

CIVIL CASE INFORMATION STATEMENT

(CIS)

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:



Use for initial Law Division – Civil Part pleadings (not motions) under Rule 4:5-1.

Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

ATTORNEY/PRO SE NAME: Marianne F. Auriemma/Thomas D. Shanahan
 TELEPHONE NUMBER: (201) 845-5751
 COUNTY OF VENUE: Essex

FIRM NAME (if applicable): Shanahan & Associates, Law Office of Marianne F. Auriemma
 DOCKET NUMBER (When available):

OFFICE ADDRESS: 521 Lincoln Avenue, Maywood, New Jersey 07607
 DOCUMENT TYPE: Summons and Complaint
 JURY DEMAND: YES NO

NAME OF PARTY (e.g., John Doe, Plaintiff): Anthony Romeo
 CAPTION: Anthony Romeo v. Seton Hall University, Inc.

CASE TYPE NUMBER (See reverse side for listing): 999
 IS THIS A PROFESSIONAL MALPRACTICE CASE? YES NO
 IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.

RELATED CASES PENDING? YES NO
 IF YES, LIST DOCKET NUMBERS:

DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? YES NO
 NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN: NONE UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? YES NO
 IF YES, IS THAT RELATIONSHIP: EMPLOYER-EMPLOYEE FRIEND/NEIGHBOR OTHER (explain) student/university
 FAMILIAL BUSINESS

B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? YES NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

This case should be assigned an extremely expedited track as the damage is on-going and irreparable.

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? YES NO
 IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:

WILL AN INTERPRETER BE NEEDED? YES NO
 IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE:



CIVIL CASE INFORMATION STATEMENT (CIS)

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

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

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY
- 502 BOOK ACCOUNT
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III — 450 days' discovery

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

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

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 613 REPETITIVE STRESS SYNDROME
- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

- | | |
|----------------|--------------|
| 240 DIET DRUG | 264 PPA |
| 246 REZULIN | 601 ASBESTOS |
| 247 PROPULSID | 619 VIOXX |
| 248 CIBA GEIGY | |

999 OTHER (Briefly describe nature of action) I o remedy on-going sexual orientation based
discrimination in the context of higher education. Only motion practice anticipated.

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

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59

ATLANTIC COUNTY: Deputy Clerk of the Superior Court Civil Division, Direct Filing Atlantic County Civil Court Bldg. First Floor 1201 Bacharach Boulevard Atlantic City, NJ 08401 (609) 345-6700 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 348-4200	CUMBERLAND COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Cumberland County Courthouse Broad & Fayette Streets P. O. Box 615 Bridgeton, NJ 08302 (856) 451-8000 LAWYER REFERRAL (856) 692-6207 LEGAL SERVICES (856) 451-0003	MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 South Broad St., P.O. Box 8068 Trenton, NJ 08650 (609) 278-7986 LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES (609) 695-6249	SALEM COUNTY: Deputy Clerk of the Superior Court Salem County Courthouse 92 Market Street P.O. Box 18 Salem, NJ 08079 (856) 935-7510 LAWYER REFERRAL (856) 935-5628 LEGAL SERVICES (856) 451-0003
BERGEN COUNTY: Deputy Clerk of the Superior Court Case Processing Section, Room 119 Bergen County Justice Center 10 Main Street Hackensack, NJ 07601-0769 (201) 646-2800 LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166	ESSEX COUNTY: Deputy Clerk of the Superior Court 50 West Market Street, Room 131 Newark, NJ 07102 (973) 693-5700 LAWYER REFERRAL (973) 622-6207 LEGAL SERVICES (973) 624-4500	MIDDLESEX COUNTY: Deputy Clerk of the Superior Court Middlesex Administration Building, 3 rd Floor 1 Kennedy Square, P.O. Box 2633 New Brunswick, NJ 08903-2633 (732) 981-3200 LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES (732) 249-7600	SOMERSET COUNTY: Deputy Clerk of the Superior Court Civil Division Office New Courthouse, 3 rd Floor P.O. Box 3000 Somerville, NJ 08876 (908) 231-7000 LAWYER REFERRAL (908) 685-2323 LEGAL SERVICES (908) 231-0840
BURLINGTON COUNTY: Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake Burlington County Court Facility, First Floor 49 Rancocas Road Mount Holly, NJ 08060 (609) 518-2500 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (609) 261-1088	GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake First Floor, Court House 1 North Broad Street, P.O. Box 129 Woodbury, NJ 08096 (856) 853-3200 LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-5360	MONMOUTH COUNTY: Deputy Clerk of the Superior Court Monmouth County Courthouse 71 Monument Park P. O. Box 1269 Freehold, NJ 07728-1269 (732) 431-7872 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES (732) 866-0020	SUSSEX COUNTY: Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 (973) 579-0675 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400
CAMDEN COUNTY: Deputy Clerk of the Superior Court Civil Processing Office First Floor, Hall of Records 101 South Fifth Street Camden, NJ 08103 (856) 225-5000 LAWYER REFERRAL (856) 964-4520 LEGAL SERVICES (856) 964-2010	HUDSON COUNTY: Deputy Clerk of the Superior Court Civil Records Dept. Brennan Courthouse, First Floor 583 Newark Avenue Jersey City, NJ 07306 (201) 795-6000 LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363	MORRIS COUNTY: Deputy Clerk of the Superior Court Civil Division 30 Schuyler Place, P.O. Box 910 Morristown, NJ 07960-0910 (973) 656-4110 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 285-6911	UNION COUNTY: Deputy Clerk of the Superior Court Union County Courthouse 2 Broad Street, First Floor Elizabeth, NJ 07207-6073 (908) 659-4100 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES (908) 354-4340
CAPE MAY COUNTY: Deputy Clerk of the Superior Court Cape May County Courthouse 9 North Main Street Box DN-209 Cape May Court House, NJ 08210 (609) 465-1000 LAWYER REFERRAL (609) 463-0313 LEGAL SERVICES (609) 465-3001	HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822 (908) 788-1589 LAWYER REFERRAL (908) 735-2611 LEGAL SERVICES (908) 782-7979	OCEAN COUNTY: Deputy Clerk of the Superior Court Courthouse, Room 119 118 Washington Street Toms River, NJ 08754 (732) 244-2121 LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727	WARREN COUNTY: Deputy Clerk of the Superior Court Civil Division Office Warren County Courthouse 413 Second Street Belvidere, NJ 07823-1500 (908) 475-6161 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (908) 475-2010
		PASSAIC COUNTY: Deputy Clerk of the Superior Court Civil Division Passaic County Court House 77 Hamilton Street Paterson, NJ 07505 (973) 247-8000 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 345-7171	

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Co-Counsel for Plaintiff

ANTHONY ROMEO, individually and on behalf of
himself and student applicants for "TRUTH", a gay
and lesbian student organization denied Provisional
Recognition by Seton Hall University,

Plaintiff,

- against -

SETON HALL UNIVERSITY, Inc., A.B.C. Corp.'s
1-100, John Does 1-100 and DEF Non-Profit Corp.'s
or Institutions 1-100 which may be necessary but
currently unknown to Plaintiff for purposes of
effectuating the equitable relief sought herein,

Defendant.

SUPERIOR COURT OF
NEW JERSEY:
LAW DIVISION

ESSEX COUNTY

DOCKET:

SUMMONS

From the STATE OF NEW JERSEY
To the Defendant named above:

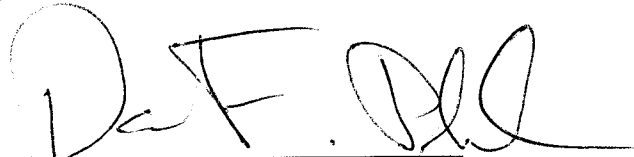
The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, New Jersey. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear

above, or to plaintiff, if no attorney is named. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed case information statement) if you want the Court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and cost of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the County where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: March 10, 2004



Donald F. Phelan
Superior Court Clerk

Defendant to be served:

Seton Hall University
400 South Orange Avenue
South Orange, N.J. 07079

John Does 1 - 100 c/o
Seton Hall University
400 South Orange Avenue
South Orange, N.J. 07079

A.B.C. Corp.'s c/o
Seton Hall University
400 South Orange Avenue
South Orange, N.J. 07079

D.E.F. Non-Profit or Institutions
c/o Archdiocese of Newark
171 Clifton Avenue
Newark, New Jersey 07104

Thomas D. Shanahan
Shanahan & Associates, P.C.
521 Lincoln Avenue
Maywood, New Jersey
(201) 291-1992
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Marianne Auriemma, Esq.
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Co-Counsel for Plaintiff

ANTHONY ROMEO, individually and on behalf of
himself and student applicants for "TRUTH", a gay
and lesbian student organization denied Provisional
Recognition by Seton Hall University,

Plaintiff,

- against -

SETON HALL UNIVERSITY, Inc., A.B.C. Corp.'s
1-100, John Does 1-100 and DEF Non-Profit Corp.'s
or Institutions 1-100 that may be necessary but currently
unknown to Plaintiff for purposes of effectuating the
equitable relief sought herein,

Defendant.

SUPERIOR COURT OF
NEW JERSEY:
LAW DIVISION

ESSEX COUNTY

DOCKET:

**VERIFIED
COMPLAINT**

Anthony Romeo, by and through his attorneys, does hereby complain of the
defendant named herein as follows:

PARTIES

1. Plaintiff Anthony Romeo ("Romeo") is an individual who at all times relevant
is a resident of New York currently residing at South Orange, New Jersey as a student at
Seton Hall University.

2. Romeo is the named applicant on an Application for Provisional Recognition
filed by students to initiate a gay and lesbian student organization at the defendant. The

proposed name for the organization is “TRUTH”. See Exhibit B.

3. Defendant Seton Hall University (“Seton Hall”) is a not-for-profit organization incorporated under the laws of the State of New Jersey with its principle place of business located at 400 South Orange Avenue, South Orange, New Jersey, 07079.

3a. A.B.C. Corp.’s 1-100, John Does 1-100 and DEF Non-Profit Corp.’s or Institutions that may be necessary but currently unknown to Plaintiff for purposes of effectuating the equitable relief sought herein.

4. Romeo is an openly gay male. His sexual orientation is homosexual.

VENUE

5. Venue is appropriate as the cause of action accrued in Essex County.

STATUTES RELEVANT HEREIN

6. The actions of Seton Hall violate the New Jersey Law Against Discrimination (“NJLAD”), N.J. Stat. Ann. §§ 10:5-1, et seq., which prohibits discrimination by a place of public accommodation based upon sexual orientation.

7. Seton Hall is an educational institution and place of public accommodation as defined by the NJLAD §10:5-5(1). The exemption for bona-fide education institutions operated by religious organizations is inapplicable to Seton Hall for the reasons that follow herein.

FACTS GIVING RISE TO CAUSE OF ACTION

8. During his formative years growing up in Upstate New York, Romeo remained “in-the-closet” and did not disclose his sexual orientation to family or friends

for fear of repercussion or violence.

9. During his senior year in highschool, Romeo engaged in extensive research into institutions of higher learning which could offer a first-rate education in an environment accepting of his sexual orientation.

10. Romeo applied to and was accepted by the State University of New York at Albany (“SUNY Albany”) and Seton Hall.

11. After his acceptance by the foregoing institutions, Romeo engaged in research to ascertain which of the institutions prohibited discrimination based upon sexual orientation.

12. Seton Hall and SUNY Albany both prohibited discrimination based upon sexual orientation.

13. The Seton Hall website states in pertinent part:

“The University supports and implements all **state** and federal anti-discrimination laws,...No person may be denied employment or related benefits or admission to the University or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, national origin, gender, **sexual orientation**, handicap and disability or veteran’s status...[these] policies are to be applied in all decisions regarding hiring, promotion, retention, tenure, compensation, benefits, layoffs, academic programs, and social and recreational programs.” [emphasis added] See Exhibit A, also available on the Seton Hall website at <http://admin.shu.edu/complianceprogram/EOAApolicy.html>.

14. Romeo’s research also revealed that Seton Hall Law School maintained a gay and lesbian student organization. His research revealed that Seton Hall University did not.

15. Romeo chose to attend Seton Hall based upon the anti-discrimination policy

as stated on its website which prohibits discrimination based upon sexual orientation.

16. Romeo chose to attend Seton Hall based upon the opportunity to initiate with student colleagues a gay and lesbian student organization at Seton Hall. SUNY Albany has an existing gay and lesbian student organization.

17. During the first semester of his freshman year at Seton Hall, Romeo was subjected to discrimination based upon his sexual orientation (hereinafter “the bias incident”).

18. The bias incident occurred in the dormitory where Romeo resided.

19. The bias incident included perpetrators writing in red ink on Romeo’s door and the wall outside of his room, the terms “Faggot”, “Queer” and “Homo”.

20. Seton Hall held a program on sexual orientation discrimination and the prohibited nature of this conduct after the incident to sensitize students to the effects of discrimination and its prohibited nature on the campus.

21. The bias incident increased Romeo’s determination to initiate a gay and lesbian student organization.

22. The bias incident seemingly reaffirmed the policy contained on the Seton Hall website which prohibits discrimination based upon sexual orientation.

23. On or about November 13, 2003, consistent with policy and procedure of the Department of Student Affairs, Romeo submitted an application for Provisional Recognition of “TRUTH”, an organization for openly gay and lesbian students at Seton Hall. See Exhibit B.

24. On December 18, 2003, Dr. Laura A. Wankel corresponded with Romeo.

Dr. Wankel rejected the application filed by Romeo on behalf of TRUTH. See Exhibit C.

25. Since the rejection by Dr. Wankel on December 18, 2003, meetings have been held between Romeo and Seton Hall representatives in an effort to resolve the dispute giving rise to the complaint filed herein.

26. The efforts to resolve the dispute have been unavailing.

27. Seton Hall continues to deny Romeo and TRUTH Provisional Recognition at Seton Hall.

28. The actions of Seton Hall violate its own internal policy against sexual orientation based discrimination and the NJLAD.

29. The discriminatory conduct of Seton Hall will continue absent an order of this Court.

**FIRST CAUSE OF ACTION
VIOLATION OF THE NEW JERSEY LAW AGAINST DISCRIMINATION**

30. The allegations in paragraphs 1 to 29 are reincorporated herein fully by reference.

31. The NJLAD prohibits discrimination by places of public accommodation based upon sexual orientation.

32. Seton Hall is a place of public accommodation as defined by the NJLAD.

33. Seton Hall has affirmatively waived the religious exemption to the NJLAD by and through its anti-discrimination policy which states:

“The University supports and implements all **state** and federal anti-discrimination laws,...No person may be denied employment or related benefits or admission to the

University or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, national origin, gender, **sexual orientation**, handicap and disability or veteran's status...[these] policies are to be applied in all decisions regarding hiring, promotion, retention, tenure, compensation, benefits, layoffs, academic programs, and social and recreational programs." [emphasis added] See Exhibit A, also available on the Seton Hall website at <http://admin.shu.edu/complianceprogram/EOAApolicy.html>.

34. The policy constitutes an affirmative waiver of the religious exemption codified in the NJLAD and affirmatively acknowledges jurisdiction of the NJLAD and its prohibition against sexual orientation based discrimination.

35. Seton Hall has and continues to violate the NJLAD by and through its refusal to recognize a gay and lesbian student organization based upon the sexual orientation of Romeo and its proposed membership.

36. Seton Hall will continue to violate the NJLAD to the detriment of Romeo and all those similarly situated absent an order of this Court.

SECOND CAUSE OF ACTION BREACH OF CONTRACT

37. The allegations in paragraphs 1 to 36 are reincorporated herein fully by reference.

38. Seton Hall maintains an anti-discrimination policy which states in pertinent part:

“The University supports and implements all **state** and federal anti-discrimination laws,...No person may be denied employment or related benefits or admission to the University or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, national origin, gender, **sexual orientation**, handicap and disability or veteran's status...[these] policies are to be applied in all decisions regarding hiring, promotion, retention, tenure, compensation, benefits, layoffs, academic programs, and social and recreational programs.” [emphasis added] See Exhibit A, also

available on the Seton Hall website at
<http://admin.shu.edu/complianceprogram/EOAApolicy.html>.

39. The Seton Hall policy stated herein is available on its official website and disseminated publically via the internet throughout the world.

40. The Seton Hall policy stated herein has the intent to bind Seton Hall to the NJLAD.

41. Romeo and similarly situated students are aware of the Seton Hall policy stated herein.

42. Romeo in actual reliance upon the policy stated herein affirmatively chose to attend Seton Hall and not SUNY Albany in part for the opportunity to establish a gay and lesbian student organization with the full recognition of Seton Hall.

43. The policy stated herein constitutes a unilateral contract upon which Romeo detrimentally relied.

44. The policy stated herein constitutes a unilateral contract which Romeo accepted to his detriment.

45. Seton Hall has breached its contract with Romeo based upon its failure to provide Provisional Recognition to gay and lesbian students as it does for other student groups.

46. Based upon the continuing breach of contract by Seton Hall, Romeo has and continues to be damaged absent an order of this Court.

WHEREFORE, Romeo prays for an order of this Court in his favor as follows:

ON THE FIRST AND SECOND CAUSES OF ACTION:

(a) Declaring the policy of Seton Hall which states as follows:

“The University supports and implements all **state** and federal anti-discrimination laws,...No person may be denied employment or related benefits or admission to the University or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, national origin, gender, **sexual orientation**, handicap and disability or veteran’s status...[these] policies are to be applied in all decisions regarding hiring, promotion, retention, tenure, compensation, benefits, layoffs, academic programs, and social and recreational programs.” [emphasis added] See Exhibit A.

To be an enforceable contract as to Seton Hall and Romeo;

(b) Declaring the actions of Seton Hall by and through its failure to afford Provisional Recognition to Romeo and the gay and lesbian student organization and Romeo to constitute breach of contract;

(c) Declaring that Seton Hall has waived its exemption from the NJLAD based upon the aforementioned anti-discrimination policy which expressly includes sexual orientation and the NJLAD;

(d) Declaring the actions of Seton Hall to have violated its anti-discrimination policy by and through its failure to afford Provisional Recognition to Romeo and the gay and lesbian student organization based upon their sexual orientation;

(e) Declaring the actions of Seton Hall to constitute a violation of the NJLAD prohibition against discrimination based upon sexual orientation based upon its failure to afford Provisional Recognition to Romeo and the gay and lesbian student organization based upon their sexual orientation;

(f) Enjoining and permanently restraining continuing violation of the NJLAD and the Seton Hall policy as described in subsections (a), (b), (c), (d), (e);

(g) Directing Seton Hall to take such affirmative steps as this Court deems necessary to ensure the effects of the unlawful practices of Seton Hall do not continue to effect Romeo and those similarly situated;

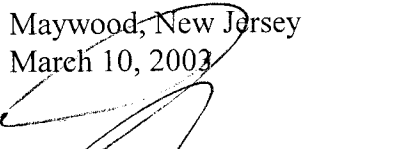
(d) Directing Seton Hall to place Romeo in the position he would have occupied but for defendants' discriminatory treatment of him, and making him whole for the loss of his participation in a gay and lesbian student organization during the past academic year and for the benefits he would have received but for defendant's discriminatory treatment, including but not limited to compensatory damages, mental pain and suffering, humiliation and the value of socialization with fellow openly gay and lesbian students;

(e) Awarding costs of this action, together with reasonable attorneys' fees, as provided by statute and common law;

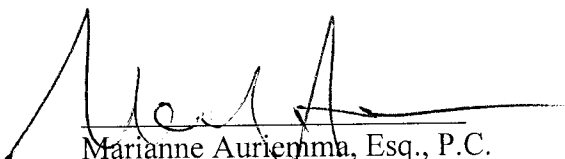
GRANTING SUCH OTHER AND FURTHER RELIEF as the Court deems necessary and proper.

Dated: Maywood, New Jersey
March 10, 2003

By:



Thomas D. Shanahan, Esq.
Shanahan & Associates, P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 291-1992



Marianne Auriemma, Esq., P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 712-9663

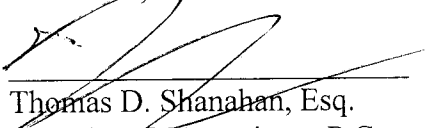
NOTICE PURSUANT TO RULE 1:5-1a AND RULE 4:17-4C

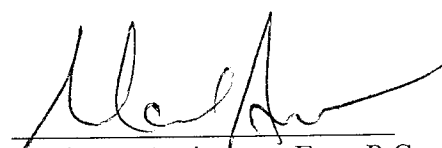
Demand is hereby made pursuant to the above cited Rules that each party to this civil action who serves pleadings, interrogatories, or receives answers thereto shall serve a copy of each such pleading, interrogatory and answer including all documents, papers

and other materials annexed thereto upon the undersigned. This is a continuing demand.

Dated: March 10, 2004

By:


Thomas D. Shanahan, Esq.
Shanahan & Associates, P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 291-1992

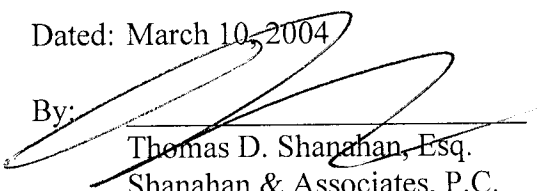

Marianne Auriemma, Esq., P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 712-9663


CERTIFICATION UNDER R. 4:5-1 (B)(2)

I certify pursuant to R. 4:5-1(B)(2) that to the best of my knowledge, information and belief, this matter is not the subject of any other action pending in the Superior Court of New Jersey or any other jurisdiction, any arbitration proceeding, no arbitration proceeding is contemplated and that all known parties are joined.

Dated: March 10, 2004

By:


Thomas D. Shanahan, Esq.
Shanahan & Associates, P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 291-1992

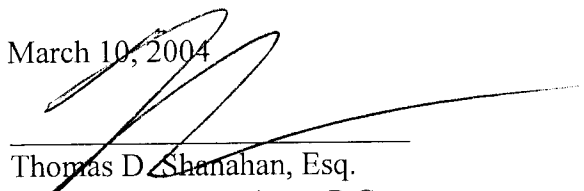

Marianne Auriemma, Esq., P.C.
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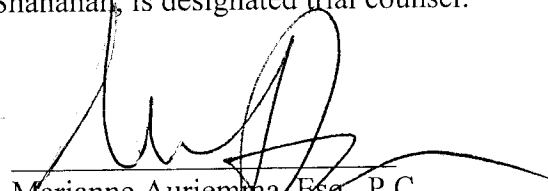
DESIGNATION OF TRIAL COUNSEL

In accordance with R. 4:5-1(c), Thomas D. Shanahan, is designated trial counsel.

Dated: March 10, 2004

By:


Thomas D. Shanahan, Esq.
Shanahan & Associates, P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 291-1992


Marianne Auriemma, Esq., P.C.
521 Lincoln Avenue
Maywood, New Jersey 07607
(201) 712-9663

CERTIFICATION

Plaintiff has read the foregoing statements made in this Verified Petition and those statements are true. Should they be willfully false, I am subject to punishment.

Dated: March 10, 2004



Anthony Romeo

EXHIBIT A



Compliance Program

ADMINISTRATIVE ANNOUNCEMENT NO. 2000-08

Policy: Equal Employment Opportunity/Affirmative Action

Effective Date: October 2000

Reference: Non Discrimination Policy

(Replaces and Supercedes Administrative Announcement No. 96-20)

Seton Hall University is committed to programs of equal employment opportunity and affirmative action (EEO/AA). These programs are consistent with our basic mission, enjoy a high priority among our institutional goals and objectives, and are carried out in accordance with the teachings of the Catholic Church and the proscriptions of the law.

The University supports and implements all state and federal anti-discrimination laws, including Executive Order 11246 as amended, which prohibits discrimination in employment by institutions with federal contracts; Titles VI and VII of the 1964 Civil Rights Act, which prohibits discrimination against students and all employees on the basis of race, color, religion, national origin or sex; Title IX of the Education Amendments of 1972, which prohibits discrimination against students and all employees on the basis of sex; Sections 503 and 504 of the Rehabilitation Act of 1973, which requires affirmative action to employ and advance in employment qualified disabled veterans of the Vietnam Era; the Equal Pay Act of 1963, which prohibits discrimination in salaries; the Age Discrimination in Employment Acts of 1967 and 1975, which prohibits discrimination on the basis of age; and the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

No person may be denied employment or related benefits or admission to the University or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, because of race, color, religion, age, national origin, gender, sexual orientation, handicap and disability, or veteran's status. All executives, administrators, faculty and managers, both academic and administrative, are responsible for individual and unit support of Seton Hall University's EEO/AA programs. EEO/AA policies are to be applied in all decisions regarding hiring, promotion, retention, tenure, compensation, benefits, layoffs, academic programs, and social and recreational programs.

Mr. Richard Hill, Senior Human Resources Generalist, is the University's Equal Employment Opportunity/Affirmative Action Officer who is responsible for providing information regarding the provisions of the laws and regulations referred to in the preceding paragraphs and their applicability to the services, programs, and activities offered by the University. Mr. Hill is located in the Department of Human Resources in the lower

level of Presidents Hall and may be contacted via e-mail at hillrich@shu.edu or by telephone at (973) 761-9284.

Mr. James Gillson is the University Compliance Officer who is responsible for providing information regarding sexual harassment and for investigating complaints of sexual harassment. Mr. Gillson is located in Presidents Hall and may be contacted via e-mail at gillsoji@shu.edu or by telephone at (973) 313-6132.

Ms. Gerri Budd is the Chair of the Council Against Racial and/or Ethnic Discrimination (CARED). CARED provides education and training regarding racial and ethnic discrimination and monitors the investigation of complaints of this nature. Ms. Budd is located on the third floor of Presidents Hall and may be contacted via e-mail at buddgerri@shu.edu or by telephone at (973) 761-7699.



Tuesday December 04, 2001

Seton Hall University
Compliance Program
400 South Orange Avenue
South Orange, New Jersey 07079

EXHIBIT B

DEPARTMENT OF COMMUNITY DEVELOPMENT

Leadership Development

PROVISIONAL ORGANIZATION FORM

APPLICATION FOR PROVISIONAL RECOGNITION

Name of Proposed Organization: TRUTH (Trust, Respect, Unity at The Hall)

Name of Contact Person: Anthony J. Romeo

Contact number or email address: 

The first step in the Recognition Process is to obtain Provisional Recognition from the Student Organization Advisory Council. An organization must submit the following to the committee:

CHECKLIST

1. A 500 word statement or less that describes your proposed organization and how it will benefit the Seton Hall Community; explaining specifically its goals and mission as it relates to the university's catholic mission.
2. In order to establish a fraternity or sorority, your application will be reviewed by the Greek Life Office, the Interfraternity Council or the College Panhellenic Council and the Student Organization Advisory Council (SOAC). Additional requirements must be met for fraternities and sororities to gain provisional recognition.
3. The names of three or more potential members.
4. Organizations must adhere to Seton Hall's Catholic mission and to conduct themselves in accordance with the University Community Standards of Student Conduct (please refer to the online Student Handbook 2003-2004)
5. A list of proposed activities that your organization activities you plan to initiate during your provisional period.
6. A list of programs you plan to sponsor once permanent recognition is granted.
7. A letter from a full-time faculty member, administrator or professional staff member who will serve as the advisor to your organization.

Please attach the above documents to this application and return the completed packet to the Office of Community Development, University Center, Room 107. Please retain a copy for your files. A member of the SOAC committee will contact you to arrange an appointment.

For Office Use Only:
Date Received:

The name of our proposed organization is **TRUTH** (Trust, Respect, and Unity at The Hall).

The purposes of this organization, **TRUTH**, shall be to oppose discrimination against students, faculty, and staff on the basis of sexual orientation. We would seek to provide a forum for discourse, education, discussion, and the exchange of views. Also, this organization would serve as a support group for the lesbian, gay, bisexual, transgender, and heterosexual students of Seton Hall University, rooting that support in programs which would educate the campus community about the injustice of discrimination on the basis of sexual orientation.

We would like to engage in a continuing and regular dialogue with the administration of Seton Hall University on issues that affect lesbian, gay, bisexual, transgender, and heterosexual members of the Seton Hall community.

Our organization will not represent its views as those of the University, nor will it permit any ambiguous use of the University's name to imply that the University approves of homosexual lifestyles, of homosexual activity, or of homosexual behavior as morally neutral.

We strive to offer educational programming that would assist lesbian, gay, bisexual, transgender and heterosexual students in living a comfortable student life here at Seton Hall University.

TRUTH would benefit the Seton Hall Community in many ways, through its goals as they relate to the University's particular Catholic mission. Our organization would respect the dignity of each person, foster openness to opinions and points of view different from one's own and provide an understanding and respect for persons whose background may be different from one's own. We would also respect persons and groups who are in the search for their own truth, and support affirmations of differences and commonalities of human experience and endeavors.

As an organization, **TRUTH** would hope to provide lesbian, gay, bisexual, transgender, and heterosexual students with the courage to face conflicts with integrity and maturity, using education as a humanizing force for all members of the community.

Seton Hall University prides itself on acknowledging its obligation to safeguard and enhance the dignity of every member of our University community, and seeks to foster an understanding of cultural differences. It encourages and supports the ethical and moral values that are the basis of a humane social order. Thusly, we look forward to forming a club that would accomplish the multi-faceted mission of students, faculty, administration, and the Catholic heritage to which we all hold steadfast.

November 13, 2003

Proposed Activities for Provisional Recognition

A. Community Service

1. Volunteer at food shelters, soup kitchens
2. Work with DOVE to help less fortunate youth

B. Education

1. Work with NCBI to establish “Safe Zones” programming
2. Co-sponsor public speakers on this issue
3. Create a resource guide of internal/external resources
4. Invite an attorney with expertise in civil rights to outline the laws with respect to these issues
5. Allow students to examine their sexual orientation vis-à-vis the Catholic mission

C. Weekly Discussion Group

1. Allow students the possibility to find support, share ideas, raise questions, and share resources
2. Provide a confidential forum for people to raise issues and concerns

Proposed Activities for Permanent Recognition

A. Community Service

1. Volunteer at food shelters, soup kitchens
2. Work with DOVE to help less fortunate youth

B. Education

1. Work with NCBI to establish “Safe Zones” programming
2. Co-sponsor public speakers on this issue
3. Create a resource guide of internal/external resources
4. Invite an attorney with expertise in civil rights to outline the laws with respect to these issues
5. Allow students to examine their sexual orientation vis-à-vis the Catholic mission
6. Research regional or national conferences that will provide students with tools to integrate a student’s sexual orientation with our specific Catholic mission
7. Promote an on-going sense of community and respect for the individuality of the human person between all members of the Seton Hall community

C. Weekly Discussion Group

1. Allow students the possibility to find support, share ideas, raise questions, and share resources
2. Provide a confidential forum for people to raise issues and concerns

Seton Hall University
College of Arts and Sciences

November 12, 2003

Dear Members of the Student Organization Advisory Committee:

I write to you on behalf of the proposed student group TRUTH. I am pleased to represent them as their faculty advisor and I look forward to working with them. It is most important that this group of conscious and caring individuals have the appropriate recognition accorded to any other properly constituted student group on this campus.

Please feel free to contact me should you have concerns or questions.

Most respectfully,

W. King Mott, Ph.D.
Associate Dean, College of Arts and Sciences
Associate Professor, Department of Political Science

EXHIBIT C



SETON HALL UNIVERSITY™

1 8 5 6

TO: Mr. Anthony Romeo
Student Representative for Proposed Student Organization "TRUTH"

Dr. W. King Mott
Faculty Advisor

FROM: Dr. Laura A. Wankel
Vice President for Student Affairs

RE: Application for Provisional Recognition

Date: December 18, 2003

The Dean for Community Development shared the recommendations of the recent Student Organization Activities Committee (SOAC) meeting with me. I am grateful to them for their careful work and sincere effort to fairly review the applications for proposed new student groups.

Due to the complexities of issues surrounding your application for an organization called "TRUTH", it was my obligation to more fully explore its consistency with the University's Catholic mission. I appreciated SOAC's review of the Catechism of the Catholic Church and the University's Catholicity Statement; however, the nature of your proposal required deeper examination of Catholic teachings and the mission of Seton Hall.

I consulted with the Vice President for Mission and Ministry and reviewed the pertinent Church teachings and documents addressing the pastoral care of homosexual persons. Further, I sensitively explored the issues with members of the University's Executive Cabinet and others.

The most compelling guidance from the Church directs us to care for the human person whose fundamental identity is as a "child of God" – not as a "heterosexual" or a "homosexual". The Church teaches that an exclusive focus on a person's sexual orientation denies the fullness of human dignity and diminishes persons in a way that is both reductionist and marginalizing. As a result, although SOAC did recommend to me that "TRUTH" be approved, I am informing you that your application for provisional recognition has been denied. No organization based solely upon sexual orientation may receive formal University recognition.

Be assured, in our pastoral care for all our students, the University will continue to work through the initiatives outlined by the Executive Cabinet in response to the Task Team on Sexual Orientation report issued earlier this semester. The Executive Cabinet Initiatives ensure tangible and comprehensive institutional action.

Further, the Division of Student Affairs remains prepared to work with gay and lesbian students to meet their needs. I am committed to working collaboratively with you and other students in fostering a positive, safe and caring community. To that end, I am providing the following plan that outlines how we may move forward. I have forwarded a copy of this letter and the proposed plan to all students who expressed an interest in the application. It is my sincere hope that all interested students actively participate in creating this initiative.

Student Affairs

Tel: 973.761.9075 • Fax: 973.761.9797

400 South Orange Avenue • South Orange, New Jersey 07079

Memorandum of Understanding

The University will permit the students to operate at the South Orange campus under the following guidelines and understandings:

Name and Relationship

- An identifying name will be mutually agreed upon between your representatives and the Vice President for Student Affairs.
- The group will stand in “special relationship” to the Office of the Vice President for Student Affairs through which all of its privileges, benefits and responsibilities will be coordinated.

Purpose. *The purpose of this group will be to:*

- provide education to the campus community, in a manner consistent with the teachings of the Catholic Church, about the injustice of discrimination on the basis of sexual orientation;
- oppose discrimination against students, faculty, and staff on the basis of sexual orientation;
- provide a forum for discourse, discussion and the exchange of views;
- support the lesbian and gay students of Seton Hall University through programs to educate the campus community about the injustice of discrimination on the basis of sexual orientation;
- work with the University to foster a safe environment for all students;
- work with the University to promote support groups for parents and family members who ask for pastoral help or spiritual guidance.

Privileges. *The group will be permitted to:*

- sponsor educational events, meetings and programs;
- sponsor volunteer and community service initiatives;
- provide a forum for discourse, discussion and the exchange of views;
- support lesbian and gay students of Seton Hall University through programs that educate the campus community about the injustice of discrimination on the basis of sexual orientation;
- elect officers and or create ad hoc committees;
- submit requests for funds for particular activities, and or other resources to the Vice President for Student Affairs.

The group shall not be permitted to:

- sponsor activities that are contrary to, or involve advocacy contrary to, Church teachings on human sexuality;
- use the University’s name in a fashion that would imply that the University approves of homosexual behavior, or any lifestyle that is contrary to the Church’s teachings on human sexuality;
- sponsor religious services or activities;
- sponsor social activities.

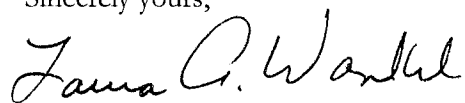
Responsibilities:

- The Vice President for Student Affairs shall have the responsibility to serve as the direct liaison to the group and to approve the advisor(s) to the group.
- The group shall have the responsibility to furnish the Vice President for Student Affairs with a report of activities, programs and achievements at the end of each semester.
- The group shall have the responsibility to ensure that any outline of proposed activities will include clear communication of the Church’s teachings on human sexuality.

These guidelines are subject to change at the discretion of the University at any time. The group acknowledges that, in accepting these guidelines, it will neither seek nor expect formal recognition by the University or elsewhere. The University reserves the right to terminate this arrangement in the event of a violation of the guidelines.

I hope that this outline will provide us with an opportunity to move forward in a significant and meaningful way. The University is steadfast in its faith commitments and will do all that it can to preserve human dignity in an authentically human community. It is within this context that I look forward to our dialogue.

Sincerely yours,

A handwritten signature in black ink that reads "Laura A. Wankel". The signature is written in a cursive, flowing style.

Laura A. Wankel, Ed.D.
Vice President for Student Affairs

cc: Executive Cabinet
Dean for Community Development
SOAC members