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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

MARY CZAPLINSKI,  
  
Plaintiff,

vs.

BOARD OF EDUCATION OF THE CITY  
OF VINELAND,

Defendant.

CIVIL ACTION

Case No.:

VERIFIED COMPLAINT

Plaintiff Mary Czaplinski, by way of complaint against defendant in this action, hereby avers:

1. This is a civil rights action. Mary Czaplinski, a security guard employed by the Vineland School District, was fired for exercising her rights of free speech under the Frist Amendment and the New Jersey Constitution.

On March 5, 2015, on her own time and on her private Facebook page, Czaplinski posted a comment about the shooting of a Philadelphia police officer. The comment was her own opinion, had nothing to do with the Vineland School District, and

contained no information identifying her as a Vineland school employee. The comment had no effect on the Vineland schools or on Czaplinski's ability to do her job.

An anonymous email alerted the school district to Czaplinski's post. The district immediately suspended her and on March 13, one day after a procedurally flawed Civil Service hearing, terminated her effective March 27, 2015. The district claimed Czaplinski's Facebook post constituted "conduct unbecoming a public employee" and "sufficient cause" but offered no other explanation for its action.

Czaplinski's firing was therefore a direct result of her protected speech. The school district cannot offer any legitimate justification for it. The firing therefore violated Czaplinski's constitutional rights.

**I. PARTIES**

2. Mary Czaplinski is an adult individual, living in Vineland, New Jersey. Before she was fired, Czaplinski was a security guard for the Vineland School District for 12 years. At the time she was fired, Czaplinski worked at Vineland High School - North.

3. The Board of Education of the City of Vineland is a corporate governmental entity, with offices located at 625 Plum Street, Vineland, New Jersey. Pursuant to N.J.S.A. 18A:13-1 et

seq., it is the entity responsible for the operation and administration of the schools in the Vineland School District, including Vineland High School - North. Throughout this complaint, the board is also referred to as the "Vineland School District" or "the district."

## II. JURISDICTION

4. This is a civil rights action for deprivation of constitutional rights under color of state law, brought pursuant to 42 U.S.C. §1983, together with pendent state claims.

5. The Court has jurisdiction over Czaplinski's federal claims pursuant to 28 U.S.C. §1331, as an action arising under the Constitution of the United States; under 28 U.S.C. §1343(a)(3), to redress the deprivation, under color of state law, of rights secured by the Constitution; and over her pendant state claims under 28 U.S.C. §1367.

4. The Court has the authority to grant declaratory and injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §2001 et seq.

5. The Court has authority to award costs and attorney's fees on Czaplinski's federal claims pursuant to 42 U.S.C. §1988, and on her state law claims pursuant to N.J.S.A. 10:6-2(f).

6. Venue is properly laid in the District of New Jersey pursuant to 28 U.S.C. §1391(b), because all defendants reside in

this district, and the events giving rise to this claim occurred in this district.

**III. SUBSTANTIVE ALLEGATIONS**

7. Czaplinski maintains a Facebook page. The page is private; only those persons whom Czaplinski admits may access it. The page identifies Czaplinski as a Vineland School District employee but does not mention her position as a security guard.

8. On Thursday, March 5, 2015, Robert Wilson, a Philadelphia police officer, was shot and killed when he attempted to thwart a robbery at a video game store. Both Wilson and his assailants were black.

9. Czaplinski saw the item on the news. At 6:34 p.m. on March 5, she posted the following comment on her Facebook page: "Praying hard for the Philly cop shot today by another black thug ... may[be] all white people should start riots and protests and scare the hell out of them."

10. Czaplinski made her post at night, on her own time, as an expression of her opinion as an individual and citizen. The post did not mention her position with the school district. The post was meant as her comment on a significant public issue, and expressed her frustration at the racial polarization that has characterized the current national debate over police conduct.

11. At 7:28 p.m. on Friday, March 6, 2015, someone calling himself "Save VBOE" sent an anonymous email to Mary Gruccio, the district's superintendent, and Joseph Rossi, its executive director of personnel. The specific email address was diversitymattersvboe@gmail.com. The email included a copy of Czaplinski's post and said: "What type of employes [sic] do you have posting 'black thugs' comments? Employing racist security guards is trouble. Diversity matters regardless of race. Very troubling."

12. Snow closed the Vineland schools on March 5 and 6. Over the weekend, a colleague and Czaplinski's supervisor phoned her and told her that Rossi, the district's personnel director, had placed her on administrative leave and that she was not to report to work until further notice. They told her the cause was "something to do with social media," but had no further details.

13. Czaplinski emailed Rossi and asked for details. At 10:09 a.m. on Monday, March 9, Rossi emailed Czaplinski as follows:

Mrs. Czaplinski:

If you're willing to waive the five-day Civil Service Hearing notice provision, we can schedule your hearing for 9:30 a.m. on Thursday March 12, in the personnel office.

The charges are "Conduct Unbecoming a Public Employee" and "Other Sufficient Causes."

The matter involves a social media posting.

Please let me know if you are willing to have the hearing this Thursday.

14. Czaplinski, still unsure what the matter was about was about and unaware that the district was contemplating firing her, agreed to the expedited hearing. As a result, Rossi's email was the only notice she received. The district's preliminary notice of discipline, mailed March 10, did not reach Czaplinski until the afternoon of March 12, after her disciplinary hearing had concluded.

15. Czaplinski attended the hearing with union representation but without counsel. At the hearing she learned, for the first time, that the district wanted to fire her because of her March 5 post.

16. Immediately after the hearing, Rossi phoned Czaplinski at home and asked her if she wanted to retire. Czaplinski refused.

17. On March 13, Rossi sent Czaplinski a letter telling her that she had been terminated, effective March 27, 2015, for "conduct unbecoming a public employee" and "other sufficient causes." The termination was based entirely on Czaplinski's March 5 post, which Rossi claimed "jeopardized [her] ability to

effectively conduct the business of public school safety and security because it reasonably calls into question the basis of [her] decision making." Czaplinski received this letter on March 16.

18. At the time it terminated Czaplinski, the district had no basis to believe that Czaplinski's post in any way affected her job performance, her decision-making ability, her relationship with students or other staff, or the operations of the Vineland schools.

19. The district undertook its actions, as described above, under color of state law.

20. The district undertook its actions pursuant to a district policy or practice, and particularly pursuant to its formal written policy governing inappropriate staff conduct.

21. The district's actions in terminating Czaplinski have caused her immediate and irreparable harm by penalizing her for the exercise of her constitutionally protected rights of free speech. This harm cannot be remedied at law.

**COUNT ONE**  
**(First Amendment Violations)**

22. Czaplinski incorporates paragraphs 1-21 as if fully set forth.

23. Czaplinski has the right, protected under the First Amendment to the federal constitution, to speak as a citizen on

matters of public interest, including matters relating to the conduct of police and its racial ramifications. When she posted on Facebook on March 5, 2015, Czaplinski was exercising that right.

24. Czaplinski has the further right under the First Amendment not to be punished or retaliated against by her employer for speaking out as a citizen on matters of public interest and concern, or for engaging in protected expressive activity.

25. The school district's actions, described above, violated these rights. The district fired Czaplinski because she engaged in speech protected by the First Amendment, as punishment for that speech, and did so without any legitimate justification.

26. As a proximate result of that violation of her First Amendment rights, Czaplinski has been injured. Portions of that injury are both immediate and irreparable. She has lost her job. She has been punished for protected speech, and her exercise of that right has been improperly chilled. She has suffered emotional and mental distress.

WHEREFORE, Czaplinski demands judgment in her favor and against the district as follows:



A. For temporary, preliminary and permanent injunctive relief directing the district to restore her to her position as a security guard in the Vineland School District; expunge any reference to Czaplinski's actions or termination from her disciplinary or other files; and cease any harassment of, or retaliation against, Czaplinski for the exercise of her constitutional rights of free speech.

B. For a declaration that her rights under the First Amendment have been violated.

C. For compensatory damages, including back pay and benefits.

D. For costs and attorney's fees pursuant to 42 USC §1988.

E. For all other appropriate relief.

COUNT TWO  
(State Constitutional Claims)

27. Czaplinski incorporates paragraphs 1-26 as if fully set forth.

28. Czaplinski brings this court pursuant to N.J.S.A. 10:6-2, the New Jersey Civil Rights Act, and directly under the New Jersey Constitution.

29. The district's actions, described above, violated Czaplinski's rights of free speech and expression under Article I, Paragraphs 6 and 18 of the New Jersey Constitution.

30. As a proximate result of the district's actions, Czaplinski has been injured as set forth above.

WHEREFORE, Czaplinski demands judgment in her favor and against the district as follows:

A. For temporary, preliminary and permanent injunctive relief directing the district to restore her to her position as a security guard in the Vineland School District; expunge any reference to Czaplinski's actions or termination from her disciplinary or other files; and cease any harassment of, or retaliation against, Czaplinski for the exercise of her constitutional rights of free speech.

B. For a declaration that her rights under the First Amendment have been violated.

C. For compensatory damages, including back pay and benefits.

D. For costs and attorney's fees pursuant to NJSA 10:6-2(f).

E. For all other appropriate relief.

DATED:

3/22/15

BARRY, CORRADO & GRASSI, P.C.

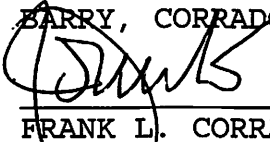
  
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DEMAND FOR JURY TRIAL

Jury trial is herewith demanded on all issues raised

herein.

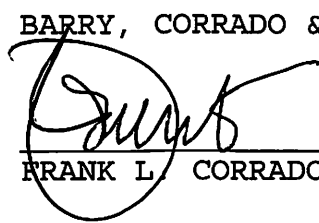
DATED: 3/22/15

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CERTIFICATION

It is hereby certified that there are no other known actions or arbitrations relating to this action and there are no known parties who should be joined with respect to the matter in controversy.

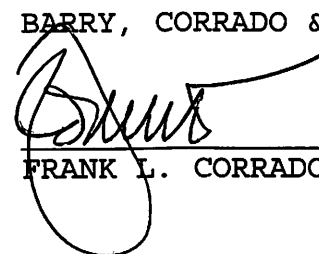
Dated: 3/22/15

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FRANK L. CORRADO, ESQUIRE

CONFIDENTIAL PERSONAL IDENTIFYERS

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.

Dated: 3/22/15

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VERIFICATION

1. I am the plaintiff in the foregoing complaint to which this is annexed.

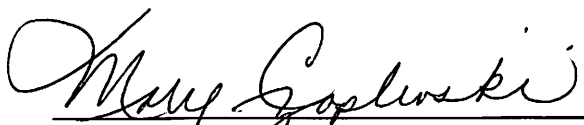
2. The allegations of the complaint are true to the best of my knowledge and belief. The complaint is made in trust and good faith and without collusion for the causes set forth therein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

*3/23/15*

2015

  
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MARY CZAPLINSKI