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

SCOTT COPPOLA, ALBERTO MORALES
and DOUGLAS RUSH

Plaintiffs,

-v-

JON H. LARSON, in his official and
individual capacity, BOARD OF TRUSTEES
OF OCEAN COUNTY COLLEGE, OCEAN
COUNTY COLLEGE, TARA KELLY, in
her official and individual capacity,
DONALD DORAN, in his official and
individual capacity DANIEL DUFFY, in his
official and individual capacity, and JOSEPH
ADELIZZI, in his official and individual
capacity

Defendants.

CIVIL ACTION NO. -

VERIFIED COMPLAINT

Plaintiffs, Scott Coppola, Alberto Morales and Douglas Rush, by and
through counsel, and for their Verified Complaint against Defendants Jon H. Larson, The

Board of Trustees of Ocean County College, Ocean County College, Tara Kelly, Donald Duran, Daniel Duffy, and Joseph Adelizzi state and allege the following:

PARTIES

Plaintiffs

1. Plaintiff Scott Coppola [hereafter “Coppola”] is a citizen of the United States who resides at 128 Pine Needle Street, Howell, New Jersey 07731-2687.
2. Plaintiff Alberto Morales [hereafter “Morales”] is a citizen of the United States who resides at 1429 Ocean Avenue, Beachwood, New Jersey 08722.
3. Plaintiff Douglas Rush [hereafter “Rush”] is a citizen of the United States who resides at 1500 Mermaid Avenue, Beachwood, New Jersey 08722-2687.

Defendants

4. Defendant Jon H. Larson [hereafter “Larson”] is a citizen of the United States and a resident of New Jersey employed by Ocean County College, a New Jersey state educational institution. Larson holds the position of President of Ocean County College. Larson resides at 1704 Waterbury Court, Toms River, New Jersey 08755.
5. Defendant Board of Trustees of Ocean County College [hereafter “The Board”] is the duly-authorized governing body of Ocean County College [sometimes hereafter “OCC”]. Members of the Board of OCC are appointed by the Board of Ocean County Chosen Freeholders. The Board can be served at OCC.
6. Defendant Ocean County College is a publicly funded two year academic institution located on College Drive in Toms River, New Jersey 08754-2001.
7. Defendant Tara Kelly [hereafter “Kelly”] is a citizen of the United States and a resident of New Jersey employed by OCC. Kelly holds the position of Vice-

President/Executive Director of College Relations at OCC. Kelly resides at 59 Wood Avenue, Brick, New Jersey 08724.

8. Defendant Donald Doran [hereafter "Doran"] is a citizen of the United States and a resident of New Jersey employed by OCC. Doran holds the position of Assistant Vice President of Student Development at OCC. Doran resides at P.O. Box 594, 145 Ocean Avenue, Island Heights, New Jersey 08732.

9. Defendant Daniel Duffy [hereafter "Duffy"] is a citizen of the United States and a resident of New Jersey employed by OCC. Duffy holds the position of Vice President of Student Affairs at OCC. Duffy resides at 432 Prospect Avenue, Pine Beach, New Jersey 08741.

10. Defendant Joseph Adelizzi [hereafter "Adelizzi"] is a citizen of the United States and a resident of New Jersey employed by OCC. Adelizzi holds the position of Director of Student Media at OCC. Adelizzi resides at 424 Compass Avenue, Beachwood, New Jersey 08722.

PRELIMINARY STATEMENT

11. This action is brought pursuant to 42 U.S.C. § 1983 to challenge the constitutionality of the actions of the President of Ocean County College Jon H. Larson, the Board of Trustees of Ocean County College, Ocean County College, and several other OCC administrators that resulted in the attempted firing and removal of the *Viking News*' Student Newspaper Advisor, the prior review and prior restraint of publication of the *Viking News*, the withholding of adequate funding from the *Viking News*, and various other actions that amount to censorship by intimidation.

12. Plaintiffs seek a declaration that the actions of the Defendants violate their constitutional rights as well as injunctive relief against Defendants for the

adverse content-based decisions that resulted in violations of Plaintiffs' First and Fourteenth Amendment rights, Plaintiffs' rights under the New Jersey State Constitution as well as the costs of this litigation, including reasonable attorneys' fees and costs.

JURISDICTION

13. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. §1983. The Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. The Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

VENUE

14. Venue is proper in the United States District Court for New Jersey, pursuant to 28 U.S.C. §§ 110 and 1391(b) because the claims arose in the State of New Jersey.

STATEMENT OF FACTS

15. The *Viking News* is a biweekly newspaper providing coverage of campus news and pop culture to the Township of Toms River, New Jersey, and the surrounding community, including Ocean County College. *Viking News*' offices are located on the OCC campus, and the newspaper is staffed by OCC students.

16. The *Viking News* has been written, produced, and published by OCC students since 1967. The newspaper was established in 1967 because the students wanted a newspaper free of administrative control.

17. The *Viking News* is a student-run newspaper that exists independently from the academic curriculum at OCC. The *Viking News* is funded by student activity fees and advertising.

18. Similarly, the college radio station, the *Viking Voice*, and the college literary magazine, the *Seascope*, are student-run activities that exist independently from the academic curriculum at OCC. Likewise, the *Viking Voice* and the *Seascope* are funded by student activity fees.

19. For the 2005 academic year, Plaintiff Coppola held the position of Editor in Chief for the *Viking News*. For the 2004 academic year, Plaintiff Coppola held the position of Co-Editor in Chief for the *Viking News*. For the 2003 academic year, Plaintiff Coppola was a Staff Writer and Photographer for the *Viking News*.

20. For 2005 academic year, Plaintiff Morales held the position of News and Photography Editor for the *Viking News*. For the second semester of 2004, Plaintiff Morales held the position of Staff Writer for the *Viking News*. For the 2006 academic year, Plaintiff Morales will be returning to the *Viking News*.

21. For the 2004 and 2005 academic years, Plaintiff Rush held the position of Sports Editor for the *Viking News*. For 2003 academic year, Plaintiff Rush held the position of Editor in Chief for the *Viking News*.

22. For the past thirty-five years, Karen Bosley ["Bosley"] has been a professor at OCC and Student Newspaper Advisor to the *Viking News*. The position of Student Newspaper Advisor is in addition to her employment as an OCC tenured professor.

23. Bosley's position as Student Newspaper Advisor is funded by mandatory student activities fees paid by the enrolled students at OCC. Likewise, the student advisor positions for the *Viking Voice* and the *Seascope* are funded by student activities fees.

24. Bosley created the Print and Broadcast Journalism Degree Program at OCC in 1977, New Jersey's first two-year college journalism program, and taught the great majority of journalism classes for the past twenty-eight years. She has been a tenured professor at OCC since 1983.

25. As Student Newspaper Advisor, Bosley advises the student editors and reporters of the *Viking News*. This role as advisor is intended and designed to allow the student editors to exercise and maintain editorial control over the content of the newspaper. Consistent with long-standing precedent, the Editor-in-Chief of the *Viking News* has final authority for publication content, and content decisions rest in the hands of the student editors.

26. As Student Newspaper Advisor, Bosley advises the student editors and the reporters of the *Viking News* that the First Amendment offers them certain protections and that they should exercise those rights responsibly and without fear of retribution.

27. As Student Newspaper Advisor, Bosley advises the student editors and the reporters of the *Viking News* that the newspaper is theirs, that the Editor-in-Chief is the publisher, and that the staff has total control over the look, content, and schedule of the *Viking News*.

28. During Bosley's thirty-five year tenure as Student Newspaper Advisor, the *Viking News* has been nationally and locally recognized for its overall excellence in reporting, writing, and photography dozens of times. For example, the Society of Collegiate Journalists, a national organization that judges two-year and four-year colleges alike, awarded approximately twenty-six awards to the *Viking News* over

the last six years. Similarly, the New Jersey Press Association's New Jersey Better College Newspaper Contest has awarded fifty state-contest awards to the *Viking News* over the last seven years.

29. During Bosley's thirty-five year tenure as Student Newspaper Advisor, the *Viking News* became New Jersey's first two-year college weekly student newspaper.

30. During Bosley's thirty-five year tenure as Student Newspaper Advisor, the *Viking News* was one of the first two-year college newspaper staffs in New Jersey to develop an online version of its newspaper.

31. Bosley has been nationally recognized as a pioneer in the field of student journalism, both as a professor and as a student advisor. For example, Bosley was named Distinguished Newspaper Advisor for the Nations's Two-Year Colleges in 1978, and has been recently nominated for induction into the College Media Advisors' Hall of Fame and the Louis Ingelhart National First Amendment Award.

32. Bosley also has been recognized numerous times in *Whose Who* publications and she was the first part-time professor at OCC to be promoted to the position of full time professor.

33. Up until her removal as Student Newspaper Advisor, Bosley's job performance reviews as both a tenured senior professor and Student Newspaper Advisor were excellent. Bosley's Student Newspaper Advisor evaluations in the early 1990s were glowing with positive remarks. Similarly, all of her academic evaluations over the years have been exemplary.

President Larson's Initial Contact with the Viking News

34. Defendant Larson began his tenure as President of OCC in the fall semester of 2000.

35. In September 2000, Defendant Larson asked the entire *Viking News* editorial board to dinner at his residence to discuss the future of the *Viking News*.

36. The *Viking News* editors responded to Larson's request by offering to make him dinner in the OCC Student Center.

37. Larson never responded to the *Viking News* editors' invitation.

38. Later in the fall of 2000, Larson contacted the *Viking News* editors to request that his written articles be published in every edition of the *Viking News*.

39. The *Viking News* editors felt intimidated and threatened by Larson's demands to carry his articles and raised their concerns with Bosley.

40. The *Viking News* Editor-in-Chief complied with Larson's demands to publish his articles on a trial basis, but Larson was told that his articles would be held to the same standard as any other *Viking News* articles contributor.

41. After publishing Larson's articles for seven months, the *Viking News* Editor-in-Chief refused to publish Larson's articles because he missed deadlines and wrote on topics that were not interesting to the OCC community.

President Larson's Inauguration Gala

42. In October 2000, the *Viking News* published an article reporting that OCC was having an Inauguration Gala for Larson. The *Viking News* was originally told by the Larson administration that the Gala would cost \$50,000, with \$26,500 already raised by the OCC foundation and private donors, and the remaining \$23,500 to be paid out of the college budget and student tuition. Attached hereto at Exhibit 1 is a true and

correct copy of the *Viking News* article “Half \$50,000 inauguration costs covered by funders”, dated October 19, 2000.

43. In the same issue, the *Viking News* published an editorial admonishing the Larson administration for not inviting students to Larson’s Inauguration Gala, but asking them to volunteer as marshals for the event. Attached hereto at Exhibit 2 is a true and correct copy of the *Viking News* editorial “Students can pay but not attend party”, dated October 19, 2000.

44. The paper later reported that Larson’s Inauguration Gala ended up costing \$78,000. Attached hereto at Exhibit 3 is a true and correct copy of the *Viking News* article “Inauguration costs \$78,000 so far”.

45. When a reporter for the *Viking News* inquired where the funds would come from to pay for the remaining cost of the Inauguration Gala, the Larson administration responded that the remaining \$51,500 would be paid from fundraising.

46. The *Viking News* reported months later that the remaining cost of the Gala was paid out of the Coca Cola contract fund, money originally earmarked for student and faculty needs at OCC. Attached hereto at Exhibit 4 is a true and correct copy of the *Viking News* article “Coke funds go to inauguration”.

47. In December of 2000, The *Viking News* published an editorial criticizing the Larson administration for poor planning and foolish spending related to the Inauguration Gala. Attached hereto at Exhibit 5 is a true and correct copy of the *Viking News* editorial “\$-raising so far fails to pay costs of gala”.

48. In January 2001, two *Viking News* staff members received the 2000 Journalism Award for Distinguished Business and Financial Reporting of New Jersey for their articles related to the investigation into Larson's Inauguration Gala.

President's Larson's Decision to Create a College Logo

49. In the fall of 2000, Larson and his administration decided to replace OCC's official seal with a new logo.

50. The *Viking News* ran two editorials criticizing Larson's plan to institute a new logo and the new logo's selection process. Attached hereto at Exhibit 6 is a true and correct copy of the *Viking News* editorial "Traditions important; keep symbol, colors". Also attached hereto at Exhibit 7 is a true and correct copy of the *Viking News* editorial "Logo proposals need more work".

51. In the spring of 2001, the Larson administration settled on a logo involving blue waves, rather than utilizing the official OCC colors, green and white.

52. At the same time, the *Viking News* published another editorial satirizing Larson's new logo. This editorial also reported that the logo was chosen by an outside consulting firm in the end, not OCC's faculty or students. Attached hereto at Exhibit 8 is a true and correct copy of the *Viking News* editorial "Logo suggests more than planners hoped".

53. In response to the publication of the *Viking News* editorial, Roseann D' Urso, Coordinator of Publicity of OCC, submitted a letter that was published in the *Viking News*, criticizing the newspaper for its characterizations of the college's seal and the new logo. Attached hereto at Exhibit 9 is a true and correct copy of *Viking News* republication of letter entitled "Seal official symbol, has history; logo current, creative marketing tool".

The Viking News Reports on Discrimination Suit at Larson's Former College

54. On October 30, 2003, the *Viking News* reported that the Board of Trustees at Luzerne Community College ["LCC"], where Larson was president from 1997 through 2000, had settled a discrimination lawsuit with Susan Merkel ["Merkel"], a former Associate Dean of Human Resources at LCC. Attached hereto at Exhibit 10 is a true and correct copy of the *Viking News* article "Larson's former college settles bias lawsuit".

55. The *Viking News* also reported that Merkel claimed she was harassed and discriminated against based on her ethnicity and age, and that Larson fired her because she opposed his attempts to get her to persuade older faculty members at LCC to accept early retirement.

56. The article also noted that the total settlement had not been announced, but LCC's Board of Trustees approved a payment to Merkel for \$87,500.

OCC Administration Restricts Viking News' Access to School Officials

57. In the fall of 2003, Defendant Kelly, Vice-President/Executive Director of College Relations at OCC, informed the newspaper that the *Viking News* staff would no longer be allowed to solicit quotes or comments directly from OCC faculty, staff, or administrative officials, but rather they would have to go through the college's public relations department before being granted an interview.

58. Soon thereafter, the *Viking News* published an editorial publicly criticizing the administration's new policy as being evasive and standoffish. Attached hereto at Exhibit 11 is a true and correct copy of the *Viking News* editorial "Sources should not be gagged, silenced".

59. Kelly responded to the *Viking News*' editorial by writing a letter on behalf of the Larson administration. Kelly's editorial admonished the *Viking News*' Editors for their unprofessional and biased opinion and defended the administration's policy. Attached hereto at Exhibit 12 is a true and correct copy of *Viking News* republication of letter entitled "Paper, editor 'disappoint' director of public relations".

60. Kelly demanded that the *Viking News* publish her entire 732-word submission in the next issue of the *Viking News*, despite the *Viking News*' longstanding policy of limiting submissions to 250 words.

61. Plaintiff Rush refused to break the policy to appease Kelly.

62. Kelly again demanded that the *Viking News* publish her entire article, this time in a series.

63. Plaintiff Rush refused to give into Kelly's demands.

64. Kelly's actions, on behalf of the Larson administration, amount to censorship by intimidation by demanding that the *Viking News* follow a certain course of action related to the content of the newspaper.

OCC Activity Time Change Controversy

65. On November 4, 2004, the *Viking News* reported that Larson planned to change the long standing Activity Time for extracurricular activities at OCC from 1:40 p.m. to 3:10 p.m. Attached hereto at Exhibit 13 is a true and correct copy of the *Viking News* article "President to move activity time to late afternoon in fall", dated November 4, 2004.

66. The article stated that Larson sent out an email about the Activity Time Change to several OCC administrators, but no students or faculty members were surveyed on the matter.

67. In the same issue of the newspaper, a *Viking News* editor wrote an editorial criticizing the Activity Time Change because it would cause student participation in clubs and other programs to drop sharply because most OCC students worked after school and would not wait around after their classes were over for the later activity time. Attached hereto at Exhibit 14 is a true and correct copy of the *Viking News* editorial "Activity-hour change to end involvement?", dated November 4, 2004.

68. The editorial also criticized Larson for not surveying any students or student groups before instituting the Activity Time Change.

69. The same issue of the *Viking News* also included a survey for readers to express their views regarding the Activity Time Change.

Larson's Closed Door Meeting with Viking News Editors

70. After publishing the article on time change, Chelsea Michaels ["Michaels"], one of the editors of the *Viking News*, was summoned to a November 16, 2004 meeting in Larson's office by Kelly. The purpose of the meeting was to discuss alleged inaccuracies in the November 4th edition of the *Viking News*.

71. On November 16, 2004, Plaintiff Coppola accompanied Michaels to the meeting in Larson's office.

72. Larson refused to allow Coppola to tape record the meeting.

73. At the meeting, Larson criticized the Activity Time Change article for being biased and instructed the Editors to show restraint with what gets written in future issues of the *Viking News*.

74. Larson accused the Editors of having their editorials manipulated by "some little devil" working behind the scenes at the *Viking News*. He instructed the Editors not to listen to any outside influence.

75. At the same meeting, Larson threatened to “take action” against the *Viking News* and its staff, if the Editors did not retract what he said were inaccuracies in the November 4, 2004 article on the Activity Time Change.

76. At the meeting, Kelly added that the Editors needed to be professional and unbiased in their writings. She concluded the meeting by asking the Editors if they had learned their lesson and would take the meeting as a good learning experience as what journalists should and should not do.

77. Larson’s and Kelly’s actions were direct attempts to force Coppola and Michaels into printing a retraction and rethinking the next time the *Viking News* published an article critical of Larson or his administration.

78. As a result of Larson’s threats, the *Viking News* staff no longer felt secure in publishing articles critical of Larson’s administration without fear of retribution from him and his administration.

79. Larson’s and Kelly’s actions amounted to censorship by intimidation by attempting to control the future content of the *Viking News*.

Viking News’ Response to Larson’s Threats

80. In the December 16, 2004 edition of the *Viking News*, Coppola published a column detailing a first-hand account of the meeting with Larson and Kelly. Attached hereto at Exhibit 15 is a true and correct copy of the *Viking News* editorial “Meeting not just “fact correction”, dated December 16, 2004.

81. Coppola wrote that the *Viking News* staff stood by what it originally reported in the November 4, 2004 edition of the *Viking News*.

82. Coppola concluded the editorial by stating that Larson’s comments were “intimidating” and a “clear threat to our First Amendment rights.”

83. In this edition, the *Viking News* also published the results of its survey relating to the decision to change the activity time at OCC.

84. Sixty-nine percent of the one hundred and fifty-three respondents said they felt the Activity Time Change would be detrimental to OCC and its students. Only twenty-six percent of the respondents supported the time change. Attached hereto at Exhibit 16 is a true and correct copy of the *Viking News* article "153 respond to time-change survey; 26% favor", dated December 16, 2004.

85. The *Viking News* was awarded the Enterprise/Investigative Reporting Award by the New Jersey Press Association in the New Jersey Collegiate Press Association Journalism Contest for its articles related to the Activity Time Change.

President Larson's Attempt to Silence the Viking News by Removing Karen Bosley

86. Upon information and belief, in a meeting on May 21, 2004, a part-time professor at OCC, was asked to meet with Larson, Kelly, Defendant Duffy, Vice President of Student Affairs, and three other administrators in Larson's office to discuss replacing Bosley as Student Newspaper Advisor at the *Viking News*.

87. During the meeting, Larson complained that the *Viking News* was biased against his administration and did not fairly cover his administration's viewpoint in their articles.

88. Larson complained about the content of the *Viking News* because the student writers poked fun at him and declined to publish any more of his articles.

89. Kelly complained about the content of the *Viking News* because the student writers did not publish enough of her press releases.

90. At that meeting, Larson offered the part-time professor the Student Newspaper Advisor position for the *Viking News*. The part-time professor did not accept the position.

91. Only six weeks after the *Viking News* published the various Activity Time Change articles and editorials, Duffy and Defendant Doran, Assistant Vice President of Student Development, by letter dated January 26, 2005, notified Bosley that the Larson administration was seeking a recommendation to terminate her as Student Newspaper Advisor for cause. Attached hereto at Exhibit 17 is a true and correct copy of the "January 26th, 2005 Termination Letter."

92. On March 14, 2005, Doran, Duffy, and an OCC attorney met with Bosley to discuss her termination as Student Newspaper Advisor of the *Viking News*.

93. During that meeting, Bosley told Doran and Duffy that any attempt to fire her for cause was a violation of her Constitutional rights.

94. The Larson administration retreated after that meeting, notifying Bosley on March 23, 2005, that the recommendation to terminate her as Student Newspaper Advisor would not be put before the Board of Trustees of OCC for a vote.

95. However, the Larson administration continuously harassed Bosley about retirement.

96. After realizing that it could not fire Bosley for cause, the Larson administration changed tactics. In a letter dated October 24, 2005, Doran notified Bosley that he was not recommending to Larson that her contract as Student Newspaper Adviser to the *Viking News* be renewed for the 2006-2007 academic year. Attached hereto at Exhibit 18 is a true and correct copy of the "Oct. 24, 2004 Non-Renewal Letter."

97. Doran cited only two reasons for Bosley's removal. The first was because Bosley's five year plan for the *Viking News* requested \$10,000 in MacIntosh related equipment, rather than a PC based system.

98. The second reason cited by Doran was editing mistakes in the *Viking News*. No other reasons were given in the one page letter removing Bosley from her thirty-five year old position.

99. The fact that at least eighty percent of college newspaper departments use MacIntosh computers for publishing and designing their papers undermines Doran's first reason for the non-renewal of Bosley' contract as Student Newspaper Advisor to the *Viking News*. Attached hereto at Exhibit 19 is a true and correct copy of the "College Newspaper Equipment Report".

100. The *Viking News*' national and state recognition and awards for excellence in student journalism undermines Doran's second reason for the non-renewal of Bosley's contract as Student Newspaper Advisor to the *Viking News*.

101. On December 12, 2005, the Board of Trustees of OCC voted not to renew Bosley's contract as Student Newspaper Advisor for the *Viking News*, despite strong student, faculty, and alumni support to the contrary.

102. The attempted firing and removal of Bosley as Student Newspaper Advisor amounts to an adverse content-based action by the Defendants based substantially, if not solely, on the content of *Viking News* articles critical of Larson and the Larson administration.

103. The removal of Bosley as Student Newspaper Advisor will result in the Plaintiff students losing valuable support and advice that she, as a veteran journalism adviser, had provided them as student journalists.

104. The removal of Bosley as Student Newspaper Advisor will place the *Viking News* in limbo as she was instrumental in recruiting staff and teaching student writers about publication.

105. The removal of Bosley as Student Newspaper Advisor will result in the Plaintiffs losing the one authority figure at OCC who encouraged them to exercise their First Amendment rights responsibly and question authority without fear of retribution.

106. The removal of Bosley as Student Newspaper Advisor will result in a chilling of the Plaintiffs' First Amendment Rights and will deter them and the rest of the *Viking News* staff from writing articles critical of the Larson administrations or OCC.

Another Larson Administrator Reprimands Viking News Editors for its Content

107. In the October 6, 2005 issue of the *Viking News*, Plaintiff Morales wrote an article about the new sailing program at OCC. The article reported that sailing program was being funded by private donors and local businesses. Attached hereto at Exhibit 20 is a true and correct copy of the *Viking News* article "Donations provide sailing program", dated October 6, 2005.

108. The article also included several photographs of dilapidated boats that were being stored on the OCC campus as part of a partnership with the New Jersey Museum of Boating for possible restoration.

109. Following publication of October 6, 2005 issue, Defendant Doran came to the *Viking News* office to meet with the Editors.

110. At this meeting, Doran refused to allow the Editors to tape record the meeting because he stated that he did not trust Morales after his publication of the sailing boat pictures.

111. Doran berated the Editors for not portraying the OCC sailing program in a positive light.

112. Doran criticized Morales for publishing photographs of the decaying boats that portrayed the OCC campus as a “junkyard” for decrepit boats.

113. As a result of Doran’s actions, the *Viking News* staff no longer felt safe publishing photographs that could be interpreted as casting OCC or the Larson administration in a negative light without fear of retaliation from the Larson administration.

114. Doran’s actions amounted to an adverse content-based action and censorship by intimidation by attempting to control the future content of the *Viking News*.

Larson Makes Good on His Threats to Take Action against the Viking News

115. In the Fall of 2005, as continued retaliation for the articles written about him and his administration, the Larson administration eliminated all Student Media Workshops related to the *Viking News*.

116. During its existence, the Student Media Workshops were the primary means by which the *Viking News* would solicit new staff members for the following academic year.

117. The elimination of the Student Media Workshops will seriously hamper the *Viking News*’ ability to field a staff for the upcoming year.

118. In the Fall of 2005, Larson’s administration also hired Joseph Adelizzi [“Adelizzi”] for the newly created position of Director of Student Media at

OCC. As Director of Student Media, Adelizzi was responsible for overseeing the three Student Media Advisors at OCC, including Bosley.

119. As Director of Student Media, Adelizzi sat in on production meetings at the *Viking News* and looked over the shoulders of the *Viking News* staff while they were writing articles, processing photos, and laying out pages.

120. Adelizzi also questioned the Editors about the editorial process, demanded to review content prior to publication, requested edits to the final versions of articles that were to be printed in the *Viking News*, and intimidated staff members by chastising them for what he called “errors” after critiquing issues.

121. At no time did the *Viking News* staff ask Adelizzi for assistance in writing articles for the *Viking News*.

122. Accordingly, there was no legitimate reason for Adelizzi to demand to review the newspaper before publication or after.

123. As a result of his presence in the *Viking News* office, one reporter felt threatened and quit the paper. The Plaintiffs felt they were being spied on by the Larson administration, and as a result, turned off their computers, remained silent, and refused to work in front of Adelizzi.

124. The Plaintiffs were intimidated by the cumulative effects of the conduct and continued presence of Adelizzi, and during the time he was in the newsroom, they refrained from writing articles that were critical of the Larson administration.

125. Adelizzi’s uninvited prior review of the newspaper and prior restraint of its content violated the Plaintiffs’ First Amendment rights.

126. Adelizzi's presence in the *Viking News*' office amounts to an adverse content-based action by the Defendants based substantially, if not solely, on the content of *Viking News* articles critical of Larson and the Larson administration.

127. As evidenced by the prior actions and future proposals of the Defendants, the Plaintiffs fear that the Larson administration will continue this course of action in the upcoming academic year.

The Larson Administration's Refusal to Purchase New Equipment for the Viking News

128. In an effort to control the content of the *Viking News*, the Larson administration has repeatedly suggested that the *Viking News* be put on the PC-based OCC controlled server, as opposed to the local MacIntosh server utilized by the *Viking News* staff.

129. The MacIntosh computers used by the *Viking News* operate on an independent, secure server, free from unwanted access by third parties.

130. Larson's proposed PC-based system would operate on OCC's servers, allowing prior review and examination of newspaper content by OCC administrators.

131. The Plaintiffs fear that if their computer system were integrated onto the OCC's servers, it would not be secure from those who might seek to prior review articles currently in production.

132. In or around October 2005, Adelizzi continued the administration's campaign to control content when he said that the *Viking News* would be converted to the PC-based system.

133. Up until the 2005 academic year, Bosley, as Student Newspaper Advisor, and the *Viking News* staff had autonomy to select the computers the *Viking*

News operated, subject only to pro forma approvals of the Student Life Office and Information Technology staff.

134. This year the selection of computers for the *Viking News* must be approved by Adelizzi.

135. Adelizzi has refused to approve the purchase of any hardware other than PCs that connect to the OCC controlled server.

136. Adelizzi has refused to approve the purchase of any MacIntosh software for the *Viking News*.

137. The administration's conduct in refusing to purchase MacIntosh equipment or software is jeopardizing the *Viking News*' continuing ability to operate on a daily basis.

138. In fact, it is only a matter of time before the *Viking News* will need to agree to the Larson administration's demands and work off of computers that can be monitored by the administration.

139. The Larson Administration's actions, through Adelizzi, amount to an indirect form of censorship by disallowing financial support to the *Viking News*, by disallowing the newspaper to remain on its independent server, and by disallowing the *Viking News*' technology to be current.

First Amendment Experts Weigh in on the Controversy

140. On February 2, 2006, College Media Advisers ["the CMA"], a national organization supporting college media and student advisers, conducted an all-day fact-finding mission regarding the alleged First Amendment violations at OCC.

141. On February 20, 2006, the CMA issued an eleven page report of its findings, conclusions, and recommendations. Attached hereto at Exhibit 21 is a true and correct copy of the “CMA Report”.

142. The CMA Report concluded that Bosley “has experienced punitive action because of the administrative displeasure with both her and with the content of the student newspaper she has advised for more than three decades.”

143. The CMA Report concluded that the reasons given by the Larson administration for its actions against the *Viking News* and Bosley “lacked educational merit and were based upon displeasure with editorial content [of the *Viking News*] or even how and what [Bosley] taught students in her classes.”

144. The CMA Report recommended that Bosley “be reinstated to both her traditional combination of journalism and English classes and to her position as newspaper adviser.” Additionally, the Report recommended that OCC “adopt and publish a clear statement protecting student press freedom of expression and continued editorial control of student media by duly appointed student editors and leaders.”

145. The Larson administration has repeatedly refused to accept CMA’s recommendations.

Larson’s Future Plans to Control the Voice of the Viking News

146. In March of 2005, the *Viking News* learned that Larson’s administration now plans to further control the content of the *Viking News* by overhauling the newspaper’s operations. Attached hereto at Exhibit 22 is a true and correct copy of the “Larson Administration’s Release on the Future of the *Viking News*”.

147. Specifically, the Larson administration plans to:

- a. Create a high-level administrative position with an oversight role over the *Viking News*' implementation and development of the new PC-based network;
- b. Create a Student Media Advisory Board to oversee policy development, manage publications, and govern editorial policy for the *Viking News*; and
- c. Integrate the *Viking News* operations on an administration-controlled PC based server.

148. These actions are parts of a continuing scheme by the Larson administration to squelch the independent voice of the *Viking News* by putting in place mechanisms to control the editorial policy.

149. In April of 2006, Kelly announced to the Asbury Park Press that OCC would not be hiring a Student Newspaper Advisor for the *Viking News* in the fall of 2006 due to state budget cuts.

150. Bosley receives \$4,850 a year for her position as Student Newspaper Advisor.

151. The Defendants' stated reason for not funding a Student Newspaper Advisor position for the 2006 academic year is mere pretext to mask their improper motive of retaliating against the Plaintiffs for their criticism of the Larson administration and controlling the future content of the *Viking News* by removing the lone authority figure who counseled the students on how to handle critics and criticism among various constituencies and pressure groups.

152. Unlike most positions at OCC, the *Viking News*' Student Newspaper Advisor position is funded by student activity fees, not state-allocated academic aid. Nor is any state aid allocated for the *Viking News*.

153. The fact that the Defendants have only chosen to withhold funding directed at supporting a Student Advisor position for the *Viking News*, rather than the other two Student Media Advisor positions at OCC, demonstrates that Defendants' underlying reason for withholding these funds is to silence the voice of the *Viking News* and gain control over the its content.

COUNT I – 42 U.S.C. 1983

(Freedom of Speech/Freedom of Press)

154. Plaintiffs incorporate by reference the prior allegations of this Verified Complaint as if fully set forth herein.

155. Plaintiffs have constitutional rights under the First and Fourteenth Amendments to the United States Constitution to the exercise of the freedom of speech and press, free from interference by state actors.

156. The Defendants are state actors acting under color of law.

157. In contravention of these constitutionally protected rights, the Defendants failed to renew Bosley's contract as Student Newspaper Advisor to student editors and reporters for the *Viking News* for the upcoming school year.

158. In contravention of these constitutionally protected rights, the Defendants hired the Director of Student Media to question and criticize the Plaintiffs' editorial process, prior review the publication, and prior restrain the content of the *Viking News*.

159. In contravention of these constitutionally protected rights, the Defendants have attempted to censor the *Viking News* (and Plaintiffs) by intimidation and retaliatory action aimed at promoting the Defendants' viewpoint and silencing the Plaintiffs' dissent.

160. In contravention of these constitutionally protected rights, the Defendants have attempted to censor the *Viking News* (and Plaintiffs) by withholding funds for much needed computer equipment and eliminating the print media workshops.

161. In contravention of these constitutionally protected rights, the Defendants have attempted to censor the *Viking News* (and Plaintiffs) by planning to create a high-level administrative position and a student media advisory board to oversee the *Viking News* staff, control the *Viking News*' editorial policy, and prior review all publications of the *Viking News*.

162. The Defendants' adverse actions were under color of law and were impermissibly based, in significant part, on the content of the newspaper and resulted in a chilling of the First Amendment rights of the Plaintiffs.

163. There was no legitimate reason for the Defendants' actions, and any attempt by the Defendants to label their actions as such is mere pretext to mask the adverse-content based reasons for their actions.

164. As a direct and proximate cause of Defendants' actions, Plaintiffs were injured in their rights to free speech and free press guaranteed by the First and Fourteenth Amendments to the United States Constitution.

165. Plaintiffs Coppola, Morales, and Rush's rights, status and legal relations are affected by the actions of the Defendants under color of state law, and

plaintiffs Coppola, Morales, and Rush hereby seek judicial determination and declaration of the First Amendment rights of the *Viking News* and its student editors to exercise editorial decisions, even if these are contrary to the wishes of the members of administration and Board of Trustees of Ocean County College.

166. Plaintiffs have no adequate remedy at law.

COUNT II – 42 U.S.C. 1983

(Retaliation)

167. Plaintiffs incorporate by reference the prior allegations of this Complaint as if fully set forth herein.

168. The *Viking News*' publication of articles critical of the Defendants is a constitutionally protected activity.

169. Defendants retaliated against Plaintiffs by the attempted firing and removal of Bosley as Student Newspaper Advisor to the *Viking News*.

170. Defendants retaliated by hiring and placing Adelizzi in the position to restrain and review the publication of any future *Viking News* articles that were critical of the Defendants.

171. Defendants retaliated by abolishing all Student Media Workshops related to the *Viking News*.

172. Defendants retaliated by withholding funding to purchase MacIntosh computer equipment and software for the *Viking News* and employ a Student Newspaper Advisor for the upcoming academic year.

173. Defendants retaliated by threatening the *Viking News* Editors that adverse action would be taken against them.

174. The *Viking News*' recent outspoken and award winning articles criticizing the Defendants were the cause of the retaliation brought on by the Defendants.

COUNT III – 42 U.S.C. 1983

(Equal Access)

175. Plaintiffs incorporate by reference the prior allegations of this Verified Complaint as if fully set forth herein.

176. OCC facilitates the expression of a diversity of views from private speakers, like the *Viking News*, the college radio station (the *Viking Voice*), and the campus literary magazine (the *Seascope*).

177. The OCC student activity fees subsidize a broad array of extra-curricular activities, including the *Viking News*, the *Viking Voice*, and the *Seascope*.

178. The OCC student activity fees fund the salaries for the Student Advisors of the *Viking News*, the *Viking Voice*, and the *Seascope*.

179. OCC created a limited public forum defined by student speech free from administrative control when it opened up the OCC campus facilities for speech by the *Viking News*, the *Viking Voice*, and the *Seascope* on matters related to students and OCC.

180. Defendants have denied the *Viking News* access to the school's limited public forum by removing Bosley as advisor, abolishing the student newspaper advisor position, subjecting the paper to prior review, and abolishing the student media workshops for the *Viking News*.

181. Neither the *Viking Voice* nor the *Seascope* has been subject to similar harsh treatment. Neither organizations' student advisor positions have been

abolished for alleged funding reasons, nor are there plans to install an administrative board to govern editorial policy for either of these organizations.

182. By denying the *Viking News* access to these benefits while providing access to other similarly situated student groups, the Defendants are impermissibly denying Plaintiffs access to its limited public forum.

183. There was no legitimate reason for the Defendants' actions, and any attempt by the Defendants to label their actions as such is mere pretext to mask the adverse-content based and viewpoint based reasons for their actions.

COUNT III – N.J. CONSTITUTION ART. I § 6

(Freedom of Speech/Freedom of Press/Freedom of Association)

184. Plaintiffs incorporate by reference the prior allegations of this Verified Complaint as if fully set forth herein.

185. Plaintiffs have constitutional rights under Article I § 6 of the New Jersey Constitution to the exercise of the freedom of speech, freedom of press, and freedom of association, free from interference by state actors.

186. Defendants are state actors acting under color of law.

187. The adverse actions of Defendants, as described herein, were under color of law and were impermissibly based, in significant part, on the content of the newspaper and resulted in a chilling of the Art. I § 6 rights of the Plaintiffs.

188. There was no legitimate reason for the Defendants' actions, and any attempt by the Defendants to label their actions as such is mere pretext to mask the adverse-content based reasons for their actions.

189. As a direct and proximate cause of Defendants' actions, Plaintiffs were injured in their rights to free speech, free press, and free association guaranteed by the Article I § 6 of the New Jersey Constitution.

190. Plaintiffs Coppola, Morales, and Rush's rights, status and legal relations are affected by the actions of the Defendants under color of state law, and plaintiffs Coppola, Morales, and Rush hereby seek judicial determination and declaration of their Art. I § 6 rights of the *Viking News* and its student editors to exercise editorial decisions, even if these are contrary to the wishes of the members of administration and Board of Trustees of Ocean County College.

191. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs seek judgment against Defendants for the following relief:

(a) Entry of an Order granting temporary relief to Plaintiffs in the form of a Preliminary Injunction,

(b) Entry of an Order declaring that the *Viking News*, its student reporters, and student advisor have the right under the United States Constitution and amendments thereto to the exercise of the freedom of speech and freedom of the press, free from interference by OCC administrators and board of trustees,

(c) Entry of an Order declaring that the *Viking News*, its student reporters, and student advisor have the right under the New Jersey Constitution and amendments thereto to the exercise of the freedom of speech and freedom

of the press, free from interference by OCC administrators and board of trustees,

(e) Entry of an Order enjoining the Defendants, and those acting at the direction of, or on behalf of, the Defendants, from removing Bosley from her position as Student Newspaper Advisor of the *Viking News*,

(f) Entry of an Order enjoining the Defendants, and those acting at the direction of, or on behalf of, the Defendants, from installing another person other than Bosley into the position of Student Newspaper Advisor of the *Viking News*,

(g) Entry of an Order enjoining the Defendants, and those acting at the direction of or on behalf of the Defendants, from withholding funding for a Student Newspaper Advisor for the *Viking News* for the upcoming academic year,

(h) Entry of an Order directing the Defendants, and those acting at the direction of or on behalf of the Defendants, to re-establish the Student Media Workshops for the *Viking News*.

(i) Entry of an Order enjoining the Defendants, and those acting at the direction of or on behalf of the Defendants, from taking actions regarding the governance, operation, and existence of the *Viking News*, and specifically regarding the purchase of computer equipment and plans to overhaul the operations of the *Viking News*,

(j) Awarding Plaintiffs their costs of litigation, including reasonable attorneys' fees and expenses pursuant to 42 U.S.C. § 1988,

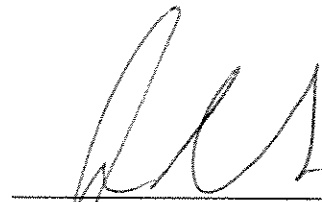
(k) Awarding such other relief that this Court deems just and equitable.

NOTICE OF OTHER ACTIONS PURSUANT TO L.CIV.R. 11.2

The undersigned hereby certifies that the matter in controversy is not the subject of any other action or proceeding in any Court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated. I do not currently know of any other parties who should be joined in this action.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Angelo A. Stio III as their trial counsel.



Angelo A. Stio III (AS 7880)
PEPPER HAMILTON LLP
300 Alexander Park
Princeton, NJ 08543-5276
(609) 452-0808

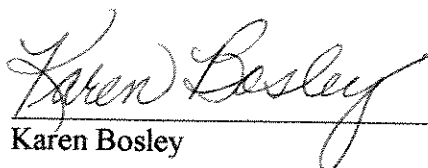
Attorneys for Plaintiffs

Dated: May 10, 2006

VERIFICATION

I, Karen Bosley, hereby depose and state that I have been the Student Advisor of the *Viking News* for the past thirty-five years and have personal knowledge of the facts contained in the Verified Complaint. I verify that those facts are true and correct.

I verify, under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746), that the foregoing is true and correct. Executed on May 10, 2006.

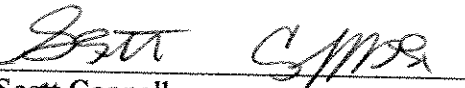


Karen Bosley

VERIFICATION

I, Scott Coppolla, hereby depose and state that I am a named plaintiff in the Verified Complaint and, unless otherwise noted, have personal knowledge of the facts contained therein that occurred during 2004, 2005 and 2006. I verify that those facts are true and correct.

I verify, under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746), that the foregoing is true and correct. Executed on May 10, 2006.




Scott Coppolla

VERIFICATION

I, Alberto Morales, hereby depose and state that I am a named plaintiff in the Verified Complaint and, unless otherwise noted, have personal knowledge of the facts contained therein that occurred during 2004, 2005 and 2006. I verify that those facts are true and correct.

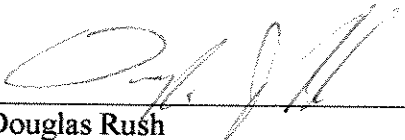
I verify, under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746), that the foregoing is true and correct. Executed on May 10, 2006.


Alberto Morales

VERIFICATION

I, Douglas Rush, hereby depose and state that I am a named plaintiff in the Verified Complaint and, unless otherwise noted, have personal knowledge of the facts contained therein that occurred during 2004, 2005 and 2006. I verify that those facts are true and correct.

I verify, under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746), that the foregoing is true and correct. Executed on May 10, 2006.



Douglas Rush