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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

C.H. a minor, by and through her next friend,
Ronald Hudak,

Plaintiff,

v.

Bridgeton Board of Education; Dr. H. Victor
Gilson, Superintendent, in his individual and
official capacities; Lynn Williams, Principal of
Bridgeton High School, in her individual and
official capacities; and Stephen Lynch, Assistant
Principal of Bridgeton High School, in his
individual and official capacities;

Defendants.

Case No.

VERIFIED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF

Now comes Plaintiff, C.H., by and through her next friend, Ronald Hudak¹, pursuant to the Federal Rules of Civil Procedure, and for her causes of action against Defendants avers the following:

¹Pursuant to Local Rule 5.2, C.H. is identified by her initials.

I. INTRODUCTION

1. This is a civil rights action under 42 U.S.C. § 1983, the First Amendment, and the Fourteenth Amendment brought to remedy a violation of the constitutional rights of C.H., a student, whose address is 144 Atlantic Street, Bridgeton, N.J., 08302, against Defendant school officials, whose address is Bridgeton High School, 111 Northwest Avenue, Bridgeton, NJ 08302, and Bridgeton Public Schools/Board of Education, 41 Bank Street, Bridgeton, NJ, 08302.
2. Plaintiff brings this action challenging Defendant’s censorship of Plaintiff’s religious pro-life speech on the Pro Life Day of Silent Solidarity.
3. Defendants prohibited Plaintiff from distributing pro-life literature during noninstructional times, and prohibited her from wearing a red arm band with the word “LIFE” written on it.
4. Plaintiff was informed by school officials that nothing “religious” is allowed in public schools.
5. Defendants’ censorship of Plaintiff’s religious speech pursuant to several of their unconstitutional policies is both content and viewpoint-based.
6. Plaintiff challenges these Policies both on their face and as-applied to her speech.
7. Defendants’ censorship of Plaintiff’s religious speech, and the Policies on which that censorship was based, violate the First and Fourteenth Amendments

to the United States Constitution.

II. JURISDICTION AND VENUE

8. This action arises under the United States Constitution, particularly the First and Fourteenth Amendments; and under federal law, particularly 28 U.S.C. §§ 2201, 2202; 42 U.S.C. §§ 1983 and 1988.

9. This Court possesses original jurisdiction over Plaintiff's claims by operation of 28 U.S.C. §§ 1331 and 1343.

10. This Court is vested with authority to issue the requested declaratory relief under 28 U.S.C. § 2201 and 2202, and pursuant to Rule 57 of the Federal Rules of Civil Procedure.

11. This Court has authority to award the requested injunctive relief under Rule 65 of the Federal Rules of Civil Procedure and under 28 U.S.C. § 1343(3).

12. This Court is authorized to award nominal damages under 28 U.S.C. § 1343(4).

13. This Court is authorized to award attorneys' fees under 42 U.S.C. § 1988.

14. Venue is proper under 28 U.S.C. § 1391 in the District of New Jersey because this claim arose there, and because upon information and belief all Defendants reside within the District.

III. IDENTIFICATION OF THE PLAINTIFF

15. Plaintiff C.H., a minor, is a student at Bridgeton High School, at all times relevant to this Complaint, a resident of Bridgeton, New Jersey.

16. Plaintiff desires to distribute religious pro-life flyers and wear an arm band with the word “LIFE” written on it to school without facing censorship or punishment.
17. Plaintiff also desires to distribute other flyers with religious messages at school.
18. Plaintiff is an adherent of the Christian faith and desires to share her religious views with classmates.
19. Plaintiff believes in the sanctity of human life and that unborn children should be protected.
20. Plaintiff desires to reach out to her peers and to offer them advice, assistance, and education, based on her religious beliefs and opinions.
21. Plaintiff also seeks to discuss relevant issues facing students at school, including faith and religion, personal responsibility, sexual abstinence, keeping children in the event of pregnancy, just to name a few.
22. Ronald Hudak, as next friend, is C.H.’s parent and guardian and is a resident of Bridgeton.

IV. IDENTIFICATION OF THE DEFENDANTS

23. Defendant Bridgeton Board of Education (“Board”) is organized under the laws of the State of New Jersey and may sue and be sued.
24. The Board is charged, inter alia, with the administration, operation, and

supervision of Bridgeton High School, a public secondary school.

25. The Board is charged with the formulation, adoption, implementation, and enforcement of Board policies, including those challenged herein.
26. The Board is responsible for the enforcement of its Policies by its employees.
27. Pursuant to its Policies, the Board has granted enforcement authority to faculty and staff, including the Superintendent, Principal, and Assistant Principal sued herein.
28. Superintendent Gilson is responsible for applying Board Policies, and for the decision to deny Plaintiff's request to distribute flyers and to wear an arm band at school.
29. Principal Williams is responsible for applying Board Policies at her school.
30. Principal Williams, along with Assistant Principal Lynch, denied Plaintiff's request to distribute religious literature and to wear an arm band at school pursuant to Defendants' unconstitutional Policies which grant them unbridled discretion.
31. Principal Williams and Assistant Principal Lynch have also retaliated against Plaintiff for exercising her constitutional rights.

V. ALLEGATIONS OF FACT

32. Bridgeton High School ("Bridgeton") is a public high school located in Bridgeton, New Jersey.

33. Bridgeton is under the direction of the Board and includes grades 9 through 12.
34. The Board is the official policy maker and as such has enacted the Policies challenged herein.

The Pro Life Day of Silent Solidarity

35. On October 20th of this year, students across the country participated in the Pro Life Day of Silent Solidarity (“DOSS”), which originated with Stand True Ministries, a non-profit, religious, pro-life organization.
36. The DOSS is a day when students, both in the U.S. and internationally, take a stand for life by remaining silent for the day, wearing pro-life t-shirts and armbands, and distributing literature.
37. Plaintiff desired to participate by remaining silent for the day (except when called upon in class), by distributing pro-life flyers to let other students know why she was remaining silent, and by wearing a red arm band with the word “LIFE” written on it to communicate that she was speaking (silently) on behalf of those who cannot speak for themselves, the unborn.
38. Plaintiff requested permission from school officials to participate in the DOSS over two weeks before the event was to occur.
39. She also supplied school officials with a copy of the flyer that she wished to distribute.
40. It was not until the day before the event that school officials denied her

request.

41. She was told by school officials that her request was denied because nothing “religious” was allowed at a public school.
42. After she was denied, Mr. Hudak followed up with Defendant Lynch in an attempt to secure permission for his daughter to engage in her religious speech at school.
43. He too was rebuffed.
44. When Mr. Hudak told Mr. Lynch that they would be contacting a legal firm, Mr. Lynch warned Mr. Hudak that as a parent he should make an informed decision for his daughter because a wrong decision could affect her grades and performance at school.
45. The Hudaks then retained counsel, who drafted and sent a demand letter on October 21st to the Defendants requesting that Plaintiff’s speech be permitted immediately, and advising that such denial violated Plaintiff’s constitutional rights.
46. The letter also stated that legal action would be brought if the violation was not corrected.
47. Defendants have ignored the letter and have failed to send a response.
48. Since that time, Defendants Williams and Lynch have lived up to their promise that there would be repercussions for C.H. if she stood up for her rights.

49. Earlier in October, the Hudaks contacted the attendance office at the school to inform them that C.H. would have to miss 2 days of school due to an illness in the family.
50. The response was an instruction to submit a note making the request and that the absences would be excused.
51. Three weeks after the Hudaks were told the absences would be excused, and after Defendants received the letter sent by counsel for Plaintiff, Defendants Williams and Lynch denied the request for the excused absence writing “No” on the request letter and checking a box on a form that stated simply, “The principal declined to excuse the absence.”

Defendants’ Policies

52. Defendants have several Policies that govern student speech.
53. To say that these Policies are not a model of clarity is an understatement.
54. Policy 1140 is titled “Distribution of Materials by Pupils and Staff” and states that “[p]upils . . . shall not be used for advertising or promoting the interests of any person, nonschool sponsored agency or organization, public or private, without the approval of the Superintendent or designee; and such approval granted for whatever cause or group shall not be construed as an endorsement of said cause or group by the board.”
55. According to the Policy, students can be used for promoting the interests of

any person or group as long as the Superintendent or his designee decides it is permissible.

56. The Policy, however, contains no guidelines to bridle the discretion of the Superintendent.
57. Policy 6145.3 is titled “Publications” and seemingly governs only school publications that are part of the instructional program. Policy 6145.3 (“The Board of Education sponsors pupil publications as important elements of the instructional program.”)
58. The Policy, however, goes on to state that “Pupils who violate this policy by expression, publication or distribution of any materials . . . may be subject to appropriate discipline.”
59. Materials will be denied if they are “poorly written, ungrammatical, inadequately researched, biased or prejudiced,” “supportive of conduct inconsistent with board policy or the shared value of a civilized social order, or representative of a viewpoint that may associate the school district with a position other than neutrality on matters of political controversy.”
60. Needless to say, these restrictions have no discernible objective meaning, but may mean whatever the school official who enforces them wants them to mean.

Plaintiff desires to immediately engage in religious speech

61. Plaintiff is a Bible-believing Christian who desires to share her faith and

beliefs with other students and to discuss how the Bible addresses issues, such as abortion.

62. Plaintiff's sincerely held religious beliefs compel her to share her faith and beliefs and to address relevant subjects from a Biblical point of view with her friends and classmates at school.
63. Plaintiff accomplishes this goal at school through the distribution of literature, and through the wearing of arm bands.
64. As soon as she is able, Plaintiff desires to engage in religious speech through the distribution of religious and pro-life literature and the wearing of arm bands, absent fear of reprisal and without facing punishment or being made to silence her message.

VI. ALLEGATIONS OF LAW

65. Students do not shed their constitutional rights at the schoolhouse gate.
66. Non-disruptive, private student expression is protected by the First Amendment.
67. Religious speech is fully protected by the First Amendment.
68. All of the acts of Defendants, their officers, agents, employees, and servants were executed and are continuing to be executed by the Defendants under the color and pretense of the policies, statutes, ordinances, regulations, customs, and usages of the State of New Jersey.

69. Plaintiff is suffering irreparable harm from the conduct of Defendants.
70. Plaintiff has no adequate or speedy remedy at law to correct or redress the deprivation of her rights by Defendants.
71. Unless Defendants' Policies are enjoined, Plaintiff will continue to suffer irreparable injury.
72. The message on Plaintiffs flyers and arm band is timely and Plaintiff desires to engage in such speech, and similar speech, immediately, but is chilled and prevented from doing so by Defendants' Policies and application.

FIRST CAUSE OF ACTION: VIOLATION OF THE FREE SPEECH CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

73. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1 through 72 of this Complaint.
74. The First Amendment's Freedom of Speech Clause prohibits censorship of religious expression.
75. Defendants' Policies and practice prohibit C.H. from distributing literature and from wearing an arm band based solely on the religious nature of her expression.
76. This treatment of C.H. based solely on the religious expression that she seeks to engage in is a content-based restriction in an otherwise open forum.
77. This denial of C.H.'s speech – while permitting similar speech – also constitutes viewpoint discrimination, which is unconstitutional in any type of

forum.

78. C.H.'s religious expression on campus does not materially and substantially interfere with the orderly conduct of educational activity within the School.
79. Defendants' Policies and practice additionally impose an unconstitutional prior restraint because they vest Board officials with unbridled discretion to permit or refuse protected religious speech.
80. Defendants' Policies and practice allow Board officials to act with unbridled discretion when deciding if a student's speech is too religious to permit.
81. Defendants' Policies and practice allow Board officials to act with unbridled discretion in deciding if a student's speech is being "used for advertising or promoting the interests of any person, nonschool sponsored agency or organization, public or private."
82. Defendants' Policies and practice allow Board officials to act with unbridled discretion in deciding if a student's speech is "poorly written, ungrammatical, inadequately researched, biased or prejudiced," "supportive of conduct inconsistent with board policy or the shared value of a civilized social order, or representative of a viewpoint that may associate the school district with a position other than neutrality on matters of political controversy."
83. None of these descriptions contain discernible standards to apply to speech.
84. Defendants' Policies and practice are additionally overbroad because they

sweep within their ambit protected First Amendment expression.

85. The overbreadth of Defendants' Policies and practice chill the speech of third parties who might seek to incorporate private religious expression as part of their speech.
86. Defendants' Policies and practice chill, deter, and restrict Plaintiff from freely expressing her religious beliefs.
87. Defendants' Policies, as interpreted and applied by them to prohibit religious student speech are not the least restrictive means necessary to serve any compelling interest which Defendants thereby seek to secure.
88. Defendants' Policies and practice are not reasonably related to any legitimate pedagogical concerns.
89. Censoring students' religious speech per se is not and cannot be a legitimate pedagogical concern.
90. Defendants have also retaliated against Plaintiff merely for engaging in protected religious speech, for exercising her right to seek counsel and for her right to bring a lawsuit to remedy this violation.
91. After initially approving her excused absence, Defendants have arbitrarily denied Plaintiff an excused absence merely for exercising her First Amendment right to engage in religious speech, for exercising her right to seek counsel, and for seeking redress from the courts.

92. Such retaliation has served to chill the exercise of Plaintiff's First Amendment rights.
93. Plaintiff is chilled from engaging, and hesitant to engage, in religious speech at school and is nervous about instituting this litigation in fear of further reprisal at school from Defendants.
94. There is no legitimate pedagogical interest furthered by Defendants' actions.
95. Defendants' Policies and practice, both facially and as applied, accordingly violate Plaintiff's right to Free Speech as guaranteed by the First Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

SECOND CAUSE OF ACTION: VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

96. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1 through 72 of this Complaint.
97. Defendants' Policies and practice, by expressly targeting private religious expression for special disabilities, violates C.H.'s constitutional right to the free exercise of religion.
98. C.H. desires to engage in expressive activities described above on the basis of her sincerely held religious beliefs.

99. Defendants' Policies and practice explicitly exclude – and thus discriminate against – religious expression.
100. Defendants' Policies and practice substantially burden C.H.'s free exercise of religion by conditioning her ability to speak on foregoing her free exercise rights.
101. Defendants' Policies and practice force C.H. to choose between engaging in religious speech and being punished, or foregoing the free exercise of religion to be able to speak without punishment.
102. Defendants' Policies and practice substantially burden C.H.'s free exercise of religion by denying her the right to engage in private religious speech.
103. Defendants' Policies and practice constitute the imposition of special disabilities on C.H. due to her religion and her intent to engage in private religious expression.
104. These special disabilities placed on Plaintiff are neither neutral nor of general applicability.
105. Defendants' Policies and practice of banning C.H.'s religious speech selectively impose a burden on expression based on its religious nature.
106. Defendants' Policies and practice cannot be justified by a compelling governmental interest and are not narrowly tailored to advance any such interest.

107. Defendants' interpretation and application of their Policies chill C.H.'s freedom of religious expression and exercise, both of which are fundamental rights guaranteed Plaintiff by the First Amendment.
108. Defendants' Policies and practice, both facially and as applied, constitute an excessive burden on C.H.'s rights to freedom in the exercise of religion and have violated the Free Exercise Clause of the First Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

THIRD CAUSE OF ACTION: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

109. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1 through 72 of this Complaint.
110. The Due Process Clause of the Fourteenth Amendment prohibits the government from censoring speech pursuant to vague or overbroad standards that grant unbridled discretion.
111. The determination by Defendants of what is and is not forbidden religious speech violates this norm.
112. Defendants' Policies and practice are vague and allow for unbridled discretion in determining which student speech satisfies their Policies.

113. Defendants' Policies lack any definitions or guidelines as to how to determine whether student speech is too religious.
114. Defendants' Policies are vague as to determining if a student's speech is being "used for advertising or promoting the interests of any person, nonschool sponsored agency or organization, public or private."
115. Defendants' Policies are vague as to deciding if a student's speech is "poorly written, ungrammatical, inadequately researched, biased or prejudiced," "supportive of conduct inconsistent with board policy or the shared value of a civilized social order, or representative of a viewpoint that may associate the school district with a position other than neutrality on matters of political controversy."
116. Defendants' Policies and practice also permit Defendants to exercise unbridled discretion in determining whether student speech meets these "standards."
117. These vague terms utilized in Defendants' Policies leave censorship of student speech to the whim of Defendants.
118. The Policies' language holds no discernible meaning and can be applied to prohibit any disfavored speech, which is exactly how it has been applied to Plaintiff.
119. Defendants' Policies and practice, both facially and as applied, accordingly violate Plaintiff's rights under the Due Process Clause of the Fourteenth

Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

FOURTH CAUSE OF ACTION: VIOLATION OF THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

120. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1 through 72 of this Complaint.

121. Defendants’ Policies and practice embody both hostility toward religious expression and require excessive entanglement with religion, both forbidden under the First Amendment’s Establishment Clause.

122. Defendants’ Policies and practice of banning C.H.’s religious expression evinces discriminatory suppression of private speech that is not neutral, but rather is hostile toward religion.

123. Defendants, pursuant to their Policies and practice of suppressing any private Christian religious expression – and by permitting other points of view – send the message that religious students such as C.H. are second-class citizens, outsiders, and not full members of the academic community.

124. In addition, Defendants’ Policies and practice require officials, as censors, to make judgments about which student religious expression is and is not “religious,” thereby creating constitutional problems of entanglement.

125. Defendants' Policies and practice compel school officials to classify private student speech according to their perceived religious-versus-nonreligious nature.
126. Drawing this distinction necessarily requires school officials to inquire into the significance of words and practices to different religious faiths, and in varying circumstances by the same faith.
127. Such inquiries by school officials entangle it with religion in a manner forbidden by the First Amendment.
128. Entanglement problems exist because school officials must attempt to discern which private student expression is religious and therefore not permitted.
129. School officials must make theological interpretations in order to conclude that some student speech is religious, while other student speech is not.
130. Defendants' Policies and practice deny C.H. the right to engage on speech because it was "religious," actions that represent the antithesis of neutrality.
131. No compelling state interest exists to justify the censorship of C.H.'s religious expression.
132. Defendants' Policies and practice therefore violate the Establishment Clause of the First Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

FIFTH CAUSE OF ACTION: VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

133. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1 through 72 of this Complaint.
134. The Equal Protection Clause of the Fourteenth Amendment requires that the government treat similarly situated persons equally.
135. Pursuant to their Policies and practice, Defendants have allowed other similarly situated students to engage in secular expression.
136. Defendants have treated C.H. disparately when compared to similarly situated students by banning only C.H.'s religious expression.
137. By discriminating against the content and viewpoint of C.H.'s speech, Defendants are treating C.H. differently than other similar situated public school students on the basis of the content and viewpoint of her speech.
138. Defendants' Policies and practice violate various fundamental rights of C.H., such as rights of free speech and free exercise of religion.
139. When government regulations, like Defendants' Policies and practice challenged herein, infringe on fundamental rights, discriminatory intent is presumed.
140. Defendants' Policies and practice have also in fact, and in practice, been applied to intentionally discriminate against C.H.'s rights of free speech and

free exercise of religion.

141. Defendants lack a rational or compelling state interest for such disparate treatment of C.H.
142. Defendants' denial of access to C.H. is not narrowly tailored in that it restricts student's private religious expression unrelated to any asserted interest Defendants may have.
143. Defendants' Policies and practice are not narrowly tailored as applied to C.H. because her speech does not implicate any of the interests Defendants might have.
144. Defendants' Policies and practice are overinclusive because they prohibit C.H.'s religious expression even though it is not disruptive.
145. Defendants' Policies and practice burden more of C.H.'s speech than necessary because she is foreclosed from using religious content and viewpoints in her speech even though it is not disruptive.
146. The Policies and practice of Defendants, both facially and as applied, thus violate C.H.'s right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgement as follows:

- a. That this Court issue a Preliminary and Permanent Injunction, restraining Defendants, their officers, agents, employees, and all other persons acting in active concert with them, from enforcing the Policies challenged herein that violate C.H.'s constitutional rights by banning religious expression;
- b. That this Court prohibit Defendants from retaliating against Plaintiff for the exercise of her constitutional rights;
- c. That this Court render a Declaratory Judgment, declaring as unconstitutional facially and as-applied the Board's Policies and practice challenged herein that ban religious expression in violation of the First and Fourteenth Amendments to the United States Constitution;
- d. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment;
- e. That this Court retain jurisdiction of this matter for the purpose of enforcing any Orders;
- f. That the Court award C.H.'s costs and expenses of this action, including a reasonable attorneys' fees award, in accordance with 42 U.S.C. § 1988.
- g. That this Court award nominal damages for the violation of C.H.'s

constitutional rights;

- h. That this Court issue the requested injunctive relief without a condition of bond or other security being required of C.H.; and
- i. That the Court grant such other and further relief as the Court deems equitable and just in the circumstances.

Dated this 13th day of November, 2009.

/s/ Michael W. Kiernan

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Attorneys for Plaintiff C.H.

**Pro hac vice motion submitted*

CERTIFICATION OF OTHER ACTIONS

The undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

/s/ Michael W. Kiernan
MICHAEL W. KIERNAN (MK-6567)
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VERIFICATION

I, Ronald Hudak, a citizen of the United States and a resident of the State of New Jersey, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.


Executed this 21st day of NOVEMBER, 2009, in Bridgeton, New Jersey.


Ronald Hudak

VERIFICATION

I, C. H., a citizen of the United States and a resident of the State of New Jersey, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 12th day of November, 2009, in Bridgeton, New Jersey.



C. H.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS DEFENDANTS
(b) County of Residence of First Listed Plaintiff County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT TORTS FORFEITURE/PENALTY LABOR IMMIGRATION BANKRUPTCY SOCIAL SECURITY FEDERAL TAX SUITS OTHER STATUTES
110 Insurance 310 Airplane 362 Personal Injury - Med. Malpractice 610 Agriculture 422 Appeal 28 USC 158 400 State Reapportionment
120 Marine 315 Airplane Product Liability 365 Personal Injury - Product Liability 620 Other Food & Drug 423 Withdrawal 410 Antitrust
130 Miller Act 320 Assault, Libel & Slander 368 Asbestos Personal Injury Product Liability 625 Drug Related Seizure of Property 21 USC 881 430 Banks and Banking
140 Negotiable Instrument 330 Federal Employers' Liability 370 Other Fraud 630 Liquor Laws 440 Commerce 460 Deportation
150 Recovery of Overpayment & Enforcement of Judgment 340 Marine 371 Truth in Lending 640 R.R. & Truck 450 Commerce 470 Racketeer Influenced and Corrupt Organizations
151 Medicare Act 345 Marine Product Liability 380 Other Personal Property Damage 650 Airline Regs. 480 Consumer Credit
152 Recovery of Defaulted Student Loans (Excl. Veterans) 350 Motor Vehicle 385 Property Damage Product Liability 660 Occupational Safety/Health 490 Cable/Sat TV
153 Recovery of Overpayment of Veteran's Benefits 355 Motor Vehicle 390 Other Personal Property Damage 690 Other 810 Selective Service
160 Stockholders' Suits 360 Other Personal Injury 850 Securities/Commodities/Exchange 490 Cable/Sat TV
190 Other Contract 441 Voting 510 Motions to Vacate Sentence 861 HIA (1395ff) 810 Selective Service
195 Contract Product Liability 442 Employment 530 General 862 Black Lung (923) 850 Securities/Commodities/Exchange
196 Franchise 443 Housing/Accommodations 535 Death Penalty 863 DIWC/DIWW (405(g)) 875 Customer Challenge 12 USC 3410
210 Land Condemnation 444 Welfare 540 Mandamus & Other 864 SSID Title XVI 890 Other Statutory Actions
220 Foreclosure 445 Amer. w/Disabilities - Employment 550 Civil Rights 865 RSI (405(g)) 891 Agricultural Acts
230 Rent Lease & Ejectment 446 Amer. w/Disabilities - Other 555 Prison Condition 870 Taxes (U.S. Plaintiff or Defendant) 892 Economic Stabilization Act
240 Torts to Land 440 Other Civil Rights 871 IRS—Third Party 26 USC 7609 893 Environmental Matters
245 Tort Product Liability 894 Energy Allocation Act
290 All Other Real Property 895 Freedom of Information Act
900 Appeal of Fee Determination Under Equal Access to Justice
950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions): JUDGE DOCKET NUMBER

Explanation:
DATE SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. Provide a brief explanation of why the cases are related.

Date and Attorney Signature. Date and sign the civil cover sheet.