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Attorney for Plaintiff

JOETTE MONTEE

Plaintiff,

v.

LITTLE EGG HARBOR
BOARD OF EDUCATION and
PRINCIPAL TROY
HENDERSON

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

DOCKET NO:

CIVIL ACTION

COMPLAINT

Plaintiff, JOETTE MONTEE, being of full age, through her undersigned counsel, by way of Complaint against the Little Egg Harbor Board of Education and Principal Troy Henderson as individual and agent, hereby says;

PARTIES AND BACKGROUND

1. Plaintiff Joette Montee (hereinafter "Plaintiff") is a former employee of the Little Egg Harbor Board of Education, residing at 11 Holly Brook Drive, Little Egg Harbor Township, New Jersey.
2. The Little Egg Harbor Board of Education is a local school board organized and existing under New Jersey State law, with a business address at 307 Frog Pond Road, Little Egg Harbor, New Jersey. Troy Henderson was and is an employee of The Little Egg Harbor Board of Education in the capacity of Principal of Frog Pond Elementary School.

3. Plaintiff was an employee for Defendant for 13 years without incident or disciplinary action.
4. Plaintiff's sister, Jennifer Basile, is the mother of three children with special needs who attend Frog Pond Elementary School.
5. On several occasions, Ms. Basile contacted the school to voice concerns about the school's failure to accommodate her children's special needs as required by New Jersey State law and, after each occasion, Principal Henderson would summon Ms. Montee into his office and order her not to talk to parents about "what goes on at school"
6. On December 13, 2012, Plaintiff was dismissed by Principal Troy Henderson for allegedly making a comment about Principal Henderson to another staff member during a private conversation and had her escorted out of the school by police.
7. On March 8, 2013, a Notice of Tort Claim was filed with the Little Egg Harbor Board of Education.

COUNT ONE

(Breach of Implied Covenant of Good Faith and Fair Dealing))

8. Plaintiff hereby repeats and incorporates all preceding paragraphs as if fully set forth herein.
9. Plaintiff had an agreement and/or implied contract with Defendants that she was a member of a class of employees who were entitled to fair and reasonable practices regarding discipline and/or termination.
10. Defendants breached the covenant of good faith and fair dealing when the plaintiff was terminated, allegedly for making a comment of a personal and private nature to a third party in a

conversation that Plaintiff reasonably believed to be confidential in nature, without hearing or process and against school policies and procedures.

11. As a direct and proximate result of Defendants breach, Plaintiff suffered and continues to suffer damages.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT TWO

(Conscientious Employee Protection Act)

12. Plaintiff hereby repeats and incorporates all preceding paragraphs as if fully set forth herein

13. Plaintiff was an employee of the Little Egg Harbor Board of Education under the supervision of Principal Troy Henderson.

14. On or about December 4, 2012, Plaintiff was required to supervise special needs students, including those of her sister, Ms. Jennifer Basile, duties for which she was not legally certified to perform.

15. On or about December 6, 2012, Ms. Basile called the schools Special Education Director to inquire as to why her children were supervised by a non-certified Aide. This upset

Principal Henderson, who subsequently called Plaintiff into his office and instructed her not to tell her sister about "anything that goes on at school".

16. Plaintiff refused to comply with Principal Henderson's order not to talk to her sister about the school's failure to conform with the state requirements for special needs students because she felt it was illegal, unfair and unjust.

17. On or about December 10, 2012, Ms. Basile met with Principal Henderson to protest the fact that her asthmatic son was forced to participate in Physical Education class in spite of a doctor's note that specifically excused her child from that activity.

18. On or about December 12, 2012, Principal Henderson, who was very upset, called Plaintiff into his office and ordered her to "stop talking to parents", specifically her sister, about what goes on at school.

19. Plaintiff refused to comply with Principal Henderson's order not to talk to parents, specifically her sister, about the school's failure to comply with the requirements for special needs students because she felt it was illegal, unfair and unjust.

20. On or about December 13, 2012 Principal Henderson called Plaintiff into his office and terminated her employment under the pretext of her allegedly having made a derogatory comment about him to another adult in a private conversation that occurred off of school grounds in retaliation for her refusal to comply with demands to stop talking about the schools failure to comply with state policies concerning special needs students that she felt were illegal, unfair and unjust.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT THREE

**(Violation of the First Amendment of the United States Constitution and Article One
Section Six of the New Jersey Constitution)**

21. Plaintiff hereby repeats and incorporates all preceding paragraphs as if fully set forth herein.

22. Defendants Little Egg Harbor Board of Education and Principal Troy Henderson were and are subject to the Constitutions of the state of New Jersey and the United States of America as citizens or public entities of New Jersey.

23. Plaintiff is and was at all times an individual subject to the Constitutions of New Jersey and the United States and is entitled to freedom of speech.

24. By terminating her employment because she spoke about the school's failure to comply with requirements for students with special needs under the pretext of her having allegedly made a derogatory comment about Principal Henderson to another adult in a private conversation off school grounds, Defendants have violated her rights to free speech under the First Amendment of the United States Constitution and Article One Section Six of the New Jersey Constitution.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT FOUR

(Tortious Interference With Economic Advantage)

25. Plaintiff hereby repeats and incorporates all preceding paragraphs as if fully set forth herein.

26. Little Egg Harbor Board of Education's termination of Plaintiff has resulted in damage to her professional reputation.

27. The damage to Plaintiff's professional reputation caused by Little Egg Harbor Board of Education's termination of Plaintiff has interfered with her ability to find gainful employment and to care for herself.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT FIVE

(False Light Invasion of Privacy)

28. Plaintiff hereby repeats and incorporates all preceding paragraphs as if fully set forth herein.

29. Little Egg Harbor Board of Education and Principal Troy Henderson's aforementioned termination of Plaintiff placed her reputation in a false light which is highly offensive to a reasonable person in that it implied severe misconduct by the Plaintiff.

30. Little Egg Harbor Board of Education, through its agent Principal Troy Henderson, acted in reckless disregard as to the falsity of the alleged conduct by the Plaintiff and the false light in which the Plaintiff would be placed.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT SIX

(Intentional Infliction of Emotional Distress)

31. Plaintiff hereby repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

32. Defendant's afore described unjust termination of Plaintiff constitutes extreme and outrageous conduct and caused Plaintiff public humiliation and scorn.

33. Little Egg Harbor Board of Education and Principal Troy Henderson, through the above described actions, directed such conduct toward the plaintiff intentionally, in a fashion intended to produce emotional distress by unjustly terminating her employment.

34. Defendant's misconduct caused Plaintiff emotional distress so severe that no reasonable person could be expected to endure it.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT SEVEN

(Negligent Infliction of Emotional Distress)

35. Plaintiff hereby repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

36. Little Egg Harbor Board of Education, through its representatives negligently inflicted emotional distress upon Plaintiff through its sudden, unjust and unexpected termination of Plaintiff's employment.

37. Little Egg Harbor Board of Education's actions caused Plaintiff severe shock and public humiliation, the stress of which could be physically harmful.

38. Little Egg Harbor Board of Education's actions caused Plaintiff to have fear for her immediate financial well-being by suddenly, unjustly and unexpectedly terminating her employment.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;

- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT EIGHT

(Violation of Substantive Due Process)

39. Plaintiff hereby repeats and incorporates all the preceding paragraphs as if fully set forth herein.

40. Defendant's Little Egg Harbor Board of Education and all individual named defendants are subject to the Constitution of the state of New Jersey and the United States Constitution as citizens or public entities of the state of New Jersey and the United States of America.

41. Plaintiff is and was at all times an individual subject to the Constitution of the state of New Jersey and the United States Constitution and is entitled to due process of law.

42. By terminating Plaintiff's employment without any hearing, explanation or appeal, Defendants have violated Plaintiff's right to Substantive Due Process guaranteed by both the Constitution of New Jersey and the United States Constitution.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

COUNT NINE

(Article One Section One of New Jersey Constitution)

43. Plaintiff hereby repeats and incorporates all of the preceding paragraphs as if fully set forth herein.

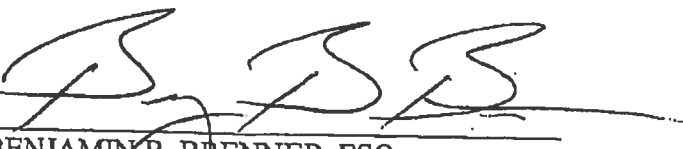
44. Plaintiff worked for Defendant for more than 13 years to acquire and possess the benefits promised her, among is the right to fair and equitable treatment in the workplace. Plaintiff satisfied all the requirements necessary to earn this benefit.

45. Under the New Jersey Constitution article 1 section 1 Plaintiff is guaranteed the right to acquire, possess, and protect property and to enjoy life and liberty and to pursue and obtain happiness. Defendants, through the unjust termination of her employment, have violated and deprived the plaintiff of these rights.

WHEREFORE, Plaintiff demands judgment in her favor against Little Egg Harbor Board of Education as follows:

- (a) Compensatory damages, including payment of lost income;
- (b) Pre- and post-judgment interest;
- (c) Attorney's fees and cost of suit;
- (d) Such other relief as the Court deems just and proper.

WHEREFORE, PLAINTIFF seeks Judgment against Defendant for costs, damages and such other relief as the court may deem appropriate.


BENJAMIN B. BRENNER, ESQ.
Attorney for Plaintiff, Joette Montee

Dated: October 16, 2013

JURY DEMAND

Plaintiff demands a trial by jury on all issues

DESIGNATION OF TRIAL COUNSEL

Benjamin B. Brenner, Esq., of The Carroll Law Firm, is hereby designated as Trial Counsel on behalf of the plaintiff, Joette Montee.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

THE CARROLL LAW FIRM

By: _____


BENJAMIN B. BRENNER, ESQ.

Attorney for Plaintiff, Joette Montee

Dated: October 26, 2013