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SUSAN PARSONS,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MONMOUTH COUNTY
	:	DOCKET NO.:
Plaintiff,	:	
	:	Civil Action
v.	:	
	:	
WALL TOWNSHIP BOARD OF EDUCATION	:	COMPLAINT AND JURY DEMAND
and CHERYL DYER,	:	
	:	
Defendants.	:	
-----X	:	

Plaintiff, Susan Parsons, having an address of 1914 Shadow Brook Drive, Wall, New Jersey 07719 (hereafter "Plaintiff") by way of Complaint against Defendants, Wall Township Board of Education and Cheryl Dyer says as follows:

FACTS COMMON TO ALL COUNTS

A. Parties

1. Defendant, Wall Township Board of Education is a public entity organized and existing under the laws of the State of New Jersey with a principal place of business located at 1620 18th Avenue, Wall, New Jersey (the "BOE"). The BOE is responsible for the public schools in Wall Township, which includes one (1) primary school, four (4) elementary schools, one (1) intermediate school and one (1) high school. According to their website, the mission of the Wall Township Public Schools is to empower students to lead lives of fulfillment and purpose by

providing a comprehensive and caring educational environment that will enable students to achieve their unique potential academically, socially and emotionally.

2. Defendant Cheryl Dyer, at all times relevant hereto, was the Superintendent of the BOE and a supervisor of Plaintiff. This claim is brought against Defendant Cheryl Dyer in her individual capacity and/or as an agent or servant of the BOE acting during the course of her employment with the BOE.

3. Plaintiff has devoted her career to educating children. Since 1995, Plaintiff has been employed in various technology education instruction and advisory positions at different private and public schools throughout New Jersey.

4. Plaintiff is certified in both Art Education and Teacher of Technical Careers.

5. Plaintiff has been continuously employed by Defendant BOE for approximately the past sixteen (16) years.

6. Plaintiff began her employment with the Defendant BOE in or about 2002 as a full-time Teacher of Technology Education.

7. Plaintiff originally began her employment with the Defendant BOE at Monmouth County Communications High School.

8. In or about 2003, Plaintiff became employed as a teacher at Wall Township High School.

9. Plaintiff's performance was consistently evaluated by the BOE as above-average and/or exemplary.

10. During her long term employment with the BOE, Plaintiff has drafted, implemented and revised curriculum for various courses in the district including Digital Media 1

and 2, Digital Media Design, Web Page Design 1 and 2, Computer Repair, Computer Technologies, Yearbook 1, 2 and 3 and Digital Animation and Gaming.

11. In or about 2011, Plaintiff began serving as the Yearbook Advisor and continued to do so until June 2017.

B. Administration Censorship Directives of Yearbook Edits

12. The Yearbook Advisor's duties and responsibilities include teaching the courses Yearbook 1, 2, & 3 during the school day, teaching and supervising the Yearbook Class and Yearbook Club students, as well as creating, publishing and distributing the annual yearbook to the students and staff.

13. The Yearbook Advisor is responsible for managing and supervising approximately six (6) to nine (9) students who are enrolled in the Yearbook class, in addition to any students who join the Yearbook Club.

14. The Yearbook Class and Yearbook Club student members shall hereinafter be collectively referred to as "Yearbook Member(s)."

15. The activities of the Yearbook Members and staff in publishing the yearbook were closely monitored by the administration.

16. Publication of each and every yearbook page required written approval by the administration.

17. Several persons from the administration would review the yearbook proofs and instruct Plaintiff and Yearbook Members on edits and proofing, as well as what was permitted and prohibited for publication in the final yearbook.

18. The administration regularly advised Plaintiff that they would not authorize

publishing pictures or content in the yearbook that they considered to be “controversial.”

19. The administration typically became heavily involved in the yearbook’s review during the final editing and proofing process, as per the deadlines, which typically occurred in or about late November to mid-December.

20. During this review, the administration’s directives would normally include significant edits to the yearbook.

21. Prior to providing Plaintiff with the administration’s final written approval of the draft yearbook, members of the administration involved in proofing the yearbook would meet with Plaintiff and the Yearbook Members to go over the administration’s directed edits.

22. Each page of the yearbook was closely reviewed and examined by several members of the administration, who would memorialize, in writing, their approval of each and every page of the yearbook.

23. The administration’s approval of each page of the yearbook is memorialized on a document entitled “YEARBOOK APPROVAL FORM.”

24. Each and every page of the yearbook must be approved by the Wall High School Principal, Rosaleen Sirchio and two Assistant Principals.

25. Principal Sirchio often delegated her yearbook responsibilities to her Secretary Cindy McChesney.

26. Secretary McChesney typically oversaw the yearbook’s publication and would direct Plaintiff and other staff and the Yearbook Members to make the edits being directed by the administration.

27. Secretary McChesney would regularly perform and/or carry out the administrative directives of the administration relating to the yearbook.

28. Secretary McChesney was heavily involved in the editing of the yearbook every year that Plaintiff was in the position of Yearbook Advisor.

29. With respect to the 2017 Yearbook, Principal Sirchio, Assistant Principal Kevin Davis, Assistant Principal Kirsten Scott and Secretary McChesney were all involved in the editing process.

30. The administration directed Plaintiff to make significant edits to the 2017 Yearbook, many of which Plaintiff disagreed.

31. Assistant Principal Kevin Davis and Assistant Principal Kirsten Scott reviewed and approved each page of the 2017 yearbook and memorialized their approval in writing on the 2017 YEARBOOK APPROVAL FORM.

32. On the 2017 YEARBOOK APPROVAL FORM, Secretary McChesney signed off for Principal Sirchio in her designated approval section.

33. As of December 16, 2016, Principal Sirchio had only reviewed a few pages of the entire yearbook and delegated her responsibility to Secretary McChesney to review and direct edits to Plaintiff.

34. Plaintiff and members of the administration would have several meetings and communications about the Yearbook edits the administration was directing.

35. During these conversations, Plaintiff and the administration often disagreed about the directed edits and what Plaintiff believed to be improper censorship to the yearbook.

36. Directed edits included requests to Photoshop, crop and delete photos or content in the drafts of the yearbook pages prepared by Plaintiff and the Yearbook Members.

37. On numerous occasions, in response to certain editing directives, Plaintiff complained to the administration that the “yearbook should reflect reality” as opposed to what the administration wanted reality to be.

38. The administration would routinely disregard Plaintiff’s complaints and objections and direct her to make the administrations recommended edits to the yearbook.

39. Some of the administration’s directed edits were based on pictures in which the administration believed the students were not dressed appropriately or in accordance with the school’s dress code.

40. For example, the administration directed Plaintiff to remove images of students who wore sunglasses at the Dames Ball.

41. On other occasions, Plaintiff was directed to remove pictures of students with hats on while in school.

42. By way of another example, the administration regularly directed Plaintiff to Photoshop “fake” clothing onto students in pictures in which they were not wearing shirts during a school sponsored trip to Bermuda and in other events that took place at school.

43. Plaintiff did not agree with many of the directed edits based upon the school’s dress code.

44. Plaintiff’s complained and objected to the administration about what she believed to amount to, at times, inappropriate censorship, which caused lengthy discussions and arguments between Plaintiff and the administration.

45. On several occasions Plaintiff complained that the school was directing Plaintiff to censor the dress code violations by editing pictures in the yearbook and yet the school did not strictly and regularly enforce the school's dress code.

46. The directed edits of the administration were in no way limited to perceived violations of the dress code.

47. On numerous occasions, the administration instructed Plaintiff to remove different hand gestures of students in pictures that it somehow deemed "controversial."

48. The administration also instructed Plaintiff to edit or remove photos of students holding or using their cellphones while in school.

49. Plaintiff believed that some of the administration's censorship directives were so extreme that they crossed the line into being unethical and/or discriminatory.

50. In the 2015 yearbook, for example, the administration instructed Plaintiff to edit out the wheelchair of a disabled student in her yearbook senior portrait.

51. Specifically, Secretary McChesney directed Plaintiff to perform the edit because the administration believed editing out the student's wheelchair in her yearbook photo would be "nice" for the student.

52. Plaintiff complained that she did not feel comfortable making the directed edit.

53. At one point during the argument with Secretary McChesney, Plaintiff commented, "This is nuts."

54. Secretary McChesney disregarded Plaintiff's complaints and said one of the assistant principals wanted the wheelchair Photoshopped out of the picture and directed Plaintiff perform the edit.

55. As instructed, Plaintiff carried out the administration’s directive and Photoshopped the wheelchair out of the student’s picture.

56. Following publication of the 2015 yearbook, the student’s parents complained to the administration about their daughter’s wheelchair having been removed from the yearbook picture.

57. In the 2016 yearbook, Secretary McChesney advised Plaintiff that a pro-feminism sticker on the back of a student’s computer was “controversial” and instructed Plaintiff to edit the sticker out by whiting out over it.

58. The bumper sticker read: “Feminism is the radical notion that women are people.”

59. A copy of the proposed yearbook picture prior to the administration’s directed edits and Secretary McChesney’s handwritten directive to “white out” is as follows¹:



¹ Identifying student information and photographs have been redacted throughout the complaint.

60. The picture with the “controversial” feminist bumper sticker, edited as directed by the administration, was published in the 2016 yearbook as follows:



61. On another occasion, the administration directed Plaintiff to Photoshop the class picture to add clothing and remove the writing on two students’ necks/upper chests, as well as edit out a blue bow from a male student’s head.

62. Plaintiff was told that the picture did not reflect the impression that the administration wanted to portray in the yearbook and the phot was edited as follows:



63. While Plaintiff made repeated complaints and objections to the administration concerning certain yearbook edits, the administration continued to overrule Plaintiff and direct her to make the edits.

C. Administration's 2017 Yearbook Editing Directives

64. On December 16, 2016, Plaintiff and members of the administration had a meeting to discuss the editing process and publishing of the 2017 yearbook.

65. During the meeting, Principal Sirchio and other administrators discussed with Plaintiff the editing approval process for the 2017 yearbook and certain edits they were instructing her to make based upon their partial review to date.

66. Like previous years, Plaintiff voiced her concerns and opposition to the 2017 yearbook edits directed by the administration.

67. At one point during the meeting, Principal Sirchio stated that she needed to "stop" Plaintiff.

68. Principal Sirchio further stated that Plaintiff was "getting a little defensive" with respect to certain edits the administration was directing Plaintiff to make to the 2017 yearbook.

69. After the meeting, Plaintiff returned to her classroom to explain the edits and editing process to the Yearbook Members.

70. Principal Sirchio instructed Plaintiff's supervisor, Laura Kurmin, to go to the Yearbook Class and discuss the necessary changes with the class and the administration's editing directives.

71. On or about December 19, 2016, Plaintiff went into the administration office to retrieve the draft yearbook 11x17 printed pages.

72. While Plaintiff was in the administration office, Secretary McChesney informed Plaintiff that she had gone through the proofs and had marked certain edits that needed to be made.

73. Secretary McChesney and Plaintiff then reviewed the proof package of approximately 50 more pages of proofs together, during which Secretary McChesney instructed Plaintiff to make further edits to the yearbook proofs.

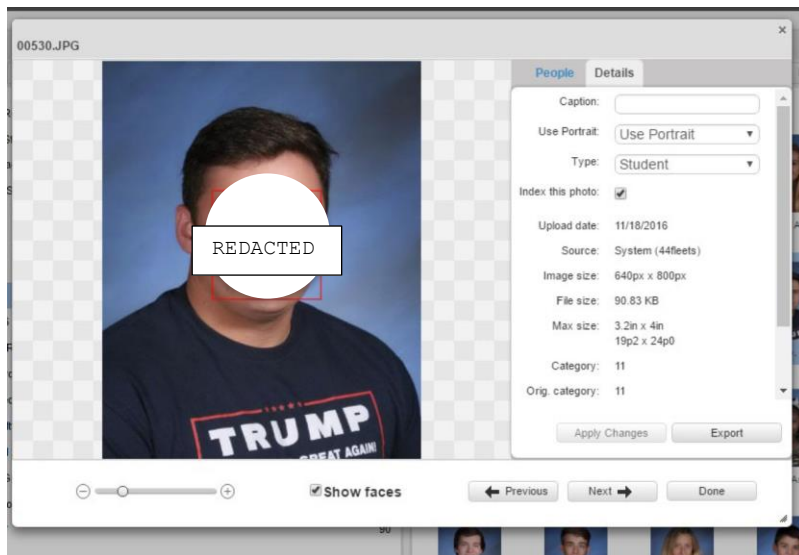
74. While they flipped through more pages, Secretary McChesney came to photo of a student wearing a Trump campaign t-shirt. The student is hereinafter referred to as "Student G."

75. Secretary McChesney pointed to Student G's photo and instructed Plaintiff to remove "Trump Make America Great Again!" from the student's t-shirt.

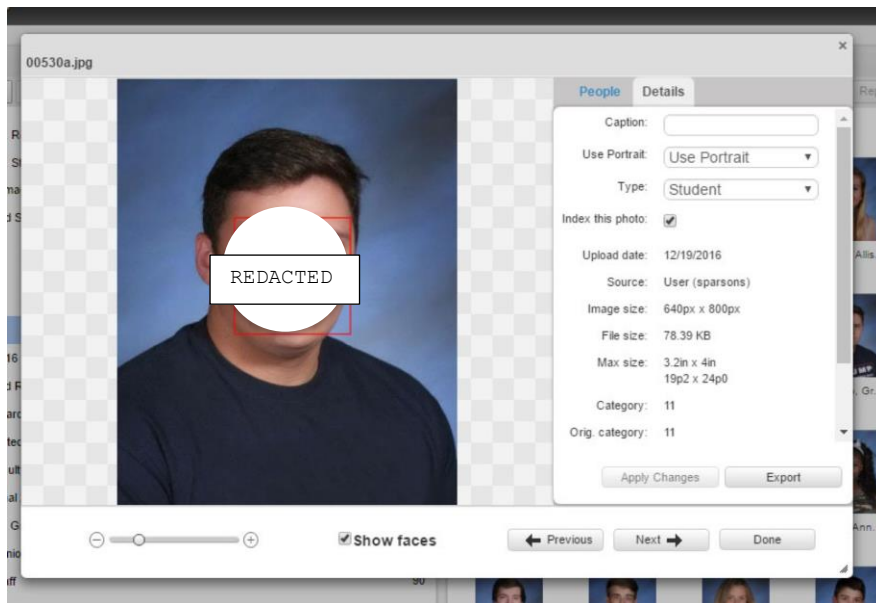
76. Specifically, Secretary McChesney told Plaintiff, "that has to go."

77. Per the administration's directives, Plaintiff made all the directed edits including removing the "Trump Make America Great Again!" slogan from Student G's photo.

78. The unedited picture of Student G, that was originally uploaded on November 18, 2016, is as follows:



79. The edited picture published in the yearbook of Student G uploaded on December 19, 2016 is as follows:



D. Distribution of the 2017 Yearbooks

80. The finished yearbooks arrived at Wall High School in early June 2017.

81. From June 5 through June 9, 2017, Plaintiff supervised the distribution of yearbooks to the students.

82. On June 8, 2017, Plaintiff was advised that the yearbook did not include the freshman class president's quote she attributed to President Donald Trump, "I like thinking big. If you are going to be thinking anything, you might as well think big." The student is hereinafter referred to as "Student M."

83. Plaintiff inquired to the Yearbook Member responsible for the page to ask why the quote submitted by Student M was omitted from the 2017 yearbook.

84. The student responded that she had made a mistake and apologized for the omission.

85. Plaintiff responded that she would notify the student and make an apology on behalf of the Yearbook Members for the mistake.

86. Toward the end of the school day on June 8, 2017, another student, Student G confronted Plaintiff in the media center, where the yearbooks were being distributed, and asked, "Why did you edit the word Trump off of my shirt?"

87. Plaintiff responded by instructing the student to talk to the Principal Sirchio.

88. Later that afternoon, Plaintiff informed Secretary McChesney that Student G had confronted her about editing the "Trump Make America Great Again!" off his t-shirt and that he was "pissed" about the edit.

89. Secretary McChesney acknowledged Plaintiff's comment and groaned without making eye contact with Plaintiff.

90. Thereafter Plaintiff received an email from Student G's parent on June 8, 2017 stating:

I am writing because I am told that you are the yearbook editor. My son [Student G]'s yearbook picture was edited without his/our permission. I would like to understand who made that decision. We felt the shirt he wore was appropriate, and timestamped, the historical time in which the picture was taken.

91. The email was also sent to Principal Sirchio.

92. On Friday, June 9, 2017, Plaintiff was asked to attend a meeting with union representative Ryan Bradley, Assistant Principal Kevin Davis and Plaintiff's supervisor, Laura Kurmin.

93. During the meeting, Plaintiff was informed that Superintendent Dyer had instructed them to have a meeting with Plaintiff concerning complaints made about the recently published yearbook and the edits associated with President Donald Trump.

94. Specifically, there was a discussion about three (3) parts of the yearbook where the school had allegedly edited over certain pro-Trump political expressions.

95. Along with Student G and Student M, Plaintiff was advised at the meeting that a third student, (hereinafter, "Student W"), was also claiming that a "Trump" logo was removed from his shirt.

96. Plaintiff responded it appeared that the “Trump” logo on Student W’s shirt was cropped out by the outside photograph vendor, Lors, in its normal course of cropping pictures and therefore the omission of the “Trump” logo from Student W’s yearbook photo was not caused by anyone at the school.

97. During the meeting, Plaintiff was instructed to call the father who sent the email with respect to Student G’s shirt and have Ms. Kurmin in the room during the call.

98. Plaintiff did as she was instructed and telephoned Student G’s father in Ms. Kurmin’s presence.

99. During the call, Ms. Kurmin took the lead in speaking to Student G’s father and offered to discuss the issue over the phone with him and Plaintiff.

100. Student G’s father responded by requesting an in-person meeting.

101. A meeting was then scheduled for Monday, June 12, 2017 at noon with Student G’s father, Ms. Kurmin, Plaintiff and to be determined others of the administration.

102. Plaintiff returned to her classroom to prepare for Monday’s meeting.

103. Plaintiff began to assemble notes and collect administrative proof cover sheet sign-offs, printed proof copies with notes and comments and the administration’s directives regarding yearbook photo edits that had been used and followed for the 2017 yearbook.

104. After school on June 9, 2017, Plaintiff received a phone call from Assistant Principal Davis who inquired if Plaintiff had found any records regarding the 2017 yearbook.

105. Plaintiff responded that she had found a lot of records and asked whether he wanted to see them.

106. Assistant Principal Davis responded “no.”

107. Without conducting any proper investigation into the allegations with respect to the 2017 yearbook, Defendant Superintendent Dyer immediately initiated a public campaign to shield the administration from any responsibility for the yearbook edits by creating a false narrative to cause the public to falsely believe that Plaintiff was responsible for the censorship of the 2017 yearbook.

108. In a letter addressed to district parents dated June 9, 2017, Defendant Superintendent Dyer wrote:

There is nothing in our student dress code that would prevent a student from expressing his or her political views and support for a candidate for political office via appropriate clothing. Rather, I applaud students for becoming involved in politics and for participation in our democratic society.

109. Superintendent Dyer further stated that:

In all instances that I am aware of, references to support of President Trump were removed.

110. Superintendent Dyer then falsely publicized that:

The high school administration was not aware of and does not condone any censorship of political views on the part of our students. This includes statements that they might make or clothing with references to candidates for public office that they might wear.

111. The public statements made by Superintendent Dyer in her letter of June 9, 2017, were false, reckless and made in the absence of Defendants conducting any investigation into the students' claims of First Amendment violations.

112. As a former Editor in Chief of the Yearbook confirmed in a social media post on June 9, 2017, concerning the 2017 yearbook controversy:

The administration approves every page in the yearbook and makes the yearbook team edit and change images and captions they deem indecent. This photo is not indecent. No matter your political party view, a t-shirt is not offensive, especially in a high school yearbook. Administration has the final say in all photos in the yearbook. If there is someone to blame, it is them. Do not go after the students in the yearbook club or the advisor. They abided by district policy and administration policy, no matter how left or right winged it may be. Do not attack the teacher who teaches students an incredible skill of teamwork and deadlines, an invaluable tool that I have used in the real world. Do not go after the Editor in Chief as they prepare to graduate. They did not cause this and do not deserve any backlash for it.

113. On Saturday, June 10, 2017, while Plaintiff was monitoring Saturday Detention in the high school library, Principal Sirchio approached Plaintiff and instructed her to come meet her in the library office.

114. Principal Sirchio directed Plaintiff to the “back office” because she did not “want to be seen by the cameras.”

115. Once they arrived at the back office, Principal Sirchio instructed Plaintiff to give her all proof printouts and administrative sign off sheets relating to the 2017 Yearbook.

116. Plaintiff told Principal Sirchio that she had the proof printouts and administrative sign off sheets in her classroom.

117. Plaintiff further advised Principal Sirchio that she was taking pictures of all the materials on her cell phone before she would agree to give them to her.

118. Principal Sirchio said she would supervise Saturday Detention while Plaintiff went to her classroom to retrieve the materials.

119. While Plaintiff was taking pictures of the materials, Principal Sirchio appeared in her classroom and demanded that Plaintiff immediately give the materials to her.

120. Plaintiff refused and replied that she would do so after she was finished taking pictures.

121. It had become clear to Plaintiff that the administration was attempting to set her up to take the blame for the entire controversy.

122. While continuing to take pictures of the proof printouts and administrative sign off sheets, Plaintiff specifically complained to Principal Sirchio that she did not do anything wrong and that the administration was responsible for the editing of Student G's Trump t-shirt.

123. Principal Sirchio responded that Plaintiff should not have listened to Secretary McChesney.

124. Plaintiff responded by warning Principal Sirchio, "Don't you dare try placing the blame" on her for making edits as directed by the administration.

125. Plaintiff further told Principal Sirchio, "You should be ashamed of yourself."

126. Plaintiff then showed Principal Sirchio the administration sign-off sheets and Secretary McChesney's initials.

127. A copy of pictures of the YEARBOOK APPROVAL FORM sheets showing Secretary McChesney's initials is as follows:

The Yearbook Staff will need any changes by December 23, 2018 in order to allow for edits and submission to Jostens for printing. ☺ Thank You!

Signatures 2, 4 and 5

WALL HIGH SCHOOL - YEARBOOK APPROVAL FORM

Page Description	Page #	Teacher Approval		Student Approval		Board Approval	
		Approved	Not Appr	Approved	Not Appr	Approved	Not Appr
1. Senior Opening	16						
2. Senior Opening	17						
3. Senior Superlatives	18						
4. Senior Superlatives	19						
5. Senior Superlatives	20						
6. Senior Superlatives	21						
7. Senior Superlatives	22						
8. Senior Superlatives	23						
9. Senior Superlatives	24						
10. Senior Superlatives	25						
11. Senior Superlatives	26						
12. Senior Superlatives	27						
13. Senior Group Photo	28						
14. Senior Group Photo	29						
15. Senior Portraits	30						
16. Senior Portraits	31						
17. Senior Portraits	32						
18. Senior Portraits	47						
19. Senior Portraits	48						
20. Senior Portraits	49						
21. Senior Portraits	50						
22. Senior Portraits	51						
23. Senior Portraits	52						
24. Senior Portraits	53						
25. Senior Portraits	54						
26. Senior Pres. Class Officers and Quote	55						
27. Senior Collage	56						
28. Senior Collage	57						
29. Junior Opening	58						
30. Junior Opening	59						
31. Junior Portraits	60						
32. Junior Portraits	61						
33. Junior Portraits	62						
34. Junior Portraits	63						
35. Junior Portraits	64						
36. Junior Portraits	65						
37. Junior Portraits	66						
38. Junior Portraits	67						
39. Junior Images	68						
40. Junior Pres. Class officers, quote	69						
41. Junior Collage	70						
42. Junior Collage	71						
43. Sophomore Open	72						
44. Sophomore Open	73						
45. Sophomore Portraits	74						
46. Sophomore Portraits	75						
47. Sophomore Portraits	76						
48. Sophomore Portraits	77						
49. Sophomore Portraits	78						
50. Sophomore Portraits	79						
51. Sophomore Portraits	80						
52. Sophomore Portraits	81						

Handwritten notes:
 - "nice" and "improvement" written at the top.
 - "KDC" written vertically in the middle.
 - "HSD" written in the middle.
 - "NO" written at the bottom left.

Yearbook Staff will need any changes by Feb 20, 2017 in order to allow for edits and printing :) Thank You!
 PS 6, 7, 9
 GH SCHOOL - YEARBOOK APPROVAL FORM

Page Description	Page #	Kevin Davis		Kristen Scott		Rose Sirchio	
		Approved	Not Appr	Approved	Not Appr	Approved	Not Appr
omore Collage	82	km				cm	
omore Collage	83					cm	
omen Opening	84					cm	
omen Opening	85					cm	
omen Portrait	86					cm	
omen Portrait	87					cm	
omen Portrait	88					cm	
omen Portrait	89					cm	
omen Portrait	90					cm	
omen Portrait	91					cm	
omen Portrait	92					cm	
Pres, Officers, uote	93					cm	
Collage	94					cm	
Collage	95					cm	
Opening	96					cm	
Opening	97					cm	
id Letters	98					cm	
Faculty Ports	99					cm	
ortraits	100					cm	
ortraits	101					cm	
ortraits	102					cm	
ortraits	103					cm	
ortraits	104					cm	cm ok
Custodial	105					cm	
pen	106					cm	
pen	107		ok		ok	cm	ok
ill	108		ok			cm	
ill	109					cm	
eer	110	km				cm	
eer	111					cm	
ey	112					cm	
ey	113					cm	
ig	132					cm	
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ill	136					cm	
ill	137					cm	
ill	138					cm	
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	140					cm	
	141					cm	
	142					cm	
	143					cm	
	144					cm	
	145		km			cm	
	146					cm	
	147	km				cm	
	168					cm	
	169					cm	
	234					cm	
	235					cm	
	236					cm	

128. On that same day, June 10, 2017, Superintendent Dyer released another press release that reads:

Yearbook Investigation

The administration of the Wall Township Public Schools is aware of an allegation of censorship and the possible violation of First Amendment rights in the high school yearbook this year. This allegation is being taken very seriously and a thorough investigation of what happened is being vigorously pursued.

As of today, two parents have notified the school district of ways in which the attire of their children was altered in yearbook photos. Further, there are claims that comments or quotes offered for inclusion in the yearbook were not published. References to and support of President Trump were involved in each of these incidents.

While the investigation is ongoing, the administration of the Wall Township Public Schools would stress three initial points: First, there is nothing in Wall Township High School's student dress code that would prevent a student from expressing his or her political views, or support for a political figure, via appropriate clothing and attire. Indeed, the administration applauds students for becoming involved in politics, making their voices known, and taking an active part in our democracy.

Second, the administration of Wall High School was not aware of and does not condone any censorship of political views on the part of our students. This includes statements that students might make, or clothing that advocates for specific political views, candidates, or public officials. Our dress code does, however, prohibit references to illegal activity such as the use of drugs, alcohol or weapons.

Third, the administration and staff of the Wall Township Public Schools strongly value the principles of free speech and inquiry in our schools and society, viewing them as the bedrock upon which our community and educational system is built. The allegations referenced above are disturbing, and any inappropriate challenge to these principles will be rectified as swiftly and thoroughly as possible. The actions of the staff involved will be addressed as soon as the investigation is concluded. Thank you for your concern and

continued support.

129. According to numerous media outlets, Superintendent Dyer continued to take calls from the media throughout June 10, 2017 and portray the false narrative that the edits to the 2017 yearbook were committed by Plaintiff and “not done under the direction of the administration”.

130. Superintendent Dyer was attributed to informing one news source that, “[T]here was ‘no direction from the administration at the building or from the central office’ to delete political references.”

131. The public statements made by Superintendent Dyer on June 10, 2017, were false and made without Defendants conducting any investigation into the claims of violations of the First Amendment.

132. Superintendent Dyer’s false statements were intentionally made to falsely cast blame upon Plaintiff and to protect herself and cover up the administration’s directives to Plaintiff to edit the Trump slogan off Student G’s t-shirt.

133. In the evening of June 10, 2017, Plaintiff received a phone call from a reporter at the New York Post.

134. The reporter asked Plaintiff something about the Wall Schools taking part in political bashing.

135. Plaintiff responded that they would never do anything of the sort and then hung up the phone.

136. As a result of this call, Plaintiff was quoted as having spoken with the New York Post.

137. In an article published by the New York Post at 10:46 p.m. on June 10, 2017, Plaintiff was quoted as saying, “We have never made any action against any political party” and hung up the phone with no further comment.

138. On June 11, 2017 at 7:04 a.m., Superintendent Dyer sent an email to Gail Maher, the union representative, stating:

Gail, Please remind Sue Parsons of 9400. She did not have permission to speak to the New York Post. I am available by phone if you would like to discuss the matter.

139. Ms. Maher then forwarded the email to Plaintiff at 7:39 a.m. on June 11, 2017.

140. Defendant BOE district policy 9400 News Media Relations (hereinafter “Media Policy 9400”) reads as follows:

Representatives of the local newspapers and radio and television stations are an important link in the communications chain between the school district and the community it serves. The maintenance of a good working relationship with members of the media is essential to meeting the objectives of the district’s school and community relations program.

The Board of Education must give formal approval to all basic practices governing relations between news media and the district and reserves the right to negotiate, on terms most favorable to the district, for the radio broadcasting, televising, filming, or sound recording of any school event by an outside agency.

The Superintendent shall be the chief communications representative of the Board. He/she shall be readily available to media representatives, provide media representatives with all appropriate and necessary information, suggest or supply feature articles or stories, prepare “press kits,” assist school and parent organizations with press relations, meet periodically with media representatives, and protect school personnel from any unnecessary demands on their time by news media representatives.

The Superintendent must approve in advance interviews between

staff members or pupils and media representatives and authorize the release of photographs, video or digital images of district subjects, personnel, or pupils. Photographs, video or digital images of disabled children shall not be disseminated or used in print or media in any way if they are identified as disabled unless permission is granted by the parent(s) or legal guardian(s). Photographs, video or digital images of children placed in the district by DYFS shall not be published without the permission of the Division case worker. Where the release of a photograph may violate the privacy of a pupil or staff member, the Superintendent and/or designee must first secure the written permission of the staff member or the pupil's parent(s) or legal guardian(s).

141. Superintendent Dyer's actions in silencing Plaintiff from speaking to the media is a violation of her First Amendment rights.

142. Superintendent Dyer's false statements concerning the administration's involvement in the edits, including the claim they were not aware of and did not condone the Trump edits to the yearbook, continued on Sunday, June 11, 2017.

143. It was reported that Superintendent Dyer informed CNN Sunday that neither she nor the school's administration were involved in the alteration of the photos.

144. Superintendent Dyer further stated to the media that "[w]e were not aware of it until the books were distributed, we do not condone it, and we are working on a remedy to the issue."

145. Superintendent Dyer also commented that she "cannot discuss personnel matters, but [she] take[s] this very seriously and it will be addressed appropriately."

146. While silencing and prohibiting Plaintiff from speaking to the media, Superintendent Dyer continued to engage in a robust media campaign to falsely blame Plaintiff and cover up for the administration.

147. Wall Township Board of Education ("BOE") President Allison Connolly was

attributed by news sources as “applaud[ing] Superintendent Dyer and the district administrators for ‘facing this situation head-on.’”

148. In a press release on June 11, 2017, BOE President Connolly further stated that the BOE “found the allegations of wrongdoing disturbing and take the charge that students have had their free speech rights infringed upon very seriously.”

149. The public statements made by BOE President Connolly on June 11, 2017, were also made in the absence of Defendants conducting any investigation into the claims of First Amendment violations.

150. On the morning of June 12, 2017, Student W was a guest on Fox and Friends to discuss the controversy.

151. During the interview, Student W told Fox and Friends host Steven Doocy:

I think also that the people or person who did this should be held responsible, because it is a violation of mine and other people’s First Amendment rights.

E. Plaintiff’s Suspension

152. Plaintiff reported to work on June 12, 2017 in anticipation of the school day and her meeting with Student G’s father.

153. At about 9:40 a.m. Plaintiff was approached by Ms. Kurmin and Mr. Bradley in her classroom.

154. Mr. Bradley informed Plaintiff that Ms. Kurmin would cover her class and that she was to report to the main office for a meeting with Defendant Superintendent Dyer.

155. Plaintiff then met with Superintendent Dyer, Principal Sirchio, Assistant Principal Davis and her union representative.

156. During the meeting, Plaintiff repeatedly defended herself that the edits to Student G's "Trump Make America Great Again!" t-shirt were directed by the administration.

157. Plaintiff informed Superintendent Dyer that she had been complaining for years about the administration's editing directives "saying that cameras take reality and what [the administration was] asking for [was] fantasy."

158. Plaintiff further complained that the administration repeatedly instructed her to make changes to the yearbooks that she felt to be unethical.

159. Plaintiff stated, "for some reason they give me directives to change the book. If I am truly the advisor and take all the responsibility, I shouldn't be told to do things that I feel ethically are not right."

160. During the meeting, Plaintiff also informed Superintendent Dyer that she could confirm that no one intentionally deleted the Trump slogan from Student W's photo and that it was cropped by the outside vendor so that all student's faces were uniform in size and placement.

161. Plaintiff further informed Superintendent Dyer that the omission of the Trump quote with Student M's photo was also unintentional and that she had confirmed with a Yearbook Member that the omitted quote was a mistake.

162. While being fully informed by Plaintiff that she had been directed by the administration to make the edits, Superintendent Dyer informed Plaintiff that she was being suspended.

163. At end of the meeting on June 12, 2017, Plaintiff was handed a letter from Superintendent Dyer stating that:

[E]ffective immediately, and after consultation with the Board of Education President, you are suspended from your teaching

position at Wall Township High School pending the investigation into your role in the alteration of photos and text in the 2016-2017 yearbook.

164. The decision to take adverse employment action against Plaintiff and falsely place the public blame upon Plaintiff was made prior to Defendants BOE and Dyer conducting a complete and thorough investigation into the claim of violations of Student G's First Amendment rights.

165. The decision to suspend Plaintiff and deny her the opportunity to meet with Student G's father, was further taken in retaliation of Plaintiff's First Amendment and civil rights.

166. Defendants' suspension of Plaintiff caused the public to further inaccurately believe that Plaintiff was responsible and done so to further Defendants' media campaign to discredit Plaintiff and cover up for the administration.

167. At the conclusion of the meeting, Superintendent Dyer asked Vice Principal Davis to escort Plaintiff to her classroom to collect her belongings and then escort her out of the building and off the premises.

168. By silencing Plaintiff through Media Policy 9400 and then suspending her immediately prior to her scheduled meeting with the father of Student G, Defendants BOE and Dyer were able to control the messaging and present the false narrative to Student G's father (and the media) that the administration had done nothing wrong and was taking the appropriate steps to punish someone for the 2017 yearbook controversy.

169. Upon information and belief, there was then a meeting in Principal Sirchio's office later on the morning of June 12, 2017 attended by Superintendent Dyer, Kimberly Davis, Secretary McChesney, Principal Sirchio and union representatives.

170. Upon information and belief, Superintendent Dyer began the meeting by asking Secretary McChesney questions about the Trump-related yearbook edits.

171. Upon information and belief, Secretary McChesney refused to answer any questions without legal representation.

172. Upon information and belief, the meeting then immediately ended as a result of Secretary McChesney's refusal to answer any questions outside the presence of legal counsel.

173. Upon information and belief, no investigation, disciplinary action or other adverse action has been taken against Secretary McChesney concerning the 2017 yearbook.

174. Thereafter, at approximately noon, Superintendent Dyer attended the scheduled meeting with Student G's father and Principal Sirchio.

175. Upon information and belief, Superintendent Dyer continued to falsely claim in the meeting with Student G's father that the administration had no involvement with the Trump slogan being Photoshopped off Student G's T-Shirt in his yearbook photo.

176. Upon information and belief, Superintendent Dyer further advised Student G's father that the Yearbook Advisor had been suspended for her actions.

177. After the meeting, Student G's father informed the media that he was pleased with how the investigation was being handled.

178. After making the decision to unlawfully suspend Plaintiff while imposing the gag order on Plaintiff pursuant to Media Policy 9400, Superintendent Dyer continued her media campaign to cover up the administration's involvement in the controversy by publicizing to numerous media outlets that the Yearbook Advisor had been suspended as a result of the pending investigation into her actions.

179. The media was easily able to identify Susan Parsons as the suspended Yearbook Advisor as she was identified on the school's website as the Yearbook Advisor.

180. According to one news report first published at 12:24 p.m. on June 12, 2017, Defendant Superintendent Dyer had informed members of the press that a teacher and advisor to the Yearbook had been suspended due to the alleged censorship of images and quotes by students supporting Donald Trump.

181. One news article states that "Superintendent Cheryl Dyer said Monday that the teacher, who she declined to name, was suspended 'pending further disciplinary action' from the school board."

182. Superintendent Dyer is further attributed to stating, "I don't have definitive answers to all my questions yet, but I knew enough at this point to get board approval to take that action."

183. The article identifies Plaintiff Susan Parsons as the Yearbook Advisor, along with a current salary of \$92,000.

184. According to other media reports, Superintendent Dyer issued yet another press release dated June 12, 2017, announcing that a teacher was suspended pending the results of an investigation.

185. Superintendent Dyer further stated:

The high school administration was not aware of, and does not condone any censorship of political views on the part of our students. This includes statements that they might make or clothing with references to candidates for public office that they might wear.

186. It was further reported that Superintendent Dyer sent NBC News an email in which

she informed that, “[t]he yearbook advisor, who is also a teacher at the school, was suspended with pay” and that the “suspension will last until the investigation is complete.”

187. According to the Daily News, Superintendent Dyer confirmed that “an unidentified yearbook advisor was suspended pending an investigation.”

188. The Daily News listed Susan Parsons as the Yearbook Advisor.

189. According to the New York Times, Defendant Superintendent Dyer’s executive secretary, Kim Keator, informed that the yearbook advisor was Susan Parsons.

190. Ms. Keator also reportedly informed the New York Times that the suspension “would be in effect until that investigation was completed” and that she “believed the suspension to be a form of paid leave.”

191. According to News 12, a local New Jersey news outlet, Defendant Superintendent Dyer stated in another media interview, “If the attire was altered in some way in order to silence that viewpoint, that is very problematic...It’s certainly not something that we would condone.”

192. Shortly thereafter Plaintiff learned that her access to her school email account had been disabled.

193. In another statement to the press on June 14, 2017, Superintendent Dyer stated that the Yearbook Advisor’s suspension was indefinite and that the investigation into the yearbook incident was continuing.

194. Superintendent Dyer further stated, “I have no reason to believe that any students were involved, and we are working with families on an appropriate remedy for affected students.”

195. On or about June 15, 2017, Defendant Superintendent Dyer issued another press

release in which she stated that she “cannot allow the intentional change that was not based on dress code to be ignored.”

196. Defendant Superintendent Dyer further stated:

I am the Chief School Administrator in this district, and I take responsibility for the actions of those who are employed here. Therefore, I have determined that a re-issuance of the yearbook is necessary.

197. President Trump himself took note of the controversy via Facebook, in which he wrote “Thank you [Student W] and [Student M] -- two young Americans who aren’t afraid to stand up for what they believe in. Our movement to #MAGA is working because of great people like you!”



F. Retaliatory Acts Taken Against Plaintiff After the Suspension

198. A Board of Education Meeting was held on June 20, 2017.

199. Minutes from the June 20, 2017, meeting reflect that BOE President Connolly addressed the yearbook controversy as follows as reflected in the minutes:

Mrs. Connolly commented on the issue of the High School Yearbook, stating we find the allegations of censorship disturbing and we have taken the charges that students have had their rights compromised very seriously. Beyond the parameters of long established District Policy, we do not condone any action taken with the intent of limiting student's freedom of expression. From where I sit, I believe that the Superintendent, the Administration, and this Board have faced this situation head-on. The legal limitations of what we can say at this time, should not be confused or misinterpreted as a desire to leave the community uninformed, in fact, it is quite the opposite. The district is doing everything in its power to ensure that this matter is handled with transparency but thoroughness it deserves. Mrs. Connolly offered feedback received on this matter by reading aloud excerpts of an email received from Mr. B[], the father of one of the students involved in this situation.

200. At the Wall Township Board of Education meeting on June 20, 2017, it was decided that Plaintiff's paid position as Saturday Detention Monitor, which she had been doing for the past five (5) years, was being filled by another faculty member.

201. By letter dated June 27, 2017, Plaintiff was informed that the BOE approved a (5) five day suspension from June 12, 2017 through June 16, 2017.

202. On June 21, 2017, the BOE placed an employment advertisement for the position "Anticipated Technology Teacher."

203. On June 30, 2017, Plaintiff received two (2) letters in the mail from the Board of Education – one stating that her job would be discussed at the July Board of Education meeting and another stating that the Board had approved the one-week suspension.

204. Ron Villano, a union representative, advised Plaintiff on July 5, 2017, that a grievance was submitted to the Board of Education concerning her 5-day suspension.

205. By letter dated July 7, 2017, Superintendent Dyer denied the grievance on the basis that Plaintiff's "suspension, pending the outcome of investigation involving her role as yearbook class teacher and yearbook advisor, was for just cause under the circumstances and there were no contractual violations."

206. A Board of Education meeting was held on July 18, 2017.

207. Minutes from the meeting reflect that Defendant Superintendent Dyer updated Defendant BOE as follows:

2017 Yearbook

Mrs. Dyer reported to the Board on the issues related to the errors and omissions in the 2017 yearbook; cannot comment publically [sic] on any issues related to personnel, but can share with the public some of the steps that will be taken to ensure that something similar does not happen in the future; with regard to personnel, corrective and disciplinary action will be taken at some point; details will not be discussed, as employees have the right to confidentiality. In terms of Curriculum and Instruction, the Curriculum for the course associated with the yearbook and other school publications is being reviewed and revisions will be made to ensure that the issues related to censorship and biased reporting are thoroughly addressed. This will also include a more detailed review of lesson plans for these courses. In the area of Policy, the Policy and Regulation for School Sponsored Publications will be reviewed by the Administration and Board of Education Policy Committee and with regard to extra-curricular activities, additional procedures for administrative review are being developed for all clubs and activities.

208. By letter dated August 23, 2017, Brian J. Smyth, Business Administrator/Board

Secretary advised Plaintiff that:

In accordance with Board of Education action on August 22, 2017, your salary and adjustment increment is to be withheld for the 2017-2018 school year. Therefore, your salary for the 2017-2018 school year will remain the same as your salary for the 2016-2017 school year.

209. Superintendent Dyer then sent Plaintiff a letter dated August 25, 2017, which

stated:

As you know from the letter that you received from the Board Secretary, the Wall Township Board of Education took action on August 22, 2017 to withhold your salary and adjustment increment for the 2017-2018 school year.

The disciplinary action is a result of actions that you took as the teacher of the yearbook class and advisor to the club. On December 19, 2016 you altered the shirt that was worn by a student to remove the slogan "Trump: Make America Great Again." You then uploaded a new picture to the website portal that showed a blank shirt. This action was not consistent with Policy and Regulation 2432: School Sponsored Publications. You altered the photo of the student, which was an expressive activity on the part of the student, without following the procedures outlined under prepublication review.

You will also be receiving a formal letter of reprimand regarding your actions in this matter. Please be advised that my office and the Wall Township Board of Education reserve the right to take further action in the event that additional information is discovered or revealed concerning this issue.

210. Plaintiff was issued a letter of reprimand from Superintendent Dyer dated September 11, 2017.

211. The letter of reprimand reads:

This letter will serve as an official letter of reprimand regarding the actions that you took last year (2016-17) as the yearbook advisor

and teacher of the yearbook class.

On December 19, 2016 you altered the shirt that was worn by a student to remove the slogan "Trump: Make America Great Again." You then uploaded a new picture to the website portal that showed a blank shirt. This action was not consistent with Policy and Regulation 2432: School Sponsored Publications. You altered the photo of the student, which was an expressive activity on the part of the student, without following the procedures outlined under prepublication review.

Please be advised that any further behavior of this type will be subject you[sic] to additional discipline which may include suspension, loss of increment or tenure charge dismissal.

212. By letter dated September 12, 2017, Plaintiff filed another grievance regarding the discipline notification withholding her increment and salary adjustment effective September 1, 2017.

213. Plaintiff's second grievance was also denied by Superintendent Dyer.

214. In denying the grievance, Superintended Dyer stated:

[T]he discipline was for cause related to her role as yearbook class teacher and yearbook advisor. The disciplinary action was a result of actions taken by Mrs. Parsons as the teacher of the yearbook class and advisor to the yearbook club which were inconsistent with Policy and Regulations 2432: School Sponsored Publications, as well as other actions referenced in the letter of reprimand sent on September 11, 2017.

G. Death Threats, Harassment and Other Public Outrage Directed at Plaintiff

215. The entire world was led by Defendants' to falsely believe that the administration was not involved in the edits to Student G's Trump t-shirt in the 2017 yearbook and that it was Plaintiff's fault.

216. Defendants' decision to suspend Plaintiff and take immediate steps to publicly blame Plaintiff for the Trump edit caused unknown persons to personally target Plaintiff out of

anger for her purported actions.

217. Based upon the false narrative disseminated by Defendants, the public believed that Plaintiff was anti-Trump and was the motivation for her to edit Student G's Trump t-shirt in the 2017 Yearbook.

218. Contrary to Defendants' narrative pedaled to the media, Plaintiff had actually voted for presidential candidate Donald Trump in the 2016 election.

219. As Defendants' false narrative spread widely throughout the media that Plaintiff had been suspended by Defendants for her purported actions in connection with the 2017 yearbook, Plaintiff began to receive third party harassment.

220. The third party harassment began immediately and escalated quickly.

221. Plaintiff lives in an area surrounded by woods and heard people outside her house in trees and/or in the woods at times during the week of June 11, 2017.

222. Plaintiff was contacted by the Wall Police Department and informed that the high school had received a death threat to Plaintiff's life.

223. The Wall Police Department determined Plaintiff needed security from the police at her home.

224. A Wall Township police officer was then assigned to monitor Plaintiff's home.

225. Plaintiff believed that someone would hurt her and was terrified to leave her house.

226. While at home, Plaintiff, however, began receiving threatening and harassing phone calls and voice messages.

227. Plaintiff became afraid to watch television, search the internet or listen to the

radio out of fear that she would hear her name and the false accusations Defendants had perpetuated to the world about her.

228. In one voicemail left on her home phone, one person threatened Plaintiff as follows:

You sound like a liberal c*** – a liberal f***ing c***. Who the f***. Yeah your Shore 2 Swim. That will move down too, you b***. Believe me no one going there because your name is going to be all over FOX news cuz you f***ing sk**ky wh***. Sk**ky wh*** Liberal piece of s***. The people that agree with you to take it upon yourself to push your views on other people – you sk**ky w****. Too bad your s***ky wh*** Hillary didn't win and then everything would be okay with the world – wouldn't it be. Hope they fire your a*** – f***ing sk**ky wh*** – and close down your white trash business you got going there in f***ing Belmar – f***ing piece of garbage – You are absolute piece of garbage. I hope you get fired you f***ing and sk**ky w***.

229. Another threatening message received by Plaintiff was as follows:

Is this the f***ing sk***k Susan Parsons who took the Trump thing off the kids ah shirt? You f***ing skank. You f***ing piece of dog shit. Some president you liberal bleeding heart piece of s*** – c**** - Get over it b****. I hope they fire your f***ing scummy c*** a**. You f***ing c*** ugly p***y b****. Trumps our president, get over it. You Hillary loving f***ing liberal piece of garbage. Who the f*** are you to make up the rules you f***ing w****. You don't make the rules b****. You just get paid you old f***ing sk**ky wh*** b**** c*** sk***ky f***ing liberal bleeding heart mother f***ing piece of s***. Trump baby!

230. In another message received by Plaintiff, the caller threatened Plaintiff:

In certain countries people like you would be behind bars for treason. Mrs. Parsons you treasonous traitor liberal. Leave the country.

231. In another voicemail, a person instructed Plaintiff:

Why don't you put FOX news on about now? You might learn a

little bit.

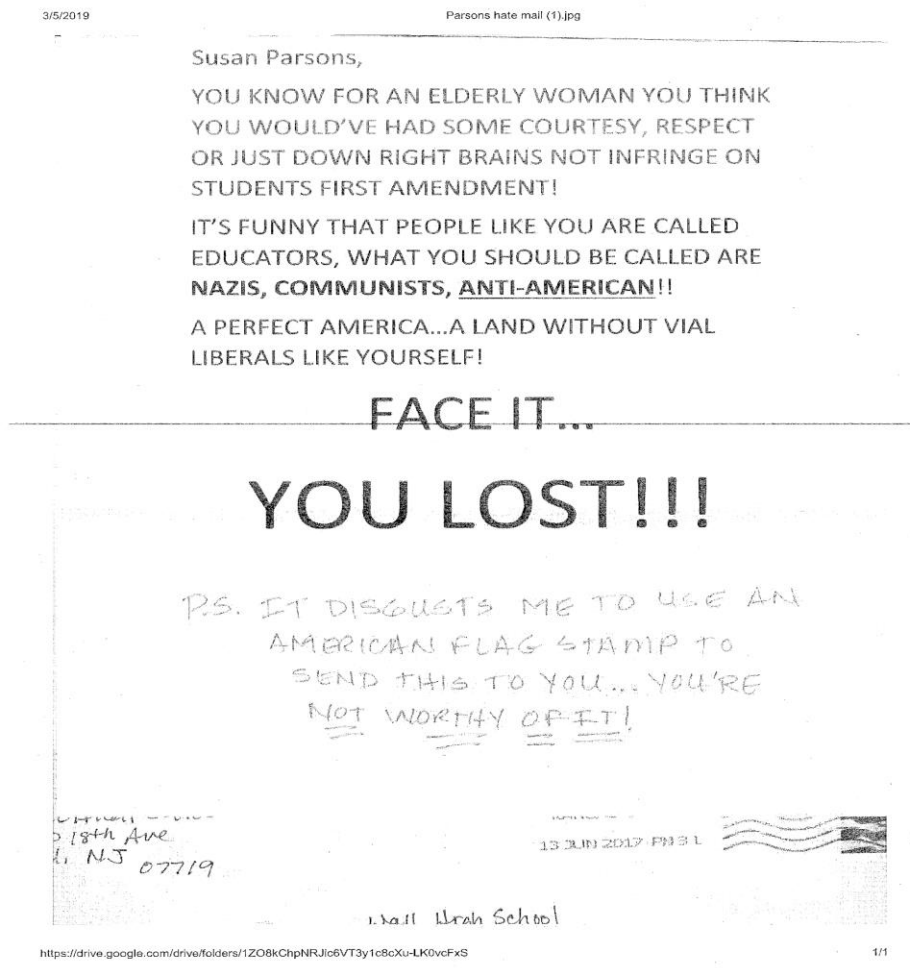
232. Another message left on Plaintiff's voicemail stated,

Hey Susan, what the hell were you thinking when you did that Photoshop editing? You and your family should pay for everybody to get new yearbooks. Shame on you.

233. Plaintiff stopped answering the phone in fear it would be yet another call to threatening her.

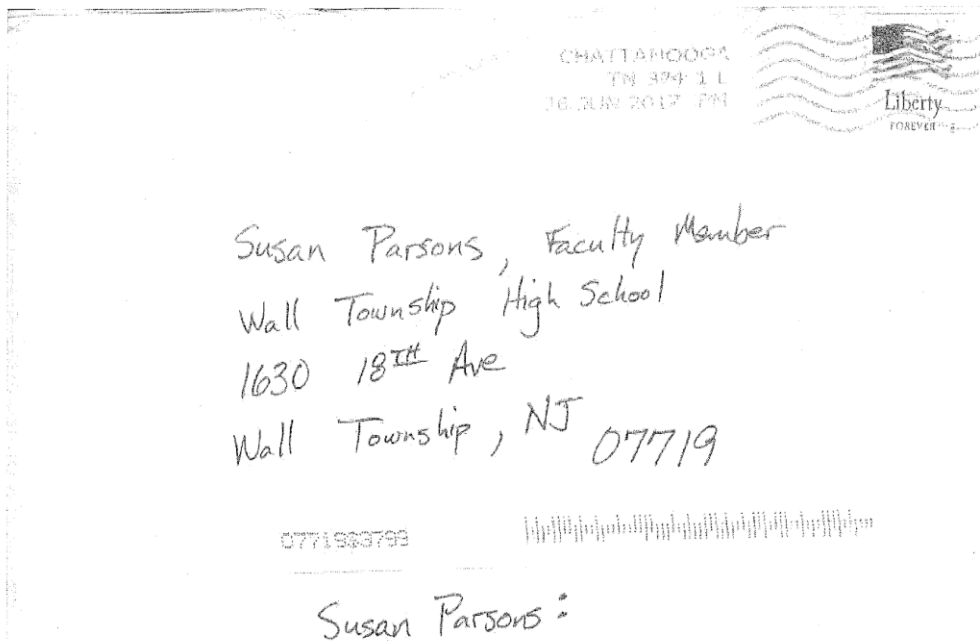
234. Plaintiff also received a large number of written letters and electronic communications attacking and threatening her.

235. Examples of the communications include:



3/5/2019

Parsons hate mail (3).jpg



This is "Hate Mail"
 You deserve it.
 Deal with it.

You are an arrogant BITCH.
 You can take a picture of
 this and erase parts of it
 with photo editing software.

P.S. I voted for Clinton.

3/5/2019 Hate email to school account.PNG
Verizon 12:29 PM 84%

From: Bradley Phippen
To: Susan Parsons
Hide

Just Deserts
Today at 10:46 AM

Well....

Not only not your place to make such decisions, you were stupid enough to get caught!

Enjoy the fame that will linger with you for the rest of your life

Cheers!

3/5/2019 Nasty Email 3 of today.PNG
Verizon 3:21 PM 79%

7 Messages
yearbooks
From: Jim Navium
Re: yearbooks
To: Susan Parsons
Today at 12:51 PM

You should be ashamed of yourself and have your pay docked until you pay back the cost of reprinting!!!

MAGA!!!!

See More

Mike Cannon 6/13/16
To: Susan Parsons Details

Hi Sue,

Wanted to give you the costs for the additional books. Cost for 35 books 6901.50 plus the individual shipping costs.

Mike

236. Third party person(s) also fraudulently signed Plaintiff up for various magazine, coin and other mail subscriptions.

237. Pictures of the some of the invoices for these subscriptions include the following:



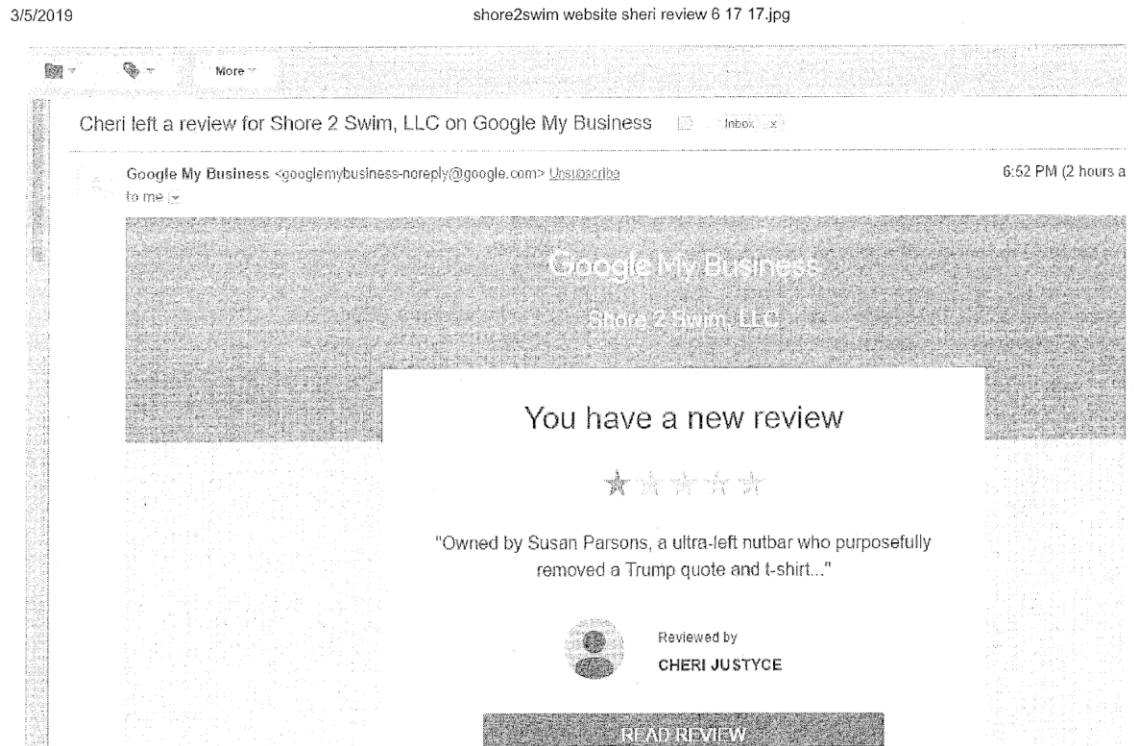
238. Plaintiff's personal swim business, Shore 2 Swim, LLC, has also been irreparably damaged.

239. The businesses website www.shore2swim.com and business related social media

accounts received threatening and harassing form submissions and other private and public communications from various unknown persons.

240. Many of these persons submitted 1-star ratings and others left threatening messages on Plaintiff's shore2swim Facebook page and Yelp pages, all causing her business's overall internet rating to plummet.

241. Some examples of the threatening messages sent to Plaintiff through her business website and social media accounts include the following:



New activity on your video: Swimming Freestyle with proper technique - Shore 2 Swim, LLC.

YouTube shore2swim@youtube.com [Get another email](#)
 6:12 PM (8 hours ago)



New comment on your video
 Swimming Freestyle with proper technique - Shore 2 Swim, LLC.



Dawnie Rotten
 Susan Parsons ... the ANTI-American Libertard who CENSORED any and ALL references to PRESIDENT Trump in the Wall High School 2017 year book. You ANTI-American PIECE OF SHIT!!

[Reply](#) [View all comments](#)

YouTube comments are powered by Google+

[Learn more](#)

Messages from other email

Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 USA

6/15/2017

Inbox (1,679) - shore2swim@gmail.com - Gmail

Custom Form Submission

Vistaprint <vistaprint@tm.vistaprint.com>
 to me

2:41 PM (51 minutes ago)



[Add Vistaprint to your address book](#)

[My Account](#) 1090-0396-6735

<p>Your Special Offers</p> <p>Email Marketing</p> <p>Try it FREE</p> <p>Local Search Profile</p> <p>Try it FREE</p>	<p>Dear Susan,</p> <p>You have received a form submission on your Vistaprint Website. Details are below.</p> <p>Contact Form</p> <table border="1"> <tr> <td>First Name</td> <td>Get</td> </tr> <tr> <td>Last Name</td> <td>You Fired</td> </tr> <tr> <td>Company</td> <td>You're Fired LLC</td> </tr> <tr> <td>Email</td> <td>getyoufired@getyoufired.com</td> </tr> <tr> <td>Phone</td> <td>212-Get You Fired</td> </tr> <tr> <td>Address 1</td> <td>123 Get You Fired Street</td> </tr> <tr> <td>City</td> <td>Wall</td> </tr> <tr> <td>State</td> <td>NJ</td> </tr> <tr> <td>Zip</td> <td></td> </tr> <tr> <td>Comments</td> <td>We are working to get you fired...and won't stop until you are fired and its announced to the country.</td> </tr> </table> <p>You can view and manage all of your form submissions at the online dashboard.</p>	First Name	Get	Last Name	You Fired	Company	You're Fired LLC	Email	getyoufired@getyoufired.com	Phone	212-Get You Fired	Address 1	123 Get You Fired Street	City	Wall	State	NJ	Zip		Comments	We are working to get you fired...and won't stop until you are fired and its announced to the country.
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Phone	212-Get You Fired																				
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City	Wall																				
State	NJ																				
Zip																					
Comments	We are working to get you fired...and won't stop until you are fired and its announced to the country.																				

Approved by [redacted] Business Analyst [redacted] [redacted] [redacted]

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Vistaprint may change or cancel this offer at any time. See website for details.

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PCI 650856 POC 550595 T 175

242. When Plaintiff goes out in public in order to shop or engage in other regular life activities, she now does so outside of Wall Township, despite living there, to limit the chances of having interactions with anyone as a result of Defendants' false narrative.

243. Plaintiff, who used to regularly take long bike rides, no longer rides her bike because she is afraid someone may attempt to intentionally hit her with a car.

244. Plaintiff has attempted to eat at local restaurants, however, on occasions when people notice who she is and stare, point and talk about her, she has ended up leaving.

245. Plaintiff is afraid to provide her last name to restaurants for take out of fear that someone may do something improper to her food.

246. Plaintiff's professional career as an educator has been irreparably damaged.

247. Since her return to school in September 2017, Plaintiff has been disrespected and ridiculed by students and other persons who believe she was responsible for editing the Trump t-shirt in the 2017 yearbook.

248. Plaintiff has heard students talking about her in her near presence about the 2017 yearbook and the false narrative that she was at fault for the edits.

H. Media Policy 9400 Gag Order

249. Plaintiff has continued to be unable to defend herself against the fake media campaign perpetuated by Defendants as a result of the gag order placed on Plaintiff by Defendants pursuant to Media Policy 9400.

250. Plaintiff has made a demand to Defendants to lift the gag order imposed Plaintiff concerning the 2017 yearbook.

251. After retaining Counsel to file this lawsuit, Counsel for Plaintiff sent Defendants

BOE and Dyer a letter on May 1, 2019, requesting the Superintendent's permission to be interviewed by the media pursuant to Media Policy 9400.

252. To date, Plaintiff has not received permission to speak to the press or media freely, as required by Media Policy 9400.

253. As a result of the actions of the Defendants, Plaintiff has suffered significant damages and irreparable harm to her personal business, reputation and health.

FIRST COUNT

VIOLATIONS OF NEW JERSEY CIVIL RIGHTS ACT

254. Plaintiff repeats, realleges and incorporates by reference each and every allegation stated above as if fully set forth herein.

255. N.J.S.A. 10:6-2(c) states, in pertinent part:

Any person who has been deprived of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief.

256. The First Amendment of the New Jersey State Constitution § 6 states, in relevant part:

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.

257. The issues set forth in detail herein concerning the 2017 yearbook and subsequent investigation into same are of significant public interest.

258. Media Policy 9400 reads, in relevant part, “The Superintendent must approve in advance interviews between staff members or pupils and media representative” (hereinafter, the “Media Approval Directive”).

259. The Media Approval Directive is an unconstitutional prior restraint of the First Amendment rights of Plaintiff and all other staff members and pupils.

260. The Media Approval Directive violated and continues to violate Plaintiff’s First Amendment rights to speak freely concerning issues that are of the utmost public concern.

261. Superintendent Dyer and the BOE further violated Plaintiff’s First Amendment rights by silencing her speech through imposition of the Media Approval Directive.

262. Superintendent Dyer and the BOE further violated Plaintiff’s First Amendment rights by suspending her and refusing her the opportunity to attend the scheduled meeting and inform Student G’s father that the yearbook edit to his son’s t-shirts was a directive from the administration.

263. The Media Directive Policy and Defendants’ refusal to provide permission under the Media Directive Policy interfered with and violated Plaintiff’s rights under the First Amendment.

264. The unlawful actions set forth herein were made by persons acting under color of law.

265. Plaintiff’s rights under the First Amendment are substantive rights, privileges or immunities secured by the Constitution of this State, within the meaning of N.J.S.A. 10:6-2(c).

266. Discussing the facts and circumstances surrounding the administration’s actions in directing Plaintiff to Photoshop the Trump T-Shirt is inherently speech on a matter of public

concern, bringing it within the protection of the First Amendment.

267. Barring Plaintiff from discussing any matters related to the editing of the Trump T-Shirt is not a restriction on speech that is necessary for Defendants to operate efficiently and effectively.

268. As set forth in detail herein, Plaintiff was deprived of her right to substantive due process and/or equal protection and/or substantive rights, privileges and/or immunities secured by the New Jersey Constitution and/or laws of New Jersey and her exercise and enjoyment of those substantive rights, privileges and/or immunities has been interfered with and/or attempted to be interfered with, by threats, intimidation and/or coercion by Defendants.

269. Defendants' acts or omissions were the cause of Plaintiff's harm, and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

270. Defendant Dyer participated in, condoned, ratified, perpetuated and/or aided and abetted the violations.

271. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer career damage, financial loss, damage to her reputation and emotional distress.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendants as follows:

- A. Compensatory damages for loss of wages and benefits, pension losses, pain, suffering, stress, humiliation, mental anguish and other emotional harm;
- B. Damages for harm to reputation and career development;

C. Consequential damages;

D. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, Court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);

E. Punitive damages;

F. Injunctive relief requiring remediation of Defendants Civil Rights violations; and

G. Such other relief as the Court may deem equitable and just.

SECOND COUNT

CIVIL RIGHTS HOSTILE WORK ENVIRONMENT/FAILURE TO CONDUCT A FAIR AND COMPLETE INVESTIGATION

272. Plaintiff repeats and realleges each of the prior allegations of the within Complaint as if set forth at length herein.

273. The New Jersey Civil Rights Act was enacted to provide the citizens of New Jersey with a State remedy for deprivation of or interference with civil rights.

274. By providing a remedy to aggrieved citizens under the statute, the New Jersey Civil Rights Act is intended to address potential gaps which exist under the remedies provided under the New Jersey Law Against Discrimination.

275. Upon learning of potential First Amendment violations concerning the 2017 yearbook, Defendants were obligated to prevent and remediate the existence of a hostile work environment and to conduct a fair, complete and thorough investigation into the allegations of civil rights violations.

276. Defendants publicly announced to the media that they viewed the allegations

from the students as very serious and that they would conduct an investigation into the matter.

277. The same duty Defendants owed to the students who claimed First Amendment violations to conduct a fair, complete and thorough investigation was also owed to Plaintiff.

278. Defendants breached that duty by not conducting a fair, complete or thorough investigation and by causing and exacerbating the hostile work environment directed at Plaintiff.

279. Instead, Defendants conducted a sham investigation and disseminated misleading and false information to the media and public in order to falsely accuse Plaintiff of wrongdoing.

280. As a result of Defendants' conduct, Plaintiff has been subjected to death threats and other horrific acts of harassment causing her to suffer significant and irreparable damages.

281. The harassing and threatening conduct was caused by the conduct and inaction of supervisors and/or managers of Defendant BOE.

282. Defendants were negligent in creating and exacerbating the death threats and harassment directed at Plaintiff.

283. Defendants' acts or omissions were the cause of Plaintiff's harm, and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

284. Defendant Dyer participated in, condoned, ratified, perpetuated and/or aided and abetted the violations.

285. As a result of Defendants' conduct, Plaintiff has suffered, and continues to suffer, emotional distress, economic loss and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for harm suffered due to the aforesaid violations of law as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Punitive damages;
- F. Pre-judgment interest and enhancements to off-set negative tax consequences;
- G. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, Court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law); and
- H. Such other relief as may be available and which the Court deems just and equitable.

THIRD COUNT

DECLARATORY JUDGMENT THAT MEDIA POLICY 9400 VIOLATES THE NEW JERSEY CONSTITUTION AS A PRIOR RESTRAINT UPON THE PROTECTED SPEECH OF STAFF MEMBERS AND PUPILS

286. Plaintiff repeats and realleges each and every prior allegation of the Complaint as if set forth at length herein.

287. Plaintiff seeks relief under the New Jersey Declaratory Judgment Act, N.J.S.A. 2A:16-50 et seq., which allows parties to sue for a judicial declaration in order to declare and settle the rights and obligations of the parties.

288. The BOE's Media Policy 9400 reads, in relevant part, "The Superintendent must

approve in advance interviews between staff members or pupils and media representatives...” (hereinafter, the “Media Approval Directive”).

289. Plaintiff seeks a declaration that the “Medical Approval Directive” contained in Media Policy 9400 constitutes an unconstitutional prior restraint on the free speech of staff members and pupils, guaranteed to them by the First Amendment of the New Jersey Constitution.

290. Plaintiff seeks a declaration that Defendants BOE and Dyer are restrained and enjoined from enforcing the Media Approval Directive upon Plaintiff and all other staff members and pupils.

291. The Media Approval Directive regulates employee and student speech by requiring the Superintendent’s approval in advance for interviews with a media representative.

292. Plaintiff and other staff members and pupils who have been subjected by Defendants to the Media Approval Directive have been irreparably harmed by the loss of First Amendment freedoms.

293. The issues set forth in detail herein concerning the 2017 yearbook and subsequent investigation into same are of significant public interest.

294. The Media Approval Directive restrains protected speech of staff members and pupils by preventing them from freely speaking on matters of public concern.

295. Defendants have no legitimate interest in restraining and/or preventing the speech under the Media Approval Directive and it does not outweigh the interests of staff members and pupils being free to speak on issues of public concern.

WHEREFORE, Plaintiff demands the Court enter judgment in their favor and against Defendants as follows:

A. Declaring the Media Approval Directive violates the First Amendment of the New Jersey Constitution as an unlawful prior restraint upon the constitutional rights of staff members and pupils;

B. Restraining and enjoining Defendants from enforcing the Media Approval Directive upon Plaintiff and all other staff members and pupils;

C. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, Court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law); and

D. Such other relief as may be available and which the Court deems just and equitable.

FOURTH COUNT

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

296. Plaintiff repeats and realleges each and every prior allegation of the Complaint as if set forth at length herein.

297. Plaintiff was subjected to the tort of intentional infliction of emotional distress by Defendants.

298. Defendants engaged in extreme and outrageous conduct toward Plaintiff in deliberate and reckless disregard of a high probability that emotional distress would follow.

299. Defendants' actions were so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and are regarded as atrocious and utterly intolerable in a civilized community.

300. As a direct result of Defendants' conduct, Plaintiff suffered emotional distress such that no reasonable person could be expected to endure it.

301. Defendants are liable in damages to Plaintiff for all injuries caused by their intentional infliction of emotional distress.

302. Defendants' actions were committed with actual malice or accompanied by a wanton and willful disregard of Plaintiff, who foreseeably might be harmed by those acts.

303. As a result of Defendants' conduct, Plaintiff has suffered and/or continues to suffer, emotional distress, economic loss, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for harm suffered due to the aforesaid conduct as follows:

- A. Compensatory damages;
- B. Consequential damages;
- C. Punitive damages;
- D. Pre-judgment interest and enhancements to off-set negative tax consequences;
- E. Any and all attorneys' fees, expenses, and/or costs, including, but not limited to, court costs, expert fees, and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law); and

F. Such other relief as may be available and which the Court deems just and equitable.

SMITH EIBELER, LLC

**By: /s/ Christopher J. Eibeler
CHRISTOPHER J. EIBELER
Attorney for Plaintiff**

Dated: May 6, 2019

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby stated to the best of my knowledge and belief that the matter in controversy is not the subject of any other action pending or contemplated in any other court or of a pending arbitration proceeding. Further, Plaintiff is unaware of any non-party who should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts. I further 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).

SMITH EIBELER, LLC

**By: /s/ Christopher J. Eibeler
CHRISTOPHER J. EIBELER
Attorney for Plaintiff**

Dated: May 6, 2019

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.

SMITH EIBELER, LLC

**By: /s/ Christopher J. Eibeler
CHRISTOPHER J. EIBELER
Attorney for Plaintiff**

Dated: May 6, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Christopher Eibeler, Esq. is designated as trial counsel for the above-captioned matter.

SMITH EIBELER, LLC

**By: /s/ Christopher J. Eibeler
CHRISTOPHER J. EIBELER
Attorney for Plaintiff**

Dated: May 6, 2019

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-001625-19

Case Caption: PARSONS SUSAN VS WALL TOWNSHIP
BOARD OF ED

Case Initiation Date: 05/06/2019

Attorney Name: CHRISTOPHER J EIBELER

Firm Name: SMITH EIBELER LLC

Address: 101 CRAWFORDS CORNER RD STE 1-105R

HOLMDEL NJ 07733

Phone:

Name of Party: PLAINTIFF : Parsons, Susan

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: CIVIL RIGHTS

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

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? YES

If yes, is that relationship: Employer/Employee

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)*

05/06/2019

Dated

/s/ CHRISTOPHER J EIBELER

Signed