

ADAM L. SCHORR, ESQUIRE
SCHORR & ASSOCIATES, P.C.
5 SPLIT ROCK DRIVE
CHERRY HILL, NEW JERSEY 08003
(856) 874-9090 FAX (856) 874-9080
e-mail: adamschorr@schorrlaw.com
Attorney for the Plaintiff
Atty ID# 125622014

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JAN - 4 2016

SUPERIOR CT., OCEAN

BRENDA COYLE,

Plaintiff,

v.

BRICK TOWNSHIP PUBLIC SCHOOLS,
BRICK BOARD OF EDUCATION,
RICHARD CALDES, and JOHN DOES
1-10 (fictitious names of
entities and/or individuals
whose identities are presently
unknown), individually,
jointly, severally and/or in
the alternative,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

CIVIL ACTION

DOCKET NO.: OCN-L- -16

COMPLAINT

Y 12-16

Plaintiff, BRENDA COYLE, by way of Complaint against the
Defendants, BRICK TOWNSHIP PUBLIC SCHOOLS, BRICK BOARD OF
EDUCATION, RICHARD CALDES, and JOHN DOES 1-10 states as follows:

IDENTIFICATION OF PARTIES

1. Plaintiff, Brenda Coyle ("Plaintiff" or "Ms. Coyle") was hired as a science teacher for Defendant Brick Township Public Schools ("Defendant BTPS" or "Defendants") starting in the fall of 2012. Ms. Coyle was promoted to Assistant Principal of Brick Township Memorial High School for the 2014-2015 school year. Ms. Coyle resides in Brick, Ocean County, New Jersey.

2. Upon information and belief, at all relevant times to this action, Defendant Brick Board of Education ("Defendant BBOE" or "Defendants") administers and operates Defendant BTPS. Collectively, "Brick" refers to both Defendant BBOE and Defendant BTPS.
3. Upon information and belief, at all times relevant to this action, Brick's administrative offices are located at 101 Hendrickson Ave, Brick NJ 08724.
4. Upon information and belief, Defendant Richard Caldes, Ed.D, ("Defendant Caldes" or "Defendants") was an Educational Specialist for Defendant BTPS. On May 8, 2015, Defendant Caldes was promoted to Interim Superintendent.

COUNT ONE

**RETALIATION IN VIOLATION OF THE CONSCIENTIOUS
EMPLOYEE PROTECTION ACT, N.J.S.A. 34:19-1, et seq.**

5. Ms. Coyle worked for two years as a science teacher for Defendant BTPS before being promoted to Assistant Principal.
6. At the time Ms. Coyle was promoted to Assistant Principal of Brick Township Memorial High School, Defendant Caldes was an Educational Specialist who was not a supervisor of Ms. Coyle and had no power over Ms. Coyle.
7. As Assistant Principal, Ms. Coyle was in charge of the Apex online course program ("Apex") utilized by Defendant BTPS.
8. On January 4, 2015, Ms. Coyle was contacted by Defendant Caldes via telephone.
9. During their January 4, 2015 telephone conversation,

Defendant Caldes asked Ms. Coyle to log in to Apex and bump up his son's low grade, as his son did not have a high enough score to progress through the program.

10. To satisfy this request, Ms. Coyle would have had to log in to teachers' accounts without permission and knowingly and fraudulently change the grade for Caldes's son. Ms. Coyle refused to do so.
11. Ms. Coyle informed Defendant Caldes that she could not legally access the accounts needed to change his son's grade because she did not have authorization from the teachers to access their accounts nor alter grades.
12. The New Jersey Computer Related Offenses Act, N.J.S.A. 2A:38A-1 to 2A:38A-6, makes it unlawful to access and alter computer programs or computer software without authorization.
13. The School Ethics Act, N.J.S.A. 18A:12-21 to 18A:12-34, provides a list of unlawful conduct for school administrators. Specifically, N.J.S.A. 18A:12-24(b) states that "[n]o school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others".
14. In addition, Defendant Caldes's request that Ms. Coyle change his son's grade would have required Ms. Coyle to engage in a fraudulent and tortious act.

15. Ms. Coyle refused to cooperate with Defendant Caldes's request, which she reasonably believed to be fraudulent, unethical, and unlawful request.
16. On Thursday, May 7, 2015, the then-Superintendent for BTPS, Walter Uszenski, was arrested by Ocean County Police and removed from BTPS administrative offices. Uszenski was charged with seven separate counts encompassing conspiracy, theft by deception, and official misconduct for his role in obtaining taxpayer-funded services for his grandson that his grandson was not entitled to.
17. On Friday, May 8, 2015, Defendant Caldes was promoted to interim superintendent for Defendant BTPS.
18. Ms. Coyle was completing her third year working for Brick, and therefore she was eligible for tenure if her contract was renewed.
19. Ms. Coyle was one of thirteen administrators eligible for tenure after the 2014-2015 school year.
20. Prior to Defendant Caldes's promotion, all thirteen administrators, including Ms. Coyle, had been recommended for tenure, and she was on the list for renewal.
21. On Wednesday, May 13, 2015, just three business days after being promoted to interim superintendent, Caldes overruled Mr. Uszenski and determined that Ms. Coyle would not be renewed, effectively terminating her and denying her tenure.
22. Ms. Coyle was informed by Defendant Caldes that he was not

renewing her contract, and that he was denying her tenure because of her "evaluations and observations".

23. Ms. Coyle believed these reasons to be pretextual because her evaluations and observations were uniformly positive, noting her as effective and lauding the positive changes she had brought to the school. Ms. Coyle did not have a single negative evaluation or observation.
24. Ms. Coyle was never given a "Rice" notice regarding her job status or non-renewal, despite her request. She was never provided with adequate reasons for non-renewal, nor was she ever provided an opportunity for a public explanation.
25. Of the thirteen administrators up for tenure, Ms. Coyle was the only administrator not to be renewed by Defendant Caldes and the School District.
26. Ms. Coyle, through her counsel, Catherine Carton, demanded a Donaldson hearing.
27. BTPS denied Ms. Coyle's request for a Donaldson hearing, falsely stating that her request was untimely despite coming just three days after receipt of the notice of reasons why Ms. Coyle was not being renewed.
28. At the end of the 2014-2015 school year, Ms. Coyle finished her contract with BTPS and was not offered any other job within Defendant BTPS.
29. When Defendant Caldes became Interim Superintendent, he became Ms. Coyle's direct supervisor with the power to

discipline Ms. Coyle, up to and including termination.

30. Immediately upon being placed into a position in which he could retaliate against Ms. Coyle, Defendant Caldes in fact retaliated against the Plaintiff by refusing to renew her contract, preventing her from gaining tenure, and failing to provide her with a Rice notice or a Donaldson hearing, affording her no ability to confront his retaliation.
31. The aforementioned retaliatory conduct by Defendants toward Ms. Coyle would not have occurred but for Ms. Coyle's refusal to perform unlawful, unethical, and fraudulent acts as directed by Defendant Caldes.
32. The aforementioned retaliatory conduct by Defendants is in direct violation of the Conscientious Employee Protection Act.
33. The alleged actions were outrageous and beyond all bounds of human decency, justifying the imposition of punitive damages against the Defendants.
34. The willful indifference and actual participation of upper management, including the Superintendent, creates liability against the Defendants for punitive damages.
35. The individual Defendant, Caldes, aided and abetted the employer in retaliating against the Plaintiff.
36. As a result of the Defendants' intentional and outrageous actions toward Ms. Coyle, as detailed in the previous paragraphs and Counts of this Complaint, the Plaintiff has

suffered extreme emotional distress manifesting itself in both psychological and physical injury, anxiety, embarrassment, humiliation, monetary, emotional, reputational, and other personal injuries.

37. The Defendants' acts were performed with malice and reckless indifference to the Plaintiff's protected Civil Rights.
38. The Defendants, by their foregoing described actions, have retaliated against the Plaintiff and denied the Plaintiff opportunities for employment in violation of CEPA.

WHEREFORE, Plaintiff, demands judgment against the Defendants jointly, severally, and alternatively, for compensatory damages including damages for emotional distress and physical injury, loss of reputation and other personal injury, back pay, front pay, consequential damages, punitive damages, pre- and post-judgment interest, reasonable attorney's fees enhanced under the LAD, and costs of suit.

COUNT TWO

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY (PIERCE CLAIM)

39. Plaintiff repeats, realleges, and incorporates by reference each and every allegation contained in the previous paragraphs as if set forth fully herein.
40. New Jersey common law provides that an employee has a private cause of action where an employer discharges an employee contrary to a clear mandate of public policy.
41. New Jersey has strong public policy against official misconduct, including using one's position of power to