

United States District Court

DISTRICT OF
NEW JERSEY

SUSAN E. FOSTER, SUZANNE A.
ECKERT AND EDWARD ECKERT,

Plaintiffs,
v.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 04-3309(SAC)

JAMES A. MORAN, INDIV. AND AS SERVANT,
AGENT AND/OR EMPLOYEE OF SOUTHERN REGIONAL
BD. OF ED., DR. JAMES KERFOOT, INDIV. AND
AS SERVANT, AGENT AND/OR EMPLOYEE OF
SOUTHERN REGIONAL BD. OF ED., AND
SOUTHERN REGIONAL BD. OF ED., INDIV.
AND ITS AGENTS, SERVANTS AND/OR EMPLOYEES,
AND JOHN DOES, I.V. (Being fictitious names)

10. (Name and Address of Defendant)

Dr. James Kerfoot
Superintendent of Schools
Southern Regional High School District
105 Cedar Bridge Road
Manahawkin, N.J. 08050

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Frank S. Gaudio, Esq.
Miller, Gaudio, Bowden & Arnette, PC
104-110 Maple Avenue
Red Bank, N.J. 07701

an answer to the complaint which is herewith served upon you, within 20 days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

WILLIAM J. WALSH, CLERK

CLERK

DATE

7-13-04

BY DEPUTY CLERK



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

SUSAN E. FOSTER, SUZANNE A. ECKERT
AND EDWARD ECKERT,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Ocean
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Miller, Gaudio, Bowden & Arnette, PC
104-110 Maple Avenue
Red Bank, N.J. 07701
732-741-6769

DEFENDANTS

JAMES A. MORAN, INDIV. AND
AS SERVANT, AGENT AND/OR EMPLOYEE OF
SOUTHERN REGIONAL BD. OF ED., DR.
JAMES KERFOOT, INDIV. AND AS SERVANT,
AGENT AND/OR EMPLOYEE OF SOUTHERN
REGIONAL-BD. OF ED., AND SOUTHERN
REGIONAL-BD. OF ED., INDIV. AND ITS
AGENTS, SERVANTS AND/OR EMPLOYEES, ET AL
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY) Ocean

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF 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 II)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Section 1983, Law against discrimination, Title VII, Section 42, et al

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service Information Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentences <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. 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

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$1,000,000.00

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

July 9, 2004

SIGNATURE OF ATTORNEY OF RECORD

FRANK S. GAUDIO, ESQ.

Filed 7/13/04

MILLER, GAUDIO, BOWDEN & ARNETTE, P.C.

LAW OFFICES

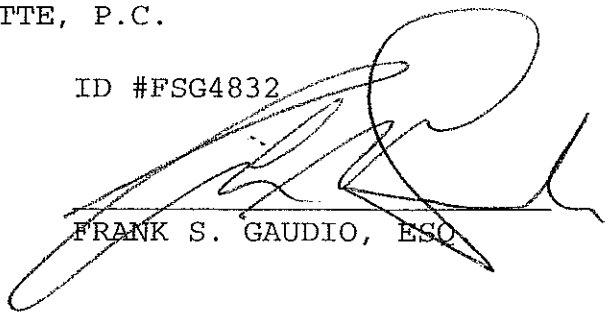
104-110 Maple Avenue

ID #FSG4832

Red Bank, N.J. 07701

(732)741-6769

Facsimile (732)747-6016



FRANK S. GAUDIO, ESO

Attorney(s) for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

SUSAN E. FOSTER, SUZANNE A.
ECKERT AND EDWARD ECKERT,

Plaintiffs,

vs.

JAMES A. MORAN, INDIVIDUALLY,
AND AS SERVANT, AGENT AND/OR
EMPLOYEE OF SOUTHERN REGIONAL
BOARD OF EDUCATION, DR.

JAMES KERFOOT, INDIVIDUALLY
AND AS SERVANT, AGENT AND/OR
EMPLOYEE OF SOUTHERN REGIONAL
BOARD OF EDUCATION, AND

SOUTHERN REGIONAL BOARD OF
EDUCATION, INDIVIDUALLY, AND
ITS AGENTS, SERVANTS, AND/OR
EMPLOYEES, AND JOHN DOES, I-V,
(Being fictitious names),

Defendants.

CASE NO. 04-3309 (SKC)
CIVIL ACTION

COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL
COUNSEL, CERTIFICATION

Plaintiffs, Susan E. Foster, Suzanne A. Eckert and Edward
Eckert residing in the County of Ocean, State of New Jersey,
state:

COUNT ONE

1. This is an action arising under the provisions of Title VII of the Civil Rights Act of 1964, the 1991 Civil Rights Act and the Fifth and Fourteenth Amendments to the Constitution of the United States, for damages for violation of the provisions of the aforementioned act, all as subsequently more fully set forth.

2. Jurisdiction is conferred on this Court by Title VII, Section 42, United States Code 2,000 (e) et seq.

3. Plaintiffs, Susan E. Foster, and Suzanne A. Eckert, female employees of Defendant, Southern Regional Board of Education, Manahawkin, County of Ocean, and State of New Jersey, bring this action under Title VII of the Civil Rights Act of 1964 and Title VII, Section 1981, as amended by the 1991 Civil Rights Act to redress the wrongs done to them in the form of sexual harassment, sexual assault, discrimination, and other negligent and/or intentional or reckless conduct.

4. Venue for all causes of action stated herein lies in the United States District Court for the State of New Jersey as the acts alleged as a basis for Federal claims took place within the boundaries of that district.

5. Plaintiffs were adult female employees of the Defendant, Southern Regional Board of Education, County of Ocean, State of New Jersey. The Defendant, Southern Regional Board of

Education, its agents, servants and/or employees, is an employer within the State of New Jersey and within the jurisdictional coverage of Title VII of the Civil Rights Act.

6. Defendants, Southern Regional Board of Education, and John Doe I-V (being fictitious names), are and at all times material hereto, were employers within the State of New Jersey and accountable for the action of the departments, agents and its supervisors, and may have been in supervisory positions or responsible for the named Defendants.

7. Defendant, James A. Moran, individually and as agent, servant and/or employee of Defendant, Southern Regional Board of Education, is employed by Defendant, Southern Regional Board of Education, and at all times material to this Complaint, has been Assistant Superintendent for Business for Southern Regional Board of Education.

8. Defendant, Dr. James Kerfoot, Superintendent, and John Doe I-V (being fictitious names) were at all times herein mentioned, agents, servants and/or employees of Defendant, Southern Regional Board of Education, and as such exercised supervisory control over the Defendants named herein.

9. Plaintiff, Susan E. Foster, was employed as a confidential secretary for the Defendant, Southern Regional Board of Education, commencing on September 10, 2001. Plaintiff,

Suzanne A. Eckert, was employed as a data coordinator for the Defendant, Southern Regional Board of Education, commencing in April, 2000.

10. Beginning in September, 2002, Plaintiffs were continually subjected to unwanted sexual remarks, touching, abusive language and gestures of a sexual nature from Defendant, James A. Moran.

11. Upon Plaintiffs' negative reaction to Defendant, James A. Moran's harassing behavior, the Defendant refused to cease his on-going sexual harassment thereby creating an intimidating and hostile work environment.

12. In the remarks and actions alleged above, Defendant, James A. Moran, acted within the scope of his employment as agent, servant and/or employee, of the Defendant, Southern Regional Board of Education. Such actions occurred under the supervisory control and knowledge of Defendant, Dr. James Kerfoot, Superintendent, as well as John Doe I-V (being fictitious names).

13. Plaintiffs' claims of gender-based discrimination arises from the above allegations of sexually harassing actions and remarks and from the subjection of Plaintiffs to a working environment where compliance with such action was made a condition of employment. Further, Defendants disparate treatment

in job advancement was as a result of gender based discrimination.

14. As a proximate result of Defendant, Southern Regional Board of Education, its agents, servants and/or employees, Defendant, James A. Moran, and Defendant, Dr. James Kerfoot, and/or John Doe I-V (being fictitious names), intentional and/or reckless and/or negligent sexually discriminating conduct, a work environment was created which was extremely detrimental to Plaintiffs' emotional and physical health and which interfered with Plaintiffs' work performance, and caused them acute emotional distress necessitating medical treatment and consequent medical expenses.

15. As a further direct and proximate result, these actions subjected Plaintiffs, persons within the jurisdiction of the State of New Jersey, to the deprivation of rights secured to Plaintiffs by the Constitution and laws of the United States, to wit:

Plaintiffs' rights under Section 1983 of Title 42 of the United States Code, to be free from discrimination in employment.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages, and reasonable attorney's fees and costs pursuant to the Civil Rights Attorney's

Fees Award Act of 1976, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT TWO

1. The Plaintiffs repeat the allegations of the First Count of this Complaint and incorporates the same herein.

2. Defendant, James A. Moran, individually and as agent, servant and/or employee of Defendant, Southern Regional Board of Education, is and was the Assistant Superintendent for Defendant, Southern Regional Board of Education.

3. At all times herein mentioned, Defendant, Southern Regional Board of Education, individually and its agents, servants, or employees, Defendant, Dr. James Kerfoot, individually and as agent, servant, and/or employee of Defendant, Southern Regional Board of Education, and John Does I-V (being fictitious names), knew or should have known of the inappropriate conduct as set forth in the prior Counts of this Complaint between Defendant, James A. Moran, and Plaintiffs, and Defendant, Dr. James Kerfoot, individually and/or as agent, servant and/or employee of the Defendant, Southern Regional Board of Education, and Defendant, Southern Regional Board of Education, were in a position to prevent further harm and retaliation to the Plaintiffs.

4. Defendant, Dr. James Kerfoot, and Defendant, Southern Regional Board of Education, its agents, servants and/or employees, and John Doe I-V (being fictitious names), breached their duty to Plaintiffs by failing to adequately, negligently and recklessly, supervise the conduct of Defendant, James A. Moran, and failing to report Defendant, James A. Moran, to the proper authorities and/or otherwise failed to safeguard the interests of the Plaintiffs.

5. Defendant, Dr. James Kerfoot, individually and as agent, servant and/or employee of Defendant, Southern Regional Board of Education, and Defendant, Southern Regional Board of Education, and John Doe I-V (being fictitious names), by virtue of their position as supervisor of Defendant, James A. Moran, are liable for the conduct and acts of their employee, Defendant, James A. Moran.

6. As a proximate result of Defendant, James A. Moran's breach of duty, the Plaintiff, Susan E. Foster, and Plaintiff, Suzanne A. Eckert, suffered severe damages as outlined in the aforesaid Counts of this Complaint.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages and reasonable

attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT THREE

1. The Plaintiffs repeat the allegations of the First and Second Counts of this Complaint and incorporates the same herein.

2. Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees, is an employer and/or have supervisory duties and are charged with maintaining a work environment free of sexual harassment, and preventing a hostile work environment.

3. At all times mentioned herein, Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees, employed Defendant, James A. Moran, and Plaintiffs, Susan E. Foster and Suzanne A. Eckert. Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees, had an obligation to provide appropriate training to all employees regarding sexual harassment in the work place and to provide a work environment for all employees free of sexual harassment and free of a hostile work environment.

4. Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees, breached its duty to Plaintiffs by negligently and/or recklessly failing

to insure that all employees received proper training regarding sexual harassment in the work place, by negligently and/or recklessly failing to insure that appropriate supervision was provided to reduce the likelihood of sexual harassment occurring, and by negligently and/or recklessly failing to take appropriate action to protect the interests of the Plaintiffs including failing to protect them from retaliation. Said acts are alleged as examples of improper and negligent or reckless conduct and do not represent all acts committed.

5. Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees, as employer of Defendant, James A. Moran, and John Doe I-V (being fictitious names), is liable for the conduct and acts of its employees.

6. As a proximate result of Defendant, Southern Regional Board of Education, individually and its agents, servants and/or employees' breach of duty, the Plaintiffs, Susan E. Foster and Suzanne A. Eckert, suffered severe damages as outlined in the aforesaid Counts of this Complaint.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendant, full back pay, compensatory damages for medical expenses and pain

and suffering, economic losses, punitive damages, and reasonable attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT FOUR

1. The Plaintiffs repeat the allegations of the First, Second, and Third Counts of this Complaint and incorporates the same herein.

2. At all times mentioned in this Complaint, Defendant, Dr. James Kerfoot, was employed as the Superintendent of School for Defendant, Southern Regional Board of Education, and as such served in a supervisory capacity.

3. At all times mentioned in this Complaint, Plaintiff, Susan E. Foster, was employed as a confidential secretary and Plaintiff, Suzanne A. Eckert, was employed as a data coordinator for Defendant, Southern Regional Board of Education, and was required to be present with the Defendant at their place of business during normal working hours.

4. Beginning in September, 2002, and continuing to the present, Defendant, James A. Moran, during normal working hours, without any encouragement or inducement by Plaintiffs, intentionally, recklessly and/or negligently assaulted and

touched Plaintiff's person and subjected Plaintiff to unwelcomed touching, gestures and remarks of a sexual nature.

5. The Defendant, Dr. James Kerfoot, individually and as agent, servant and/or employee of Defendant, Southern Regional Board of Education, and Defendant, Southern Regional Board of Education, are responsible for the acts of their agents, servants, and/or employees while in the performance of their duties.

6. As a direct and proximate result of the intentional, reckless and/or negligent assault and battery described above, Plaintiffs were greatly humiliated, shamed, embarrassed, endured great physical pain and mental suffering, and was, and still is, nervous and distraught, all to Plaintiffs' damage.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendant, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages and reasonable attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT FIVE

1. The Plaintiffs repeat the allegations of the First, Second, Third, and Fourth Counts of this Complaint and incorporates the same herein.

2. Beginning in September, 2002, and continuing until the present, Defendant, Southern Regional Board of Education, individually and its agents, servants, and/or employees, James A. Moran, Dr. James Kerfoot, and John Doe I-V (being fictitious names), repeatedly and in a reckless and/or intentional and/or negligent manner harassed Plaintiffs and made gestures and comments of a sexual nature to the Plaintiffs.

3. At no time did the Plaintiffs encourage Defendants in such behavior or speech; on the contrary such behavior was repugnant and abhorrent to the Plaintiffs and took all reasonable steps to terminate his actions toward them, but the Defendant, James A. Moran, continued the above described conduct.

4. The conduct of the Defendants was willful, wanton and outrageous and/or negligent and Defendant's persistent actions were made with the negligent and/or deliberate intention of causing Plaintiffs severe emotional distress, or were made when the Defendant knew or should have known that they would have such affect.

5. As a direct and proximate result of Defendant's negligent and/or recklessly and/or deliberate outrageous conduct, Plaintiffs suffered extreme mental anguish, distress, and anxiety, were embarrassed and humiliated, and became nervous and fearful for their safety and reputation, all to Plaintiffs' damage.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages, reasonable attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT SIX

1. The Plaintiff repeats the allegations of the First, Second, Third, Fourth, and Fifth Counts of this Complaint and incorporates the same herein.

2. The Defendants named in this Complaint have committed unlawful employment practice within the meaning of New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq).

3. The charges are based on the fact that while the Plaintiffs were employed by the Defendant, Southern Regional Board of Education, its agents, servants and/or employees, the Defendant, James A. Moran, harassed the Plaintiffs by negligent

and/or reckless unwelcomed touching, gestures, and comments of a sexual nature.

4. The conduct of said Defendant was negligent and/or malicious, intentional, regular and detrimentally affected the Plaintiffs. The harassment was of such a nature that it would have detrimentally affected a reasonable person of the same sex in that position.

5. The Defendant, Southern Regional Board of Education, its agents, servants and/or employees and John Doe I-V (being fictitious names), knew or should have known of the harassment that was taking place during normal working hours by the Defendant, James A. Moran, toward the Plaintiffs. As such, the existence of a respondeat superior liability exists.

6. As a direct and proximate result of the Defendants violation of N.J.S.A. 10:5-1 et seq, the Plaintiffs suffered extreme mental anguish, distress and anxiety, were embarrassed and humiliated, and became nervous and fearful for their safety and reputation.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages and reasonable

attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT SEVEN

1. The Plaintiff repeats the allegations of the First, Second, Third, Fourth, Fifth, and Sixth Counts of this Complaint and incorporates the same herein.

2. The pain and suffering incurred by Plaintiffs, Susan E. Foster and Suzanne A. Eckert, as heretofore described in this Complaint satisfies the requirements as set forth in N.J.S.A. 59:9-2. Tort Claim Notice was filed with the Defendants on or about November 24, 2003.

3. The negligent, careless and reckless acts described heretofore attributed to the Defendants named, satisfies the requirements of any and all applicable provisions of N.J.S.A. 59:1-1 et seq. including, but not limited to satisfying the "palpably unreasonable" standard for evaluating discretionary activity by a public entity as set forth in 59:2-3(d).

4. The negligent, careless and reckless acts described heretofore and attributed to the Defendants, satisfies the requirements of any and all applicable provisions of N.J.S.A. 59:1-1 et seq., including but not limited to satisfying the "palpably unreasonable" standard for evaluating discretionary

activity by a public employee as set forth in N.J.S.A. 59:3-2(d); and also to satisfy the requirements set forth in N.J. S.A. 59:3-14.

WHEREFORE, Plaintiffs demand Judgment against Defendants, pursuant to the New Jersey Tort Act, and for compensatory damages, punitive damages, and any other relief pursuant to said act.

COUNT EIGHT

1. The Plaintiff repeats the allegations of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Counts of this Complaint and incorporates the same herein.

2. Plaintiff, Edward Eckert, is the husband of the Plaintiff, Suzanne A. Eckert. As a proximate result of Defendants' actions as alleged, Plaintiff, Edward Eckert, has and will in the future suffer the loss of usual services and consortium of his wife and has been required to provide special services and care to her all to his damages.

WHEREFORE, Plaintiff, Edward Eckert, demands judgment against Defendants for damages, interest, and cost of suit, and any and all other relief which this court deems Plaintiff is entitled to.

COUNT NINE

1. The Plaintiffs repeat the allegations of the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eight Counts of this Complaint and incorporates the same herein.

2. Defendant, Southern Regional Board of Education, its agents, servants, and/or employees, and John Doe I-V (being fictitious names) and Defendant, Dr. James Kerfoot, had an obligation to remedy the sexual and other harassment as set forth by Plaintiffs. In breach of said obligation, said Defendants have failed to remedy the same.

3. As a direct and proximate result of Defendants' actions, Plaintiffs were caused to suffer severe damages.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages and reasonable attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

COUNT TEN

1. The Plaintiffs repeat the allegations of the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eight Counts of this Complaint and incorporates the same herein.

2. The actions of all Defendants named in this Complaint amount to an intentional infliction of emotional distress.

3. As a direct and proximate result of Defendants' actions, Plaintiffs were caused to suffer severe damages.

WHEREFORE, Plaintiffs request relief in the form of an injunction against further acts of discrimination by Defendants, full back pay, compensatory damages for medical expenses and pain and suffering, economic losses, punitive damages and reasonable attorney's fees and costs, and any and all other remedies to which this court deems Plaintiff entitled to.

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues.

DESIGNATION OF TRIAL COUNSEL

FRANK S. GAUDIO, ESQ., is hereby designated as trial counsel for Plaintiff in this matter.

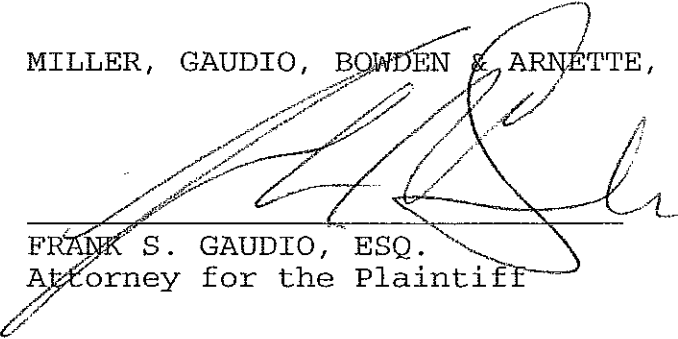
CERTIFICATION OF NO OTHER ACTIONS

It is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of our knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we

recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Dated: July 9, 2004

MILLER, GAUDIO, BOWDEN & ARNETTE, P.C.



FRANK S. GAUDIO, ESQ.
Attorney for the Plaintiff