating plaintiff's employment.

25. Defendants terminated plaintiff's employment on June 23, 2017.

26. Defendants have engaged in behavior that violates plaintiff's New Jersey Constitutional and statutory rights and have thereby irreparably injured plaintiff.

27. As a direct and proximate result of the aforesaid violations, plaintiff suffered injury, including but not limited to lost wages, serious emotional injury, mental anguish, distress, humiliation, and indignity.

FIRST COUNT

(Violation of New Jersey Constitutional Right to Speak)

28. Plaintiff repeats and re-alleges each and every allegation contained hereinabove as though set forth more fully herein.

29. Because of plaintiff's exercise of her right to speak, write and publish freely guaranteed by the New Jersey Constitution and New Jersey Civil Rights Act, defendants retaliated and targeted plaintiff by harassing, suspending and later terminating plaintiff's employment by Essex County College, thereby depriving plaintiff of her unalienable rights under the New Jersey Constitution, Art. I, § 6, and the New Jersey Civil Rights Act, *N.J.S.A.* 10:6-2.

30. The aforesaid conduct of defendants caused plaintiff to be embarrassed, humiliated, and physically sickened, and suffer severe emotional distress, thereby violating the New Jersey Constitution, Art. I, § 6, and the New Jersey Civil Rights Act, *N.J.S.A.* 10:6-2.

31. Defendants engaged in behavior that violated plaintiff's constitutional and statutory rights and have thereby irreparably injured plaintiff.

32. As a direct and proximate result of the aforesaid violations, plaintiff suffered injury, including but not limited to, loss of wages, fringe benefits, serious emotional injury, mental anguish, distress, humiliation, professional and personal reputation, and indignity.

33. Defendants are jointly and severally liable for the damage caused by this hostile work environment and unlawful discrimination.

34. As a result of the foregoing, plaintiff has suffered damages, including lost income, fringe benefits, and emotional distress.

WHEREFORE, plaintiff demands judgment against defendants, individually, jointly, severally, or in the alternative, for damages, interest, attorneys fees, and costs of suit.

SECOND COUNT

(Violation of a Clear Mandate of Public Policy)

35. There is a clear mandate of the public policy of New Jersey ingrained in this State's Constitution which provides that every person may speak freely, write and publish her sentiments on all subjects, and that no law shall restrain or abridge the liberty of speech or of the press.

36. New Jersey common law provides that an employee has a private cause of action where an employer discharges an employee contrary to a clear mandate of public policy, pursuant to *Pierce v. Ortho Pharm. Corp.*, 84 N.J. 58 (1980).

37. By suspending and terminating plaintiff because of her public comments on a television news program, defendants violated New Jersey public policy.

38. Defendants, by their foregoing described actions of retaliating against plaintiff by suspending and terminating plaintiff's employment because she exercised her Constitutional right

to speak freely, have denied the plaintiff opportunities for employment in violation of public policy of this State, as set forth in *Pierce v. Ortho Pharm. Corp.*, 84 N.J. 668 (1981).

30. As a result of defendants' intentional and outrageous actions toward plaintiff described above, plaintiff has suffered, and continues to suffer, extreme emotional stress, anxiety, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

WHEREFORE, plaintiff demands judgment against defendants, individually, jointly, severally, or in the alternative, for damages, punitive damages, interest, attorneys fees, and costs of suit.

THIRD COUNT
(Breach of Contract)

31. Plaintiff repeats, reiterates, and realleges all of the preceding allegations and incorporate same as if set forth at length herein.

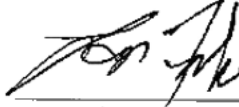
32. Before plaintiff exercised right to speak freely as described aforesaid, defendants scheduled and contracted with plaintiff to teach upcoming Fall semester courses entitled "Mass Communication and Popular Culture," and "Effective Speech."

33. Defendants breached their contract with plaintiff on June 23, 2017, by terminating her employment.

34. As a result of defendants' breach of the contract, plaintiff has suffered damages consisting of lost wages and benefits in the past and in the future.

WHEREFORE, plaintiff demands judgment against defendants, individually, jointly, severally, or in the alternative, for damages, interest, attorneys fees, and costs of suit.

LESLIE A. FARBER, LLC
Attorneys for Plaintiff



Dated: April 9, 2018

By: Leslie A. Farber

LAW OFFICES OF FRED SHAHROOZ-
SCAMPATO, P.C.
Attorney for Plaintiff



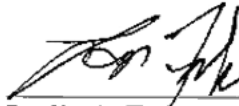
Dated: April 9, 2018

By: Fred Shahrooz-Scampato

JURY DEMAND

PLEASE TAKE NOTICE that plaintiff hereby demands a trial by jury on all issues so triable herein.

LESLIE A. FARBER, LLC
Attorneys for Plaintiff



Dated: April 9, 2018

By: Leslie A. Farber

LAW OFFICES OF FRED SHAHROOZ-
SCAMPATO, P.C.
Attorney for Plaintiff



Dated: April 9, 2018

By: Fred Shahrooz-Scampato