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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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P.W.,

20-cv-2329

Plaintiff,

**COMPLAINT AND
JURY DEMAND**

-against-

MONMOUTH COUNTY VOCATIONAL SCHOOL
DISTRICT; MONMOUTH COUNTY VOCATIONAL
SCHOOL DISTRICT BOARD OF EDUCATION;
EARL MOORE; MARCY KAY; CHARLES FORD; and
TIMOTHY MCCORKELL,

Defendants.

_____x

Plaintiff P.W.,¹ by and through her attorneys, Cuti Hecker Wang LLP, hereby alleges against Defendants Monmouth County Vocational School District, the Monmouth County Vocational School District Board of Education, Earl Moore, Marcy Kay, Charles Ford, and Timothy McCorkell, as follows:

¹ Plaintiff is using her initials, in lieu of her real name, to protect her identity. At the appropriate time, Plaintiff will formally request the Court's permission to continue to do so. *See Doe v. Trishul Consultancy*, 2019 WL 4750078 (D.N.J. Sep. 30, 2019) (Quraishi, M.J.); *Doe v. Rutgers*, 2019 WL 1967021 (D.N.J. Apr. 30, 2019) (Waldor, M.J.). Additionally, Plaintiff is using initials to refer to non-parties who were minors at the time of the conduct alleged. Plaintiff is doing so in a good-faith effort to treat herself and her former fellow students with equal dignity. Plaintiff's Complaint is consistent with the probable cause determination publicly issued by the New Jersey Division on Civil Rights, which also referred to Plaintiff by her initials.

NATURE OF THE ACTION

1. At its root, this case is about endemic anti-Semitism at one of New Jersey's leading public magnet high schools, the Marine Academy of Science and Technology ("MAST").

2. But more fundamentally, this case is about the failure of the Monmouth County Vocational School District and its officials to take meaningful steps to investigate and address repeated credible reports that students at MAST were engaging in severe and pervasive retaliation and ongoing discrimination against a student, P.W., whose parents had reported a shocking incident of anti-Semitism that led to the suspensions of three popular students.

3. During an April 2018 school-sponsored field trip, a MAST student, J.L., texted to a group of approximately 17 other MAST students, including P.W., a photograph of MAST student J.K. proudly lying on the beach next to the larger-than-life-sized words "I h8 Jews" etched into the sand. P.W., who is Jewish, felt that she was a target of this shocking anti-Semitism, which hurt her deeply. She told her parents, who promptly reported what had happened to MAST's principal, Defendant Earl Moore.

4. That is where the narrative takes an even more disturbing turn. Far from protecting P.W. from further abuse, Mr. Moore effectively communicated to the students who were involved in the incident that P.W. had been the one who turned them in (it was her parents, actually). After J.L. and J.K. were each suspended from school for four days (little more than slaps on the wrist given the severity of what they did), they and their friends retaliated against P.W. severely, engaging in a large-scale and explicitly coordinated campaign of retribution against P.W. to punish her for "snitching." Overnight, P.W. went from being a happy, successful, and well-liked student to a pariah. Nearly the entire student body stopped talking to

her. When they were not shunning her, they were pointing at her, calling her names, ridiculing her, and continuing to engage in anti-Semitic abuse.

5. P.W. and her parents, L.W. and M.W. (collectively, “her Parents” or “the Parents”), repeatedly reported to Mr. Moore and other school officials that she was being subjected to severe and pervasive retaliation, and multiple teachers independently observed the retaliation in their classrooms. But Mr. Moore and the other school officials were deliberately indifferent to their pleas and to the pervasive harassment that was evident all around them.

6. Mr. Moore repeatedly told P.W. and her Parents that he supposedly was powerless to investigate or address their retaliation claims until they first told him who was responsible for the retaliation, even though P.W. and her Parents provided both names and text messages to Mr. Moore many times, and even though Mr. Moore easily could have learned the facts himself given how obvious it was who the ringleaders and participants were.

7. Mr. Moore was so bent on avoiding investigating P.W.’s retaliation claims that he even told her and her Parents falsely that New Jersey law prohibited him from investigating until P.W. first agreed to sit for an interview with him alone, ignoring her and her Parents’ explanation that P.W. was too humiliated, scared, and emotionally fragile to meet with him alone and needed her Parents there for support. New Jersey law does not in fact require that a harassment, intimidation, and bullying victim sit for an interview outside of the presence of parents as a pre-condition to registering a complaint. Mr. Moore just made that up. Even more remarkably, Mr. Moore still took no action even after P.W. reluctantly acquiesced and met with him without her Parents.

8. Mr. Moore also told P.W. and her Parents falsely that text messages that they provided substantiating their retaliation claims were of no use because there was no way to confirm their authenticity. Mr. Moore made that up as well.

9. When Mr. Moore belatedly sent an open letter to the MAST community paying lip service to the notion that the “bias incident” was against the school’s “values,” he did not even mention that the “bias incident” involved anti-Semitism, much less did he acknowledge the severe and pervasive retaliation that was being directed at P.W. – even though P.W. and her parents had complained about it repeatedly, and even though most of the school knew that it was happening openly. Mr. Moore did not address the retaliation because he simply did not care enough to do so. Mr. Moore made clear through his actions and even his words that he thought the “I h8 Jews” incident was not such a big deal, that he thought P.W. and her Parents were exaggerating the retaliation she was experiencing, and that he did not think it was his or the school’s obligation to take any significant action in response to their reports.

10. During the multiple months in which P.W. and her Parents repeatedly complained to Mr. Moore about her tormentors’ campaign of retaliation, Mr. Moore sent only a single email to the MAST faculty asking them to look out for P.W., and even that single email was noticeably contemptuous of the Parents’ concerns.

11. By any reasonable standard, Mr. Moore was shockingly dismissive of the culture of anti-Semitism at MAST, where Adolf Hitler is openly celebrated by students (and at least one teacher) in class, on social media, and through discussions in public areas where many students made no attempt to conceal their anti-Semitism. Indeed, even after P.W.’s and the Parents’ repeated written complaints to Mr. Moore that P.W. was experiencing severe retaliation in the wake of the Parents’ reporting of the “I h8 Jews” incident, a student brazenly terrorized P.W. by

placing a rock in close proximity to her desk with the word “adolf” painted on it. Incredibly, neither the teacher who discovered the rock nor Mr. Moore meaningfully investigated or responded to this heinously hateful act.

12. Federal and state law required much more. Mr. Moore had ample information to conduct an appropriate investigation and learn the basic facts. Mr. Moore knew who he suspended, he knew who they were friends with, and he knew at least generally which students were the social leaders. Other school employees also knew about the retaliation and abuse because much of it happened in classrooms and public areas. Mr. Moore knew that the retaliation against P.W. was partially evidenced in text messages and other social media (including at one point an actual petition against P.W.) that he could have at least tried to obtain from the students and parents who were willing to share them. P.W. and her Parents named numerous specific names in writing, and identified the “ringleader,” even as Mr. Moore insisted that they had not.

13. Instead of taking any meaningful steps to learn the facts, stop the abuse, and provide P.W. with a reasonably safe educational environment, Mr. Moore blamed P.W.’s parents for not providing even more information than they provided when they in fact provided voluminous information.

14. Mr. Moore championed the abusers’ supposed right to “due process” and to “face” their “accuser,” and claimed that his “hands” were “tied” by the “system,” when they were not. Not only did Mr. Moore exaggerate and sometimes even outright invent procedural rules that do not actually apply in school disciplinary proceedings, but Mr. Moore ignored that he did not have to commence a formal disciplinary investigation in order to protect P.W. from unlawful retaliation. Mr. Moore was so deliberately indifferent to P.W.’s experience that he

never bothered to do anything to investigate meaningfully how she was being treated by her fellow students, whether in the context of a disciplinary investigation or not.

15. P.W. and L.W. filed a civil rights complaint with the Division on Civil Rights of the New Jersey Department of Law & Public Safety (the “Division on Civil Rights”) alleging that P.W. experienced severe and pervasive anti-Semitic discrimination and that MAST and its officials were deliberately indifferent to and failed to take appropriate steps to mitigate the retaliation to which P.W. was subjected after her parents reported the beach incident. The Division on Civil Rights conducted a thorough investigation into these allegations and on October 22, 2019 issued a Finding of Probable Cause concluding that there was sufficient evidence to support the conclusion that Defendants acted unlawfully.

16. Defendants’ unlawful behavior has left P.W. and her Parents devastated. P.W. was forced to drop out of MAST, and when the retaliation bled into her next school, she had to drop out of that school as well. She did not go to her senior prom. She did not walk in a graduation ceremony. Her adjustment to college has been very challenging. Her sense of self-worth has been severely compromised.

17. Hopefully, the students who did this to P.W. will someday have a more mature and empathetic understanding of the impact their abusive behavior had on her. Mr. Moore does not have the excuse that he was too young to know better.

JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. §§ 1331 and 1367(a).

19. This Court has personal jurisdiction over Defendants pursuant to N.J. CT. R. 4:4-4.

20. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this District.

PARTIES

21. Plaintiff P.W. is an individual. At all relevant times, P.W. resided in Monmouth County, New Jersey. P.W. is not pleading her full address in order to protect her identity.

22. Defendant Monmouth County Vocational School District (the “School District”) is a vocational and technical public school district in Monmouth County with its principle place of business at 4000 Kozloski Road, P.O. Box 5033, Freehold, New Jersey 07728. At all relevant times, Defendant Monmouth County Vocational School District operated, oversaw, and was fully responsible for the Marine Academy of Science and Technology in Sandy Hook in Middletown Township.

23. Defendant Monmouth County Vocational School District Board of Education (the “School Board”) is a board of education that manages the School District and at all relevant times operated, oversaw, and was fully responsible for the Marine Academy of Science and Technology. The School Board’s principle place of business is at 4000 Kozloski Road, P.O. Box 5033, Freehold, New Jersey 07728, in Monmouth County.

24. Defendant Earl Moore is an individual who resides in the State of New Jersey and his place of business at 305 MAST Way, Highlands, New Jersey 07732. At all relevant times, Defendant Moore was the Principal of the Marine Academy of Science and Technology and, as such, was responsible for ensuring that students at the Marine Academy of Science and Technology were provided with the educational environment to which the law entitles them.

25. Defendant Marcy Kay is an individual who resides in the State of New Jersey and has her place of business at 305 MAST Way, Highlands, New Jersey 07732. At all relevant

times, Defendant Kay was a school counselor and the designated Anti-Bullying Specialist at the Marine Academy of Science and Technology and, as such, was responsible for ensuring that students at the Marine Academy of Science and Technology were provided with the educational environment to which the law entitles them.

26. Defendant Charles Ford is an individual who resides in the State of New Jersey and has his place of business at 4000 Kozloski Road, P.O. Box 5033, Freehold, New Jersey 07728. At all relevant times, Dr. Ford was the Assistant Superintendent and the Anti-Bullying Specialist of the Monmouth County Vocational School District. As such, Dr. Ford was, at all relevant times, responsible for ensuring that students at the Marine Academy of Science and Technology were provided with the educational environment to which the law entitles them.

27. Defendant Timothy McCorkell is an individual who resides in the State of New Jersey and has his place of business at 4000 Kozloski Road, P.O. Box 5033, Freehold, New Jersey 07728. At all relevant times, Defendant McCorkell was the Superintendent of the Monmouth County Vocational School District. As such, Defendant McCorkell was, at all relevant times, responsible for ensuring that students at the Marine Academy of Science and Technology were provided with the educational environment to which the law entitles them.

JURY DEMAND

28. Plaintiff demands a trial by jury.

FACTUAL ALLEGATIONS

Background

29. Before attending MAST for high school, P.W. attended elementary and middle school in Marlboro Township. She was a strong student who regularly was placed in gifted and talented classes.

30. P.W. first learned about MAST when MAST gave a presentation about its program to her seventh-grade class. P.W. was very impressed by MAST's presentation and attracted to the idea of immersing herself in a rigorous academic environment for high school.

31. P.W. was also intrigued by MAST's emphasis on its Navy Junior Reserve Officers' Training Corp ("ROTC") program, which includes course work in leadership, naval history, citizenship, naval operations, seamanship, navigation, maritime geography, oceanography, and military drills.

32. When it came time to enroll in MAST for ninth grade, P.W.'s family lived almost an hour away from MAST. Because P.W. was so excited about enrolling in MAST, P.W.'s parents decided to move the family to West Long Branch so that P.W. could have a reasonable commute.

33. P.W. enrolled in MAST as a freshman in the fall of 2015.

L.W. Complains to MAST About Anti-Semitism

34. P.W. began to experience anti-Semitism shortly after arriving at MAST.

35. For example, on the first day of school during P.W.'s freshman year, two naval science teachers, Tracie Smith-Yeoman and William Fetherman, were having trouble pronouncing the last name of a student spelled "Giuffre." The student told the teachers how to pronounce his name, and they both laughed while one of them said that it sounded like "Jew fray" and the other said he would not want to have a name like that.

36. P.W. excelled in MAST's ROTC program. She was one of the few students selected to be an "Honor Cadet" during her freshman year, and she was accepted into a prestigious summer program at the United States Naval Academy. Notwithstanding her accomplishments, neither Ms. Smith-Yeoman nor Mr. Fetherman showed any interest in P.W.

37. During P.W.'s sophomore year, she observed several MAST students reading *Mein Kampf* by Adolf Hitler during their mandatory "read period." Some of these students said, in class, how much they liked the book. P.W. noticed that one student in particular, E.D., was often carrying the book.

38. MAST's tenth grade curriculum did not include any studies relating to World War II or the rise of Nazi Germany that would make it appropriate for a MAST student to be reading *Mein Kampf*.

39. Defendants knew or should have known that MAST students were openly reading *Mein Kampf* on school grounds during school hours, but they did nothing to address this.

40. Also during P.W.'s sophomore year, another MAST student, D.S., created a video in which he doctored images of Mr. Fetherman, the MAST naval science teacher, who wore an unusually-shaped moustache somewhat reminiscent of Adolf Hitler's infamous moustache, to make it appear that Mr. Fetherman was wearing a Nazi uniform. The video also flashed April 20, Adolf Hitler's birthday. This video was widely disseminated to and commented on by MAST students.

41. Throughout P.W.'s tenure at MAST, she on numerous occasions saw various MAST students drawing images of swastikas in their notebooks and on school lunch tables. This was a common practice among MAST students during the lunch hour.

42. Defendants knew or should have known that MAST students were regularly drawing images of swastikas in their notebooks and on school lunch tables. Specifically, MAST English teachers regularly checked students' notebooks, and upon information and belief, on one or more occasions noted that one or more students had drawn images of swastikas in their notebooks. Defendants did nothing to address this.

43. During her sophomore year, L.W. reported to then-Assistant Superintendent Tony Shabile that a MAST student, T.A., identified himself on social media as a member of the Hitler Youth and described other anti-Semitic incidents and behavior at MAST. Mr. Shabile responded, in substance, by saying that there has always been racism and anti-Semitism and always will be. He showed no interest in L.W.'s complaints about anti-Semitism at MAST, nor did he take any action in response to her complaints.

44. L.W. also reported to both Mr. Moore and Ms. Kay that T.A. identified himself on social media as a member of the Hitler Youth.

45. P.W. was very hurt by these incidents of anti-Semitism and told her Parents that she did not feel comfortable at MAST and wanted to leave the school.

46. In February 2017, L.W. complained to Defendant Marcy Kay, a MAST guidance counselor and the school's assigned Anti-Bullying Specialist, about the anti-Semitism that P.W. had experienced at MAST. Ms. Kay told L.W. that she used to work at Solomon Schechter Day School, a predominantly Jewish school in Marlboro, and that she would do her best to convince P.W. to stay.

47. Shortly after this telephone call, Ms. Kay met with P.W. During the meeting, however, Ms. Kay did not directly address any of the anti-Semitic incidents L.W. had reported, much less did Ms. Kay identify a plan for addressing them or making P.W. feel comfortable continuing to attend MAST as a Jewish student. Instead, when P.W. tried to voice her concerns about anti-Semitism at MAST, Ms. Kay tried to redirect the conversation toward applying to college.

48. In or about April 2017, L.W. and M.W. met with Mr. Moore about an unrelated issue. During the meeting, L.W. raised her concerns about anti-Semitism at MAST. L.W.

provided Mr. Moore with several examples of anti-Semitic behavior by MAST teachers and students, and she suggested to Mr. Moore that he arrange for P.W.'s class to visit the Center for Holocaust, Human Rights & Genocide Education at nearby Brookdale Community College. Mr. Moore took no steps to investigate any of the concerns L.W. raised.

Anti-Semitism Continues During P.W.'s Junior Year

49. P.W. continued to experience anti-Semitism at MAST during her junior year. Her classmates often made anti-Semitic comments in her presence.

50. For example, during the lunch hour, MAST students would often give each other Jewish sounding surnames as a joke and then ridicule those names.

51. MAST students referred to the school's SAT course instructor, who was Jewish, as "an obnoxious Jew."

52. When MAST students were instructed to memorize the names of current military leaders in Naval Science class, the teacher, Tracy Smith Yeoman, suggested that the name of one leader, Paul Zukunft, the then-Commandant of the Coast Guard, could be easily remembered because it rhymed with *Mein Kampf*. Ms. Yoeman also said that *Mein Kampf* was a "great book."

53. On February 20, 2018, J.K. and J.L. accessed without authorization the school email account of another Jewish MAST student, M.P., and wrote to P.W. that he (supposedly M.P.) wanted to marry P.W. so that they could "go to temple together."

54. And on April 12, 2018, a student referred to P.W. in an email as a "nonbeliever," a reference to P.W.'s Judaism.

The “I Hate Jews” Incident

55. On Saturday, April 21, 2018 – toward the end of P.W.’s junior year at MAST – there was a school-sponsored field trip to Sandy Hook Beach for the students to participate in a mandatory beach sweep.

56. P.W. was not able to attend this school field trip due to a prior commitment and was excused.

57. Prior to the field trip, various MAST students who were participating in the field trip engaged in a group text string. At first, P.W. was not part of this group text string.

58. At some point shortly before the field trip, one of the students added P.W. to the group text string.

59. During the field trip, one of the MAST students, J.L., texted the following photo of another MAST student, J.K., lying on Sandy Hook Beach next to the words “I h8 Jews” – *i.e.*, “I hate Jews” – which had been etched into the sand:



60. J.K. was visibly smiling in the photo (his face has been blocked in this Complaint to protect his identity).

61. J.K. was wearing a MAST sweatshirt in the photo.

62. J.K. commented in the text string that the photo would be good for the MAST “yearbook cover.”

63. Another MAST student, S.F., agreed that the photo would make a “great” yearbook cover.

The Parents Report the “I h8 Jews” Incident to Mr. Moore, Who Makes Clear to P.W.’s Fellow Students that She Is the Person Who Got Them In Trouble

64. The Parents promptly reported this disturbing anti-Semitic incident during a school-sponsored field trip to Principal Moore.

65. At 11:19 a.m. on April 21, 2018, M.W. emailed Mr. Moore as follows:

Hi Mr. Moore,

[P.W.] received the below disturbing anti semitic photo this morning. It was taken at a school event today (beach sweep). If you scroll in it clearly denigrates the Jewish religion. This is absolutely horrible and the fact that it got to us is highly disturbing and scary. I have been told over the past year that horrible anti Jewish comments have been flying around the school and now this. I let the comments go for time but this takes it to another level. [P.W.] is inconsolable and doesn't want to return to school. How do you recommend we deal with this? If you feel this should be dealt with on another level please let me know. Please let me know your recommendation.

If you like I can be reached at 609-558-1425 all day today and this weekend.

This photo was sent to a large group and there were horrible comments with it. I have all of the names and one child mentioned sending it to Mr. Cottrell for yearbook.

Joke or not this is wrong and I am sure you and the school are appalled.

Best Regards,
[M.W.]

66. At 11:58 a.m. on April 21, 2018, M.W. sent another email to Mr. Moore, emphasizing that “[P.W.] does not want to come back to school.” M.W. specified which student

had sent the photo, which student was in the photo, and identified each of the students who were part of the group text, including by identifying which students commented on the photo and which students did not. M.W. specifically told Mr. Moore that he was “hoping that it does not get out that [P.W.]” – through the Parents – “brought this to your attention.”

67. At 2:54 p.m. on April 21, 2018, M.W. sent another email to Mr. Moore, this time reporting that P.W. had just “shared a number of students [sic] names who have been making anti[-]Semitic comments for some time” and shared details about “what was said.” M.W. commented based on this new information from P.W. that the “I h8 Jews” photo “does not appear to be an isolated incident.” The email concluded with M.W. telling Mr. Moore “please let me know and I will provide the details.”

68. Mr. Moore went to Sandy Hook Beach to investigate. He confronted one or more of the students and demanded to be added to the group chat in question so that he could monitor what was being said.

69. After acquiescing to Mr. Moore’s demand that he be added to the group chat in question, and aware that Mr. Moore’s intent was to be able to monitor the chat going forward, the students then started a second group chat that excluded Mr. Moore.

70. In this second chat string, the students discussed that J.L. and J.K. were “in trouble,” that they should keep quiet (“DONT [sic] SAY ANYTHING!!!”), and they speculated about who had told Mr. Moore about the anti-Semitic photo.

71. One student, C.K., commented in the second chat string: “Oh Shit. How did someone see the picture. Or did one of the volunteers tell.” Another student, H.F., wrote: “noone really knows but someone took a picture of [J.K.] with the words and put it on their story so anyone who saw their story could’ve told.” These comments confirm that at that time, none

of the students who were involved suspected that P.W. or her parents had reported the incident to Mr. Moore.

72. Shortly after the beach incident, numerous MAST students re-published the anti-Semitic photo by Snapchat, Instagram, and/or other social media.

73. At 10:18 a.m. the following day, Sunday, April 22, 2018, M.W. wrote to Mr. Moore again. By this time, the student who had taken and sent the photo, J.L., had texted a short apology note on behalf of himself and the student who was in the photo, J.K., to the students who were on the group chat. M.W. started his follow up email by emphasizing that his emails with Mr. Moore “must remain confidential” because “it will be obvious [P.W.] told you” about the incident given that “there are only about 8 people in [the] chat.” M.W. then expressed his view that this was a “bias incident” and “possibly a hate crime” and that J.L.’s terse apology was insufficient, and he asked Mr. Moore to “assure” him that it was being “handled with more” than that. M.W. continued that his “bigger concern is how [P.W.] will be treated in school,” informing Mr. Moore that P.W. did not want to go to school the following day because she believed that the offensive photo and comments had been “personally directed at her.”

74. At 10:35 a.m. on April 22, 2018, Mr. Moore responded to M.W. that he had gone to Sandy Hook Beach the previous day and “confirmed much of what you said in your prior emails.” Instead of providing assurances to M.W. that P.W.’s anonymity would be protected and that the offending students would be punished appropriately, Mr. Moore wrote that because “[t]he incident falls under the State’s HIB legislation,” he was obligated to “follow required procedures,” including by ensuring that *the offending students* were afforded “due process.” He told M.W. that he “need[ed] to speak to [P.W.]” – even though she was not present during the

field trip and did not participate in the group chat – without offering any assurances that she would be protected.

75. P.W. stayed home from school on Monday, April 23, 2018 because she was worried that her anti-Semitic schoolmates would continue to bully her and, if they found out she had reported the incident, retaliate against her.

76. During that Monday, Mr. Moore told J.K., J.L., their parents, and perhaps others that the “victim” of the anti-Semitic incident at Sandy Hook Beach was a female student who was disturbed and scared and had stayed home from school that day. Mr. Moore subsequently confirmed to L.W. that he had provided that information to students and parents because the New Jersey HIB laws supposedly required him to determine that there was a “victim” before he could investigate.

77. P.W. was the only MAST student with any possible connection to the anti-Semitic incident at Sandy Hook Beach who was absent from school that Monday, and she obviously is female. Therefore, by telling MAST students and parents that the “victim” had stayed home because she was too disturbed to come to school, Mr. Moore essentially outed P.W. as the student who had reported the incident (through her Parents, in truth; P.W. had not been the one to report the incident to Mr. Moore).

78. During the course of the Division on Civil Rights investigation, Mr. Moore falsely denied that he had told any MAST students that the person who had reported the beach incident was a female student who had stayed home on Monday. However, several MAST students informed the Division on Civil Rights that Mr. Moore had in fact said that to them.

79. Also during that Monday, Mr. Moore met with J.K., the student who was in the “I h8 Jews” photo. During this meeting, Mr. Moore told J.K. that P.W. was afraid of him.

80. A mutual friend then texted P.W. at 5:33 p.m. that day saying: “[J.K.] just wanted to know if [you are] afraid of him [because] that’s what [Mr.] Moore told him.”

81. L.W. also received a call from the mother of another MAST student who reported that J.K.’s parents did not think it was fair that J.K. had been suspended and that they intended to appeal the suspension.

82. L.W. subsequently told Mr. Moore that she heard that J.K.’s parents intended to appeal his suspension, and she expressed concern to Mr. Moore that this suggested that J.K.’s parents might not be taking the beach photo incident seriously enough and that there could be repercussions for P.W.

83. At 8:32 p.m. that Monday, M.W. sent another email to Mr. Moore stating that he was “beyond enraged right now” because Mr. Moore’s comments had revealed P.W. as the student who had reported the incident and that her fellow students were planning to retaliate against her for being a “snitch”:

[P.W.] has been getting phone calls and text messages the entire day from students asking her why she is absent and asking her why she is afraid of [J.K.].

In fact, [J.K.] even had someone text [P.W.] to apologize and said “Mr. Moore said you are afraid of me and you shouldn’t be.”

She just received a snap chat from another classmate who was also absent saying she feels bad for [P.W.] as she heard about her all day. This child wasn’t even[] in school and knows [P.W.] is the snitch.

My wife just spoke to another mom of a MAST student a few minutes ago who told her the kids are all very mad at [P.W.] for being a snitch and plan to give her a hard time. This mother knew that you told [J.K.] or his mom that the student who reported it is so scared that she stayed home today. The kids figured it out since the only two girls absent today were [P.W.] and [R.P.]. [R.P.] is at West Point so they now know it’s [P.W.].

[P.W.] doesn’t want to come back to school at all now and we aren’t sure how to handle this.

Funny how everyone seems to be feeling so bad for the students who took and shared the photo yet they are mad at [P.W.]?

Again we aren't sure how to handle but strongly feel she probably cannot come back to MAST. Now I most likely have to look for a new school because a group under your watch did this and now the tables have turned and [P.W.] is the bad guy. How could this happen?

84. Mr. Moore responded by denying falsely that he had anything to do with disclosing that P.W. reported the anti-Semitic beach photo.

85. At 10:29 p.m., P.W. wrote the following email to Mr. Moore and Ms. Kay, the guidance counselor and Anti-Bullying Specialist to whom L.W. had previously complained, summarizing her experiences with anti-Semitism at MAST and expressing frustration that she was being made a pariah for reporting the "I h8 Jews" incident to her parents:

Dear Mrs. Kay and Mr. Moore,

In response to my father's conversation with Mr. Moore, he recommended I reach out to share with you my thoughts on what transpired regarding the highly inflammatory anti-Semitic photo I received. Let me preface it by saying I have been a part of anti-Jewish comments in the past here at MAST. However, this was by far the most disgraceful act. While the school in my opinion has been anti-Semitic since day 1 and I believe my parents have brought this up in the past, but they decided to let it go but they are not this time.

I do not want to come back to school because ever since Mr. Moore told [J.K.] that I was afraid of him so I am staying home I have been contacted by numerous calls and texts from other students asking for the real reason I was home today. I even received a snap chat from someone who wasn't even in school today because she heard rumors all day that people were saying I am home because I am a snitch and afraid to come to school. One text I received was a message from an acquaintance of [J.K.] saying that Mr. Moore told him I am afraid of him and afraid to come to school. My mother even received a call from a friend's mother who also happens to be friends with [J.K.'s parents]. She told my mom that she knows I told on [J.K.] but understands why. It seems most of the kids are blaming me for getting [J.K.] and [J.L.] in trouble instead of seeing that [J.K.] and [J.L.] were in the wrong, not me. It also got back to my family that [J.K.'s] dad is an attorney and is appealing the suspension as he feels his son was a victim. They feel it was an innocent joke blown out of proportion.

I also want you both to know I wasn't part of this group chat until just before the picture was sent, which leads me to believe it was intended for me.

I am also very nervous how the teachers will react. When I first started at MAST I overheard two teachers laughing and making jokes about a classmate name that when mispronounced sounded like JEW-fre. I was so upset and regret not leaving MAST at the time. One of the reasons I came to MAST was for the ROTC program with hopes of the service academy, that is until I heard these teachers [sic] comments. I then refused to join drill or do anything involving them. That killed any interest in ROTC or the military for me. My plan was to tell you about the incident after senior year as these two teachers are the school "role models" and held to such a high standard. Since then, I have witnessed so many anti-Semitic comments which is so surprising as this school represents the smarter kids. Kids drawing swastikas at lunch, a viral video of Chief Fetherman as Hitler. One of the most upsetting was when a teacher "highly recommended" Meinkampf (a book written by Adolf Hitler). This started after she used the analogy to remember Paul Zukunft's name.

Currently, the running joke is the "obnoxious Jew" SAT teacher. The students gave each other Jewish nicknames and make non-stop Jewish jokes.

I now regret showing my parents the photo [J.L.] sent of [J.K.] posing in front of the I hate Jews. I should have kept it to myself as no lesson was learned or taught. Instead the class is mad at me and feels terrible for [J.K. and J.L.]. I am requesting that my parents not send me back to MAST. I was looking forward to studying for the Calculus final Wednesday and my first college interview next week. Now I want to drop out of school and have zero interest in studying for anything.

I am very angry on how it looks like the tables have turned. In my opinion these three kids should be expelled from school. However, based on what goes on I am not at all surprised that they are still here.

86. Following their brief investigation, Mr. Moore and Ms. Kay concluded that P.W. and the other Jewish student on the group chat had been the intended targets of the "I h8 Jews" photo. J.L. and J.K. were each suspended from school for four days, and S.F. was suspended for two days for the comment she made on the text string.

87. Mr. Moore told L.W. and M.W. that five days was the maximum possible suspension, but that representation was false. Upon information and belief, no rule or regulation

prohibited Mr. Moore from suspending J.K. and/or J.L. for longer than five days, and in fact, at least one student who used a racial epithet was subsequently suspended for much longer.

88. The Parents subsequently received a letter that Mr. Moore wrote and sent them on Monday, April 23, 2018, stating that he had “completed” his investigation into the beach incident and that he had found evidence that P.W. was “the target of the investigated act of harassment, intimidation, or bullying.”

The Parents Repeatedly Complain About Severe and Pervasive Retaliation, But Mr. Moore Does Nothing to Prevent or Remedy It

89. At 7:39 a.m. the following morning, April 24, 2018, Mr. Moore responded to P.W.’s email by claiming falsely that he supposedly had gone “to great lengths to protect [her] identity.” Mr. Moore denied that he had specifically told anyone that P.W. had stayed home from school because she was disturbed or afraid, but he did not address whether he had told anyone more generally that the victim had stayed home from school, which is what had effectively communicated to P.W.’s fellow students that she was the “snitch.” Notably, Mr. Moore did not express any concern about or sympathy for P.W.’s experience receiving the photo or about her fear of retaliation for her parents’ report, much less did he reassure her that any such retaliation would be prevented and, if it did occur, promptly and effectively remedied.

90. At 2:03 p.m. on April 24, 2018, Ms. Kay wrote back to the Parents. She apologized that she was not able to speak by telephone that day and briefly summarized the steps she had taken “to ensure a smooth reentry for [P.W.]” Ms. Kay indicated that she had spoken to E.D. and J.P. E.D. sent P.W. a message that said “hello,” and J.P. sent P.W. a photo, but their behavior did not materially change.

91. During a subsequent telephone call with Mr. Moore and Ms. Kay, the Parents told Mr. Moore specifically that E.D. and her friend, J.P., seemed to be shunning P.W. Mr. Moore responded by expressing the baseless opinion that he did not think E.D. would do that because she was his neighbor and came from a “great family.”

92. At 7:21 p.m., M.W. responded to Ms. Kay that P.W. was still too upset and distracted to take the advance placement calculus practice test scheduled for the following morning but that he and L.W. were “pushing [P.W.] to go to school tomorrow” and hoping that Ms. Kay would meet with her after second period math class.

93. Earlier in the day, Mr. Moore had emailed his supervisor, Defendant Dr. Ford, complaining that the Parents “were making a lot of accusations” that P.W. was experiencing retaliation, but that the Parents “certainly don’t want us to give whoever they are [accusing] the opportunity to face their accuser.”

94. There was no legal basis for Mr. Moore’s suggestion that a student who has retaliated against another student for reporting an anti-Semitic incident during a school event has any right to “face” the victim.

95. P.W. returned to school on Wednesday, April 25, 2018. Ms. Kay met with P.W. for approximately 45 minutes that morning. According to Ms. Kay, she and P.W. “first chatted about her feelings regarding the incident” and then spent most of the meeting talking about her college applications and the advance placement math exam she had missed. Ms. Kay also reported that a friend of P.W.’s, H.F., supposedly had “reached out to [P.W.] this morning in class and asked her to sit with her,” but that actually is not what happened at all.

96. In truth, P.W. made several efforts to talk to Ms. Kay about her feelings about the incident and the way her classmates were treating her, but Ms. Kay kept steering the

conversation away from the incident and retaliation and toward P.W.'s college applications. When P.W. said that she was interested in applying to the University of North Carolina and the University of Alabama, Ms. Kay said that it would not be a good idea for P.W. to apply to southern schools. And H.F. had not actually made the overture to P.W. that Ms. Kay falsely reported.

97. At 8:13 a.m. on the following day, April 26, 2018, M.W. sent another email to Ms. Kay, copying Mr. Moore. M.W. explained that he had returned the previous evening from an out-of-town trip and found that P.W. was "extremely upset." He noted that Ms. Kay's prior account of P.W.'s interaction with H.F. was inaccurate and that the two had actually just "sat in awkward silence." He explained that P.W. felt "humiliated and victimized," that "[t]he kids [were] all talking about [the beach photo] incident," that P.W. had "overheard conversations yesterday" and was "aware that students are asking for leniency," and that there even was "a petition going around asking for the punishments to be lessened or dropped."

98. M.W. also reported that there were group texts going around in which students were using #Free[J.L.], #Free[J.K.], and/or #Free[S.F.] hashtags, as if the students who participated in the anti-Semitism were oppressed political prisoners.

99. M.W. begged Ms. Kay and Mr. Moore not to repeat that to any of the students because he had obtained that information by looking through her texts without her knowledge and "[P.W.] has been through enough." M.W. noted that the students' reactions "shows the obvious anti[-]Semitic climate" at MAST and lamented that only one MAST student had expressed any sympathy to P.W. He asked "what if anything will be done with the information on the letter [P.W.] bravely sent you?" And he provided additional information about the MAST student, T.A., who had the words "Hitler youth" in his Instagram bio.

100. Later that day, P.W. reported to M.W. that certain MAST students had walked into P.W.'s Spanish class chanting "Free [J.L.]" The Spanish teacher, Francis Haddad, heard these loud "Free [J.L.]" chants in his classroom.

101. M.W. wrote an email to Mr. Moore at 10:57 a.m. reporting this incident and stating: "We have a problem here and I don't think it is a safe and healthy environment for [P.W.] to be part of." He continued: "I am very upset! I don't see how she can continue attending school . . . Please find a way to help . . . we are beyond upset and are feeling hopeless!"

102. Mr. Moore wrote back at 11:18 a.m. that "we are equally as upset." Mr. Moore added that "[w]e also don't know how to handle this without being able to hold individuals accountable for their actions." Mr. Moore asked M.W. to "provide [the] names" of the students who had engaged in this behavior, even though there were only approximately 70 students in P.W.'s entire junior class, even though they had already named names, and even though it would have been easy for Mr. Moore to determine the identities of the students who were retaliating against P.W. without making P.W. even more of a "snitch."

103. Instead of taking any steps to ensure that P.W. would have an appropriate educational environment, Mr. Moore turned the table on M.W., asking him "What would you like us to do?" Mr. Moore then once again insisted falsely that he had not done anything to reveal that P.W. (her parents, actually) had complained about the beach photo, stating that "no students know for a fact who provided us with the picture," that "[j]ust because [P.W.] stayed home does not mean she provided any information," and that "it could be anyone in the school . . . or anyone on the beach that day." Mr. Moore then perversely suggested that it would be even better if the offending students "knew it was her" because in Mr. Moore's view, if they

knew P.W. was “standing up for herself and others . . . they might stop doing things like th[at] around her” – completely ignoring M.W.’s credible reports that students did think P.W. had turned J.K. and J.L. in and that students were engaging in acts of intimidation against P.W. in retaliation.

104. At 10:43 a.m. the following day, April 27, 2018, M.W. wrote another email to Mr. Moore reporting that the situation was “escalating” and “making the school environment very intimidating for [P.W.]” M.W. reminded Mr. Moore about the “Free [J.L.]” incident the previous day and noted also that many students were “whisper[ing] and “snubbing and ignoring [P.W.]” He noted that he had “found out there are new group text messages and snap chats bad mouthing [P.W.] and of course incredibly sympathetic to the students who were in trouble,” including a message that “alludes to [P.W.] being so scared of [J.L.]” M.W. said that this behavior was “disgraceful” and “harmful to [P.W.’s] self esteem.” He made clear that “[P.W.] is to[o] intimidated to be involved in any group event at school outside of regular class” and was refusing to attend upcoming end-of-year school events such as the physics class trip to Great Adventure.

105. Mr. Moore wrote back at 11:35 a.m. stating that “[t]here is no alternative to the program we offer.” He indicated that he had been “in consultation [with] the Jewish Federation of Monmouth County working to expand our anti-bullying efforts” (he did not acknowledge that the Parents were the ones who had reached out to the Jewish Federation and the Anti-Defamation League due to their frustration about the school’s inadequate response to the beach incident), but Mr. Moore did not say anything about any steps he was taking to try to prevent students from retaliating against P.W., nor did he in fact take any meaningful steps to do so.

106. M.W. made this point in a 12:31 p.m. response to Mr. Moore. M.W. observed that working with the Jewish Federation was not an “immediate” solution to the retaliation P.W. was experiencing from her fellow students. He asked Mr. Moore “to [e]nsure that [P.W.] can come to school without being intimidated by other students,” noting that “that responsibility falls to you.” He added: “The bullying and intimidation has not stopped and must at once,” and “I need a sufficient plan to mediate the harassment of my daughter at once.” He concluded by observing that “you have a student body vilifying [P.W.]” and by asking Mr. Moore if he was going to address the email that P.W. had sent him days earlier.

107. Mr. Moore responded at 12:44 p.m. by demanding, as he had before, that the Parents name more names:

The only recomm[en]dation is one I have already made: Provide me with the names of those students whom you are accusing of ongoing bullying and intimidation, along with any evidence you can gather, and allow me to use the law and the policies of the school and district to address them effectively. Regarding the letter. . . . We are addressing everything we possibly can with the limited information we have. My Assistant Superintendent and I have been on top of this since the beginning.

In other words, Mr. Moore made clear that he would not engage in any real investigation about who was harassing, bullying, and otherwise retaliating against P.W. until the Parents named the students, even though they had already provided names, and even though Mr. Moore easily could have learned the facts himself if he had taken basic investigative steps such as, for example, bothering to find out which students had chanted “Free [J.L.]” in Spanish class.

108. The following Monday, April 30, J.L. and J.K. returned to school from their suspensions.

109. At 3:54 p.m. that day, M.W. sent another email to Mr. Moore reporting that P.W. had experienced more retaliation arising out of the anti-Semitic incident:

[P.W.] had an issue at the end of the day today. She walked into a class to drop off a test and a number of kids looked at [J.K.] and laughed and pointed at [P.W.]. She came home hysterical and wants out of the school and I agree. It is too much for her to take on and not fair. In addition she wants to skip tomorrow's boat trip since one of the kids is on it. She is not naive and knows how it will play out. Again she has not done a thing and is being alienated.

This is a toxic atmosphere and will not right itself for years. Please let me know what my alternatives are to remove her from school?

I need to know my options before this gets worse for her.

110. Mr. Moore responded by asking which teacher was in the room and which students were involved. However, Mr. Moore took no steps to investigate this report of further retaliation, even though the report that the incident took place "at the end of the day," and in one of J.K.'s classes, narrowed the number of students who could have been involved to just a few.

111. At 3:54 p.m. on the following day, Tuesday, May 1, 2018, M.W. wrote another email to Mr. Moore imploring him to meaningfully intercede and prevent further retaliation against P.W. In response to Mr. Moore's repeated demand that the Parents name names, M.W. observed that "it is obvious which group is giving [P.W.] a hard time." He also reported that he had been "told his morning by a parent of a junior that her child was asked to join an alliance to shun [P.W.] and side with the two boys who are at the root of this." He also provided disturbing additional information about the incident at the end of the previous day in J.K.'s class:

I assume this is why she was laughed at yesterday and why the kids pointed at [J.K.] while doing so. [P.W.] was waiting for the door to open and claims the kids saw her and didn't open it. She only got inside when someone walked out. [P.W.] claims in her life she has never been more humiliated.

He expressly and specifically asked Mr. Moore to address the MAST student body and make broadly clear that retaliating against a student because she or her parents reported anti-Semitism would not be tolerated:

As of today absolutely nothing has been accomplished to afford [P.W.] an intimidation free environment.

...

[P.W.] will likely be leaving MAST as a result unless something changes fast. I can[]not in good faith send her too school to be humiliated. I am sure you would hate to lo[]se a student because she is being harassed and intimidated under your watch.

Perhaps, when his first went down and [P.W.] was labeled the “snitch” a meeting with the school could have been called? Maybe to let the kids know that several students came to you, (not one particular child), and this behavior won[']t be tolerated by anyone? Is it to[o] late? [P.W.] was basically thrown under the bus when she was identified.

112. Later on May 1, 2018, MAST publicly acknowledged the anti-Semitic beach incident for the very first time – *ten days* after it had occurred. The Parents had implored Mr. Moore repeatedly to send a letter to the MAST parents about the incident and ensuing retaliation in the hope that the parents would step in and prevent it from continuing. Despite the Parents’ repeated requests, Mr. Moore did not make any public statement about the incident or the ensuing retaliation until the Parents involved the Jewish Federation and the Anti-Defamation League, which pressured Mr. Moore to issue a public statement.

113. In Mr. Moore’s May 1, 2018 open letter to the school, Mr. Moore purportedly denounced the incident but did not even disclose the nature of the anti-Semitic hate speech or the group that was targeted and even suggested that it may have been unintentional. Moreover, Mr. Moore’s open letter failed to say anything about the numerous credible reports he had received that the students were engaging in coordinated group retaliation against P.W. for reporting it, much less did it admonish students to stop the retaliation:

As you may have already heard, a bias incident recently occurred within our school community, involving a picture containing hate speech that was disseminated among students.

Bias in any form, whether intentional or unintentional, has no place at MAST, and we denounce it. These are not the values of our school community, and only serve to divide us. As we begin moving forward, we will use this as a “teachable moment,” and an opportunity to remind ourselves why we are here. This is an opportunity for education, a time to remind ourselves that we, as a school community, stand for respect and inclusion. MAST must be a place where all students are free to learn in a safe and welcoming environment. That is the work that lies before us. One opportunity we are currently considering is participating in the Change Colloquium on May 9th, sponsored by the Center for Holocaust, Human Rights, and Genocide Education at Brookdale. You can find out more at www.chhange.org.

At this time, our primary aim is to focus on what the school stands for, and support and identify any groups affected. We are currently taking positive steps as a school community to restore and renew our commitment to providing an inclusive environment where all students can learn and grow. These steps include bringing a number of outside resources, embedding special programs aimed at professional learning for teachers, and improving social/emotional learning for students into our curricula.

We look forward to our collective growth and ask for your patience and support.

114. Also on May 1, P.W. wrote to her MAST English teacher, Carol Johns, that two girls in her class, H.F. and S.F., had gone “around to the whole grade calling me a snitch” and that “at this point after everything else that has happened as I’m sure you have heard, I’m losing my will to care.” Upon information and belief, Ms. Johns reported to Mr. Moore that P.W. had made these comments, but Mr. Moore did nothing about it.

115. At 5:52 p.m. on the following day, Wednesday, May 2, 2018, M.W. sent Mr. Moore another email informing him that MAST students had actually circulated an anti-P.W. petition, and begging him to do something to protect P.W. from further retaliation:

Mr. Moore,

I wanted to let you know that a parent of a student at MAST reached out to my wife to let her know that there is actually a petition going around to “shun snitch [P.W.]”

I was also informed there is a large group message out there that is encouraging students to stay away from snitches who are too afraid to come to school.

How can you handle this? [P.W.] deserves a school environment free of intimidation. Again, she did no wrong and I know you agree.

Also, on a separate note [P.W.] has a peer review in physics tomorrow, I am gathering her lab partners are part of the above slandering. I can[]not in good conscience send her into that class.

What can we do?

This is absolutely disgusting and I am losing my patience

Thanks, [M.W.]

116. Once again, Mr. Moore took no meaningful steps to investigate this additional credible report of retaliation, much less prevent or remedy it. Instead, Mr. Moore responded at 6:09 p.m. by suggesting that he was not legally able to investigate unlawful retaliation based upon “hearsay”:

[M.W.] . . . Please provide me with something . . . anything . . . to document these allegations. We all have to do our part to hold these people accountable for their actions. Third and fourth hand information will not hold up; it will only be considered “hearsay.” PLEASE provide me with any and all information, including names and any evidence you can gather. PLEASE trust the system we have in place . . . you know I will deal with this swiftly and effectively, as I have already demonstrated.

We are all losing our patience at this point.

117. Mr. Moore’s stubborn refusal to investigate the Parents’ credible allegations of severe and pervasive retaliation against P.W. was legally baseless. There is no rule prohibiting a public school principal from investigating “hearsay” reports of unlawful bias or retaliation. Much to the contrary, the law requires public school principals to thoroughly investigate all credible reports of unlawful bias or retaliation. Mr. Moore easily could have investigated, and would have substantiated, all of the reports of severe and pervasive retaliation that the Parents

had made, including the most recent report that some of the only 70 or so students in P.W.'s MAST class had circulated a petition and engaged in group text messages openly advocating that P.W. be shunned because she (again, her parents) had reported that a shocking anti-Semitic incident had taken place during a school-sponsored event.

118. M.W. responded at 4:34 p.m. the following day, Thursday, May 3, 2019. He explained to Mr. Moore that because P.W. had suffered so much retaliation, he was “not going to dig her hole any further.” He further explained that “at this point there is not a single reason to provide any names it will only make it worse because what can you really do,” and he lamented that Mr. Moore had not meted out more significant punishment to J.L. and J.K. and had not imposed any punishment at all on the students who had shunned P.W.

119. L.W. then called Ms. Kay and spoke to her by telephone. L.W. explained that P.W. was doing terribly, that she was deeply depressed and angry, and that she was having trouble concentrating in her classes. Ms. Kay responded that the best she could do would be to provide school transfer paperwork. L.W. was left with the firm impression that Ms. Kay had been instructed not to speak with her or M.W. about their complaints.

120. M.W. then called and spoke with Dr. Ford, the Assistant Superintendent and the Anti-Bullying Specialist of the Monmouth County Vocational School District. M.W. summarized for Dr. Ford the nature and extent of the retaliation to which P.W. was being subjected. Dr. Ford did not offer any constructive suggestions, nor did he take any meaningful steps to investigate or remedy the retaliation.

121. Meanwhile, Mr. Moore sent the following response:

Good Afternoon, [M.W.] . . . Providing us with names is a good start. In addition, literally anything you can add to that would be helpful, particularly screenshots of text messages and/or emails, dates/times, names of witnesses . . . Even if we just

had names, we could at least investigate them, document the incidents in their files, contact their parents, etc. Parents do not want their kids behaving like this, and I'm sure they will support the school. If we have more than names . . . if we have actual proof . . . we can invoke discipline. Either way, I think it will help stop the escalation, if not stop the behavior entirely. These kids probably know what they're doing is wrong . . . that's why they're being so secretive about it. If we catch them and hold them accountable, change can begin.

122. At 4:34 p.m. on May 3, M.W. wrote Mr. Moore as follows, copying Ms. Kay:

I am sorry this is beyond providing names it's intimidation at this point. I am sorry we said a word to the school to begin with. I knew there was the chance [P.W.] would suffer and she is. I am not going to dig her hole any further. I ask you why am I the one looking at school options? She received the photo did the right thing and it leaked out that she brought this to your attention. Why would I provide any more names of the kids who are bullying? Would you advise your child to do the same? This is going exactly how I envisioned playing out and not in her favor. There were a few incidents today this is ridiculous and I don't see it stopping. I am starting to think the MAST students are top tier when it comes to academics but outside of that misfits who don't know how to behave. Again at this point there is not a single reason to provide any names it will only make it worse because what can you really do? These kids should have been expelled where is zero tolerance? Home for a week is nothing. If they were expelled none of this would continue. It's kids with no back bone trying to get favor with the culprits. If they were home this would never continue.

123. At 4:51 p.m., Mr. Moore forwarded M.W.'s email to his supervisor, Dr. Ford, and commented as follows:

These kinds of emails are coming daily now. I keep responding saying there is nothing we can do without someone to actually accuse. He refuses to provide any names or evidence. At this point it's redundant and circular. I intend not to reply... there's nothing more to say, unless you can think of anything I should be doing.

124. Mr. Moore told Dr. Ford that M.W. supposedly "refuses to provide any names" even though by May 3, 2018, P.W. and/or her Parents had already informed Mr. Moore and other MAST officials, in writing, that S.F., H.F., E.D., and J.P. were retaliating against P.W. because J.K. and J.L. had been punished for the "I h8 Jews" incident, and even though Mr. Moore had

ample additional means for investigating who was engaging in such retaliation, such as asking students in P.W.'s Spanish class about the "free [J.L.]" chants.

125. At 9:19 p.m. on May 3, Mr. Moore wrote M.W. as follows:

[M.W.]

I have talked with all of [P.W.'s] teachers and they are on alert to be vigilant. Should we find ANY indication that [P.W.] is being intimidated or treated cruelly we will act promptly.

We are all committed to strengthening our school culture and promoting awareness and respect for diversity. As I said in my letter, and spoke about at the PTSA meeting Tuesday night, this is process and will take time . . . a process that has *already begun* and will continue indefinitely into the future for systemic change. Again, I ask for your patience and support.

Regarding zero tolerance and expulsion for bias incidents, we must follow the laws of the state and the policies of the district, and . . . as I'm sure you agree . . . respect the rights of all students.

126. At 8:44 a.m. the following day, Friday, May 4, 2018, M.W. responded to Mr.

Moore as follows:

Mr. Moore,

Unfortunately this is no longer even about the anti-Semitism. She is being shunned and intimidated. As an example she was walking over to a friend yesterday at lunch who happened to be speaking with two of the students involved. When she saw [P.W.] she said "[P.W.] is here" as if to warn the kids, and the two kids quickly scattered. Pretty humiliating for anyone especially a young kid. This situation is not getting any better and I will say it again she did nothing and is being bullied. The amount of kids involved in huge. I was privy to a group message and the way they spoke about [P.W.] is horrible.

Once it was known that [P.W.] was in fact [t]he "snitch" perhaps the students should have been spoken to as a group and told this behavior of blaming and shunning isn't tolerated. I thought the entire point of NJROTC is respect?

Best Regards,

[M.W.]

127. At 1:10 p.m. M.W. wrote another email to Mr. Moore:

Hi Mr. Moore,

Hope you are doing well.

Based on what I know there are four ring leaders in the school who are escalating the situation. I understand you need to know who and I have no problem confidentially sharing. However, besides names what else do you need?

It is in all of our best interest for her to stay at MAST but this is getting worse and worse for her not better.

Best Regards,

[M.W.]

128. Also on May 4, 2018, Mr. Moore sent an email to most or all of MAST's faculty. In that email, Mr. Moore informed the MAST faculty that P.W.'s Parents had made "numerous allegations about [P.W.] being harassed, intimidated, bullied and shunned by other students." Mr. Moore's email was openly hostile to these claims. He wrote that "no one I have talked to can substantiate any of this," and he stated falsely that "the parents refuse to provide me with names of the accused so that I can investigate," even though the P.W. and/or her Parents actually had already named S.F., H.F., E.D., and J.P. Mr. Moore asked the faculty to be "vigilant and alert to how [P.W.] is being treated."

129. On information and belief, this email – sent more than a week after Mr. Moore began to receive the Parents' repeated reports of serious retaliation against P.W. – was the first and only email Mr. Moore ever sent to the MAST faculty about retaliation against P.W.

130. At 11:26 a.m. on Monday, May 7, 2019, M.W. emailed Mr. Moore about an incident that had occurred in P.W.'s technology class. M.W. reported that the teacher, Christopher Zrada, had publicly asked P.W.'s fellow students during class why P.W. was

missing school and leaving early a lot. M.W. asked whether Mr. Zrada had been informed about the reports of retaliation and asked that Mr. Zrada be instructed to be more discrete.

131. Mr. Moore's 12:42 p.m. response was typically dismissive. Mr. Moore said M.W.'s information must be inaccurate because in "the game of telephone, things often get[] distorted, misinterpreted or taken out of context."

132. M.W. responded at 1:54 p.m. by, among other things, naming S.F. as one of the "ringleaders" of the anti-P.W. retaliation campaign. M.W. noted that it is a problem that S.F. was assigned to sit right near P.W. in English class.

133. At 10:14 a.m. on the following Tuesday, May 8, 2019, M.W. provided Mr. Moore with still more information about an orchestrated campaign by MAST students to retaliate against P.W. for "snitching" about the anti-Semitic beach incident and complained yet again that the school had not done anything meaningful to prevent or remedy the retaliation:

Basically, what is happening is a large group of kids who were [P.W.'s] friends beforehand have joined a pact to no longer speak to her. This spread to peripheral kids who were more casual friends. Some of the kids will speak to [P.W.] when no one else is around, once they see anyone around they stop speaking to her. This is incredibly humiliating to [P.W.] and quite juvenile. I have a list of kids involved but basically it[']s close to half the grade. She needed to get information on missed class work and none of the kids she messaged answered her.

She has spent a decent amount of her lunch periods walking around alone and hiding in both the media center and the systems classrooms. [P.W.] stressed she is losing major sleep worrying about finding someone to walk around Great Adventure with Thursday. The person she spoke with suggested she stay back if it causing that much stress. Please let us know how to find an alternate assignment to replace the trip?

We reached out to Ms. Kay last Friday thinking her position as school counselor would offer some help and advice, but it seemed her hands are tied. She said she is happy to facilitate any paperwork to move [P.W.] but offered no help in rectifying the current situation.

At this point we are still researching our all available options but obviously we will have to take her out of the school for the sake of her mental health. What a shame as she is academically in a great place (got a 5 on her AP practice/final). I cannot imagine this is the type of student you want to lose but your students obviously are far from mature, do not know how to behave themselves and most importantly uphold the schools values. The school should be both ashamed and embarrassed. At the onset the students should have been sat down and read the riot act instead they got away with bullying and [P.W.] suffered. At this point we are in a worse position then we were when this started.

Please get back to us with alternate assignment to replace Great Adventure.

Regards,
[M.W.]

134. Mr. Moore responded at 11:11 a.m. Even though Mr. Moore had been deliberately indifferent to and taken no significant steps to investigate the retaliation, he claimed falsely that there was no evidence of it because he had not caught anyone “in the act”:

[M.W.] . . . There is a lot of inconsistency between what you’re saying, and what we are seeing, so it’s difficult for me to understand this social dynamic you’re talking about. Maybe it’s that all of this is so secretive and “under the surface” that we can’t see it from the outside looking in, but we will continue to be vigilant for anything negative, hoping we can catch something/someone in the act.

Mr. Moore told M.W. that P.W. could skip the Great Adventure physics class trip and go to the school’s Media Center instead, but that he was concerned that P.W. might experience retaliation there, offering to do nothing to prevent that from happening:

Regarding the Great Adventure trip, there is an alternate assignment students will be given. You should know, however, that the only place for them to go is the Media Center, and there will be several other students there doing the same thing. Some of them could be people [P.W.] isn’t comfortable around. . . I don’t know for sure, but it’s possible.

(Upon information and belief, Mr. Moore realized that J.K., J.L., and/or S.F. might be at the Media Center.) Finally, Mr. Moore offered P.W. the opportunity to meet with a mental health

professional because of the “stressful situation” she was in, but he once again failed to do anything to meaningfully investigate or address the retaliation itself:

Regarding [P.W.’s] mental health, we have services that [P.W.] might benefit from. Please let me know if you would like us to facilitate a private, one-on-one meeting with Ms. Darlene Lewis, the district’s full time Student Assistance Counselor. She has met with dozens of MAST students over the past several years, and is an excellent, professional resource for students in stressful situations like this.

Please let me know if there’s anything else we can do to help.

135. At 7:41 a.m. on the following day, Wednesday, May 9, 2019, M.W. wrote yet another email emphasizing that the retaliation against P.W. was “escalating”:

Mr. Moore,

I would assume you would not see what am I am talking about.

[P.W.] walks to class and students intentionally say hello to whom ever she is with []and snub her, in class students will ask questions to everyone around [P.W.] but ignore [P.W.]. Running away from her when she walks over to a table, etc. Juvenile, immature acts to intimidate.

In a bigger picture she is being left out of larger social events outside of school. We were told [P.W.] was discluded [sic]from large weekend gathering of classmates because the host parents think it[’]s easier to not associate with trouble.

Ms. Godkin did notice how upset [P.W.] was yesterday and spoke to [P.W.] offering her some advice about holding her head high, etc. This teacher is awesome! I believe Ms. Johns is also aware of some class room issues as [P.W.] completely froze and sort of blacked out during an English quiz because she was uncomfortable with the kids she was sitting with and this is affecting her grades.

One would assume this would have calmed down by now but it is escalating. Not happy.

136. Mr. Moore wrote back at 7:56 a.m. He stated falsely that “we’re doing all we can” even though he in fact had done nothing to meaningfully investigate or remedy the credible reports of severe and pervasive retaliation against P.W.

137. Later that day, MAST sent some of its junior class – but none of its freshman, sophomore, or senior classes – to the Center for Holocaust, Human Rights & Genocide Education Museum at the suggestion of the Jewish Federation and the Anti-Defamation League.

138. P.W. decided not to go on this trip because she was placed in a group with E.D., one of the MAST students who had previously told P.W. she had read and liked *Mein Kampf* and carried the book around often.

139. P.W. reported to Mr. Moore that she was uncomfortable being around E.D. for this reason, but Mr. Moore took no action. Instead, he responded that E.D., who lived next door to his home, came from a “wonderful family.”

140. Following the trip, many MAST students blamed P.W. for the fact that they had to attend.

141. Later on May 9, 2018, L.W. spoke with Jessica Godkin, P.W.’s science teacher, about the retaliation that had been directed at P.W. Ms. Godkin was sympathetic, acknowledged that she had witnessed some of the retaliation, and indicated that she would speak to the class in an attempt to “quell” it. In a subsequent email, L.W. informed Ms. Godkin that P.W. had reached out to several students in the class in connection with a group project that they were supposed to be working on but none of the students had responded to her. L.W. also forwarded that email to Mr. Moore to “keep [him] in the loop.”

142. L.W. also spoke with Ms. Johns, P.W.’s English teacher, who likewise acknowledged that she had witnessed inappropriate behavior directed at P.W. in class – inappropriate behavior that became sufficiently problematic that Ms. Johns decided it was necessary to shuffle the seating chart.

143. Ms. Godkin and Ms. Johns both reported to the Division on Civil Rights that although they were aware that P.W. was being shunned and otherwise mistreated by her peers, they did not know anything about the underlying issue and, indeed, had not even been made aware of the beach incident (even though two of the three suspended students were in Ms. Johns's English class).

144. At 2:55 p.m. on May 10, 2018, L.W. sent Mr. Moore an email stating that S.F., the previously named "ringleader" of the retaliation against P.W., sits at lunch every day with a "large group" of students who are "the kids making [P.W.'s] life difficult." It would have been easy for Mr. Moore to determine who those students are and investigate their behavior toward P.W., but he did not.

145. On or about May 10, 2018, L.W. spoke to Mr. Moore by telephone. Mr. Moore expressed pride that MAST's junior class had taken a field trip to the Holocaust Museum and expressed confidence that things would be better for P.W. in the wake of this trip. Mr. Moore said that he wished P.W. had attended the trip. L.W. explained to Mr. Moore, as she had before the trip, that P.W. had not felt comfortable attending both because she had been placed in a group with E.D., one of the students who had expressed admiration for *Mein Kampf*, and also because several students and parents had expressed their annoyance that they were being forced to go on this trip, which made P.W. all the more uncomfortable.

146. At 4:09 p.m. on May 10, 2018, M.W. sent the following email to Mr. Moore asking whether it would be possible to home school P.W. for the remainder of the year:

Mr. Moore,

I just spoke to my wife and she filled me in on your phone call.

Let me ask you this . . . What are [P.W.'s] options for finishing out the year outside of MAST? Is there any way at all this can be finished from home?

[P.W.] has suffered traumatically and has been humiliated. She is incredibly embarrassed and would prefer to never step foot back in MAST. What are her options beyond switching to her home school with just a month left in the year?

147. At 4:33 p.m., Mr. Moore responded that home schooling P.W. would not be possible:

[M.W.] . . . You should discuss this with guidance, but I'm afraid finishing from home is not an option. I understand that's what [P.W.] may prefer, but it's simply not possible, particularly in a vocational school that has attendance requirements.

148. M.W. renewed his request the following day:

Mr. Moore,

This situation is not improving [P.W.] is borderline close to a breakdown. Please speak with your superior in regards to how she can finish the school year outside of MAST. We cannot keep going back like this there has to be an alternative. I am concerned about her well being as the school should be. It has now escalated to leaving her out of conversations, wa[1]king away and whispering about her and she knows it. I am harming her having her stay I need a plan right away and really hope all of us can work it out and having her continue this now silent shunning is not an option.

149. Mr. Moore responded as follows:

[M.W.] . . . I have asked our Central Office administration about alternatives to attending MAST for the rest of the year, and we can not place [P.W.] in another school. This leaves MAST or Home Instruction.

Home Instruction requires a doctor's note saying home instruction is required due to medical reasons; this must then be approved by our school district's physician, and our Board of Education. Home Instruction would be for core courses only, meaning, in [P.W.'s] case, math, language arts, and science, and would be provided only if we have teachers willing to visit to provide instruction (which we would seek, or course). The other courses would not be provided with home instruction, but [P.W.] would be able to send work in, if the teachers are willing to coordinate with you or [P.W.], or through the counselors. She would then have to sign out of MAST after June 20th, and return all books and uniform items.

150. At 8:19 a.m. on May 11, 2018, Ms. Kay wrote to Mr. Moore that she found the Parents' emails to be "exhausting!"

151. At 3:22 p.m. on May 14, 2018, M.W. sent the following email to Mr. Moore, copying Ms. Kay, another counselor, Lindsay Oppito, Dr. Ford, the District's Assistant Superintendent and Anti-Bullying Specialist, and another District official, Joe Senerchia:

Mr. Moore,

As we have mentioned in previous messages the intimidation that [P.W.] is facing on a daily basis is continuing. While it[] is not obvious if you observe the blatant ignoring, leaving out of conversations and walking/running away from has continued. [P.W.] has become the school "pariah". She is completely left out of social events including these of her so called friends, no one answers texts about assignments, she is blocked on social media accounts, etc. There is still a group text out there encouraging the "shunning".

As you know [P.W.] did nothing wrong. She was correct and responsible in showing us, her parents, the disgusting text she received. Unfortunately [sic], her privacy wasn't protected and she is suffering. To have a normally happy, strong willed child spend her weekend in tears and beg to stay home from school because she is both uncontrollably [sic] angry and embarrassed is not right. [P.W.] is damaged from the [sic] not only the obvious anti-Semitic environment but from the aftermath of standing up to what is right.

MAST *clearly* has a pervasive anti Semitic culture that has now extended to racial discrimination. Attached are a few screenshots of posts taken in the last few days. The first one which refers to the "n" word and was posted on a page ran by MAST students for MAST students. The amount of likes under the photo from MAST students is truly appalling. I hesitate at this point to give you any more information until I am certain [P.W.] won't be again outed as the whistleblowing snitch. The second picture is from one of your "esteemed" high level ROTC students social media. These are small samplings of the culture at MAST. I do applaud you for admitting there is a problem at MAST with anti Semitism but it[']s too little to[o] late for [P.W.] who should be entering her senior year with the excitement she deserves as a top student with high future aspirations.

These students should have been expelled instead of left home for a few days while they play on their phones and spread further rumors about [P.W.]. More should have been done to protect [P.W.'s] privacy. The school obviously failed her. Now the "Jewish kid" is forced out the door. What kind of message are we sending? Simple shuttering [P.W.] off to Shore Regional (her current home

school) is not a clear cut solution either. This incident will follow her there. Your students spread the photo all over various social media outlets and there are kids at Shore who know the situation quite well.

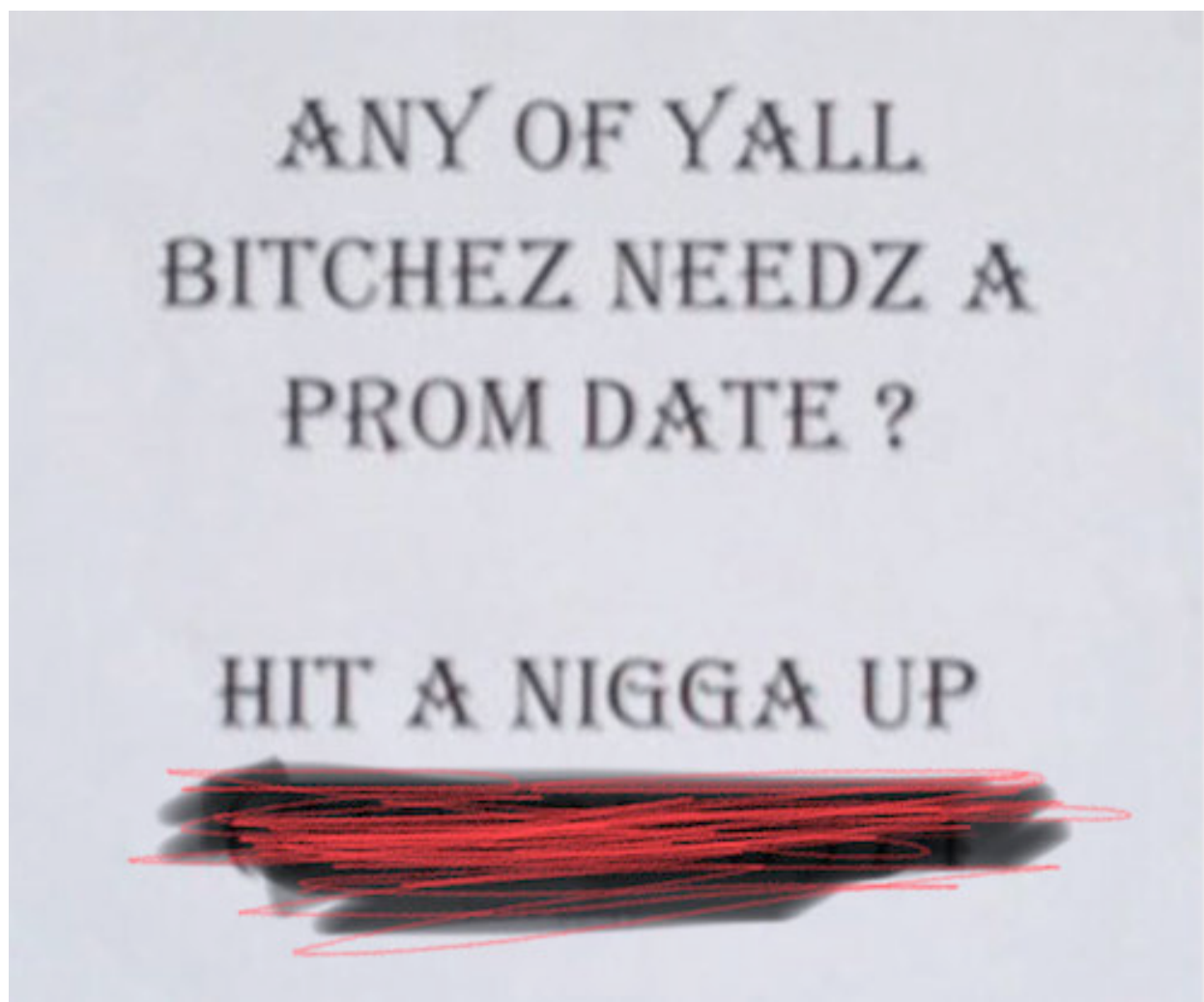
Keeping [P.W.] in school is obviously making it worse from her (she left early today feeling “sick”) and I am worried about the permanent psychological damage from the systemic intimidation. I need an immediate solution and your below response is obviously not providing one. This is unacceptable. I would like you to arrange for [P.W.] to immediately finish the school year at home. What are your suggestions for [P.W.’s] schooling next year? I will not tolerate her loosing [sic] out on any academic opportunities such as multi variable calc. etc.

I await your reply.

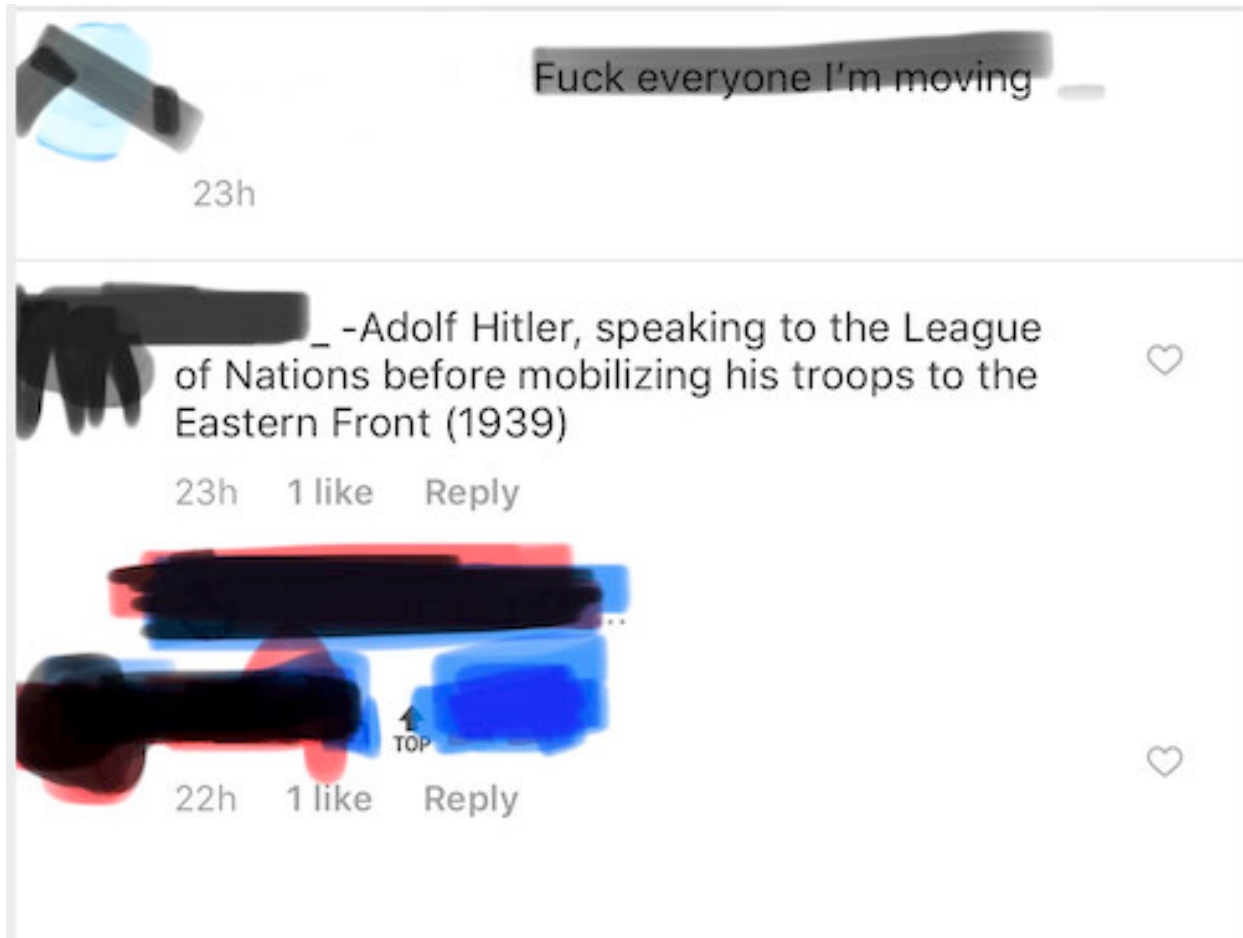
Regards,

[M.W.]

152. M.W. attached two images to his 3:22 p.m. email Mr. Moore, the counselors, and the District officials. First, he attached a screen shot of a posting a MAST student placed on an unofficial MAST Instagram page (“mastpromdresses2018”) devoted to the MAST prom in which a student used the word “nigga”:



153. Second, M.W. attached a screen shot of a MAST student publicly posting a quote from Adolf Hitler:



137. At 3:36 p.m., Mr. Moore responded, by replying to all, that he could not “circumvent district policy,” that “[t]he school must receive a doctor’s request for home instruction in order for [P.W.] to receive home instruction,” and that “[r]egarding next year, it is clearly your family’s decision whether [P.W.] continues at MAST or not.” He said that he would “continue to consult with our Central Office about your situation and let you know if there are any other options.”

154. Upon information and belief, neither Mr. Moore nor the MAST counselors or District officials who were copied on the prior email took any steps to investigate the MAST students’ use of the word “nigga” or approving quotation of Adolf Hitler.

155. At 4:13 p.m., M.W. responded by expressing incredulity that a doctor's note would be required in a race-based bullying case:

Mr. Moore[,]

With all due respect We should walk into a doctors [sic] office and explain that both [P.W.'s] civil rights as well as her privacy was violated and as a result she is being intimidated in school so please provide me a note for home schooling?

My patience is wearing thin! When can I expect an answer from your "central office"?

156. The following day, May 15, 2018, Clare Ng, a MAST teacher who was serving in a student advisory role, sent a text to P.W. and two other juniors trying to schedule a day to view potential senior prom venues for the following year. P.W. responded to Ms. Ng privately as follows:

Hi Ms. Ng,

I would've like[d] to go, but I will not be attending. To be completely honest, as you probably know, there was a bad incident with some of the students in this school. They are not treating me nicely and for my well being I've decided to keep my distance from some of these students coming on the trip.

And between you and [m]e I doubt I will be returning to mast next year so I don't think my prom opnion matters haha.

Thanks,
[P.W.]

157. This information spread quickly, and students began to inquire of one of P.W.'s few remaining friends, B.F., when the "snitch" was leaving.

158. On Wednesday, May 16, 2018, L.W. forwarded to Mr. Moore texts that she had received from a parent of one of P.W.'s classmates showing that "everyone is going along with

these kids ostracizing [P.W.].” L.W. also reported that P.W. was being shunned in connection with the upcoming junior prom:

[P.W.] has been intentionally left out of both before and after [junior] prom happenings. She was not put at a table with the last few kids who she thought maybe [were] her “friends” and hasn’t heard a word from her “date.” She offered to drive him and he said “I’m good.”

Please don’t speak to anyone about this at all as it is so humiliating and we aren’t sure yet how we are handling this prom thing.. but most likely she wont go.
NICE!

This is so incredibly humiliating for anyone especially a 17 year old girl who tried to do the right thing.

159. Mr. Moore had recently requested that P.W. come and meet with him to discuss her retaliation allegations. In her May 16, 2018 email, L.W. made clear that she and M.W. wanted to attend this meeting and suggested May 18 at 8:00 a.m.

160. Mr. Moore responded by sending an email later that day stating falsely that New Jersey law required him to meet with P.W. without her parents present:

[M.W.] . . . As a HIB investigation, the interview is with the students only, not the parents. This is the same for both the accuser and the accused. HIB investigations have to follow a strict protocol, which I can fully inform you of . . . it[’]s a matter of law. I can tell you now that it is critical [P.W.] share with us the names of those both you and she are accusing of intimidation, because we have to inform their parents of the investigation, then go straight to those students to interview them in the same manner. This in no way guarantees any particular outcome, but at least it allows us to continue the investigation and, at a minimum, let parents know what their kids are being accused of.

In fact, there is no such “strict protocol” requiring a principal who is investigating incidents of harassment, intimidation, or bullying to interview the victim without her parents. Mr. Moore made that up.

161. Nor was there any reason for Mr. Moore to require the Parents to name names as a precondition for investigating the severe and pervasive retaliation against P.W. that had been

reported – which, in any event, had been done. MAST only has a total of approximately 70 students in its junior class. Mr. Moore knew exactly which students had been on the original anti-Semitic group text because he had caused himself to be added to that group text string. Mr. Moore knew at least generally which students were friends with and loyal to J.L. and J.K., he knew which students were in P.W.'s last class on April 30, and if he had been anything other than deliberately indifferent to his duty to ensure that P.W.'s educational environment was reasonably free from unlawful bias and retaliation, he easily could have determined at least most of the relevant facts. The Parents had reported to Mr. Moore that P.W.'s lab partners had engaged in retaliation, and it would have been very easy for him to determine who P.W.'s lab partners were. The Parents had specifically named S.F. and H.F. as two of the ringleaders, and also had specifically named other students as participants. Ms. Godkin had witnessed students L.G., S.F., J.P., and H.F. engaging in inappropriate behavior toward P.W. The school had more than ample information to conduct a thorough investigation.

162. Mr. Moore then told L.W. another lie about the HIB investigation process, blaming the Parents for only producing screen shots of text messages showing the retaliation instead of producing the text messages in some kind of native format:

This disclosure of names must also be accompanied by some kind of verifiable proof . . . such as full text messages with verifiable content and sources. Screen shots like those you have included in this message, and the ones you sent recently in another email, will not hold up, because it could be argued that it came from an erroneous source. We will need to see the messages in their entirety, with the names of those who sent them. This is the kind of evidence we used to discipline the other students, and is the kind of evidence that sticks in the event any disciplinary actions are challenged.

In fact, it is not true that screen shots of texts showing harassment, intimidation, and bullying are somehow inadmissible in a HIB investigation and will not “hold up.” Once again, Mr. Moore made that up.

163. By making false statements to the Parents about why he supposedly was legally precluded from conducting a thorough investigation, Mr. Moore was, at best, willfully blind to his duty to ensure that P.W.’s educational environment was reasonably free from unlawful bias and retaliation.

164. Mr. Moore concluded his May 16, 2018 email by asking the Parents whether they were going to “prohibit” P.W. from meeting with him alone and thus stymie his ability “to conduct this HIB investigation,” emphasizing that interviewing P.W. alone was “the only way to proceed.”

165. L.W. responded by informing Mr. Moore that for P.W.’s protection, they would not allow her to be interviewed alone. L.W. emphasized that “there was enough emotional damage” when P.W. had initially come forward and that interviewing her alone was not “going to make her situation better.” L.W. reminded Mr. Moore that they had already provided him with both texts and names that were sufficient “to give you an idea what’s going on under your ‘watch.’” She lamented that P.W. “may never forget the humiliation” she was feeling about being shunned in connection with the prom, which was the “final straw.”

166. At 7:30 a.m. the following morning, Thursday, May 17, 2018, Mr. Moore responded by stating that his “hands are tied” and that he could not open up an investigation into the reports of severe and pervasive retaliation against P.W. unless she first sat for an interview outside the presence of her parents. Again, that was not true.

167. The prom occurred on May 18, 2018. P.W. was supposed to sit at a table with E.D., J.P., their dates, and B.F. But E.D. ensured that P.W. was excluded from that table. Nor was P.W. invited to any of the pre- or post-prom events that had been discussed.

168. At 9:16 a.m. on Friday, May 18, 2018, the Parents reported to Mr. Moore that P.W. had been “completely cut out” from her planned prom table and from photos. They urged Mr. Moore to speak with two students, M.H. and R.P., who they believed could corroborate that retaliation had occurred. They asked Mr. Moore whether the HIB regulations would allow him to begin by having an “off the record” conversation with P.W. that her parents could attend. The Parents emphasized that P.W. felt very wronged that she was being labeled a “snitch” and ostracized when she had done nothing wrong.

169. Mr. Moore wrote back at 1:16 p.m. stating that he would “have someone” speak to M.H. and R.P. He conspicuously ignored the Parents’ request that he speak with P.W. “off the record” in their presence. In other words, Mr. Moore refused even to meet with the Parents and P.W. to discuss the situation.

170. At 11:08 a.m. on May 23, 2018, M.W. emailed Mr. Moore about a problem that P.W. was having in her systems class. M.W. reported that P.W. had been excluded from a group project because she was absent when the groups were assigned, because “[o]ne of the groups are kids who have really given [P.W.] a hard time ([E.S.], [S.F.], [L.G.]),” and because the other group was full. M.W. continued that “[P.W.] can barely walk into class without being extremely anxious and upset.” Even though M.W. specifically identified E.S., S.F., and L.G. as students who were participating in the retaliation, Mr. Moore did nothing to investigate or address it.

171. P.W. met with Mr. Moore on May 30, 2018. During this meeting, Mr. Moore told P.W. that she should worry less about having friends at school and try to find friends in outside

activities like her synagogue. This was a highly inappropriate comment both because it was tone-deaf regarding the misery P.W. was experiencing from being shunned by her classmates and also because it assumed falsely that P.W.'s family even actively belonged to a synagogue and therefore had anti-Semitic undertones. Mr. Moore also suggested that P.W. see a therapist, as if the problem was her feelings rather than the toxic school environment that was at the root of her feelings.

172. At 1:50 p.m. on May 30, 2018, L.W. sent an email to Mr. Moore about his prior meeting with P.W. L.W. inquired whether in light of that conversation, Mr. Moore thought it would be appropriate to open an HIB investigation into the retaliation P.W. had been experiencing. L.W. also informed Mr. Moore that P.W. had reported that he had asked during their meeting whether she saw a therapist or went to temple, and that L.W. did not think those were appropriate questions.

173. At 2:21 p.m., Mr. Moore responded in relevant part by telling the Parents to “skip it”:

I feel we can skip it for now. But I'm not completely counting it out if something comes up that we are legally bound to investigate. Perhaps we can informally and discretely address some of the issues [P.W.] brought to our attention yesterday, without creating more disruption and attention to the matter

174. At 11:11 p.m. on Friday, June 1, 2018, M.W. reported to Mr. Moore that “the non[-]stop bad mouthing of [P.W.] ha[d] intensified this week.” M.W. further reported that he had learned from another parent that J.L., who was challenging P.W. as the incumbent class Treasurer, actually had no interest in becoming Treasurer and was “only running so he could see the look on [P.W.]’s face when he wins.” M.W. complained that it was not right to allow J.L. to run “out of spite” and in open retaliation for the Parents’ reporting of his anti-Semitism. M.W.

expressed his disgust that P.W. was being forced to leave MAST “because of bias and bullying,” that he had been reporting this behavior to you since the photo received and it has continued and now intensified” into “six weeks of nonstop shunning and torment,” and that this was his “final, final attempt to communicate with” Mr. Moore. M.W. concluded by making clear that he was “demanding that this matter be looked into by you or someone above you now.”

175. Mr. Moore wrote back that he was “looking into the matter,” but he did not take any meaningful action, even after his cursory investigation confirmed (including through M.H. and R.P., both of whom, as well as M.H.’s mother, spoke to Mr. Moore and provided specific examples about how P.W. was being mistreated) that J.L., who had never before run for office, was suddenly running for Treasurer solely in order to retaliate against P.W. by unseating her.

176. To the extent that Mr. Moore may have concluded that J.L. was entitled to pursue a school leadership position, upon information and belief, Mr. Moore never inquired of J.L. why he was pursuing the particular office that P.W. had held, nor did he ask J.L. to consider pursuing a different leadership position.

177. Later on June 1, 2018, M.W. sent another email to Mr. Moore in which he specifically identified seven students who had sat at a lunch table “loudly discussing [P.W.] and the fact that she is leaving school next year” and telling another student, M.H., that she was a “traitor” for sitting with P.W.: R.C., L.G., J.L., E.S., J.K., and L.M. M.W. implored Mr. Moore to do more to investigate and remedy the retaliation:

Mr. Moore, this has turned into a circus ... and [P.W.] is the show. This is awful, heartbreaking and completely unacceptable. She is so humiliated. In a small class like this everyone hears everything. You would be surprised how much circulates. [P.W.] even knows that Ms. Kay thanked [M.H.] for being [P.W.’s] friend. [P.W.] feels like the biggest loser that someone is actually being thanked for being her friend.

I want an immediate answer on what you[re] doing about this. [P.W.] refuses to EVER show her face at school again and there are several weeks left. These kids are relentless and the hurt they have inflicted is unsurmountable. I need an immediate plan from you how she is going to return to school Monday without having a complete nervous breakdown?!

Whatever rule book you are going by is not working. I do not understand why this is so complicated I am giving you insight and even names and this charade is continuing.

Even though M.W. specifically identified seven students who were participating in the retaliation, Mr. Moore did nothing to investigate or address it.

178. On June 7, 2018, MAST announced that J.L. had won the election for class Treasurer. P.W., who had decided not to run after J.L. announced his candidacy, was in her physics class when the announcement was made. Numerous students pointed at her and laughed.

179. In the wake of the Treasurer election, P.W.'s tormentors were delighted. That afternoon, numerous students approached P.W. and told her that they were thrilled the "snitch" was leaving MAST and that J.L. had won the election.

180. Later in the day on June 7, P.W. wrote a note to Mr. Moore and Ms. Ng expressing her shock and dismay that they had allowed J.L. to run for Treasurer with such a transparently retaliatory motive. P.W. said that she was "very upset" and "beyond humiliated" and "fe[lt] like such a loser in it all."

181. P.W. also wrote to her physics teacher, Ms. Godkin. P.W. confided how humiliating it had been when her fellow students had pointed at her and laughed when it was announced that J.L. had won the election. P.W. singled out two students, S.F. and H.F., who had laughed at and whispered about her "the entire class period." P.W. said that she was "dread[ing] coming to class tomorrow."

182. Ms. Godkin subsequently told L.W. during a telephone conversation that she had seen the students laughing at and whispering about P.W. and that she was “heartbroken” that P.W. was so affected by it. She reported another incident in which a student was called to the school office and other students pointed and whispered that it must be about P.W. again. She reported that she had seen P.W. come to class in tears and otherwise visibly upset.

183. On the morning of June 12, 2018, P.W. met with Mr. Moore, Ms. Kay, and another counselor, Lindsay Oppito. P.W. explained that the anti-Semitism and retaliation she had experienced were intolerable. Mr. Moore went to great lengths to deny and minimize P.W.’s experience. He told her that the beach incident was a “minor slip up” and that it could have been worse and that it’s “not like someone came to school with a gun.” He expressly accused her and her parents of exaggerating and even outright lying. P.W. began to cry hysterically, and Mr. Moore left the room.

184. At around 9:30 a.m., P.W. called L.W., still crying hysterically about her meeting with Mr. Moore and insisting that she needed to come home. M.W. immediately called Mr. Moore, who said that he did not understand why P.W. was upset by their meeting.

185. At 10:37 a.m. on June 12, L.W. sent another email to Ms. Kay:

Dear Ms. Kaye,

I am so disappointed and very disturbed that my completely innocent daughter had been treated so poorly by her classmates.

I get that you are worried about your job, pensions, etc and I am sure don’t want to stand up for what you believe is right. In fact, my guess is your showing this email to your colleagues now and laughing and that’s fine.

As a mother and a grandmother how would you feel if this was your child or grandchild? How do you proudly say your worked at Solomon Schechter and yet you allow this treatment to happen.

As a guidance counselor no help was offered [P.W.]? Do you see how she left your office today and many other days? I don't understand how you and the school aren't concerned about the implications on her well being? Do you actually believe [P.W.] is lying and making this stuff up?

Since[rely],
[L.W.]

186. Ms. Kay did not respond.

187. At around this time, L.W. attempted on two occasions to reach Defendant McCorkell, the District Superintendent, by telephone, but Defendant McCorkell never returned either of L.W.'s calls.

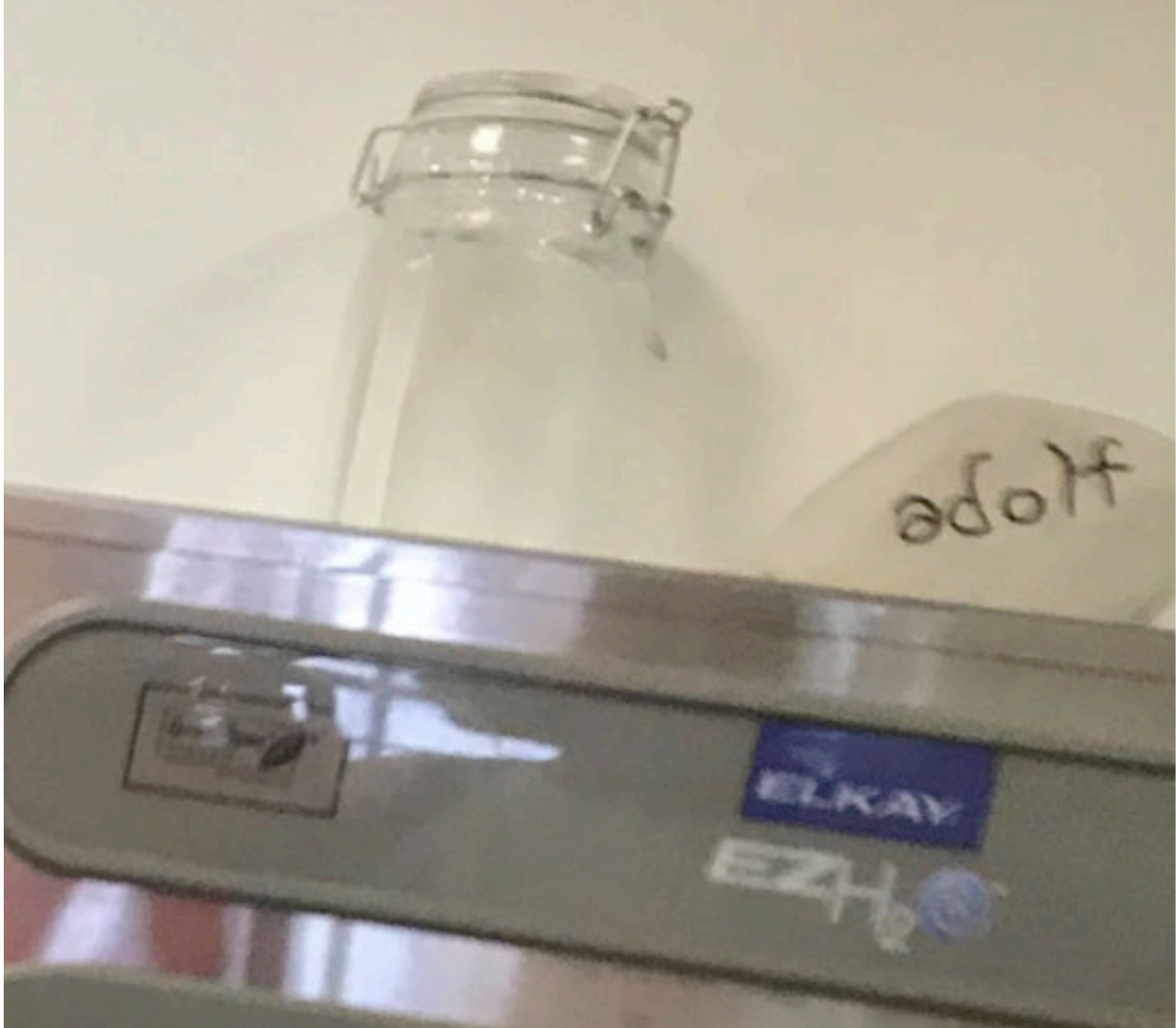
188. L.W. also attempted to reach Lester Richens, the Interim Executive County Superintendent of Monmouth County. L.W. summarized to Mr. Richens's assistant what was happening to P.W. at MAST. Approximately 30 minutes later, Mr. Moore called L.W. and expressed his outrage that L.W. had called Mr. Richens.

189. Also in early June, P.W.'s Spanish teacher, Mr. Haddad, played a song from Fidler on the Roof in class, and referred to the play as a "great Jewish play."

190. Also in early June, a group of students who were planning to meet in Asbury Park engaged in a group text about the fact that P.W. had been spotted there. The students discussed whether to change their plans and go to a different town.

191. On June 13, 2018, a student placed a rock with the name "adolf" painted on it on a water cooler located directly behind P.W.'s seat in Ms. John's English class.

192. P.W. was horrified and took this photo:



193. When questioned by the Division on Civil Rights about this, Ms. Johns reported that she supposedly believed that the rock depicted in the photo above said “hope” rather than “adolf.” The Division on Civil Rights noted that if the letters in the word “hope” are written in a certain way, then, when placed upside down, the writing says “adolf,” an inversion that the Division on Civil Rights further noted connotes “adolf was our last hope.”

194. Mr. Moore learned about the “adolf” rock incident and knew that it had been placed directly behind where P.W. sat, but incredibly, he did nothing about it.

195. On June 19, 2018, two police officers came to MAST to question P.W. MAST did not inform the Parents that their daughter was going to be questioned by the police. P.W. was walking into a classroom to take a final exam when a guidance counselor escorted her to the office. There, Mr. Moore directed P.W. into the room with the two officers and left. The officers were far from sympathetic, telling P.W. that the beach incident was just a “joke” that she was making too much out of.

196. Indeed, one of the officers began the discussion with P.W. by telling a “joke” that began “a Jew and a black man were in a bar...”

197. On July 12, 2018, P.W. withdrew from MAST. She subsequently explained her decision to two of her favorite teachers as follows:

Hi Mrs. Trinidad and Mr. Cuttrell,

I just wanted to let you both know that I will not be returning to MAST next year. I am very sad to go, but honestly also relieved as [I] no longer feel safe both mentally and physically. I am assuming you both know, but to[] be brief as it is very hard to talk about, I was the unfortunate victim of harassment in school this year, stemming from some ugly words and picture sent to me. I waited to make the decisions as I hoped some of this would be forgotten and the daily harassment would quell.

I appreciate you both in helping out over the years with key club, and I just wanted to take the time to thank you both.

198. Shortly thereafter, P.W.’s friend, B.F., withdrew from MAST as well. B.F. had been ostracized and bullied because she was P.W.’s friend, which may have played a role in her decision to leave.

199. On July 16, 2018, L.W. wrote an email to a MAST counselor, Lindsay Oppito, explaining to Ms. Oppito that shortly after P.W. withdrew from MAST, her access to her email box and Google Drive were cut off. L.W. explained that P.W. needed access to her email box

and Google Drive in connection with the college application process because her MAST email address was associated with her SAT/ACT test account, because she had given her MAST email address to numerous colleges, and because many colleges were requesting writing samples that were on her Google Drive.

200. Ms. Oppito responded that she would look into this request, but that P.W. was required either to return or pay for certain items associated with her JROTC uniform, including various ribbons that she had been awarded for achievements.

201. In a subsequent email, M.W. questioned why P.W. would be required to return or pay for the ribbons, which she “worked quite hard for” and “earned.”

202. Ms. Oppito responded by claiming that “[a]nytime a [MAST] student transfers they ask for everything back including ribbons.”

203. That assertion was false. As M.W. pointed out in a response email, two other MAST students had recently transferred and had not been asked to return or pay for their ribbons.

204. On July 24, 2018, Ms. Oppito wrote an email informing M.W. that MAST would not forward P.W.’s academic record to Shore Regional until she either returned or paid for her ribbons.

205. On July 26, 2018, L.W. wrote an email to a Navy official, Commodore James Miller. L.W. summarized P.W.’s experience and treatment at MAST, and she explained that MAST was refusing to release P.W.’s school records until P.W. either returned or paid for her JROTC ribbons.

206. Commodore Miller responded by expressing surprise and sympathy. He stated that what L.W. reported was “not in line with Navy Core Values of Honor, Courage and

Commitment,” and he indicated that he would contact Ms. Smith-Yeoman, the MAST naval science instructor, to discuss the situation.

207. Only then did MAST decide to release P.W.’s school records without requiring P.W. to return or pay for her ribbons.

208. During the summer of 2018, P.W. wrote the following college application essay:

General Hospital is the apex of unrealistic fantasy. It’s the soap that fulfilled my twelve year old self’s princess dreams, replete with gorgeous gowns and glamour. However, General Hospital (GH) is not reality, as I uncovered when my own perception was suddenly turned upside down and the shunning began.

In hindsight, I shouldn’t have been surprised. The writing was on the wall, or in this case, the sand. The words etched over thirty feet on the beach were stinging, and pierced my heart. My eyes widened in horror as I stared in disbelief at the image, sent to me in a group message:

“I HATE JEWS”.

The words bombarded my screen. In this moment, cyberbullying and anti-Semitism converged. Astonished and heartbroken, I grappled with feelings previously unfamiliar in my ordinarily happy life. In my incredulous state of shock, I couldn’t comprehend what I was seeing. These were my supposed friends, whose true colors were revealed.

The offending students were skimpily punished by administration, and their parents simply didn’t care. It was apples and trees. I became the villain they blamed for the punishment, and that’s when the ostracism began. Friends I believed in chose popular opinion and inclusion over friendship.

“[P.W.] is coming!” They didn’t even whisper the announcement, and they’d all leave the lunch table, abandoning me with my measly peanut butter and jelly. My supposed friends would run through the halls, avoiding me at every turn. I yearned to understand: What had I done?

I was bewildered by the absolute betrayal. I stood up for what is right, yet nobody stood by me. Only one friend dared defy the masses. In that moment, I understood that victim shaming is completely real.

My life was spiraling. Any sense of control seemed impossible to regain. While taking a test, I would feel their glare. It wasn’t my imagination; everyone was staring at me. I couldn’t concentrate while the pack surrounded. Somehow, I

kept it together and thrived academically. When I remembered to breathe, it was momentary relief. Ostracized from everyone, I felt alone, as former friends passed by and sneered. They called me, “the snitch”. I ducked my head when walking through the halls. Maybe they wouldn’t see me passing by?

Words sting, but objects injure. The verbal abuse became physical. Along with slurs and sideways glances, phones were thrown at me. I still chose to attend school, and I began to reflect on clues to the underlying antisemitism that existed all along.

As someone who keeps up with local and world events, it was unexpected that I may become headline news. I never fathomed that reporting a hate crime would cause me to become my own featured story. The news I watched each afternoon, after GH, may one day star yours truly.

In truth, it felt like I was an insanely despised GH character entering a room where everyone stares, except I didn’t have multiple personalities, nor had I returned from the dead. I didn’t have my third cousin, who was also my brother, to save me, because in real life, there isn’t a soap opera solution. I had to stand up for myself. Although GH is just mindless entertainment, I channeled my favorite powerhouse character: I walked through the school doors with head held high, glamorous clothes, hair done and makeup a bit too dark. In the aftermath of this eyeopening experience, I ignited the fight within me; I learned to stand up, ignore the sneers and jeers, and persevere.

While my community is diverse, my school was not, and I was the singular target, being close to the only one. The newly empowered, more determined me is looking forward to an inclusive college experience, where I am accepted and can interact with a diverse, welcoming group of people. I know life isn’t the fantasy work of General Hospital, but I remain hopeful that in the right environment, life is accepting.

P.W. Enrolls In and Drops Out of Shore Regional High School

209. Because P.W. had moved from Marlboro to West Long Branch to attend MAST, her options for switching high schools were very limited.

210. Despite the Parents’ repeated pleas to MAST for assistance placing P.W. at a suitable alternative high school, MAST never meaningfully provided any such assistance.

211. In the fall of 2018, P.W. reluctantly enrolled in Shore Regional High School in Long Branch. But she would not be free from retaliation for long.

212. A MAST student reached out to various Shore students and told them about what had happened at MAST the year before and that P.W. was a “snitch.”

213. As a direct result, various students at Shore began to shun P.W. as well.

214. On September 15, 2018, approximately twelve MAST students suddenly blocked P.W. on social media all at the same time. (Many other students already had blocked her.)

215. There were additional incidents of MAST students badmouthing P.W. to Shore students, and P.W. continued to be shunned by the Shore student body.

216. By the end of October, P.W. and her parents made the difficult decision that P.W. would leave high school altogether, which her therapist had recommended.

217. P.W. took online classes and enrolled at Brookdale Community College as a dual status student.

218. P.W. never went to her senior prom, and she never participated in a graduation ceremony.

219. Meanwhile, J.K. and J.L. remained in good standing at MAST. On June 6, 2019, MAST posted to its official Twitter account a photo of Mr. Moore standing next to J.K., with both of them smiling and wearing similar clothing. The text said playfully “Who wore it better?”

220. On June 7, 2019, MAST proudly announced that J.L. had been awarded a Parent Teacher Students Association scholarship.

221. Being forced out of MAST had a severe deleterious effect on P.W.’s standing before prospective colleges.

222. Had P.W. stayed at MAST, she would have been in a strong position to attend a top college, even an Ivy League college.

223. P.W. was planning to apply to Tulane University, but she was discouraged from doing so by a Tulane University official who advised her that switching schools for her senior year and then leaving that school may impact her prospects for acceptance.

224. P.W. applied to but was not accepted by the University of Pennsylvania, Emory University, Northwestern University, and the University of Virginia.

225. Upon information and belief, one or more of those schools would have accepted P.W. had she not withdrawn from MAST after her junior year.

226. P.W. is now a freshman at an out-of-state university. Adjusting to college life has been very challenging for her, especially socially. She understandably has issues with anger and trust. She is having trouble forging new friendships and establishing relationships with professors and is considering moving back in with her parents in New Jersey and attending a local school.

FIRST CAUSE OF ACTION
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
(Against the School District and the School Board)

227. Plaintiff hereby incorporates each of the foregoing paragraphs as if fully set forth herein.

228. The Monmouth County Vocational School District and the Marine Academy of Science and Technology are recipients of federal financial assistance.

229. The acts and omissions of Defendants violated P.W.'s rights because she experienced discrimination and retaliation based on her race and national origin (Jewish ancestry).

230. Defendants knew that P.W. was being subjected to race and national origin discrimination and retaliation that was so severe, pervasive, and objectively offensive that it

created a hostile climate based on race and national origin that deprived her of access to educational programs, activities, and opportunities.

231. Defendants were deliberately indifferent to the discrimination and retaliation against and harassment of P.W. based on her race and national origin in violation of Title VI.

232. Through their deliberate indifference, Defendants caused P.W. to be subjected to the above-described race and national origin discrimination, retaliation, and harassment.

233. Any responses by Defendants were not reasonably calculated to end the race and national origin discrimination, retaliation, and harassment that P.W. was experiencing.

234. Defendants' violations of Title VI proximately caused P.W. to suffer injuries, including severe emotional trauma.

235. As a result of the foregoing, P.W. has been damaged in an amount to be determined at trial.

SECOND CAUSE OF ACTION
42 U.S.C. § 1983 – U.S. Constitution Amendment XIV
Denial of Equal Protection on the Basis of Religion and/or National Origin
(Against Defendants Moore and Kay)

236. Plaintiff hereby incorporates each of the foregoing paragraphs as if fully set forth herein.

237. Defendants Moore and Kay, acting under color of state law, deprived P.W. of the rights, privileges, or immunities secured by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution in that these Defendants, without justification, intentionally discriminated against P.W. on the basis of her religion and/or national origin.

238. These Defendants had actual knowledge that P.W. was experiencing severe and pervasive discrimination, retaliation, and harassment on the basis of her religion and/or national

origin that was so objectively offensive as to create a hostile environment that deprived her of access to educational programs, activities, and opportunities.

239. These Defendants' practices, policies, and customs for responding to such harassment based on religion and/or national origin were so clearly unreasonable in light of the known circumstances as to give rise to a reasonable inference that each of these Defendants intended for the discrimination, retaliation, and harassment to occur.

240. These Defendants were deliberately indifferent to the discrimination and retaliation against and harassment of P.W. based on her race and national origin.

241. Through their deliberate indifference, these Defendants caused P.W. to be subjected to the above-described race and national origin discrimination, retaliation, and harassment.

242. Any responses by these Defendants were not reasonably calculated to end the race and national origin discrimination, retaliation, and harassment that P.W. was experiencing.

243. The unlawful omissions of these Defendants' proximately caused P.W. to suffer injuries, including severe emotional trauma.

244. As a result of the foregoing, P.W. has been damaged in an amount to be determined at trial.

THIRD CAUSE OF ACTION
New Jersey Law Against Discrimination – N.J.S.A. § 10:5-1 et seq.
(Against All Defendants)

245. Plaintiff hereby incorporates each of the foregoing paragraphs as if fully set forth herein.

246. The acts and omissions of Defendants violated P.W.'s rights because she experienced discrimination and retaliation based on her religion.

247. Defendants knew or were reckless in not knowing that P.W. was being subjected to religious discrimination and retaliation that was so severe, pervasive, and objectively offensive that it created a hostile climate based on religion that deprived her of access to her school's accommodations, advantages, facilities, and privileges.

248. The discrimination and retaliation that P.W. experienced would not have occurred but for the fact that she is Jewish.

249. A reasonable student of the same age, maturity level, and protected characteristic as P.W. would consider what she experienced sufficiently severe or pervasive to create an intimidating, hostile, and offensive school environment.

250. Defendants failed to address reasonably the discrimination and retaliation that P.W. experienced because of her religion.

251. Through their unreasonable failure to act, Defendants caused P.W. to be subjected to the above-described religious discrimination, retaliation, and harassment.

252. Through their actions and omissions, Defendants deprived P.W. of the accommodations, advantages, and privileges of a reasonable educational environment in violation of N.J.S.A. § 10:5-12(f).

253. Defendants' violations of the Law Against Discrimination proximately caused P.W. to suffer injuries, including severe emotional trauma.

254. As a result of the foregoing, P.W. has been damaged in an amount to be determined at trial.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendants as follows:

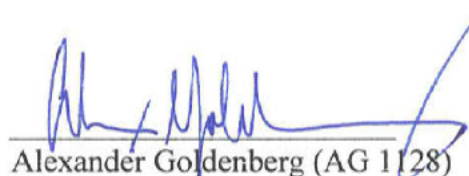
- a. Awarding Plaintiff compensatory and punitive damages in an amount to be determined at trial;
- b. Awarding Plaintiff pre-judgment interest and post-judgment interest;
- c. Awarding Plaintiff attorneys' fees and costs; and
- d. Awarding such other and further relief as this Court may deem just and proper.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Plaintiff, by and through her attorneys, hereby certifies, on information and belief, that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: New York, New York
March 3, 2020

By:



Alexander Goldenberg (AG 1128)
Eric Hecker*
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Attorneys for Plaintiff

* Application for Admission *Pro Hac Vice* Forthcoming