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KMA/TB

IMPORTANT REMINDER

You have recently filed a complaint in the Law Division, Hudson County. Enclosed please find a copy of the complaint marked "Filed" and the Track Assignment Notice (TAN). Please be sure to use the assigned docket number on all future pleadings, correspondence, etc.

You are reminded of the following:

R.4:4-1. requires that the summons is to be issued within 15 days from the date of the Track Assignment Notice.

R.4:4-7. requires that "proof of service" shall (mandatory) be promptly filed with the court within the time during which the person served must respond (35 days) by the person making service or by the party on whose behalf service is made.

"Proof of Service" should be filed with the Judge/Team indicated on the Tan.

Please carefully read, understand and follow R.4:24-1., Time for Completion of Discovery, and R. 4:24-2., Motions Required to Be Made During Discovery Period.

Always be aware of the operative Discovery End Date (DED) for your case. If in doubt, you can contact the Team indicated on the TAN or this information may be found on the Judiciary's website homepage at www.njcourtsonline.com under the heading "civil discovery end date search."

Mary K. Costello
Presiding Judge Civil Division

HUDSON COUNTY SUPERIOR COURT
HUDSON COUNTY
583 NEWARK AVENUE
JERSEY CITY NJ 07306

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 217-5162
COURT HOURS 8:30 AM - 4:30 PM

DATE: AUGUST 13, 2014
RE: YOUSSEF VS JERSEY CITY BOARD OF EDUCATION E

T AL

DOCKET: HUD L -003496 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JOSEPH A. TURULA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 795-6908.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDAN

CE

WITH R. 4:5A-2.

ATTENTION:

ATT: ROBERT M. ANDERSON
ESCANDON FERNICOLA ANDERSON&CO
301 MAIN STREET STE 3
2ND FLOOR
ALLENHURST NJ 07711

JUJSTA1

ESCANDON, FERNICOLA, ANDERSON & COVELLI
301 Main Street
Allenhurst, NJ 07711
Tel. # (732) 663-1920 ♦ Fax (732) 663-0011
Attorneys for Plaintiff

Robert M. Anderson, Esq.
I.D. # 037041985

FILED
TEAM #1

AUG 06 2014

SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CIVIL DIVISION #5

<p>NABIL YOUSSEF,</p> <p>Plaintiff,</p> <p>vs.</p> <p>JERSEY CITY BOARD OF EDUCATION, individually and/or its agents, servants and/or employees, CHERYLE RICHARDSON-EVANS, Principal; MONICA PATEL, Vice Principal; DR. MARCIA LYLES, Superintendent; CHRIS GADSDEN, Vice Principal of Freshman Building; ELLEN RUANE, Associate Superintendent Secondary Division and JOHN DOE SUPERVISORS 1-10, individually and/or as agents, servants and/or employees of JERSEY CITY BOARD OF EDUCATION,</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION – COUNTY OF MONMOUTH HUDSON</p> <p>DOCKET NO.: L-003492-14</p> <p>CIVIL ACTION</p> <p>COMPLAINT</p>
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Plaintiff, NABIL YOUSSEF, residing at 210 Bartholdi Avenue in the township of Jersey City, County of Hudson and State of New Jersey, by way of Complaint against the Defendant(s) says:

STATEMENT OF CASE

1. Plaintiff, Nabil Youssef is an Arab American citizen in the city of Jersey City, County of Hudson and State of New Jersey

2. At all times hereinafter mentioned, the Plaintiff, Nabil Youssef was and is an employee of Defendant Jersey City Board of Education at Lincoln High School and the Freshmen Building of Lincoln High School. Plaintiff was and is an employee as defined by the New Jersey Law Against Discrimination, N.J.S.A.. §10:5-5
3. At all times hereinafter mentioned, the Defendant Jersey City Board of Education was a public entity and employer of Plaintiff, Nabil Youssef, as defined by the New Jersey Law Against Discrimination, N.J.S.A.. §10:5-5 and had the authority to direct and control the work performance and working conditions of the Plaintiff.
4. Defendant Jersey City Board of Education was and is responsible for overseeing the academic progress in the Jersey City public school district.
5. Defendant Cheryle Richardson-Evans is the Principal of Lincoln High School, who had the authority to control and direct the actions of Plaintiff.
6. Defendant Monica Patel is the Vice Principal of Lincoln High School, who in conjunction with the other Defendants had the authority to control and direct the actions of Plaintiff.
7. Defendant Dr. Marcia Lyles is the Superintendent of Jersey City Board of Education, who in conjunction with the other Defendants had the authority to control and direct the actions of Plaintiff.
8. Defendant Chris Gadsden is the Vice Principal of the Freshman Building at Lincoln High School, who in conjunction with the other Defendants had the authority to control and direct the actions of Plaintiff.
9. Defendant Ellen Ruane is the Associate Superintendent Secondary Division, who had the authority to control and direct the actions of Plaintiff.

FIRST COUNT- VIOLATIONS OF CONSCIENTIOUS EMPLOYEE PROTECTION ACT

(CEPA)

1. Defendant Jersey City Board of Education is, and at all times mentioned in this complaint was a public entity and existing under the laws of the State of New Jersey, with its principal place of business located at 346 Claremont Ave, Jersey City, NJ 07305.
2. At all times hereinafter mentioned the Plaintiff, Youssef Nabil , was a Teacher at Lincoln High School employed by Defendant Jersey City Board of Education. Plaintiff was an employee as defined by the New Jersey Conscientious Employee Protection Act, N.J.S.A. §34:19-2(b).
3. At all times hereinafter mentioned, Defendant, Jersey City Board of Education; was the employer of Plaintiff, Youssef Nabil as defined by the New Jersey Conscientious Employer Protection Act, N.J.S.A. § 34:19-2(b). At all times herein mentioned, Defendants John Doe Supervisors 1-10, same being fictitious as the correct names of said supervisory personnel have not as yet been ascertained; were employees of Defendant Jersey City Board of Education as defined by the New Jersey Conscientious Employee Protection Act, N.J.S.A. §34:19-2(a).
4. In April of 2014, Plaintiff was approached by supervisors and asked to alter data regarding children failing his math class. They indicated that in order to continue to obtain federal funds that the grades should be inflated. They indicated to Plaintiff that if he did not falsely inflate the grades so as to enable Defendant Jersey City Board of Education to obtain additional funding, he would face problems down the road.

5. Defendants Cherlye Richardson-Evans, Monica Patel, Dr. Marcia Lyles, Chris Gadsden and Ellen Ruane were all involved in attempting to get Plaintiff to change the grades.
6. Plaintiff strongly believed that such a request was in violation of the law and/or otherwise implicated a policy and practice which the Plaintiff reasonably believed was incompatible with mandated public policy and/or in violation of federal policies regarding allocation of educational funding.
7. Resultantly, following Plaintiff's objection to the request and practices which Plaintiff believed were unlawful and/or a violation of mandated public policy and/or in violation of federal policies regarding allocation of educational funding, he was the victim of adverse employment actions.
8. The adverse employment actions include, but are not limited to:
 - a. Being denied consideration for future positions or advancement within the Jersey City Board of Education;
 - b. Being subjected to harassment and verbal abuse by supervisory personnel; and
 - c. Otherwise treated in an adverse action and manner.

WHEREFORE, the Plaintiff demands judgment against the Defendants aforesaid, jointly and/or severally, sufficient to compensate him for his losses together with cost of suit, attorney fees, punitive damages and such other relief as deemed equitable and just and permitted under the law.

SECOND COUNT –LAW AGAINST DISCRIMINATION AND RETALIATION

1. Plaintiff repeats and restates each and every allegation as contained in the First Count of

the Complaint.

2. During the course of his employment with Defendant Jersey City Board of Education, Plaintiff, an Arab American, became increasingly exposed to a hostile and offensive work environment, which environment persists to the present day.
3. In addition to the hostile environment, the Plaintiff has been subjected, during the course of his career with the Jersey City Board of education up to the present date, to open and tacit discrimination. Among such methods employed by the Defendant Jersey City Board of Education and its supervisors at Lincoln High School and the Freshmen Building at Lincoln High School is an arbitrary, antiquated and subjective promotion process that is skewed in terms of routine promotions as well other employment practices.
4. The effect of the actions of Defendants to follow non-discriminatory promotional guidelines prevented Arab American teachers like Plaintiff from deserving, well-qualified promotions.
5. Specially, the tacit discrimination has impacted Plaintiff on the basis of race and religious beliefs with respect to the terms and conditions of his employment by way of promotions, specialist positions, transfers and the enforcement of rules and regulations for promotion and disciplinary purposes.
6. In 2008, Plaintiff began applying for various promotions, transfers and positions offered by Defendant Jersey City Board of Education. Despite his qualifications and prevailing efforts, Plaintiff never received a single desired promotion or transfer.
7. Further, as a result of his complaints regarding the lack of promotion or transfer, Plaintiff was retaliated against by the Defendant Jersey City Board of Education on a continuous basis from approximately 2008 through present. Such retaliation includes but is not limited to

not being granted leave to attend his mother's funeral as well as denial for a variety of positions, in one such instance, without having been interviewed for same.

8. On or about September 6, 2012, Plaintiff was transferred from the central building Lincoln High School to the Freshman Building of Lincoln High School despite Plaintiff's expertise and experience with more advanced students.

9. Plaintiff's transfer was in retaliation for having formally filed grievances and complaints regarding the discrimination he encountered when he made application for transfers and promotions.

10. Plaintiff was subjected to hostile environments, including one instance on January 2, 2014 in which Plaintiff was a recipient of a so-called "no fly list" which was forwarded by Francisco Valez, Vice Principal of Lincoln High School. The use of the words "no fly list" is in itself very derogatory and discriminatory to an Arab American like Plaintiff. Further, the use of such terms is evidence of the institutional discrimination practiced against Arab American such as Plaintiff.

11. The use of such terms is also patent evidence of discrimination against Plaintiff as an Arab American in the promotional process.

12. The transfer to the Freshman Building of Lincoln High School was a substantial demotion as Plaintiff was required to work with freshman students when his work record, education, expertise and experience are with more advanced students.

13. Additionally, upon his return from a leave for injury, Plaintiff was written up for sitting during class.

14. Plaintiff was also barred from taking leave to attend his mother's funeral in Egypt and thereafter, being barred from taking leave to visit his ailing father in Egypt.

15. As a direct and proximate result of the acts/omissions of Defendants aforesaid, jointly and/or severally by and through its supervisors and/or decision makers, Plaintiff sustained significant missed income opportunities and promotions, emotional distress, injury to his reputation and was otherwise damaged and/or adversely effected in his employment opportunities in violation of the New Jersey Law Against Discrimination.

WHEREFORE, the Plaintiff demands judgment against the Defendants aforesaid, jointly and/or severally, sufficient to compensate him for his losses together with cost of suit, attorney fees, punitive damages and such other relief as deemed equitable and just and permitted under the law.

THIRD COUNT- VIOLATION OF NEW JERSEY CONSTITUTION

1. Plaintiff repeats and restates each and every allegation as contained in the First and Second Counts of the Complaint.
2. The actions described above violate Plaintiff's rights under the New Jersey Constitution. See Violation of New Jersey Constitution/New Jersey Civil Rights Act.

WHEREFORE, the Plaintiff demands judgment against the Defendants aforesaid, jointly and/or severally, sufficient to compensate him for attorney fees, costs of suit, and other relief as deemed equitable and just and permitted under the New Jersey Civil Rights Act.

FOURTH COUNT- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and restates each and every allegation as contained in the First, Second and Third Counts of the Complaint.
2. Defendants knew or should have known that the discriminatory actions of their agents,

servants or employees and the Defendant's failure to remedy the open and tacit hostile environment would cause Plaintiff to suffer serious emotional distress.

3. Despite the reasonable expectation of such emotional distress, the Defendants continued to allow their agents, servants or employees who engaged in openly hostile and racist conduct to remain in the workforce up until the present day.

WHEREFORE, the Plaintiff demands judgment against the Defendants aforesaid, jointly and/or severally, sufficient to compensate him for physical, emotional and psychological damages in an amount to be determined by jury.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

DEMAND FOR INSURANCE DISCOVERY

Pursuant to R 4:10-2(b) demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

CERTIFICATION PURSUANT TO RULE 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, ROBERT M. ANDERSON, ESQ. is designated as trial counsel in the within litigation.

CERTIFICATION AS TO OTHER ACTIONS

The undersigned hereby certifies that the matter in controversy is not the subject of any other action or Arbitration proceeding, either now or contemplated.



ESCANDON, FERNICOLA, ANDERSON & COVELLI
Attorneys for Plaintiff

Dated: _____

7/24/14

ROBERT M. ANDERSON, ESQ.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME ROBERT M. ANDERSON, ESQ.		TELEPHONE NUMBER (732) 663-1920	
	COUNTY OF VENUE Monmouth <input checked="" type="checkbox"/>			
FIRM NAME (if applicable) ESCANDON FERNICOLA ANDERSON & COVELLI			DOCKET NUMBER (when available) L-003492-14	
OFFICE ADDRESS 301 MAIN STREET, SUITE 3 ALLENHURST, NEW JERSEY 07711			DOCUMENT TYPE JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Nabil Youssef		CAPTION Youssef v. Jersey City Board of Education, et al.		
CASE TYPE NUMBER (See reverse side for listing) 616 and 618	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: _____				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREIDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

RECEIVED

AUG 18 2014

ESCANDON, FERNICOLA

SCANNED
