



William Miron (hereinafter referred to as "Miron"), and Michelle Pitts (hereinafter referred to as "Pitts") (and collectively hereinafter referred to as the "Administrators") seeking to recover damages against Defendants for acts and omissions depriving Plaintiffs of rights secured by the Constitution and Laws of the United States and the State of New Jersey, in violation of the United States Constitution and §1983 of the Civil Rights Act (42 U.S.C. §1983).

2. Defendants, while acting as administrators and overseers of public education for the Township of Millburn and State of New Jersey, failed to take appropriate action to protect Plaintiff OG from harassment and physical harm based on Plaintiff's race.

#### **PARTIES**

1. Plaintiff, Omari George, with an address of 338 Old Short Hills Road, in the Township of Millburn, County of Essex, State of New Jersey, was at all relevant times a high school student attending Millburn Township High School, in Millburn, New Jersey.

2. Plaintiffs, Reverend Darryl George and Brenda Barnes-George, husband and wife, are the parents and natural guardians of OG, with a residence address of 338 Short Hills Road, in the Township of Millburn, County of Essex, State of New Jersey.

3. Defendant, BOE, is a public entity organized under the laws of the State of New Jersey, with a principal place of business at 434 Millburn Avenue, Millburn, New Jersey.

4. Defendant, BOE, is comprised of a nine (9) member board elected locally to act as a corporate body in fulfilling the School District's and the State of New Jersey's obligation to provide public education.

5. Defendant Brodow was at all times relevant to the allegations of this Complaint the Superintendent of Schools for Millburn Township.

6. Defendant Brodow as Superintendent of Schools was appointed by the BOE to

supervise the day to day operation of the Millburn School District. As such, he was responsible for the implementation of policies, procedures and practices instituted by the BOE.

7. Defendant Miron was at all times relevant to the allegations of this Complaint the Principal of Millburn High School.

8. Defendant Brodow as Principal of Millburn High School was appointed by the BOE to supervise the day to day operation of Millburn High School.

9. Defendant Pitts was at all times relevant to the allegations of this Complaint the Vice-Principal of Millburn High School.

10. Defendant Pitts as Vice-Principal of Millburn High School was appointed by the BOE to assist Defendant Miron with the day to day operation of Millburn High School and discipline of the students at Millburn High School.

11. The Millburn Township BOE, Richard Brodow, William Miron and Michelle Pitts are hereinafter collectively referred to as "Defendants".

#### **JURISDICTION AND VENUE**

1. Federal Subject Matter Jurisdiction lies in this matter as claims asserted are based upon Federal statutory law violations against all named Defendants under 28 U.S.C. §1331 and 28 U.S.C. §1343.

2. Venue is proper in this district pursuant to 28 U.S.C. §1391 as each Defendant is a resident of and/or maintains a permanent business office in this district.

#### **BACKGROUND**

1. Millburn Township is located in the County of Essex, in the State of New Jersey.
2. According to the 2000 Census, Millburn Township's ethnic makeup is: White –

88.9%, Black or African American - 1.1%, American Indian/Alaskan Native - .1%, Asian - 8.4%, other race - .4%, two or more races - 1.1%.

3. The median family income reported for Millburn Township is \$158,888.00.

4. Commencing in September 2007, Plaintiff OG, an African American male, began attending Millburn High School as a Freshman student.

5. At the time of his enrollment in Millburn High School, OG was one of a handful of African American students.

6. At the time of his enrollment, OG's brother, Lamar George was a Senior student at Millburn High School.

7. While a student at Millburn High School, OG, in conjunction with his brother Lamar George, organized and created the Millburn High School African American Club.

8. The African American Club was created to promote racial awareness and celebrate the achievements of African Americans.

9. From the onset of his enrollment at Millburn High School, OG was the subject of racial slurs, terroristic threats and physical brutality by other Millburn High School students.

10. OG was continuously bullied by members of the Junior Class when he was a Freshman, and members of the Senior Class when he was a Sophomore.

11. On more than one occasion, OG suffered physical injuries resulting from the bullying incidents.

12. Specifically, on or about March 14, 2008, OG was assaulted by another student while in the Millburn High School boy's locker room.

13. As a result of said incident, OG suffered a fractured nose.

14. In response to the incidents of bullying and harassment, OG and his parents alerted the Millburn High School Administration.

15. The Millburn High School Administrators failed to take action to remediate or correct the hostile environment.

16. On January 8, 2009, OG was targeted by a group of Senior students who pushed him, and directed disparaging remarks to him.

17. One particular student, after assaulting OG, stated "You're dead."

18. The incident was reported to Millburn High School's Administrators.

19. As a result of said report, Dr. Pitts scheduled a conflict mediation session for the following morning.

20. On January 8, 2009, a group of Senior students called OG a "niger" and a "pussy" and began to continuously chant the names while in his presence.

21. The incident was reported to the nearest teacher, who in turn, took no disciplinary action against the Senior students and merely advised them to leave the area.

22. The incident was reported to Millburn High School's Administrators.

23. The student admitted to Dr. Pitts that he called OG a "pussy" and not a "niger pussy."

24. No action was taken by Dr. Miron or Dr. Pitts to further investigate the matter or impose discipline on the Senior students.

25. On January 9, 2009, a conflict mediation was held by Dr. Pitts involving OG and several other students involved in the first incident occurring on January 8, 2009.

26. As a result of the mediation, no disciplinary action was taken against the Senior students who bullied, harassed and physically touched OG.

27. Later in the day on January 9, 2009 while Millburn High School was dismissing for the day, OG was outside Millburn High School waiting for his brother Lamar George, and his father Reverend Darryl George, to arrive so they could watch his wrestling practice.

28. Upon Lamar and Revered Darryl George's arrival, OG walked to his father's car and placed his school book bag in the backseat.

29. While walking back toward the entrance to Millburn High School with Lamar George, OG and Lamar were confronted by a Senior student (Senior student #1) who exchanged words with Lamar.

30. During the exchange of words, a second Senior student (Senior student #2) approached OG and Lamar and directed hostile remarks toward OG and Lamar George.

31. OG and his brother escaped to their father's car to avoid a physical altercation.

32. Reverend George advised OG and Lamar to seek help inside the school.

33. To protect himself, Lamar George removed a baseball bat from a box in the backseat of Reverend George's car also containing other items of memorabilia celebrating achievements by African Americans.

34. Prior to entering Millburn High School, Lamar and OG were once again confronted by Senior student #2 and a physical altercation arose.

35. During the exchange, Lamar defended himself resulting in an impact between the baseball bat and Senior student #2's leg.

36. OG did not possess the baseball bat at any time during the altercation.

37. OG and Lamar were attacked by Senior student #2 and traded blows in their defense.

38. The altercation was broken up and the bat was placed in the possession of a police officer, who had been directing traffic nearby.

39. During the altercation, Senior student #1 located Dr. Pitts and advised her of the altercation occurring outside Millburn High School.

40. Upon Dr. Pitts arrival outside the school, OG and Lamar George were in Reverend George's car attempting to leave in order to obtain medical treatment.

41. Dr. Pitts and several other individuals surrounded the car and ordered Reverend George to stop the vehicle.

42. OG, Lamar George and Reverend George were arrested and taken to the Millburn Police Station in lieu of being provided immediate medical treatment at a local hospital.

43. All criminal charges filed against OG, Lamar George and Reverend Darryl George were ultimately dismissed, as the grand jury would not return a true Bill of Indictment.

44. On or about January 12, 2009, Superintendent Brodow placed Omari George on suspension for nine (9) days pending a hearing before the Millburn Township Board of Education.

45. No disciplinary action was taken against Senior student #1 or #2.

46. On or about January 12, 2009, Superintendent Brodow declared to members of the press that there was an assault on an innocent boy (Senior student #2); and characterized him as "a hero," who "speaks to the best of us."

47. Superintendent Brodow also took the position that the altercation was the result of a conspiracy by members of the George family to assault Senior student #2 and other students.

48. Prior to making statements to the press, and taking this position, Superintendent Brodow did not conduct an adequate investigation of the matter.

49. On February 11, 2009, the BOE conducted a hearing regarding discipline to be imposed against OG in connection with his involvement in the January 9, 2009 incident.

50. Prior to the hearing before the BOE, Superintendent Brodow recommended that the BOE expel or suspend OG.

51. At the commencement of the hearing, Superintendent Brodow advised the BOE that his disciplinary recommendation had been expulsion.

52. At the onset of the hearing, Counsel for OG requested an adjournment from the BOE in order to adequately prepare for the proceedings and allow criminal charges then pending against OG to be resolved; thereby preventing any obstacle to his ability to testify on his own behalf.

53. The BOE agreed to grant OG an adjournment, but only on the express condition that he waive his right to bring any civil action or lawsuit against the District and/or BOE.

54. The Plaintiffs would not agree to a covenant not to sue, resulting in the denial of a request for an adjournment and continuation of the hearing before the BOE.

55. On March 4, 2009, the BOE issued their decision expelling OG.

56. The Plaintiffs expended significant amounts of time and money in response to OG's expulsion.

57. Specifically the Plaintiffs incurred legal fees challenging the March 4, 2009 expulsion order, and during the pendency of the appeal, BG was required to home-school OG to ensure his continued education.

58. On November 12, 2010, the Acting New Jersey Commissioner of Education ordered that OG's expulsion be reversed.

59. On November 29, 2010, OG recommenced his attendance at Millburn High School.

#### **COUNT ONE**

60. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1- 59 as if set forth more fully herein, and makes each a part of this Count by reference.

61. The BOE and Administrators have an obligation to protect its students from potential and actual harm.

62. The BOE and Administrators were aware of ongoing incidents of harassment and bullying against Freshman and Sophomore students, by older students.

63. The BOE and Administrators failed to take immediate and/or appropriate action to remediate said conditions, resulting in a hostile and dangerous environment.

64. These actions by the BOE and Administrators deprived the Plaintiffs of the rights, privileges, and immunities afforded them under the Constitution and Laws of the United States of America.

64. Such actions by the Defendants constituted a violation of 42 U.S.C. § 1983.

65. As a direct and proximate result of the actions and omissions of the BOE and Administrators, the Plaintiffs have been injured.

66. As a result of the actions of the BOE and Administrators, which forced the Plaintiff OG to cease attending Millburn High School, the Plaintiffs suffered great harm, including emotional distress, damage to reputation, and embarrassment.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

a. Finding and holding that the Plaintiff suffered from acts which deprived him of those rights guaranteed under the Constitution and Laws of the United States of America in violation of 42 U.S.C. § 1983 based upon the actions of Defendants, BOE and the individual Administrators,

b. For compensatory damages;

c. For consequential damages;

d. For punitive damages

- e. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- f. For such other and further relief as the Court deems just and proper.

**COUNT TWO**

67. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1- 66 as if set forth more fully herein, and makes each a part of this Count by reference.

68. The BOE and Administrators have an obligation to protect its students from potential and actual harm.

69. The BOE and Administrators were made aware of incidents of harassment and bullying which were racially motivated and involved the use of racist comments by the students.

70. The BOE and Administrators failed to take immediate and/or appropriate action to remediate said conditions, resulting in a hostile and dangerous environment.

71. These actions by the BOE and Administrators deprived the Plaintiffs of those rights, privileges, and immunities afforded them under the Constitution and Laws of the United States of America.

72. Such actions by the Defendants constituted a violation of 42 U.S.C. § 1983.

73. As a direct and proximate result of the actions and omissions of the BOE and Administrators, the Plaintiffs have been injured.

74. As a result of the actions of the BOE and Administrators, which forced the Plaintiff OG to cease attending Millburn High School, the Plaintiffs suffered great harm, including emotional distress, damage to reputation, and embarrassment.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. Finding and holding that the Plaintiff suffered from acts which deprived him of

those rights guaranteed under the Constitution and Laws of the United States of America in violation of 42 U.S.C. § 1983 based upon the actions of Defendants, BOE and Administrators;

- b. For compensatory damages;
- c. For consequential damages;
- d. For punitive damages
- e. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988.
- f. For such other and further relief as the Court deems just and proper.

### COUNT THREE

75. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-74 as if set forth more fully herein, and makes each a part of this Count by reference.

76. On February 11, 2009, the BOE conducted a hearing regarding the discipline to be imposed on OG in response to the January 12, 2009 incident.

77. At the commencement of the hearing, and in response to a query from the Board as to the Superintendent's recommendation of discipline for the record, Superintendent Brodow recommended expulsion be imposed.

78. Contrary to his written recommendation of discipline provided the BOE, which recommended expulsion or suspension, Superintendent Brodow did not advise the Board that suspension was an option for consideration.

79. OG desired to testify on his own behalf, though was prevented from doing so due to pending criminal charges, the presence of police officers at the hearing, and his fear of self-incrimination.

80. OG's Counsel requested that the BOE grant OG an adjournment to properly prepare for the hearing and potentially resolve the criminal charges.

81. The Plaintiffs were willing to waive any time requirements associated with the hearing in furtherance of the adjournment.

82. The BOE agreed to grant said adjournment but only on the condition that the Plaintiffs agree to a covenant not to sue.

83. The Plaintiffs would not agree to said waiver of rights.

84. The hearing was conducted with Plaintiff's counsel unprepared and without the testimony of OG.

85. Without OG's testimony, the testimony provided by the BOE's witnesses was uncontested.

86. The BOE's actions in denying Plaintiffs an adjournment to adequately prepare for the expulsion hearing, and then conditioning said approval on a waiver of all rights to seek legal redress for his treatment by the Defendants, are in violation of the Constitution and Laws of the United States of America.

87. Superintendent Brodow's action in failing to identify suspension as a disciplinary alternative to expulsion, and the BOE's failure to consider the previously provided written recommendation of Superintendent Brodow, are in violation of the Constitution and Laws of the United States of America

88. Such actions specifically constituted violations of 42 U.S.C. § 1983.

89. As a direct and proximate result of the actions of the BOE and Superintendent Brodow, the Plaintiff OG was negatively affected and deprived of his opportunity for a fair and unbiased hearing.

90. Additionally, as a result of the BOE's actions denying the adjournment and conducting the hearing in light of Plaintiff's concerns and based on Superintendent Brodow's flawed recommendation, the Plaintiff suffered great harm, including deprivation of a thorough and efficient education, emotional distress, damage to reputation, and embarrassment.

**WHEREFORE**, the Plaintiffs demand judgment against the BOE and Defendant Brodow, jointly and severally as follows:

- a. Finding and holding that the Plaintiffs suffered from acts which deprived them of their rights guaranteed under the Constitution and Laws of the United States of America in violation of 42 U.S.C. § 1983 based upon the actions of Defendants BOE and Brodow;
- b. For compensatory damages;
- c. For consequential damages;
- d. For punitive damages
- e. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- f. For such other and further relief as the Court deems just and proper.

#### **COUNT FOUR**

91. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-90 as if set forth more fully herein, and makes each a part of this Count by reference.

92. Defendants actions, in failing to take immediate and/or appropriate action to remediate said conditions of bullying, harassment and the mistreatment of the Plaintiff OG by his fellow students because of Plaintiff's race, resulted in a hostile and dangerous environment.

93. Such actions by the Defendants constituted a violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 *et seq.*

94. As a direct and proximate result of the actions and omissions of the BOE and Administrators, the Plaintiffs have been negatively affected, including forcing the Plaintiff OG to cease attending Millburn High School which has resulted in great harm, emotional distress, damage to reputation, and embarrassment to the Plaintiffs.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT FIVE**

95. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-94 as if set forth more fully herein, and makes each a part of this Count by reference.

96. Defendants actions, in failing to take immediate and/or appropriate action to remediate said conditions of bullying, harassment and the mistreatment of the Plaintiff OG by his fellow students because of Plaintiff's race, resulted in a hostile and dangerous environment.

97. Such actions by the Defendants constituted a violation of Plaintiff's rights under Article 1, Paragraph 5 of the New Jersey Constitution.

98. As a direct and proximate result of the actions and omissions of the BOE and Administrators, the Plaintiffs have been negatively affected, including forcing the Plaintiff OG to cease attending Millburn High School which has resulted in great harm, emotional distress, damage to reputation, and embarrassment to the Plaintiffs.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT SIX**

99. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-98 as if set forth more fully herein, and makes each a part of this Count by reference.

100. The BOE's actions in denying Plaintiffs an adjournment to adequately prepare for the expulsion hearing, and then conditioning said approval on a waiver of all rights to seek legal redress for his treatment by the Defendants, are in violation of Article 1, Paragraph 5 of the New Jersey Constitution.

101. As a direct and proximate result of the actions of the BOE and Superintendent Brodow, the Plaintiff was negatively affected and deprived of his opportunity for a fair and unbiased hearing, causing Plaintiffs to suffer great harm, including deprivation of a thorough and efficient education, emotional distress, damage to reputation, and embarrassment.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;

- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT SEVEN**

102. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-101 as if set forth more fully herein, and makes each a part of this Count by reference.

103. Defendants actions, in failing to take immediate and/or appropriate action to remediate said conditions of bullying, harassment and the mistreatment of the Plaintiff OG by his fellow students because of Plaintiff's race, resulted in a hostile and dangerous environment.

104. Such actions by the Defendants constituted a violation of Plaintiff's civil rights under N.J.S.A. 10:6-1 *et seq.*

105. As a direct and proximate result of the actions and omissions of the BOE and Administrators, the Plaintiffs have been negatively affected, including forcing the Plaintiff OG to cease attending Millburn High School which has resulted in great harm, emotional distress, damage to reputation, and embarrassment to the Plaintiffs.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT EIGHT**

106. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-105 as if set forth more fully herein, and makes each a part of this Count by reference.

107. Defendants, Richard Brodow, William Miron and Michelle Pitts, as Administrators of the Millburn Township Board of Education and Millburn High School, owed a duty to the Plaintiffs to insure that he was being educated in a safe environment, free from harassment and discrimination.

108. Defendants breached that duty by failing to properly and adequately supervise the students of the Millburn High School, resulting in the Plaintiff OG being harassed, discriminated against and forced to learn in a hostile environment.

109. As a direct and proximate result of the Defendant Administrators' negligent supervision of the students of Millburn High School, Plaintiff OG suffered physical injury as well as damage by being forced to cease attending Millburn High School which has resulted in great harm, emotional distress, damage to reputation, and embarrassment to the Plaintiff.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT NINE**

110. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-109 as if set forth more fully herein, and makes each a part of this Count by reference.

111. Defendants, Richard Brodow, William Miron and Michelle Pitts, as Administrators of the Millburn Township Board of Education and Millburn High School, owed a duty to the Plaintiffs to insure that he was being educated in a safe environment, free from harassment and discrimination.

112. Defendant Administrators breached that duty by failing to properly and adequately supervise the students of the Millburn High School, resulting in the Plaintiff OG being harassed, physically assaulted, discriminated against and forced to learn in a hostile environment.

113. As a direct and proximate result of the Defendant Administrators' negligence, the Plaintiff OG has been caused to suffer severe and significant distress from a reasonable fear of personal injury.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

**COUNT TEN**

114. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-113 as if set forth more fully herein, and makes each a part of this Count by reference.

115. By failing to properly supervise the students of Millburn High School and protect the Plaintiff OG from harm, knowing that he was the target of harassment and discrimination, Defendants, Richard Brodow, William Miron and Michelle Pitts, acted with reckless disregard toward the Plaintiff's safety and emotional well-being.

116. As a direct and proximate result of the Defendants Administrators' intentional actions and/or omissions, the Plaintiff OG was caused to suffer emotional distress so severe that no reasonable person could be expected to insure it.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees pursuant to 42 U.S.C. §1988
- e. For such other and further relief as the Court deems just and proper.

#### **COUNT ELEVEN**

117. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-116 as if set forth more fully herein, and makes each a part of this Count by reference.

118. As a direct and proximate result of the actions of the BOE and Administrators, Plaintiff OG was expelled from Millburn High School.

119. The Acting Commissioner of Education for the State of New Jersey subsequently ordered that said expulsion be reversed.

120. As a direct and proximate result of the actions of the BOE and Administrators, the Plaintiffs have been negatively affected, including forcing the Plaintiff to cease attending Millburn High School, which has caused the Plaintiffs to incur significant cost and expense to challenge the expulsion.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees;
- e. For such other and further relief as the Court deems just and proper.

#### **COUNT TWELVE**

121. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-120 as if set forth more fully herein, and makes each a part of this Count by reference.

122. As a direct and proximate result of the actions of the BOE and Administrators, Plaintiff OG was expelled from Millburn High School.

123. The Acting Commissioner of Education for the State of New Jersey subsequently ordered that said expulsion be reversed.

124. As a direct and proximate result of the actions of the BOE and Administrators, the Plaintiffs were required to expend significant personal time and efforts to attend to the continued education OG in a home school format.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;
- d. For reasonable costs and attorney's fees;
- e. For such other and further relief as the Court deems just and proper.

**COUNT THIRTEEN**

125. The Plaintiffs repeat and reiterate all allegations set forth in Paragraphs 1-124 as if set forth more fully herein, and makes each a part of this Count by reference.

126. As a direct and proximate result of the actions of the BOE and Administrators, Plaintiff OG was expelled from Millburn High School.

127. The Acting Commissioner of Education for the State of New Jersey subsequently ordered that said expulsion be reversed.

128. As a result of the actions of the BOE and Administrators, which forced the Plaintiff OG to cease attending Millburn High School, and the Plaintiffs to actively litigate for the reversal of the BOE's expulsion order, the Plaintiffs suffered great harm, including emotional distress, damage to reputation, and embarrassment.

**WHEREFORE**, the Plaintiffs demands judgment against the Defendants, jointly and severally as follows:

- a. For compensatory damages;
- b. For consequential damages;
- c. For punitive damages;

- d. For reasonable costs and attorney's fees;
- e. For such other and further relief as the Court deems just and proper.

**JURY DEMAND**

The Plaintiffs hereby demand a trial by jury on all issues so triable.

Date: \_\_\_\_\_

By: \_\_\_\_\_

  
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**RELEASE****OMARI GEORGE V. BOARD OF EDUCATION OF THE TOWNSHIP OF MILLBURN  
AND DR. MICHELLE PITTS****CIVIL ACTION NO.: 2:11-CV-00043**

This Release date: this \_\_\_\_\_ day of \_\_\_\_\_, 2016 is given by the Releasor, **OMARI GEORGE**, referred to as "I" "We" or "Releasor" to **BOARD OF EDUCATION OF THE TOWNSHIP OF MILLBURN, DR. MICHELLE PITTS** and **UTICA NATIONAL INSURANCE GROUP**, and any and all partners, coworkers or employees, franchisees, licensees, parents and subsidiaries of the above-named organizations referred to collectively as "You" or "Releasees."

1. **RELEASE** I release and give up any and all rights and claims which I may have against You. This releases all claims including those of which I am not aware and those not specifically mentioned in this Release. This Release applies to claims resulting from anything, which has happened from the beginning of time up to now. I specifically release the following claims:

Any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, loss of services, expenses, injury and/or compensation of any nature whatsoever based on a tort, contract or other theory of recovery, and whether compensation or punitive damages, I now have, or which may hereafter accrue or otherwise be acquired against You or your agents, servants and employees, directly or indirectly including by way of example and not limitation, those which are, may be or could have been the subject matter of a lawsuit instituted in the United State District Court, District of New Jersey, bearing Civil Action Number: 2:11-cv-00043 that arises out of any incident(s) that is alleged to have occurred while I was enrolled and/or matriculated as a student in the Millburn Township School District.

This Release is full compensation of any and all injuries I have sustained, known, unknown or unknowable and in full compensation for any and all personal injuries, past, present, or future physical pain and suffering, mental suffering, psychological injuries, emotional distress, loss of consortium, services or society, loss of wages now or in the future, and for any future development whether foreseen or unforeseen, which may or may not relate to the life, death, or life expectancy of Releasor including, but not limited to, any and all potential damages which could possibly be recovered pursuant to the decision of Alfoné v. Sarno, 87 N.J. 99 (1980), Mauro v. Raymark Industries, Inc., 116 N.J. 126 (1989), or other legal authority which absent this Release might permit Releasor or any other person authorized by law to make such a claim or claims.

It is expressly understood that this Release is for the settlement, release, discharge and elimination of any and all such claims. I hereby acknowledge that by executing this Release and accepting the monies paid hereunder and those who otherwise might be entitled to make such a claim or claims in the future have received fair, just and adequate compensation for all such claims in exchange for which all such claims, past, present, and future are forever released and discharged. This Release also specifically covers any potential future lawsuit for the alleged

injuries and/or damages sustained or alleged while I was a student in the Millburn Township School District. This Release also specifically releases any claims for past or future medical care. Even if additional facts become known which were not known at the time this Release was executed we waive our rights to bring a lawsuit against the above Releasee.

**2. NON ADMISSION OF LIABILITY.** It is expressly understood that this Release shall not constitute an admission of liability on the part of the Releasees or any admission by Releasees that any standard of care imposed upon them by law, or otherwise, was, in any way, negligent or below any accepted standards of practice. Releasees hereby expressly deny any liability or deviation from any accepted standards of practice. Further, all allegations raised in the Civil Complaint giving rise to this litigation are generally and specifically denied.

**3. LIENS.** All liens, current or future, against the proceeds of this settlement are to be satisfied by Releasor including but not limited to any Medicaid or Medicare liens, workers compensation liens, social security liens, hospital, physician or attorney liens, or any of the statutory, common law or judgment liens. I therefore agree to indemnify and hold You harmless against any claims made against You, or payment made by You by reason of such liens. I expressly understand that I am further responsible for any and all medical bills, attorney fees and/or litigation expenses incurred by Me.

**4. INDEMNIFICATION.** In the event Releasor shall recover any monies from any person who thereafter seeks indemnification from You arising from claims released in this document, Releasor shall indemnify and hold You harmless for any monies spent in defending against these claims including, but not limited to, attorney's fees, cost of suit, judgment or settlement.

**5. PAYMENT** I have been paid a total of \$435,000.00 (Four Hundred Thirty Five Thousand dollars) in full and final payment for agreeing to execute this Release concerning claims against You. I agree that we will not seek anything further, including any other payments from You.

**6. WHO IS BOUND.** I am bound by this Release. Anyone who succeeds to Releasor's rights and responsibilities, such as Releasor's heirs or the executor(trix) of Releasor's estate, is also bound. This Release is made for the benefit of You, and all persons or entities that succeed to the rights and responsibilities of the Releasee.

**8. ATTORNEYS' FEES.** By entering into this agreement, all signatories hereto hereby give up, relinquish and abandon any and all rights and claims for attorney's fees that may be presently brought against any other party to this agreement, including by way of example and not limitation, those which are, may be or could have been the subject matter of a lawsuit instituted in United States District Court, District of New Jersey, Civil Action No.: 2:11-cv-00043.

9. **SIGNATURE.** Releasor has read, understood and agreed to the terms of the Release and has consulted with counsel prior to signing this Release.

Omari George  
OMARI GEORGE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 17<sup>th</sup> DAY  
OF June, 2016

  
Notary Public or Attorney

