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A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO.: ACJC 2017-364

IN THE MATTER OF

THERESA A. MULLEN.,
JUDGE OF THE SUPERIOR COURT

:
:
: ANSWER
:
:

Theresa E. Mullen, improperly designated as Theresa A. Mullen, Judge of the Superior Court through counsel by way of answer to the formal complaint filed against her and pursuant to R. 2:15-12(c) says:

FACTS

1. Respondent admits the allegations set forth in Paragraph 1 of the Facts portion of the Formal Complaint.
2. Respondent admits the allegations set forth in Paragraph 2 of the Facts portion of the Formal Complaint.
3. Respondent admits the allegations set forth in Paragraph 3 of the Facts portion of the Formal Complaint, except to add that her son, B.P., also attended St. Theresa School ("STS") from 2006 to 2016 when he was graduated from STS.
4. Respondent denies the allegations set forth in Paragraph 4 of the Facts portion of the Formal Complaint but amplifies her answer by stating that STS refused

to permit a girls' basketball team to form notwithstanding the absence of a sign-up deadline on the sign-up form for the girls' basketball team for the 2016-2017 school year, and notwithstanding Respondent's request for time to assemble a girls' basketball team which Respondent had coached in the past, which request was denied.

5. Respondent admits the allegations set forth in Paragraph 5 of the Facts portion of the Formal Complaint but adds that the Verified Complaint sought not only a preliminary injunction to compel the Archdiocese of Newark and STS to instate Respondent's daughter, S.P., a 7th grader at the time to the boys' basketball team for the 2016-2017 school year, but also sought other relief relating to bullying and harassment against Respondent's daughter, S.P., and an order to compel STS to enforce its sexual harassment and bullying policies as set forth in the STS Handbook.

6. Respondent admits the allegations set forth in Paragraph 6 of the Facts portion of the Formal Complaint.

7. Respondent admits the allegations set forth in Paragraph 7 of the Facts portion of the Formal Complaint.

8. Respondent admits the allegations set forth in Paragraph 8 of the Facts portion of the Formal Complaint.

9. Respondent admits that allegation of Paragraph 9 of the Facts portion of the Formal Complaint wherein it is alleged that on or about January 5, 2017, the matter was heard by Judge Kessler who denied the relief sought by Respondent's husband, Mr. Phillips, but denies that Judge Kessler found that there was no legal foundation for S.P.'s right to play basketball. Rather, Judge Kessler held that there was no settled legal right for the requested relief.

10. Respondent admits the allegations set forth in Paragraph 10 of the Facts portion of the Formal Complaint and adds that the reason for the reversal by Judge Kessler of his prior decision was because girls in fact were playing basketball on the boys' team at St. John's School in Clark, New Jersey, and also because contrary to the articulated reason by STS that Respondent's daughter's request to be included on the boys' basketball team was allegedly untimely; in fact, applications from two boys to participate on the STS boys' basketball team were received and accepted in late fashion.

11. Respondent admits the allegations set forth in Paragraph 11 of the Facts portion of the Formal Complaint but adds that S.P. only played in two basketball games, they being the final game of the season and one playoff game contrary to the certifications filed with the Court in the initial civil complaint against STS and the Archdiocese of Newark by Richard Donovan, the CYO Director of the Archdiocese of Newark and Anh Bui, the athletic director of STS.

12. Respondent generally admits the allegations set forth in Paragraph 12 of the Facts portion of the Formal Complaint except to say that the referenced letter from the Archdiocese of Newark "requested" (not directed) that Respondent and her husband remove their daughters S.P. and K.P. from STS immediately. Moreover the request came almost two months to the day after the Superior Court complaint initiated by Respondent's husband had been filed. Moreover, the letter in question was e-mailed to Susan B. McCrea, Esq., counsel for Respondent's husband at or about 5:30 p.m. on February 1, 2017, (after school ended for the day and after the Courts were closed) an e-mail copy of which Respondent and her husband received from Ms. McCrea subsequent to 5:30 p.m. on February 1, 2017. An actual copy of the letter

was not received by Respondent and her husband until approximately 9:30 p.m. on February 1, 2017, when they returned from an excursion more fully referenced in answer to Paragraph 16 of this Answer. Moreover, tests were scheduled for Respondent's children on February 2, 2017.

13. Respondent admits the allegations set forth in Paragraph 13 of the Facts portion of the Formal Complaint except to say that the correct date is August 30, 2016, and not August 20, 2016.

14. Respondent admits the allegations set forth in Paragraph 14 of the Facts portion of the Formal Complaint but adds that the referenced letter was not hand-delivered to Respondent and her husband but was left at the foot of their garage door in their absence and was not seen until approximately 9:44 p.m. on February 1, 2017.

15. Respondent admits the allegations set forth in Paragraph 15 of the Facts portion of the Formal Complaint.

16. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in Paragraph 16 of the Facts portion of the Formal Complaint and says by way of further answer that no media representatives were present during Respondent's presence at STS on February 2, 2017. Respondent further responds to Paragraph 16 of the Facts portion of the Formal Complaint by stating that Respondent's daughter, S.P., was invited to a practice session of the Liberty basketball team, a professional women's basketball team and attended that practice session where S.P. was allowed to play with the professional players. S.P. was accompanied to the Liberty professional basketball team practice session in Westchester, New York by her parents, by her siblings B.P.

and K.P., and by a girl friend who had played basketball for two years at STS on a team coached by Respondent, and who was interested in playing basketball. Media representatives were present at the Liberty practice session and were advised by Respondent's husband, **NOT RESPONDENT**, about the February 1, 2017, letter from Margaret A. Dames, secretary for the Catholic Education/Superintendent of Schools for the Archdiocese of Newark. Respondent had no contact with any media representative at the Liberty scrimmage.

17. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in Paragraph 17 of the Facts portion of the Formal Complaint except to say that Father Joseph S. Bejgrowicz ("Fr. Joe") testified in accordance with said allegation, and Respondent further acknowledges that Kenilworth Police Department representatives were present at STS on February 2, 2017.

18. Respondent admits the allegations set forth in Paragraph 18 of the Facts portion of the Formal Complaint except to say that in addition to two uniformed officers from the Kenilworth Police Department, Chief John Zimmerman also was present along with a third uniformed officer who later arrived.

19. Respondent admits the allegations set forth in Paragraph 19 of the Facts portion of the Formal Complaint except to say that she and her husband were notified by one communication not two that Respondent's children should not return to STS on February 2, 2017.

20. Respondent denies the allegations set forth in Paragraph 20 of the Facts portion of the Formal Complaint and by way of further answer says that Respondent was never advised to leave the premises by Father Joe whose interaction with

Respondent was fully recorded by Respondent, but who after further dialogue with STS representatives which included a request that Respondent remain on site until her husband returned did in fact thereafter leave voluntarily.

21. Respondent generally admits the allegations set forth in Paragraph 21 of the Facts portion of the Formal Complaint except to say that the letter in question did not expel Respondent's children and came from the Archdiocese of Newark, not from STS. Respondent further states that she and her husband were invited into STS for the purpose of discussing the February 1, 2017, letter in question on February 2, 2017, and Respondent's husband and later Respondent confirmed that the "request" of the Archdiocese would not be honored.

22. Respondent denies the allegations set forth in Paragraph 22 of the Facts portion of the Formal Complaint, and specifically denies that she was told by Sgt. Grady to leave the premises of STS or that she ever said that Sgt. Grady should handcuff and arrest her and will rely upon a transcript of the recorded dialog between Respondent and others present on February 2, 2017 as recorded by Respondent on her telephone or upon the recorded dialog if necessary.

23. Respondent admits the allegations set forth in Paragraph 23 of the Facts portion of the Formal Complaint but says that she and her two children were escorted to the front of the office where they were met by Father Joe.

24. Respondent admits the first sentence of the allegations set forth in Paragraph 24 of the Facts portion of the Formal Complaint but says that Sgt. Grady and Chief Zimmerman also were in the office. Respondent denies the allegations set forth in the second and third sentences of Paragraph 24 of the Facts portion of the Formal Complaint and states that the statement contained in Paragraph 28 of the

Facts portion of the Formal Complaint was read to Respondent at the beginning of the meeting not at the conclusion of the meeting, and further states that Respondent was not again asked to leave the school premises but rather was advised by Father Vincent to remain on site until Respondent's husband returned. After her husband returned Respondent left STS voluntarily.

25. Respondent admits the first sentence of the allegations set forth in Paragraph 25 of the Facts portion of the Formal Complaint except to say that Father Vincent and not Deacon Joe made the request that Respondent leave the office which she did. Respondent denies that she initially refused to leave the office as requested.

26. Respondent denies the allegations set forth in Paragraph 26 of the Facts portion of the Formal Complaint, and states that her only one-on-one conversation with Father Joe occurred before she was escorted into the office as contained on a recording of that conversation made by Respondent on her cell phone.

27. Respondent denies the allegations set forth in Paragraph 27 of the Facts portion of the Formal Complaint and says that at no time was she located in the school's hallway between the office where the meeting with others occurred and the gym. Respondent went outside to call her husband immediately after she was requested to leave the office. Respondent turned off the recording at 8:33 a.m. in order to call her husband to see when he was returning. Respondent's cell phone records confirm that she made the call at 8:33 a.m. at the time that she shut off the recording. At no time did Officer Kavernick ask Respondent to leave the premises and according to the CAD report Officer Kavernick did not arrive until after 8:49 a.m. At no time did Respondent state that she wanted to be handcuffed.

28. Respondent denies the allegations set forth in Paragraph 28 of the Facts portion of the Formal Complaint, and states that the quoted statement was read at the beginning of the meeting, but Respondent does not know by whom the statement was prepared.

29. Respondent denies the allegations set forth in Paragraph 29 of the Facts portion of the Formal Complaint, and Respondent states that the quoted statement was read one time after which a dialogue between Respondent and others occurred.

30. Respondent denies the allegations set forth in Paragraph 30 of the Facts portion of the Formal Complaint, and by way of further answer Respondent says that the actual language used by her appears in the transcript of the recording.

31. Respondent admits that portion of the allegations set forth in Paragraph 31 of the Facts portion of the Formal Complaint, wherein it is alleged that at one point during the meeting Father Vincent suggested that the lawyer for Respondent and the lawyer for the Archdiocese confer, but Respondent denies that she had representation and instead indicated that she was not named in the law suit, her husband was. Respondent denies the balance of the allegations set forth in Paragraph 31 of the Facts Portion of the Formal Complaint.

32. Respondent denies the allegations set forth in Paragraph 32 of the Facts portion of the Formal Complaint and references her response to Paragraph 30 as set forth hereinabove and relies upon the transcript of the February 2, 2017 dialogue.

33. Respondent denies the allegations set forth in Paragraph 33 of the Facts portion of the Formal Complaint and references her response to Paragraph 30 as set forth hereinabove and relies upon the transcript of the February 2, 2017 dialogue.

34. Respondent denies the allegations set forth in Paragraph 34 of the Facts portion of the Formal Complaint and references her response to Paragraph 30 as set forth hereinabove and relies upon the transcript of the February 2, 2017 dialogue. Respondent further responds by saying that she left STS voluntarily.

35. Respondent denies that portion of the allegations set forth in Paragraph 35 of the Facts portion of the Formal Complaint wherein it is alleged that Father Joe signed a complaint based on her (Respondent's) conduct but admits the balance of the allegations set forth in Paragraph 35 of the Facts portion of the Formal Complaint.

36. Respondent admits the allegations set forth in Paragraph 36 of the Facts portion of the Formal Complaint.

37. Respondent admits the allegations set forth in Paragraph 37 of the Facts portion of the Formal Complaint.

38. Respondent admits that the Archdiocese of Newark and STS allege receipt of letters and e-mails as set forth in Paragraph 38 of the Facts portion of the Formal Complaint and states that copies of purported letters and e-mails allegedly received by the Archdiocese of Newark and STS in February, 2017, were not provided to Respondent or her husband or her husband's counsel until July, 2017. Respondent denies the characterization that the letters and e-mails recounted stories of bullying, rudeness, intimidation and/or harassment by S.P., by Respondent's husband, and/or by Respondent. Respondent denies the truth of the allegations set forth in the alleged letters as outline in Paragraph 38 of the Facts portion of the Formal Complaint.

39. Respondent admits that portion of the allegations of Paragraph 39 of the Facts portion of the Formal Complaint wherein it is alleged that Respondent's husband filed a motion but denies that all of the 80 persons to be added as defendants were

parents from STS. In fact some of the persons who signed the petition were members of the Kenilworth Police Department who had no children at STS. One petition signer was the wife of Chief John Zimmerman who had no children at STS. Sr. Helene Godin was sought to be added as a party defendant because STS under her leadership refused to address the safety, harassment, and bullying issues brought to her attention by Respondent and her husband as those issues pertained to Respondent's children.

40. Respondent denies the allegations contained in the first and second sentences of Paragraph 40 of the Facts portion of the Formal Complaint, states that she was never allowed to become a party to her husband's suit, will rely upon the pleadings in the lawsuit for corroboration, and further states that the referenced Order was entered on July 11, 2017, and not on March 2, 2017.

41. Respondent admits the allegation set forth in the first sentence of the allegations set forth in Paragraph 41 of the Facts portion of the Formal Complaint. Respondent denies the allegations set forth in the second sentence of Paragraph 41 of the Facts portion of the Formal Complaint because the determination allegedly made was not made by STS but was made by the Archdiocese of Newark and a later position from STS relating to Respondent's alleged conduct was only taken by STS in response to an Amended Court Order dated July 12, 2017.

42. Respondent admits to the allegations set forth in Paragraph 42 of the Facts portion of the Formal Complaint except to say that reference to the April "7" letter should be a reference to the April "3" letter.

43. Respondent admits the allegations set forth in the first sentence of Paragraph 43 of the Facts portion of the Formal Complaint. With regard to the second

sentence contained in Paragraph 43 of the Facts portion of the Formal Complaint Respondent states that she was not at that time a party to the litigation. A motion to amend the Complaint to add Respondent as a party was then pending and was not decided until July 12, 2017.

44. Respondent admits the allegations set forth in Paragraph 44 of the Facts portion of the Formal Complaint except to say that Ms. McCrea in an e-mail dated June 9, 2017, said:

"Judge Kessler's most recent Case Management Order dated May 24, 2017, specifically Paragraph 2, only permits "limited paper discovery" at this juncture. I therefore will not be producing my clients Sydney Phillips and Scott Phillips for deposition. Ms. Mullen is not yet a plaintiff as the Motion to Amend is still pending. Thank you. Susan B. McCrea"

45. Respondent admits the allegations set forth in Paragraph 45 of the Facts portion of the Formal Complaint.

46. Respondent admits the allegations set forth in Paragraph 46 of the Facts portion of the Formal Complaint.

47. Respondent admits the allegations set forth in Paragraph 47 of the Facts portion of the Formal Complaint with the exception that Respondent was not at that time represented as a party by Ms. McCrea.

48. Respondent admits the allegations set forth in Paragraph 48 of the Facts portion of the Formal Complaint and by way of further answer Respondent states that pursuant to discussions between her husband's attorney, the attorney for STS and the Archdiocese of Newark, and the trial judge and in lieu of being subpoenaed as a non-party fact witness, Respondent would appear at a deposition and would be represented at that deposition by her husband's counsel who advised her not to appear for the deposition because of an anticipated appeal from an Order of the trial

judge, and it was Respondent's understanding that counsel from STS and the Archdiocese of Newark had been so advised.

49. Respondent admits the allegations set forth in Paragraph 49 of the Facts portion of the Formal Complaint.

50. Respondent admits the allegations set forth in Paragraph 50 of the Facts portion of the Formal Complaint.

51. Respondent denies the allegations set forth in Paragraph 51 of the Facts portion of the Formal Complaint but says by way of further answer that the Court ordered deposition was limited to questions related to five certifications and to the June 29, 2017, press release issued by James Goodness on behalf of the Archdiocese of Newark, and further states that for purpose of the deposition and as a non-party fact witness she was represented by her husband's attorney and followed her husband's attorney's direction and advice with respect to answering or not answering questions directed to her and will rely upon the transcript of her deposition by way of further answer.

52. Respondent admits the allegations set forth in Paragraph 52 of the Facts portion of the Formal Complaint.

53. Respondent admits the allegations set forth in Paragraph 53 of the Facts portion of the Formal Complaint.

54. Respondent admits the allegations set forth in Paragraph 54 of the Facts portion of the Formal Complaint but relies upon the transcript of Judge Kessler's colloquy with counsel on July 26, 2017.

55. Respondent denies the allegations set forth in Paragraph 55 of the Facts portion of the Formal Complaint and by way of further answer Respondent says that

her responses to questions during her July 26, 2017, deposition were as directed by her then legal representative. However, Respondent does admit that portion of the allegations set forth in Paragraph 55 of the Facts portion of the Formal Complaint wherein it is alleged that Mr. Westrick filed another motion seeking to compel Respondent's deposition.

56. Respondent admits the allegations set forth in Paragraph 56 of the Facts portion of the Formal Complaint.

57. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in Paragraph 57 of the Facts portion of the Formal Complaint since she was not present during the quoted dialogue but will rely upon the transcript of the proceedings which will speak for itself.

58. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in Paragraph 58 of the Facts portion of the Formal Complaint since she was not present during the quoted dialogue but will rely upon the transcript of the proceedings which will speak for itself when transcribed and further says that the statement attributed to Ms. McCrea related solely to the then pending defiant trespass charge.

59. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations as set forth in Paragraph 59 of the Facts portion of the Formal Complaint since she was not present during the quoted dialogue but will rely upon the transcript of the proceedings which will speak for itself when transcribed.

60. Respondent admits that portion of the allegations set forth in Paragraph 60 of the Facts portion of the Formal Complaint pertaining to the date to appear and

that sanctions and costs and expenses were imposed but denies that any actual award amount was entered against Respondent's husband at that time.

61. Respondent denies the allegations set forth in Paragraph 61 of the Facts portion of the Formal Complaint but by way of further answer Respondent says that she did not have counsel at the time that the initial request for an order prohibiting the parties from referencing Respondent's judicial office was made at the beginning of the litigation.

62. Respondent denies the allegations set forth in Paragraph 62 of the Facts portion of the Formal Complaint.

63. Respondent admits the allegations set forth in Paragraph 63 of the Facts portion of the Formal Complaint.

64. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in Paragraph 64 of the Facts portion of the Formal Complaint, and says by way of further answer Respondent will rely upon the August 1, 2017, Order of Judge Kessler and the attached statement of reasons as well as the August 1, 2017, emergent application to the Appellate Division as well as to the emergent application to the Superior Court also on August 1, 2017.

65. Respondent admits the allegations set forth in Paragraph 65 of the Facts portion of the Formal Complaint.

66. Respondent admits the allegations set forth in Paragraph 66 of the Facts portion of the Formal Complaint except Respondent states that Sr. Helene did not testify as alleged.

67. Respondent admits the allegations set forth in Paragraph 67 of the Facts portion of the Formal Complaint but states that Respondent has filed a motion for a

new trial which motion is pending. Consequently, there has been no final adjudication of the defiant trespass charge.

68. Respondent admits the allegations set forth in Paragraph 67 of the Facts portion of the Formal Complaint, but Respondent has taken issue with the findings of the trial judge's conclusions, and states that the matter is the subject of a pending motion for a new trial and has not been finalized.

69. Respondent admits the allegations set forth in Paragraph 68 of the Facts portion of the Formal Complaint, but Respondent has taken issue with the findings of and the trial judge's conclusions, and states that the matter is the subject of a pending motion for a new trial and has not been finalized.

AS TO COUNT ONE

70. Respondent repeats her answers to all paragraphs of the Facts portion of the Formal Complaint and incorporates those answers herein by reference as if they were fully set forth herein at length and responds to the balance of Count One as follows:

71. Respondent denies the allegations set forth in Paragraph 71 of Count One of the Formal Complaint.

72. Respondent denies the allegations set forth in Paragraph 72 of Count One of the Formal Complaint.

73. Respondent denies the allegations set forth in Paragraph 73 of Count One of the Formal Complaint and states that a motion for a new trial is pending, and consequently there is no final determination upon which to conclude that Respondent has violated any of the cited Statutes, Rules, Canons, and/or Codes.

AS TO COUNT TWO

74. Respondent repeats her answers to all paragraphs of the Facts portion of the Formal Complaint, and to Count One of the Formal Complaint and incorporates those answers herein by reference as if they were fully set forth herein at length and responds to the balance of Count Two as follows:

75. Respondent denies the allegations set forth in Paragraph 75 of Count Two of the Formal Complaint.

76. Respondent denies the allegations set forth in Paragraph 76 of Count Two of the Formal Complaint.

AS TO COUNT THREE

77. Respondent repeats her answers to all paragraphs of the Facts portion of the Formal Complaint, and to Counts One and Two of the Formal Complaint and incorporates those answers herein by reference as if they were fully set forth herein at length and responds to the balance Count Three as follows:

78. Respondent denies the allegations set forth in Paragraph 77 of Count Two of the Formal Complaint.

AS TO COUNT FOUR

79. Respondent repeats her answers to all paragraphs of the Facts portion of the Formal Complaint, and to Counts One, Two and Three of the Formal Complaint and incorporates those answers herein by reference as if they were fully set forth herein at length and responds to the balance of Count Four as follows:

80. Respondent denies the allegations set forth in Paragraph 80 of Count Four of the Formal Complaint.

By way of further answer to the pending formal complaint and by way of background and in order to put this matter in proper context Respondent says:

1. Respondent was graduated cum laude from Lehigh University in 1989 and received her J.D degree from Albany law School in 1993.

2. Respondent was admitted to practice before the Courts of this State on December 21, 2003 and the Courts of New York on January 24, 2004.

3. Respondent was also admitted to practice before the Third Circuit in November 2001 and the Supreme Court of the United States in April 2001.

4. Respondent was designated a Certified Civil Trial Attorney by the New Jersey Supreme Court in the State of New Jersey in 1999.

5. Respondent held the office of President of the Richard J. Hughes Inn of Court, Union County, from 2014-2015.

6. Respondent held the office of President of the Arthur T. Vanderbilt Inn of Court, Essex County, from 2005-2006.

7. Respondent held the office of President of the Union County Bar Association in 2011.

8. Respondent held the office of President of the Union County Bar Foundation in 2012.

9. In the July 24, 2006 Edition of the New Jersey Law Journal, Respondent was named as one of "40 UNDER 40" designees.

10. Respondent was named by the New Jersey Law Journal as one of the Leaders in the State of New Jersey among Women and Minority Lawyers in 2003.

11. Respondent was a volunteer member of the Union County Judicial and Prosecutorial Appointments Committee from 2002-2007.

12. Respondent was a volunteer member of the District XII Ethics Committee from 2001-2005.

13. In 2013, Respondent was the Recipient of the Union County "Women of Excellence" Award in Law by Union County Commission on the Status of Women.

14. On October 22, 2014, Respondent was appointed as a Judge of the Superior Court of New Jersey.

15. Most importantly Respondent is also the mother of three young children, B.P., age 16, S.P. age 14 and K.P., age 12.

16. Since her children were born, Respondent, in addition to volunteering her time to serve in the various legal positions listed in the aforementioned paragraphs, has dedicated much of her time to various activities in which her children were involved, including coaching.

17. This year, Respondent coached the 8th grade Girls' Basketball Travel Team at Immaculate Heart of Mary. She coached the 7th grade Travel team last year.

18. In the past, Respondent volunteered to coach B.P.'s basketball teams, at the YMCA and volunteered as an assistant baseball coach in her Township. She also volunteered to coach many of S.P. and K.P.'s basketball and softball teams at the YMCA, in her Township and at Immaculate Heart of Mary, at the local and travel level, since S.P. was in 1st grade.

19. Respondent married her husband at St. Theresa Church about 18 years ago. All three of her children were baptized there.

20. Her son, B.P. was graduated in June 2016 after attending St. Theresa School ("STS") for 10 years, beginning in Pre-K 4.

21. S.P. attended STS for 9 years beginning in Pre-K 4 and K.P. for 8 years, beginning in Pre-K 3, an option that was not available when B.P. and S.P. began.

22. All totaled, Respondent's children attended STS for 27 years.

23. Respondent also volunteered many hours at STS since her children began school.

24. When the children were younger, she served lunchroom duty there.

25. She also gave career day and trial presentations whenever asked, on many occasions, including inviting S.P.'s class to the Courthouse.

26. A majority of her volunteer work at STS included coaching basketball clinics and the STS Girls' Junior Varsity and Varsity Basketball teams.

27. Respondent began coaching at STS in 2011 when she was asked to do so by the Athletic Director Anh Bui, after playing in the parent-child game at the end of the 4th grade clinic for B.P.

28. In the Spring, 2016, serious issues arose at STS, which Respondent tried to handle privately for almost 9 months, beginning in March, 2016.

29. As a mother, Respondent is responsible for protecting her children from harm.

30. Respondent believes that all children should be protected from harm and tried to protect other children at STS from harm as well as her own.

31. Respondent follows the "If You See Something, Say Something" policy." She has taught her children how important it is to do the same thing.

32. On Monday, March 14, 2016 Respondent made an urgent appointment with Sr. Helene, the school principal, for 2 reasons. The first reason, being that she learned on Friday evening, March 11, 2016 after a Mother-Son dance, that an 8th grade female student, whom she coached in basketball, received a picture of a gun from a male Brearley student who was frequenting STS property after school.

33. Respondent's husband, who is a retired police captain in Kenilworth, at the request of STS, had just recently asked that male student and other Brearley students to leave STS property because they were causing a disturbance.

34. Immediately alarmed and concerned for the safety of STS students in general and for the classmate of B.P. who had received the picture in particular, Respondent asked the STS student from whom she learned about the picture to send it to her.

35. Upon receipt of the picture Respondent also forwarded this picture to her husband and asked him to report the incident to the police, which he did the following morning.

36. Respondent also made sure that this student's mother knew about this gun picture the following day. Pertinent portions of the text communications on March 12, 2016 between Respondent and the mother of the gun photo recipient are as follows:

Mom: **"..[I]'m really upset can u text me that picture of []. Is she in it? This Boy has a gun. I'm freaking out.**

Mom: **"...[S]he said she blocked them the day they showed up at the school and we're told to leave by your husband.**

Respondent: **"The boys happened to be talking after the dance and I overheard the word gun---when I saw the picture I told them I was going to notify the**

police because I was very disturbed about the gun. No one should be sending anyone pictures of guns and the fact that a gun was in a picture sent by a child to another child needed to be addressed by police before anything happened.” (Emphasis supplied).

See March 12, 2016 communication, which includes the picture of the gun, with names redacted as Exhibit A.

37. Respondent showed Sr. Helene this picture at the March 14, 2016 meeting and asked her husband to tell Fr. Joe, the pastor of St. Theresa Church, about this incident, which he did that same day.

38. The second reason for the meeting was that Respondent's daughter S.P. told her on March 12, 2016 that two boys in her class were making sexually inappropriate gestures, including what can best be described as humping and gyrating on desks in class when her homeroom teacher, Sr. Juliett had her back turned. She also said that these boys were saying sexually inappropriate things, which was confirmed to Respondent by another girl's mother in S.P.'s class.

39. S.P. also told respondent that she reported these incidents to Sr. Juliett on several occasions and Sr. Juliett told her that she would take care of it, but that the boys had not stopped. Respondent wanted to make sure Sr. Helene was aware of this behavior and that she would take the appropriate action so that this behavior would cease.

40. This sexually inappropriate behavior did not cease and S.P. repeatedly requested to Sr. Juliett that she be permitted to speak to Sr. Helene, directly. These requests were denied.

41. Respondent expressed her dissatisfaction that Sr. Juliatt failed to address the sexually inappropriate behavior and also refused to let her daughter report it to the principal.

42. Even after the meeting, the behavior did not stop.

43. On May 9, 2016, one of these boys told a female student to "suck his d***" in another class. S.P. asked to see Sr. Helene, along with 2 other girls and a different teacher let them go. These 3 girls were told they had to make an appointment and were made to wait for almost an hour. The mother of the offending boy was an employee of the school.

44. After this report was made, this employee began harassing S.P. by staring her down in recess in a clear intimidation attempt, began a smear campaign against her stating that she was a trouble-maker, that the girls in the class had an active imagination and that these girls were liars among other things.

45. Most of this behavior occurred on school premises, but also off the property.

46. Respondent, concerned for S.P.'s well-being and for what could be characterized as classic re-victimization and intimidation by faculty, again and this time with her husband made an appointment at STS to address this behavior with Sr. Helene.

47. Shortly thereafter Respondent's daughter and two other students reported another incident to Sr. Helene where the word "rape" was used by one of these students.

48. Many parents, outraged, made appointments, including Respondent again with her husband, with Sr. Helene because nothing was being done to stop this

behavior that had been going on for months and which was making students uncomfortable.

49. On May 11, 2016, Respondent and another girl's mother in the class, received the following text message from another girl's mother:

Mom: " Hey ladies, I didn't want to disturb you....Just wanted to give you an update with what's happening with []'s issue in school....My husband and I have a meeting with Sr. Juliet and Sr. Helen tomorrow afternoon at the school to discuss further. I wanted to say thank you and also apologize if at any point you or the girls felt like it was in vain they stepped and stood up for []. I am extremely thankful. It is a serious issue for us and thanks to you, we'll be able to address and investigate further. None of our children should be subject to that kind of environment.

Other Mom: "No apology necessary they will always stick up for their friends it is what they are taught. This nonsense has to stop. All of the parents want a meeting so if you get a minute give me a call. [M] called Fr. Joe and sister and talked to them both. No one is happy with how it is being handled."

Respondent: No need to apologize---[S.P.] has been complaining about this for several months now and like [] said will always stand up for her friends. Please let Me know if I can do anything and let me know what happens tomorrow. Just so You know I raised it with Sr. Helene about 2 months ago. (Emphasis supplied).

See copy of entire March 12, 2016 text with names redacted annexed as Exhibit B.

50. On May 18, 2016, a woman who was identified by S.P. to Respondent as Ms. Duffy, was brought in as a guest speaker for the class. Ms. Duffy re-victimized, harassed and intimidated the girls who came forward and attempted to make them feel guilty. One of these girls was even made to cry.

51. Within 24 hours, written accounts of what occurred in S.P.'s class were made by S.P. and another female student and given to Sr. Helene. Pertinent excerpts from this 11 year old female student's written account describe what happened as follows:

"Mrs. Duffy came in....She said a positive environment started with forgiving others, because the past is behind us and we should start on a clean slate. [] then raised her hand and asked how we could forgive people when they'll just do it again? Mrs. Duffy told her that she was just making a "negative assumption." [] then said that she knew the person who's been doing this, and they wouldn't stop. Mrs. Duffy said she was "making up a story." She then addressed the class directly and told people to raise their hands if they would "get on board with her to stop gossiping, spread lies, and start forgiving others. Some people raised their hands, some people did not. [] S.P., [], me, etc.) She told the people who did raise their hands to "change the negative ways of the people with their hands down." S.P. said she was standing up for herself and her friends. Mrs. Duffy asked her what standing up for herself meant and S.P. said it meant defending herself. Mrs. Duffy said that she shouldn't have to be defensive and that S.P. was wrong and she didn't want to admit it. S.P. said that she would admit if she was wrong, but Mrs. Duffy said that she wasn't telling the truth...[] raised her hand and asked why she should have to forgive someone else for defending her friend. Mrs. Duffy went into a discussion about insanity and said that it meant "repeating something over and over again much like you () are doing." [] then said that "every time she has tried to forgive the person doing wrong things, they continue to repeat it, and technically that's what you just said." Mrs. Duffy said "it's this kind of animosity why wars are going on, why people are killing each other." [] started crying, and Mrs. Duffy continued to yell and say that [] should forgive. She said that "the fact that [] was crying was because she wanted to forgive and get on board with her." [] said that the reason why she was upset was because she wanted to stand up for her friends. I raised my hand and asked Mrs. Duffy why we should forgive if others aren't sorry. She said I was "making up a story." She went back to yelling at [] again, that's when I started (unknowingly) scratching myself and [] cried out and said I was bleeding. (I wasn't I was just extremely angry) Mrs. Duffy said that I made myself angry because of my own negativity. She told the people who were "on board" with her to raise their hands again () and told them to once again spread their positivity to us who did not raise our

hands, because we were part of the problem by gossiping and spreading rumors. She then turned to the people who didn't raise their hand and asked us if we were killed tomorrow, would we be proud of what we're doing today? S.P. said yes, Mrs. Duffy started yelling at her, saying that she was spreading lies. S.P. said that she was standing up for herself and her friends, and that she took it to the authorities and nothing was happening. Mrs. Duffy then told her that it was out of her hands. I said that nothing was happening. Mrs. Duffy asked me "what do you think should happen? More spreading lies?" I told her that a proper punishment should be ordered. (suspension, expulsion, etc.)... (Emphasis supplied).

See entire letter, with children's names redacted, except for S.P., annexed as Exhibit "C".

52. S.P.'s account, in pertinent part is as follows:

Today Ms. Duffy came in and talked to us.

...[M]s. Duffy went on and started to talk about starting on a clean page forgive and forget. [] then asked how do you forget if someone has do it over and over and over again? Ms. Duffy then said then you need to go to the r (sic) authorities. I then said that we did and nothing has happened and that this person keeps doing it. She then starts a conversation about how we need to make a change in your lives. [] and I both said we did and we will keep doing it. Then Ms. Duffy said that if we died tomorrow would you be proud of yourselves? I said " Yes I would in fact it would be very proud and I know my parents would be proud too because they know I did the right thing." I then told her that I am proud because I stood up for myself and my friends. Then Ms. Duffy said something about [] making up stories and [] began to cry. I stood up and walked right over to [] and comforted her.

Ms. Duffy then asked me and [] if we were willing to change. We said no because you are not making any sense to me. She then said well I don't want to talk to you anymore. She made me and [] go back to our seats while my very good friend was crying. I sat back down...

See S.P.'s May 18, 2016, account attached as Exhibit "D".

53. Respondent, knowing that the consequences of bullying could lead to the unthinkable and upset that the unacceptable re-victimization behavior was

continuing, especially by adults, made another appointment with Sr. Helene, but the re-victimization and intimidation did not stop.

54. On May 20, 2016 S.P. was re-victimized again by another faculty member and was told that she was the problem in a class and that other teachers thought so.

55. On May 22, 2016 Respondent logged on Power School to view her children's grades and observed S.P.'s grades for the trimester, which she believed to be the worst in 8 years. Equally disturbing was a 74 that B.P. received from Sr. Juliett in literature, which was his worst grade ever in 10 years, as B.P. was never anything but a First honors student.

56. Respondent immediately wrote to Sr. Juliett and another appointment was made with Sr. Helene for the May 20, 2016 incident and the grades issue. Respondent again privately expressed this "re-victimization" behavior and was told that it was a "coincidence" that S.P. was called out in class and made an example. Respondent learned during this meeting that S.P. had told this teacher the week before that she did not want to sit next to a classmate, the same classmate who said "suck my d***" and the same classmate who had been gyrating and who was exhibiting sexually inappropriate behavior and the same classmate whose mother was harassing her.

57. Respondent reviewed B.P.'s test. There were several red check marks indicating acceptable answers and one comment that not enough "words" from the story were used. Nothing else on a completely subjective test except for 5 definition questions which were entirely correct.

58. The following week B.P. took the Final Exam. His grade was perfect on the objective part of the exam, but again points were taken off in the subjective part. Respondent was not permitted to see the Final Exam.

59. Respondent and her husband had another meeting with Sr. Helene the following week and expressed their concerns about the re-victimization, intimidation and retaliation against S.P., a 12 year old child who had the courage to come forward and report completely inappropriate sexual behavior, the relentless bullying and harassment that she suffered for coming forward from adults and faculty and thereafter leading to retaliation against a child who had a stellar academic record for 10 years.

60. After this meeting on Friday, and since Respondent had been trying for almost 3 months to privately ask those at STS to stop the sexually inappropriate behavior in S.P.'s class, to stop the faculty harassment, bullying and intimidation against S.P. and now the retaliation against B.P., Respondent immediately reached out to the Superintendent of Schools for the Archdiocese and copied the STS Principal, the Church Pastor and the County Head of Education for the Archdiocese, Sr. Butler on this letter. This letter was sent that following Monday, June 6, 2016.

See June 6, 2016 letter annexed as Exhibit E, detailing the incidents discussed herein, which included citations to the harassment and bullying provisions in the STS Handbook.

61. Respondent sent a private follow-up letter on June 8, 2016, again requesting a meeting after a telephone call with Sr. Butler and again on June 15, 2016.

See June 8, 2016 letter annexed as Exhibit "F" and June 15 2016, letter as Exhibit "G".

62 After June 15, 2016, Respondent received a letter from Sr. Butler, to which she responded on June 27, 2016, asking her to name children. Respondent sent a 4th letter to the Archdiocese again requesting a meeting and declined to place the names of any children other than her own in writing, stating in pertinent part:

"I did not name these students in my letters because it is the failure of STS to properly address what was occurring at the outset and the negative impact it had on my children that was my purpose in contacting the Archdiocese. As I stated in my initial correspondence "...due to the disturbing conduct and behavior of STS faculty and the school principal, S.P. has been re-victimized and now my son B.P. has also been negatively affected."

...[I] also stated that many parents, outraged, made appointments, including my husband and me, with Sr. Helene because nothing was being done to stop this behavior that had been going on for months and which was making students uncomfortable. (Emphasis supplied and initials used).

See Butler, June 13, 2016, correspondence and Mullen June 27, 2016, correspondence annexed as Exhibit "H".

63. Respondent never received a response to this June 27, 2016 letter. No meeting was ever scheduled.

64. After much thought during the summer, Respondent decided to send S.P. and K.P. back to STS, believing that. S.P., who did nothing wrong, should not have to leave the only school she had ever known.

65. This inappropriate behavior, bullying, taunting, discrimination and bullying continued into S.P.'s 7th grade year and S.P. and another student reported a threat of violence to the new STS Principal, Deacon Joe, which included a threat to bring a weapon to school and to stab S.P. with a knife and a picture with guns pointing

to God by a boy in S.P.'s class.

66. Respondent was aware that guns were present in that boy's household at one time and any threat of violence should be taken seriously, just as the March 2016 gun incident, especially when young children are involved.

67. Just a few days later, on October 28, 2016, S.P. and the other complaining student were excluded on STS property from a vehicle which was owned by the parents of the student in question, at a Halloween "trunk or treat" event. S.P. was taunted and bullied by these parents on STS property.

68. This incident was reported to the STS Pastor, Fr. Joe and Principal, Deacon Joe by Respondent and her husband the next day, and STS refused to address the issue, except only to suggest that Respondent and/or her husband contact the other parents directly.

69. S.P., while at STS played every sport offered and excelled in athletics. By way of example, she was moved up to JV Basketball in 4th grade and was voted as an All-Star by her teammates every year she played, although there were girls two years older than S.P. on the team in some years. She was moved up to Varsity volleyball in 5th grade.

70. The Monday following the trunk or treat, on Halloween, Respondent learned from another parent that STS Athletic Director Bui canceled the Girls Basketball Season for the second year in a row. Respondent was never advised of this cancellation.

71. Despite the cancellation the previous year, that season was saved, in part, after Respondent was approached by the parents of children in B.P.'s class whom she had coached and who asked her to try and save the season.

72. As with the previous year, Respondent tried to save the season again and asked for an opportunity to enter a team. This request was denied by Mr. Bui and Richard Donovan, the Catholic Youth Organization (CYO) Director for the Archdiocese of Newark, who had children at STS at the time.

73. Respondent then made a request for S.P. to be placed on the already existing Boys Team that same evening, which was also denied. Respondent followed up this request with a written email the following day, on November 1, 2016.

74. This request was again denied, and her application was rejected as "late".

75. Respondent also sent a follow-up private email to Deacon Joe, on November 4, 2016, regarding the basketball issue and the trunk or treat incident. This email stated:

Dear Deacon Joe:

It is my understanding that you tried to return S.P.'s Basketball Registration forms to Scott yesterday despite the fact that there is no deadline on them and there is no prohibition on the CYO website with respect to Girls' playing on a Boys team that I saw. I ask that you please provide the reason in writing for this rejection before the end of today, so I can take this to the next level.

In addition, I would also like to confirm that STS does not intend to take any further action about what I reported occurred at last Friday's Trunk or Treat to you on Saturday, wherein I was informed that [] excluded only S.P. and another girl from their car, followed by [] taunting her and then culminating in both of these parents confronting her, all on STS property. As you know, I told you this whole incident reduced S.P. to tears.

It is no coincidence that both of these children who were excluded reported what could be characterized as a serious incident to you about the child of these parents. In light of what happened to S.P. last year where she followed the "see something, say something" policy of which I am certain you are

aware since it was clearly documented in letters I wrote to the school and to the Archdiocese, I cannot continue to let S.P. be "re-victimized" while those in authority fail to take appropriate action.

Finally, when I met you for the first time last month, I scheduled a meeting to discuss, in part, what occurred last year with the Athletic Director at STS with respect to Girls Basketball and how he singlehandedly tried to dismantle the team. This year the same type of thing occurred and there is no doubt that there is a pattern of behavior which I believe is unacceptable and should not be tolerated. Please confirm that you will not be addressing this issue either.

As I stated in my earlier correspondence this week, I will be happy to provide you with copies of anything you need, if it has not been maintained in the STS files, if these are necessary before you respond. However, I cannot wait to receive a response any later than Monday due to what I believe are time sensitive issues.

Thank you, Theresa Mullen

See November 4, 2016, email annexed as Exhibit "I" with names redacted.

76. The other girl who was excluded in the trunk or treat incident was the same child who gave the account about what happened in Ms. Duffy's class to Sr. Helene about how she, S.P. and other girls were: 1) shamed for standing up; 2) accused of making up stories; 3) accused of not telling the truth; 4) told that they were being part of the problem; and 5) were compared to killers, because they reported the sexually inappropriate behavior that had been happening for months by boys in their class and threats of serious violence, namely gyrating on desks, using the word "rape," being threatened with a knife and for reporting a picture being drawn with a threat of guns to authorities.

77. The following response was received from Deacon Joe, who completely ignored the trunk-or-treat issue and who rejected S. P.'s application for two reasons: 1) timeliness; and 2) that the Archdiocese doesn't permit girls to play on boy's teams,

two assertions which were placed in Certifications filed with the trial court by STS Athletic Director Anh Bui (AD Bui) and CYO Director Richard Donovan, and which were later proven to be false:

Dear Theresa,

Initially I returned from a meeting to find the application on my desk addressed (sic) to Mr. Bui. I do not see Mr. Bui. I was returning it to Scott and I told him that he had to give it to Mr. Bui. **But I also told Scott that it was my understanding that the deadline had past (sic) and also since your request was for S.P. to join in the Boys' Basketball team that also was not possible because the diocese doesn't do that. (Emphasis supplied).**

See November 4, 2016, email response, with redactions only for privacy issues, annexed as Exhibit "J".

78. S.P.'s application was rejected even though there **was no deadline on the forms**. (Emphasis supplied). See Application Form annexed as Exhibit "K".

79. STS in past years, when Respondent was coaching, accepted applications even after the basketball season started.

80. Respondent coached the JV Girls basketball team at STS in the 2013-2014 and 2014-2015 seasons. In the 2015-2016 season, she coached the Girls Varsity team.

81. In the 2013 season, Respondent received an email from AD Bui on December 9, 2013, **AFTER** the season started advising that a new player, a parishioner and CCD student, would be added to the roster. (Emphasis supplied). See December 9, 2013, email, redacted only for privacy, from AD Bui annexed hereto as Exhibit "L".

82. In this email, AD Bui forwarded Respondent an email from the then principal of STS, Sr. Theresa Lee saying that she met with the player's mother that

very day and that she was going to be contacting AD Bui about a registration form. (Exhibit "L").

83. This form was not rejected even though the Girls JV season had already started, and games were played as evidenced by correspondence between Respondent and AD Bui which indicated that the JV team had lost the day before December 8, 2013, by a score of 21-4. (Exhibit "L").

84. Shortly after the November 4, 2016, email to Deacon Joe, November 8, 2016, Respondent sent a 5th private letter to the Archdiocese, noting that there had not been any response to her last correspondence dated June 27, 2016, despite the fact that the June 13, 2016, letter from the Archdiocese indicated that the issues she defined were being looked into and almost 5 months had passed without a response.

85. This letter, in pertinent part noted:

S.P. has been re-victimized. This "revictimization" has not ended in this new school year and less than two weeks ago, parents confronted S.P. on school property at a school function. I am attaching a recent e-mail dated November 4, 2016 sent to Deacon Joe, together with his response, which failed to address any action to be taken by STS with regard to the "trunk-or treat incident" described...

...[A]s I stated to Deacon Joe, it is no coincidence that S.P. was excluded after a serious incident was reported to him about the child of these parents. **Adults and children have been instructed to follow the "see something, say something" policy which she did last year and again this year. ...**

Once again, I am inquiring as to **whether the Archdiocese is going to schedule a meeting,** is going to supply me with the information I requested and if it **is going to take immediate action to address all of the issues I have repeatedly outlined** before something even worse occurs. **I am also asking if the obvious continued re-victimization of S.P. is going to be permitted to continue without any consequences.** (Emphasis supplied).

86. This letter also addressed the basketball issue, noted that Respondent asked and was willing to coach as she had in past years and in pertinent part stated:

This year I am told that I will not be given any time to enter a Girls Team despite the fact that there was NO DEADLINE on the basketball forms distributed by the AD. (Emphasis supplied). In light of this decision, which I believe is completely unfair, I am also attaching my November 3, 2016 correspondence to the AD with the completed forms which included a request that S.P. be placed on the Boys 7th Grade Varsity Team, since there will be no Girls Team. There also has not been any response from the AD.

If the Archdiocese will not let STS enter a girl's team, then the fact remains that S.P. wants to play basketball, deserves to play basketball and it is my assertion that she has to be given an opportunity to do so at STS because there is a basketball team upon which she can play. Again if there is a written rule to the contrary, please provide it to me immediately...

I have reviewed the 2015-2016 website and there is no restriction that I have seen. In addition, it states that "Rosters must be submitted by the first game." Therefore there is no question that S.P. can be added...

There is no question that Catholic school girls are and have been permitted to play on Boys basketball teams when there is no comparable Girls team. To that end I am attaching the pertinent page from the Holy Trinity Church website in Webster, NY which allows for this EXACT THING. (Emphasis supplied)...

Finally, in accordance with my request last week regarding placing S.P. on the 7th grade Boys Basketball roster...**time is also obviously of the essence because the CYO rules state that additions to the roster must be done before the first game.** Therefore I need a written response which I have requested both from STS and from the Archdiocese. My email address is contained in the attachments,[].

See November 8, 2016, correspondence, which has been redacted for privacy issues, together with attachments, wherein Deacon Joe was copied, annexed as Exhibit "M".

87. At the time S.P.'s application was rejected, STS offered CO-ED basketball clinics where boys and girls played together, which Respondent had coached, despite the fact that STS, (as well as the Archdiocese), refused to let S.P. play basketball on the 7th grade JV boy's basketball team.

88. When Respondent began coaching at STS in 2011, she was assigned the combined CO-ED 1st grade Boys and 2nd grade Girls clinic and in 2012, Respondent was asked by AD Bui to coach the 2nd Grade Boys Clinic. Since Respondent had daughters in 1st and 3rd grade at that time, she asked AD Bui if K.P. could also attend the 2nd grade Boys clinic, in addition to the 1st grade clinic which he permitted.

89. AD Bui would also send sports sign-up forms home with children in backpacks and would send several follow-up e-mail and text reminders. For example, for the 2013-2014 season, he initially sent Forms home (Respondent's son was in 6th grade) and then a follow-up email on 10/14/13 and noted that the season would start in November. THERE WERE NO DEADLINES ON THESE FORMS either and forms were accepted after seasons began. (Emphasis supplied).

90. On October 14, 2013, AD Bui called Respondent and advised that he would be moving S.P., who was in 4th grade up to JV. He also asked respondent to coach and Respondent agreed.

91. Because AD Bui was moving S.P up to the JV team, she needed to complete the forms and by correspondence dated October 26, 2013, these forms were again sent to Respondent for the 3rd time. That year, the Forms were completed for S.P. on November 1, 2013, (coincidentally the same day the 2016 forms were rejected) as Respondent's checkbook ledger indicates that a check #4089 was written to STS Sports on November 1, 2013, for \$200.

92. The JV Girls team won their first playoff game in this 2013-2014 season and did not have to forfeit playing in the playoffs despite the fact that a player was added after the season started. See February 24, 2014, correspondence from AD Bui confirming playoff win annexed as Exhibit "N".

93. The Girls JV team in the 2014-2015 season also made the playoffs. See February 23, 2015, correspondence from AD Bui confirming same annexed hereto as Exhibit "O".

94. In the fall of 2015 before the new basketball season was to begin, Respondent had disagreements with AD Bui which included days which were set aside as girls practice time slots and days being given to the boys and other coaching issues wherein Respondent offered to coach both the Girls JV and Girls Varsity teams. Most of these disagreements were in telephone calls and emails. However, these disagreements never resulted in AD Bui saying S.P. could not play basketball for STS.

95. On November 2, 2015, Respondent was named as the Head Coach of the Girls Varsity Team. See November 2, 2015, correspondence from AD Bui evidencing same annexed as Exhibit "P".

96. This email also gave the CYO scheduling meeting date as November 14, 2015. See Exhibit "Q".

97. On November 4, 2015, Respondent met with the then Principal of STS, Sr. Helene Godin, among other things, about a practice day issue wherein the girls regular time since Respondent began coaching in 2013 was given to the boys.

98. On November 6, 2015, just 4 days after the coaching email was sent by AD Bui and just 2 days after Respondent's meeting with the STS Principal, she received an email at 10:36 p.m., the day before B.P's confirmation, from AD Bui canceling the Girls' season. See November 6, 2015, email from AD Bui annexed as Exhibit "R".

99. Respondent never received any communication from AD Bui notifying her that cancelation of the Girls season was ever an issue. Respondent also had

coached many of these 8th grade girls when they played JV in 6th Grade and knew many had aspirations to play in High School.

100. Since Respondent did not want these Girls to lose their 8th grade year, she tried to save the Girls Basketball season and immediately sent the STS Principal, AD Bui and the STS parents emails about this cancellation.

101. Before B.P.'s confirmation, Respondent spoke to CYO Director Donovan who advised that AD Bui had told him that only 3 girls were now willing to play and that 5 girls had dropped out since that Monday.

102. When Respondent informed CYO Director Donovan that she believed there were enough girls for a team, he told her that he would extend the deadline.

103. Respondent called the STS Pastor (Fr. Joe) and asked to meet with him after B.P.'s confirmation and he agreed.

104. When Respondent arrived at St. Theresa Church for B.P.'s confirmation, she was surprised to learn that AD Bui had repeatedly called all of the Girls parents who had registered to play that past Wednesday and Thursday and asked them to re-think their position about playing.

105. Many of these parents asked Respondent to do everything she could do to save the Girls season.

106. Respondent was the only parent (and named coach) who was not contacted. The telephone calls from AD Bui began the day Respondent met with the STS Principal, (Sr. Helene) on November 4, 2016, and not on November 2, 2016, when AD Bui sent the coaching email. Exhibit "P".

107. CYO Director Donovan extended the deadline to November 9, 2015, and parents of EVERY girl that Respondent represented would play reconfirmed their

daughter was playing, contrary to what AD Bui told CYO Director Donovan. See various emails thanking Respondent for her efforts from then 8th grade parents and B.P.'s classmates annexed as Exhibit "S".

108. On the morning of November 9, 2015, (days after S.P.'s 2016 application and check was submitted), S.P.'s check was submitted for the 2015 season. See November 9, 2015, email correspondence from Respondent to AD Bui confirming same annexed as Exhibit "T".

109. By November 9, 2015, there was a team again. However, the regular practice days and time issue for the Girls still remained. By November 19, 2015, Respondent was able to secure the local Public High School, Brearley in Kenilworth as a regular practice site.

110. The 2015-2016 Girls Varsity team made the playoffs again and all 3 of the Girls who tried out in High School made their respective teams.

111. Despite what transpired in the 2015-2016 season, on May 19, 2016, AD Bui wrote Respondent a "Thank You" card at the Sports awards ceremony, that in pertinent part stated:

Dear Theresa,

Thank you for insisting on having a basketball team for the girls...I also want to thank you for getting the gym time for practices at Brearley...I really appreciate all your help!!!

I know this year has been tough between us and we did not see eye-to-eye...

[A]nd I think you are a great coach, who knew how to get the best out of the players. For all of those things you did, I want to thank you for all of your help & **look forward to another year next year.**

(Emphasis supplied). See copy of May 19, 2016, "Thank You" card from AD Bui annexed as Exhibit "U".

112. Respondent was never advised of any deadlines for the 2016-2017 basketball season by AD Bui and CYO Director Donovan and despite AD Bui's "Thank You" card, looking forward to a new season, he canceled the season without ever informing Respondent.

113. Between Spring 2016 and October 31, 2016, when Respondent learned from another mother of a girl who played on the Girl's Varsity the previous season that the season was canceled, Respondent had already made complaints to STS about the inappropriate sexual behavior and the threats of violence as described herein.

114. No email was ever sent by AD Bui canceling the Girls season, like an email was sent last year on November 6, 2015. See Exhibit "R".

115. No follow-up emails were ever sent to Respondent by AD Bui about failing to receive S.P.'s application and in the past AD Bui sent numerous follow-up correspondence to parents whose children played sports. He also made numerous follow-up telephone calls.

116. AD Bui never communicated any Roster deadline to Respondent prior to canceling the season.

117. On October 31, 2016, after learning of this cancelation, Respondent immediately contacted AD Bui who confirmed. He did not respond when asked why he failed to let her know.

118. Respondent, among other things, thereafter told AD Bui that she could get 8 girls again (enough for a roster) and was told by AD Bui to contact Rich Donovan, which she did.

119. CYO Director Donovan, refused to allow Respondent's first request to enter a Girls team, like he did the preceding year. Thereafter, Respondent asked

that S.P. be placed on the 7th Grade Boys team and Mr. Donovan refused, stating that girls are not permitted to play on boy's teams. See pertinent portions of text messages annexed as Exhibit "W".

120. Thereafter there were several emails between AD Bui, Mr. Donovan and Respondent, with the last email at that time known to Respondent being a follow-up correspondence sent on November 1, 2016, to Defendant CYO Director DONOVAN, AD Bui, Sr. Helene and Deacon Joe.

121. It was after this email that Respondent sent the November 4, 2016, email to Deacon Joe and the November 8, 2016, correspondence to the Archdiocese (as already referenced), which in part asked for a Rule reference which would bar S.P. from playing.

122. Respondent failed to receive any response from the Archdiocese and wrote a 6th private letter, dated November 18, 2016, asking for a meeting for a 6th time. See November 18, 2016, correspondence annexed as Exhibit "X".

123. The Archdiocese, after 6 letters over a period which exceeded 5 months, finally agreed to a meeting with respondent and her husband which took place on November 22, 2016, at the Archdiocesan headquarters in Newark with the Superintendent of Schools, Dr. Margaret Dames. Sr. Butler was also present.

124. The inappropriate sexual behavior, the continued bullying of S.P. by both her male classmates and by adults, including faculty, as well as the basketball issue were discussed.

125. At the end of this meeting, Respondent expressed that she did not feel that her concerns were being properly addressed because neither Sr. Butler nor Dr. Dames could provide her with assurances that S.P.'s concerns would be addressed

or with a Basketball Rule which would preclude S.P. from playing on the STS Boy's 7th Grade team.

126. the last thing that was said in this meeting, was Dr. Dames' response to Respondent's concerns:

"Have your lawyer call our lawyer."

127. Neither Respondent or her husband had a lawyer at that time.

128. The following day, by letter dated November 23, 2016, Dr. Dames sent a letter, addressed to Respondent as "Mrs. Theresa Mullen" without any Rule, just noting that there were separate divisions and also commented that Sr. Pat spoke to Deacon Joe about bullying. See November 23, 2016, correspondence annexed as Exhibit "Y".

129. Based on the repeated failure of STS and the Archdiocese to address the serious issues privately raised by Respondent and her husband over a period of 9 months with respect to S.P., which also negatively affected B.P., Respondent and her husband decided that there was no other alternative but to take legal action in the name of Respondent's husband only.

130. By letter dated December 1, 2016, Susan McCrea, Esq., wrote a letter to Dr. Dames and Sr. Butler on behalf of Respondent's husband, which addressed the repeated re-victimization of S.P., the negative effect that it had on B.P., the request for S.P. to play basketball and that the failure to address these issues by STS was a violation of the STS Handbook. In pertinent part this letter states:

... it is apparent that those in authority at St. Theresa's have violated the very provisions of its Handbook which addresses harassment and bullying. This violation by school authorities has resulted **in the repeated re-victimization (beginning last year and continuing this year) of S.P. because the child stood up and reported inappropriate behavior (even though I am told she was**

wrongfully precluded from doing so initially by the faculty at St. Theresa). It also appears that B.P. has had to pay a price for his sister's reporting of that incident.

As for basketball, after review of the correspondence dated November 23, 2016, that was sent to Mr. Phillips and his wife, there is clearly no rule which precludes S.P. from playing. **St. Theresa's already offers co-ed sports and there is no reason why that offer should not be extended to basketball other than discrimination.**

...[I]t is also my understanding that the current Principal at St. Theresa does not object to S.P. playing... S.P. is an outstanding basketball player who wants to play for her school.

Finally, I have been informed that every time Mr. Phillips and/or his wife request information or specifics about who is in charge, they are told by whomever they are speaking with at that time that it is not his or her responsibility. This denial of responsibility and accountability is of additional grave concern and also appears to be a clear attempt to give them the "runaround".

I do intend to file an Order To Show Cause in Court tomorrow unless I hear from you or your legal representative by the close of business today. S.P. has tried for the past several weeks to sign up for basketball and has been prevented from doing so. The first game will be happening this weekend so time is of the essence. I hope these issues can be resolved without the Court's intervention.

(Emphasis supplied). See December 1, 2016, correspondence, with privacy redactions, annexed as Exhibit "Z".

131. An initial Verified Complaint was filed on December 2, 2016, in the Chancery Division, Essex County, with causes of action regarding bullying and harassment, basketball and valedictorian calculations. See Verified Complaint annexed as Exhibit "AA".

132. Respondent, as a sitting Judge of the Superior Court and privacy concerns associated with this position, chose not to be the Guardian Ad Litem for her children in the litigation.

133. Notwithstanding Respondent's decision, when a child is being bullied, intimidated and harassed, the occupations of his or her parents does not and should not matter, nor should it be exploited to gain a civil advantage or used to silence a victim of bullying, harassment, intimidation or abuse---every parent has the obligation to protect his or her child from harm---there is no greater responsibility.

134. This Verified Complaint **did not seek money damages**. (Emphasis supplied).

135. An Amended Verified Complaint was filed on December 9, 2016.

136. This Amended Verified Complaint also did not seek money damages.

137. On December 20, 2016, Defendants Archdiocese and STS filed opposition papers with the Court.

138. These filed papers included Certifications dated December 19, 2016, of: 1) Msgr. Nydegger, the Vice President and Vicar General of the Archdiocese and the Vice President of St. Theresa Church which owns and operates STS; 2) CYO Director Richard Donovan; and 3) Anh Bui.

139. Paragraph 5 of the Certification of Msgr. Nydegger stated that:

Defendant Archdiocese "did not own, operate or control" STS.

(Emphasis supplied). See Certification annexed as Exhibit "BB".

140. Richard Donovan's Certification also was dated December 19, 2016. Attached to this Certification was an email he sent on November 1, 2016, to Defendant STS administrators, which included the Pastor, Fr. Joe, Deacon Joe, the Principal at the time, Sr. Helene, the Principal the previous year, Archdiocese administrators and AD Bui about Respondent, which specifically said:

"Finally lol I just leave you with this ... she likes to pull the "Catholic Card" at the end of her email. Might I remind you all

that Jesus also made a whip and chased people out of the temple and flipped tables in anger--- all actions he felt justifiable (Emphasis supplied)

See pertinent portion of November 1, 2016, email annexed as Exhibit "CC".

141. Those in authority from STS and the ARCHDIOCESE directly received and later published this correspondence in papers filed with the Court, thereby condoning this expression of violence against a woman and failed to do anything to stop it.

142. Advocating violence against Respondent, a woman (or anyone) is not funny or is never something about which to joke (lol-laugh out loud), wherein she asks for assistance/reconsideration for entering a Girls team or by allowing S.P. to play for her school by playing on the equivalent Boys team, is troubling in its own right.

143. But for the Court papers, Respondent would never have seen that email, which apparently was annexed accidentally.

144. STS and the ARCHDIOCESE, by their actions and as an institution, acted in concert to "whip and chase" Plaintiff, S.P., K.P., and Respondent out of STS by their bullying, harassing and intimidating behavior, designed to silence them and anyone who supported them.

145. Specifically, as already referenced, the opposition papers that were filed addressed the basketball issue, and AD Bui submitted a Certification to the Court in opposition, dated December 19, 2016.

146. Paragraph 15 of AD Bui Certification asserts that S.P.'s November 1, 2016, application, filed the very next day after Respondent learned from another

parent that the Girls Basketball season had been canceled, was "drastically late" as a reason for not accepting it.

147. In Paragraph 16 he further asserts "there was nothing I could do to accommodate such a tardy application." This assertion also is completely without merit based upon his very own past conduct. See Pertinent Portions of AD Bui's Certification annexed as Exhibit "BB".

148. CYO Director Donovan also submitted a Certification on the same date. Paragraphs 11, 12, & 13 of his Certification, in pertinent part, indicated that:

...[N]o exceptions are made for any team or player who cannot or will not comply with the rules...

The 2016-2017 season is no different...**[O]ver 160 teams and 1000 players were able to comply with the rules and meet all deadlines and obligations.**

To my knowledge the league has never made an exception for even one player.

See Pertinent Portions of CYO Director Donovan's Certification annexed as Exhibit "CC".

149. Both of these men Certified to these "facts" notwithstanding that as already noted, S.P.'s application for Basketball in 2013 was submitted on November 1, 2013, and accepted and in 2015 was submitted on November 9, 2015, and accepted, and another player's application who attended CCD at STS was accepted in December, 2013 AFTER the season had already started (Paragraphs 81-83).

150. Based largely upon these Certifications, oral argument was held on January 5, 2017, and S.P. was denied the right to play basketball on the boy's STS 7th grade team, as the Court found there was no settled legal right to do so. See January 5, 2017, Orders annexed as Exhibit "DD".

151. Permission to File a Motion for Emergent relief the next day by Plaintiff was granted by Order dated January 16, 2017, and Amended Order dated January 10, 2017. See Orders annexed as Exhibit "EE".

152. Almost one month from the January 5, 2017, Court date, while the Appellate application was still pending and almost 2 months since the lawsuit was filed, with no new Court dates, on the evening of February 1, 2017, Respondent and her husband became aware of a letter **from the Archdiocese** that was sent to Plaintiffs' attorney after school and Court hours. This letter, in pertinent part stated:

"If a parent implicates St. Theresa in a legal matter, or names St. Theresa School as a defendant in a civil matter, the parent/guardian will be requested to remove their children immediately from school."

...[B]ased upon your ongoing lawsuit against St. Theresa's pursuant to this provision of the Handbook, you are hereby requested to remove S.P. and K.P. from the school.

(Emphasis supplied). See February 1, 2017 letter annexed as Exhibit "FF".

153. This letter was attached to an email sent by Defendants' counsel, at **4:56 pm** stating:

As a courtesy, I am providing you with a copy of a letter from the Superintendent of Schools that is being hand **delivered to your clients this afternoon**. I believe the letter is self-explanatory but to avoid any confusion, neither S.P. nor K. P. should be coming to St. Theresa's School tomorrow morning or any day thereafter.

(Emphasis supplied). Identifiers are redacted. See email from counsel annexed as Exhibit "FF" with letter.

154. Plaintiff was never served with this letter despite counsel's representations to the contrary, and Respondent and her husband, with their

children, returned home that evening to find the letter on the ground at 9:44 pm next to their garage. See photograph of envelope annexed hereto as Exhibit "GG".

155. This letter, for the first time, referred to Respondent as "Hon." although Defendants' counsel for STS and the Archdiocese in the pending litigation had been told by the Court to refer to her as "Ms. Mullen."

156. Respondent, in the past, specifically told Fr. Joe not to recognize or identify her as a Judge in Church or at any STS function. He agreed.

157. No one at STS ever called Respondent "Judge Mullen." Nor did anyone at the Archdiocese before this February 1, 2017 letter, as can be seen by Sr. Butler's June 13, 2017, correspondence and Dr. Dames November 23, 2016, correspondence--because Respondent never told either of them she was a Judge, nor has she used her position as a Judge to obtain any advantage, or favorable treatment, ever.

158. All previous correspondence to Respondent whether it was from STS or the Archdiocese always referred to her as "Theresa" or Ms./Mrs. Mullen. See all previously identified Exhibits wherein there is any reference to Respondent.

159. The February 1, 2017, correspondence (Exhibit "FF") was authored by the Archdiocese, which had already taken the position on December 19, 2016, that Defendants are two separate and distinct legal entities. See Exhibit "Z", Certification of Msgr. Nydegger.

160. Clearly the timing of this email was carefully orchestrated to deny Plaintiff and his young daughters, who up to that time had not attended any other school, any recourse before school began the next morning.

161. The clause in the STS Handbook upon which the Archdiocese relied in its February 1, 2017, correspondence does not mention the word expulsion.

162. Since Respondent and her husband were: 1) married at St. Theresa Church; 2) all 3 of Respondent's children were baptized at this Church; 3) her children had attended no other elementary school other than STS; 4) the Church Pastor, Fr. Joe was invited to Respondent's swearing-in ceremony to give her the blessing when she became a Judge and she had known him for almost 20 years and her husband for over 30 years; 5) the children had tests that morning; 6) Respondent was very concerned about any interruption in the children's schooling as all 3 children had perfect attendance each year for most of the 27 collective years, having missed about 5 days in total; and 7) STS did not ask these children to leave, Respondent and her husband took S.P. and K.P. to STS that morning, February 2, 2017.

163. Upon arrival, Respondent and her husband, S.P. and K.P. were met by 3 Police Officers including the Police Chief, the STS Principal, the Pastor and the Associate Pastor who stood and blocked the only entrance to school. Respondent's husband turned on his cellphone upon seeing the unexpected police presence.

164. This occurred in full view of various school personnel, teachers and students. No news media were present. This show of force was designed to publicly bully, shame, embarrass, humiliate and devastate S.P. and K.P, Respondent and Respondent's husband (for filing a lawsuit) and to prevent others from filing future lawsuits or being witnesses against what was happening at STS as described herein, especially what was happening to S.P. and what had been happening to S.P. for almost one year.

165. The instant litigation had been pending for 2 months and neither STS, nor the Archdiocese ever made a prior "request" nor did they ever raise this issue before the trial Court. Nonetheless, if disputes cannot be resolved, Plaintiff had a

Constitutional legal right to seek relief in the Courts to protect his children after Respondent's repeated efforts to handle the matter privately were not successful.

166. Neither Respondent, her husband, K.P. or S.P. did anything to warrant a request for removal other than Respondent's husband's lawsuit. These actions were nothing more than retaliatory against a parent for pursuing legal action which he clearly has a right to do.

167. S.P. (and K.P), victims were again revictimized by this show of force against a 13 and 11-year-old who were just trying to go to school.

168. Respondent, her husband, S.P. and K.P. were then asked to come into STS while someone from STS was contacting the Archdiocese.

169. They were all guarded in the hallway like criminals by Kenilworth Police Officer Pickton for "coming to school."

170. The Police Chief John Zimmerman, Officer Grady, Fr. Joe, Fr. Vincent and Deacon Joe proceeded to the Principal's office, located on the other end of the STS entrance.

171. B.P., who was a Freshman in High School and who was driven to school every day by his father, was outside in Respondent's husband's car and needed to arrive at school by 8:45am when classes began. STS began its school day at 8:00am.

172. Respondent drove her own car to STS that day and was going to go straight to work.

173. Respondent, her husband, S.P. and K.P. were guarded in the hallway for about 15 minutes when S.P. reminded them that B.P. had to go to school. Respondent's husband then left to take B.P. to school. Respondent very upset and

particularly disturbed about the police presence, then turned on her cell-phone so that everything that happened would be recorded.

174. Respondent's cellphone recording begins with her husband leaving the premises at 8:09am.

175. The recording is uninterrupted until 8:33am when she is asked to leave the Principal's office. This recording 24:11 has been transcribed and remains on her phone.

176. Respondent and S.P. and K.P. remained guarded and were thereafter escorted by Officer Pickton to the other end of the hallway in front of the Principal's office, where they remained guarded.

177. Shortly thereafter, Fr. Joe came out of the Principal's office. Respondent's **entire** interaction (while still being guarded and with her children still being guarded) and conversation with him since she was invited into STS is recorded. (Emphasis supplied).

178. Fr. Joe NEVER once asked Respondent to leave STS. (Emphasis supplied).

179. The conversation begins with Fr. Joe telling Respondent how K.P. gave a good answer in Church. Her marriage is also mentioned and the 27 years at STS. Fr. Joe asks how B.P. is doing, which included an inquiry about high school and how B.P. was playing on the STS, High School basketball team. Respondent is also consoling her children, particularly K.P., just 11 years old, who can see the door being shut for morning assembly, which she and S.P. would attend every morning, and telling them not to worry that the door is shut, in an effort to try and make things as normal for them as possible. The conversation begins:

A VOICE (Fr. Joe): "She had a good answer the other day."
Ms. Mullen: "Who K.P. or S.P.?"

It ends upon Respondent (after being outside the office for almost 15 minutes),
being asked to come into the office:

A VOICE (Fr. Joe): "You can come in and S.P."
Ms. Mullen: "Okay:
A VOICE (Fr. Joe): "will stay out here"
Ms. Mullen: "That's fine."

See Pages 2-8 of the transcript, annexed hereto as Exhibit "HH".

180. There was not one cross word uttered by Respondent to Fr. Joe, nor did Respondent speak to him in anything other than a conversational tone.

181. In the office, Respondent who was escorted to a chair directly across from Deacon Joe, the Principal, was then surrounded by 5 men in the tiny office, which included the Police Chief, Officer Grady, Fr. Joe, Fr. Vincent and Deacon Joe (he was the only one seated other than herself) in yet another show of unnecessary force.

182. In Respondent's 27 collective years as a parent at STS, there had never been a police presence of which she was aware. Nor did Respondent (or her young children) ever have any type of confrontation with anyone at STS which would necessitate such a presence.

183. Immediately thereafter, Respondent was read a statement, written on a legal pad, by Deacon Joe, which expelled S.P. and K.P. , (who was not a named party at the time), from STS in retaliation for Respondent's husband having filed the Complaint. This statement, which threatened criminal charges (that were later brought against her by Fr. Joe) is on the recording, said:

"After **consulting with counsel for the Archdiocese**, we understand that you refuse to withdraw the children from the

school as you've been requested to pursuant to the student handbook that you signed on August 16, 2016. **Therefore, the children are expelled.** You must leave the premises immediately. If you refuse to comply, then you'll be considered trespassing."

(Emphasis supplied).

184. This statement did not specify what charges would be brought, nor did it identify why S.P. and K.P. who were innocent of any wrongdoing, were being expelled, other than to reference the STS Handbook clause referenced in the February 1, 2017, letter.

185. STS did not author the February 1, 2017, letter, nor the verbal statement delivered to Respondent on February 2, 2017, the attorneys for the Archdiocese did.

186. No written notice of expulsion was ever given to Respondent, her husband, S.P. and/or K.P. by the Archdiocese or STS.

187. As noted, no mention of this expulsion or trespass (Respondent had been invited in) was ever raised by Fr. Joe with Respondent while she was speaking to him in the hallway.

188. Respondent, upon learning that her children were expelled was extremely upset and unnerved by the police presence.

189. Chief Zimmerman, who was in the room and one of the Officer's surrounding Respondent, told her that the Police would not be bringing any charges (and they never did) and specifically stated:

"Well St. Theresa's would sign the complaint for---against trespassing... [W]e're just an intermediary trying to keep the peace at this point."

190. Respondent also addressed the recording while surrounded stating:

"The reason why I am recording this, **it's not my intention to cause a scene...**

(Emphasis supplied).

191. Nor did Respondent cause a scene. Although upset, guarded and surrounded, no foul language was used, nor did she call anyone any names.

192. Respondent never raised the fact that she was a Judge to anyone that day. STS did. Specifically, Fr. Vincent was the one who raised this fact and Respondent clearly said that the fact that she was a judge did not make a difference.

193. Fr. Vincent, said it did make a difference, which Respondent unequivocally denied.

194. Fr. Vincent (FV), once a practicing lawyer, called and referred to Respondent (Ms. M) "Judge" while she was surrounded in the office. During this exchange, he kept cutting her off. Nonetheless, he also stated that: 1) the expulsion and threat of trespass charges was a statement from "our lawyer;" 2) that if trespassing is resisted the lawyers should get on the phone and 3) thereafter instructed Respondent to wait for her husband in the following exchange, wherein Respondent states it does not make a difference that she is a judge **because she is here as a "mother"** :

"FV: So therefore, you're trespassing. And if you resist trespassing, then we need to get the lawyers on the phone. If our lawyer can't get on the phone (indiscernible) judge. Okay? So, get the lawyers on the phone and let them hash it out.

Ms. M: Well without a Court Order how are my children trespassing?

FV: That's why I am saying, that's why I'm saying let's have the lawyers speak to the lawyers.

Ms.M: Well—I'm sure-

FV: **Okay but I assume you want to wait until your husband gets back. Okay so we'll do that, if he's coming back.**

Ms. M: **Well, I'm going to tell him he has to come back because I have to go to work.** But I would like to know the basis, since it's a statement read by the Archdiocese, of the expulsion. They're expelled because we denied your request to have them leave—or the Archdiocese's request, because let's face it, St. Theresa's hasn't signed anything. **So, I want to be clear, because I want everyone to be on the same page here, which is why I am recording this.**

FV: That's why the Archdiocese will talk to your lawyer and we can all be present. How is that?

Ms.M: Well that doesn't make a difference. I want to know from St. Theresa---if they're being expelled.

FV: From a legal perspective—

Ms.M: No. Forget about—

FV: No, it is. It's a legal issue. Let the lawyer talk to the lawyer. Let the lawyer---I mean, we're not going to talk about—I mean, **you're a judge.** Okay?

Ms. M: Can we—

FV: (Indiscernible)

Ms.M: It doesn't make a difference that I'm a judge.

FV: No, it does because you're a judge—

MS.M: No. No. No. I'm here as a mother and I'm not part of this lawsuit.

(Emphasis supplied). This colloquy continues wherein Fr. Vincent again suggests that whether criminal charges are brought should be up to a lawyer in a pending civil case, which is in direct contravention to the NJ Ethics Rules:

FV: There are lay people here that don't know the law. Okay? So, let's let the lawyers talk to the lawyers.

Ms.M: No.

FV: This is a statement from our lawyer.

Ms.M: Okay. So, a lawyer has—

FV: **Let our lawyer speak to your lawyer.**

Ms.M: No. No. No. Wait a minute. So, let's get this straight. **A lawyer has the right to tell St. Theresa's who didn't sign a letter, to charge me and my children with criminal trespass.** I just want to get this straight.

FV: From the diocese---from the diocese—

Ms.M: **I didn't realize a lawyer has the right to bring criminal charges.**

FV: From the diocese perspective you're expelled. You're children—

Ms.M: Based on what?

FV: Based on the letter that you signed, the policy that you signed.

Ms. M: I didn't sign anything. Let's get that straight. Based on—

FV: Okay. Your husband—

Ms.M: Wait.

FV: So, your husband is not here. Hold on, let's put—no no.

Ms.M: Based on the policy in the yearbook (sic)—

FV: We're going to keep talking—

Ms.M: No. No, but you're interrupting me...

195. Father Vincent thereafter asks Respondent if she signed the Handbook and upon confirming that she did not, AGAIN repeatedly states that **they will wait for her husband to get back to STS** in the following exchange and also states that the lawyers should decide whether to bring a criminal charge, clearly using the

children (and Respondent) as a bargaining chip. (Emphasis supplied):

FV: Okay did you sign the letter?

Ms.M: I did not.

FV: Who signed the letter:

Voice: Scott

FV: Your husband, so we'll wait—

Ms.M: Regardless. Let's get this straight, because Scott signed the letter—

FV: **Your husband signed the letter, so we will wait for your husband.**

Ms.M: But I want to get this straight.

FV: No, no, we're not going (sic) it straight until the lawyers get on the phone.

Ms.M: Oh, we're not? Why does the lawyer need to be on the phone?

FV: **We will wait for your husband to get back.**

Ms. M: And what?

FV: We'll call the Arch—we'll call Carella Byrne, we'll call your lawyer—

Ms.M: And in the meantime, my children are sitting outside in the hallway?

FV: That's -I'm sorry, that's

Ms.M: Okay so let's get it straight, they're expelled...

FV: **We're getting it straight. We're not talking anymore until your husband gets back, who signed the letter because you didn't.**

Ms.M: Yeah.

FV: We'll get Carella Byrne on the phone and your lawyer on the phone.

Ms. M: Okay.

FV: **It's a legal issue now. Let them discuss it.**

Ms.M: **How is it a legal issue? How is it a legal issue? You just told me we're trespassing. That's a criminal charge.**

FV: You're telling us to—you're telling us to—

Ms.M: That is a criminal charge.

FV: You're telling us (indiscernible). Let's get the lawyers on the phone. Very simple. Very simple.

Ms.M: **And if your lawyer says bring a complaint did St. Theresa sign a Complaint?**

FV: Very simple, **let the lawyers decide...**

196. Later on, in the discussion, Father Vincent again states that they are going to wait for the "lawyers to talk about it" before making any decisions about whether the children can go back to school, again disturbingly using them as pawns, during the following exchange:

FV: We're going to wait for the lawyers to talk about it. **We're not making any decisions for your kids to go back to school until the lawyers talk.**

(Emphasis supplied).

197. Later on, Respondent, again states that she is here as the children's mother and does not have a lawyer:

FV: And then it doesn't get anywhere. Maybe you can call your lawyer and see if she's available.

Ms.M: I'm not calling my lawyer because I don't have a lawyer in this matter.

FV: (Indiscernible) Carella Byrne

Ms.M: **I'm here as my children's mother.**

(Emphasis supplied).

198. Shortly thereafter Respondent was asked to leave the room so Carella Byrne could be called. She did so immediately at 8:33am and immediately went outside to the front of the building to call her husband as instructed, because she did not wish to upset her children any further by telling them that they were expelled.

199. Respondent was on the phone continuously until 8:42am. See Pertinent portions of Verizon Bill, redacted, annexed hereto as Exhibit "HH".

200. In order to make this call, she needed to shut off the recording device on her phone, which remained off until her husband returned to STS shortly before 9am.

201. Respondent remained outside, when sometime after 8:42am, everyone present in the office, except Deacon Joe, joined her on the front stair, which is the only access to enter STS once school is in session. Officer Kavarik also arrived sometime around 8:49am according to the CAD report.

202. Respondent's children remained guarded inside by Officer Pickton, and Respondent never entered the building again that day.

203. When Respondent's husband returned, he began getting into a disagreement with Fr. Vincent about the lawsuit which he said was filed at the advice of Dr. Dames (See Paragraph 126), and Respondent reactivated the recording for about one minute before leaving.

204. Respondent's husband also began speaking to Fr. Joe, and Respondent told him to stop it because Officer Pickton opened the front door to let S.P. and K.P. out of the building and because Respondent thought the conversation was getting unpleasant.

205. Immediately upon S.P. and K.P. exiting the building, Respondent turned off her recorder and **voluntarily** left the property because K.P. was hysterically crying and S.P. looked visibly upset. (Emphasis supplied).

206. Respondent was not escorted off the premises by anyone and left on her own accord, despite the fact that the Kenilworth Police Department reports stated otherwise.

207. In fact, Officer's Grady's report notes that the incident occurred and was reported at 8:47am on February 2, 2017, and there is no question that he was already present when Respondent arrived with her husband and children before 8 am that morning. His report also says the children were expelled the day before---another untruth.

208. The report further goes on to say that he walked back to the school office and spoke to administration upon Respondent's arrival---again untrue, as STS personnel (and Respondent) testified that the Police already were there.

209. Officer Grady, who was present in this meeting, also states in his report that at the conclusion of the meeting school officials informed Respondent that she was no longer welcome on the property---again untrue as Respondent was asked to leave the room so Carella Byrne could be called, which is clearly stated by Fr. Vincent on the tape:

FV: Leave the room for a second because we don't want ex parte communication...

Respondent is no longer heard on the tape as the conversation ends and tape ends at 8:33am, the same time her telephone log indicates she began making calls, the first one to her husband. See Exhibit "II".

210. Officer Grady's report further indicates that the school administration

asked Mrs. Mullen numerous times to leave the property and then asked the police to remove her, again entirely inconsistent with the tape where the **only statement** Chief Zimmerman makes is that his department would not be signing a Complaint and that they were there to keep the peace. See Paragraph 189. (Emphasis supplied).

211. The word "handcuffs" which the Police and the STS personnel repeatedly testified that Respondent used, is not mentioned at all in Officer Grady's report.

212. Officer Grady then falsely states that he, Officer Pickton, Chief Zimmerman, and Ptl Kaverik were finally able to remove Mrs. Mullen and her children from the school, which is entirely inconsistent with the testimony **of Fr. Joe, who stated that he walked Respondent and her children outside, then Officer Kaverik pulled up** and that neither he nor Respondent and the children EVER WENT BACK inside. (Emphasis supplied). See report of Officer Grady annexed as Exhibit "JJ".

213. The following is the testimony from Fr. Joe on January 24, 2018, in this regard:

Mr. Gillet: So, when you walked out, you said what you said to the children—

Fr. Joe: Hm-Hmm And they walked out towards the front door of the school, still with hesitancy, **and then the patrol car pulled up with Sean Kaverik.**

Mr. Gillet: So, when you walked out and you said that to the kids—

Fr Joe: Hm-hmm. They were crying.

Mr. Gillet: **Theresa was there. Right?**

Fr. Joe: **Yes.** Hm-Hmm

Mr. Gillet: **And then did all of you walk down the hall down towards the front door?**

Fr. Joe: **Not the hall, we just walked out the front door, we didn't go down to the back.**

Mr. Gillet: **So, you didn't spend anytime back outside the office, you basically, after you talked to them, you all walked out the front door?**

Fr. Joe: Hm-Hmm. **Yes. Yes.**

Mr. Gillet: And once you got outside, you had some discussions with Mr. Phillips and he was not pleased about what had occurred. Correct?

Fr. Joe: Yes. I even think its on the tape. Ms. Mullen told him to— be quiet or whatever.

(Emphasis supplied).

214. The CAD report indicates Officer Kaverik arrived at 8:47 and **"removed a disorderly person."** That is directly contrary to the testimony given by Fr. Joe. See CAD report annexed as Exhibit "KK".

215. This CAD report also indicates that Officer Kaverik was called by Officer Pickton.

216. However, Chief Zimmerman, during this trial testified that he was the person who called Officer Kaverik. Chief Zimmerman, also on January 24, 2018, testified:

Mr. Gillet: And how did you contact a uniformed Officer?

CZ: Via radio

Mr. Gillet: And did you call to dispatch at Kenilworth?

CZ: I did.

Mr. Gillet: And did somebody eventually turn up from Kenilworth?

CZ: Yes.

Mr. Gillet: And who was that?

CZ: Officer Kaverik

217. **However, contrary to Chief Zimmerman’s testimony (and the CAD report), Officer Kaverik testified he came to STS as a result of a direct call from the Chief and not by dispatch.** (Emphasis supplied). The following is this exchange, which also took place on January 24, 2018:

Mr. Gillet: And were you sent there by dispatch or was it a direct call from the Chief: Do you recall?

Ptl. Kaverik: Direct call from the Chief.

218. Officer Kaverik also admitted that Respondent was already outside before her husband arrived and refused to leave the premises while she was outside:

Mr. Gillet: Oh, she had already walked outside before captain—before Phillips got there?

Ptl. Kaverik: Onto the stairs, but she refused to leave the property.

219. Yet, Fr. Joe during a hearing on August 8, 2017, upon questioning from the attorney for Respondent’s husband about the February 2, 2017, incident, specifically testified:

Ms. McCrea: How many times do you recall on the front area that anybody told the Phillips to leave”

Fr. Joe: **We didn’t tell them in the front area.** We said it over in the principal’s office.

Ms. McCrea: So, they weren’t—

Fr. Joe: **They were already leaving.**

(Emphasis supplied).

220. This testimony of Fr. Joe about Respondent being repeatedly asked to leave is in direct contravention to the 24:11 uninterrupted recording wherein Respondent is not asked to leave at **any time** by Father Joe, Chief Zimmerman, Officer Grady or Deacon Joe after the initial statement was read. In fact, Fr. Vincent repeatedly asked her and invited her to stay and wait for her husband to return in the 24:11 recording as quoted herein. (Emphasis supplied).

221. In fact, the only time Chief Zimmerman says anything on this tape is what is recited in Paragraph 189 herein.

222. Officer Grady and Fr. Joe did not say anything at all in this meeting and there is no question that the tape is the best evidence of exactly what transpired on that day.

223. Officer Kaverik also testified during the criminal proceeding that: 1) when he arrived he saw Respondent in the hallway between the office and the gymnasium; 2) that she stated to him that she would not leave unless handcuffed; and 3) that he had a conversation with Ms. Mullen in the hallway **INSIDE THE BUILDING** near the gymnasium (an area where the assembly was taking place which was completely shut-off to Respondent and her children as evidenced by the tape recordings cited in Paragraph 189 and in direct contravention to Fr. Joe's testimony that he walked her and the children out).

224. Nonetheless, Officer Kaverik, admitted that this statement he attributed to Respondent, **for the first time at trial, was not contained in his report.** The following exchange took place:

Mr. Kologi: **I am asking you to look at your report. Do you see any reference in there to any statement by Mullen about, you have to handcuff me, I'm not leaving, anything like that?**

Ptl. Kaverik: **No.**

Mr. Kologi: Okay. Why isn't something like that in the report if its significant in the context of a case like this?

Ptl. Kaverik: I guess that day I didn't feel like it was significant.

(Emphasis supplied).

225. Fr. Joe was also asked why charges were not brought against Respondent's husband. He responded because he was outside already, despite the fact that he acknowledged that Deacon Joe had invited her in the building in his very own Certification, Paragraph 13:

Ms. McCrea: Is there a reason why you chose not to file the Complaint against Mr. Phillips?

Fr. Joe: Because he was outside already. He never went into the building (which the 24:11 video shows otherwise).

Ms. McCrea: So, it's only because Ms. Mullen was inside the building that you—

Fr. Joe: Exactly, yeah. That's the only reason, because Mr. Phillips was in the back, and he went out to take his son. When he came, Mrs. Phillips was outside already. And that would have to be checked with the police department then exactly when, because I was there the same day. They sent the police car, took me over there and I signed it right away.

Ms. McCrea: And if you look at paragraph number 13 of your certification, which you just gave me back...

Paragraph 13 says: Deacon Joe in an effort to diffuse the situation asked Ms. Mullen and the children if they would like to continue their conversation in the office. So, he actually invited her in did he not?

Fr. Joe: Well I said that in the beginning.

226. Fr. Joe also said during this August 8, 2017, testimony and in Paragraphs 3-5 of his Certification that the police were called after he received an anonymous telephone call in the rectory advising that the press would be at STS.

227. However, in his testimony during the criminal proceeding on January 24, 2018, less than 6 months later, Fr. Joe's testimony was markedly different as to when he initially contacted the police department, testifying that he contacted the Police Chief on his cellphone (not a recorded line) and told him that the children were expelled (when they were not, or if they were Respondent and her husband certainly were not told):

Mr. Gillet: ...[A]nd did you call anyone else on knowing that this letter existed?

Fr. Joe: Yes I did.

Mr. Gillet: And who was that?

Fr. Joe: On my way down I just called the police chief, because we have a good working relationship. Its such a small community, and I told him that I was coming back on my day off, and I—the children are being expelled, and I just don't know what's going to happen tomorrow...

228. S.P. and K.P. were invited to return to STS in January 2017, even after this lawsuit was pending. See January 2017, invitation annexed as Exhibit "LL".

229. Nothing happened between the last trial court date and the February 1, 2017, letter other than the Appellate Division accepting the basketball issue on an emergent basis.

230. It is clear that Respondent left the premises voluntarily, yet criminal charges against her were brought anyway for defiant trespass for being at Defendant STS on February 2, 2017 in retaliation for the lawsuit and despite the fact that she left the premises voluntarily in order to gain leverage in a civil lawsuit, a tactic which

may well run afoul of acceptable ethical standards of conduct.

231. Specifically, the attorney for the Archdiocese and STS, stated on the record on July 20, 2017, in the criminal matter:

"...as a question of unilaterally dismissing this claim, this charge, the answer is no."

See pertinent portion of July 20, 2017, transcript annexed as Exhibit "MM".

232. No counter charge was brought by Respondent against anyone connected with STS.

233. Respondent also was presented with a Release to sign in exchange for the dismissal of the pending charge, in which Respondent had to agree to waive rights of her husband and her children and which was to be signed by Msgr. Nydegger on behalf of the Archdiocese and STS, who were Defendants in the civil litigation and NOT Fr. Joe, who brought the Complaint, again another flirtation with ethical propriety.

234. Respondent refused. See Release annexed hereto as Exhibit "NN".

235. As Respondent conveyed to Judge Rivas, her children are not bargaining chips.

236. No child who is abused, harassed, bullied or intimidated should be used as a litigation pawn in such a manner. The intent of the Release was clear---and silencing S.P. and Respondent was the goal. No mother should ever be placed in that position.

237. The expulsion of the children also was the subject of an emergent appeal, which was accepted by the Appellate Division. See February 3, 2017, Order annexed as Exhibit "OO".

238. The expulsion was later rescinded by Cardinal Tobin while this appeal

was pending, but the charge remained.

239. The Archdiocese and STS published the expulsion of S.P. and K.P. by giving a Press Release to every STS student to take home at the end of the STS day on February 2, 2017.

240. Additional Press Releases demeaning Respondent's family dated March 22, 2017, June 29, 2017, June 30, 2017 and August 14, 2017 were published by the Archdiocese and STS.

241. These Press Releases were also published and remain on Defendant Archdiocese website and/or were at various times published in the newspaper, placed in STS student backpacks, were placed on STS Church walls and published in STS Church bulletins by Defendants;

242. Respondent and her husband, B.P. and especially S.P. and K.P. had to regularly attend STS/Church functions, including serving mass as altar servers with a Press Release disparaging and humiliating their family on the CHURCH walls and in Church bulletins.

243. B.P. discovered the March 22, 2017, Press Release hanging on the sacred Church walls, while serving mass and sent a picture of it to Respondent and her husband. See picture forwarded by B.P. annexed as Exhibit "PP".

244. The June 29, 2017, and June 30, 2017, Press Releases were placed in the Church bulletin for all those who attended weekly Mass to see, while the March 22, 2017, Press Release remained on the wall. See actual bulletin annexed as Exhibit "QQ".

245. All of the actions as recited were done to intimidate, bully, harass, shame, humiliate embarrass and/or to silence Respondent and her family and were

retaliatory.

246. On or about February 14, 2017, certain STS Parents and Students started an on-line Petition against Plaintiff, including the minor children, **which used the STS logo** and contains false facts about Plaintiff and his family, and which makes numerous disparaging remarks and denials of inappropriate conduct including bullying. (Emphasis supplied).

247. This Petition, among other things, states that S.P. is "jealous and intolerant".

248. The Petition also states that it is supported by the STS faculty; Commenters and Supporters of this Petition have written false facts and commenters **including the wife of the current Police Chief and Policemen (and at least one spouse) who currently serve on the force,** and at least one commenter is a Police Officer who was called to STS for the February 19, 2017 basketball game, the first in which S.P. was allowed to play. (Emphasis supplied).

249. Police Officers are supposed to protect children, not be part of cyberbullying. None of these Officers, nor the Police Chief and his wife had children at STS.

250. On February 21, 2017, these STS Parents and Students elected to "Keep this Going" (the Petition) and referenced posts on NJ.com.

251. There are numerous posts in the comments section to which these Petitioners refer on NJ.com and of which Plaintiff including the minor children are aware, wherein individuals using anonymous handles post repeated false facts and disparaging remarks about Plaintiff, including the minor children and Respondent all in the continued effort to bully, shame, harass, intimidate, humiliate and embarrass them. See Petition with comment by various Police Officers, and spouses and the

Chief's wife annexed as Exhibit "RR".

252. Respondent privately wrote to Deacon Joe and later Cardinal Tobin about this Petition, its false contents, and the "Keep it Going" addition which reference comments on NJ.com. STS has not disavowed the petition, nor were those involved removed from STS.

253. Other parents also contacted Deacon Joe about this Petition. Nothing was done, and it remains on line. See correspondence from Respondent to Deacon Joe about this Petition and from another parent, annexed as Exhibit "SS".

254. On February 23, 2017, Respondent wrote a private letter to Cardinal Tobin, who had rescinded the expulsion, in another effort to stop the revictimization of S.P. and her family.

255. This letter was hand-delivered, and Respondent never received a response. See letter with attachments annexed as Exhibit "TT".

256. Cardinal Tobin, during the August 2017, letter, denied receiving it but there is no question that he was aware in August of this letter.

257. After receiving no response and with the continued intimidation, bullying, and harassing behavior continuing, especially of S.P., Respondent and her husband sought to amend the Complaint to add those who signed the bullying Petition and who made the cyberbullying Facebook comments. See other Facebook comments referring to Respondent and her family as "douchebags and assholes" and from AD Bui's wife mentioning Respondent's volunteering to judge a mock trial team every year since she has been a judge in a disparaging manner, annexed as Exhibit "UU".

258. On July 10, 2017, Respondent's husband received a letter from the

Kenilworth P.B.A., an organization for which he once served as President, indicating that a Judiciary Committee request was made.

259. The only conduct by Respondent's husband was seeking to name the offending Officers who signed this Petition bullying his daughter in the lawsuit. See July 10, 2017, letter annexed as Exhibit "VV".

260. On February 16, 2017, the Archdiocese called a meeting of all parents of STS students at STS to discuss "issues" (the initial lawsuit) where the police were called for the second time, once Respondent and his wife arrived, which specifically targeted Respondent and her family in a continued effort to intimidate, bully, harass, shame, humiliate and/or embarrass them.

261. At this meeting and on other occasions thereafter Respondent learned that STS parents, STS faculty and others had been publishing and posting false, misleading and derogatory comments on various social media sites, including Face Book about them, including the minor S.P.

262. These published comments are defamatory and/or slanderous and are meant to disparage, intimidate, bully, shame, humiliate, embarrass and harass Plaintiff, his children and Respondent.

263. Most, if not all of these comments were given to Deacon Joe, and to Cardinal Tobin by Respondent, her husband and by other STS parents.

264. S.P. was also given many of these comment by her classmates since these were public posts.

265. S.P. was called, among other things, a "MONKEY DICK" and a POS (piece of shit) told to shut your "PIE HOLE" in a public Face Book post between a STS faculty member, Mary Ferris, who had a son in S.P.'s class about whom S.P. had complained

was part of the sexual harassment. and another woman, whom neither S.P. nor Respondent knows. This post, in pertinent part says:

"WOW. You go boys. I hope you play awesome. As for the P.O.S. Sit you ass down and shut you pie hole. MONKEY DICK."

See Facebook Post attached as Exhibit "WW". S.P. was 13 years old.

266. On or about February 17, 2017, and after the expulsion was rescinded, the Court ruled that S.P. had the settled legal right to play basketball. On February 19, 2017, while she was on the court, this post was made.

267. The Police were called to both games in which S.P. played (in the playoff game she was the high scorer) in a continued effort to silence Respondent and her family.

268. The Court found that S.P. had the settled right to play basketball after initially denying her for two reasons: 1) because contrary to the false Certification submitted by CYO Director Donovan, who said Respondent should be "whipped and chased out," for asking that S.P. play basketball on the boy's team, it was discovered that 2 girls were playing basketball at St. John's a neighboring school in Clark (also part of the CYO league), based on an article written by the Star Ledger; and 2) contrary to the false Certification submitted by AD Bui on December 19, 2016, about S.P.'s application being rejected because it was "drastically" late, it was discovered that AD Bui had accepted 2 applications of STS boys on November 15, and November 17, 2016. See Newspaper Article and Certification of Mark Bergamotto, one of these boy's fathers, annexed as Exhibit "XX".

269. S.P. and K.P. registered for the 2017-2018 school year as invited to do by STS.

270. The registration application was rejected by STS by letter dated April 7,

2017, and received by Respondent's husband on April 11, 2017, stating, in pertinent part: "Your registration is being returned to you pursuant to the letter which you have received most recently by certified mail.

271. The letter in question, dated April 3, 2017, was sent by the Archdiocese (again not STS, who had invited them to return) and was addressed to "Judge Mullen," months after this lawsuit was pending.

272. This letter refers to the Mission Statement in the STS Handbook and states in pertinent part: "Actions and events initiated by you over the last several months have directly interfered with the fulfillment of this Mission, not only for St. Theresa's School, but also for many of its administration, staff, students, and parents."

273. No specific actions were described.

274. The only actions taken by Respondent's husband was to file a lawsuit and thereafter by Respondent (after her private efforts were ignored for the 7th time) and her husband to seek to amend this Complaint when nothing was done about the continued bullying, harassment, intimidation cyber bullying that S.P. had asked her parents to make stop.

275. S.P. and K.P. did not violate any provision in the STS Handbook.

276. No violation of the Mission Statement was alleged by the Archdiocese with respect to: 1) the false swearing of AD Bui and/or CYO Director Donovan; 2) with respect to the "whipped and chased out" statement made by CYO Director Donovan about Respondent, who had children at STS at that time; 3) against anyone who cyber bullied S.P. and her family by virtue of the Petition which used the STS logo; 4) against any STS faculty who bullied S.P. via Face Book; or 5) against the

Home School Association President, who called Cardinal Tobin a "politician who hides behind a cross, when the expulsion was rescinded against S.P. and K.P.. See Face Book post against Cardinal annexed hereto as Exhibit "YY".

277. The March 22, 2017, Press Release remained on the Church walls through the end of the school year.

278. STS did not formally reject S.P. or K.P.'s application until by letter dated July 11, 2017, when directed by the Court to do so. See STS rejection letter annexed as Exhibit "ZZ".

279. In or about July 2017, the attorneys for the Archdiocese and STS produced unauthenticated letters dated in February 2017, that neither Respondent nor her husband ever saw in advance of the mission statement violation letter regarding the 2nd expulsion of S.P. and K.P.

280. The trial court sealed these letters and ruled that there was to be no cross-examination by Plaintiff of any of the authors of these letters. See trial court Orders annexed as Exhibit "AAA".

281. These letters were largely from the parents of the 7th grade boys and/or their relatives who mercilessly continued to bully S.P. for reporting the sexually inappropriate behavior, the subsequent unrelenting bullying by boys and their parents, the threats of violence and the continued harassment and cyber bullying.

282. It is unknown how the ACJC obtained these letters as they were sealed by the Court.

283. S.P. and K.P. were not permitted to return to school at STS and the criminal trial was held in January after Respondent refused to sign the Release, as identified herein, wherein her children were used as bargaining chips by counsel for

the Archdiocese and STS.

284. Respondent has painstakingly detailed the history of this matter in order to place into proper context the petty disorderly persons offense of which she was found guilty which conviction is the subject of a pending motion for a new trial and which will be the subject of an appeal if the pending motion for a new trial is denied.

285. Respondent believes that there is a reasonable likelihood that her motion for a new trial will be granted in light of the factual recitation set forth hereinabove, and because of the pending motion and the certainty of an appeal in the event that her motion for a new trial is denied, Respondent respectfully requests pursuant to R.2:15-8(f) that this matter be dismissed at this time and respectfully suggests that the cited Rule mandates a dismissal of the pending complaint.

286. In the event that the Committee determines to proceed with this matter, notwithstanding the cited Rule, then Respondent requests discovery, and an informal conference pursuant to the provision of R. 2:15-11 and/or a formal hearing on the pending charges and/or mitigation thereof.

287. Respondent reserves the right to supplement her answer after review of discovery, and/or additional transcripts not yet available.

Respectfully submitted,

Londa & Londa, Esqs.
Attorneys for Respondent
Theresa E. Mullen,
Judge of the Superior Court

Dated: July 6, 2018

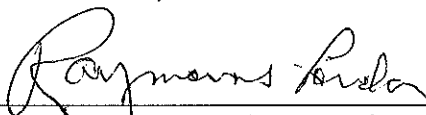
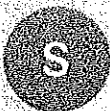
By: 
Raymond S. Londa

EXHIBIT A

A black and white photograph with a grainy, high-contrast aesthetic. In the foreground, a person wearing a white lab coat is shown from the chest up, holding a handgun in their right hand. The background is heavily blurred, showing what appears to be the facade of a building with windows and architectural details. A dark horizontal band runs across the middle of the image, containing white text.

What these streets do to u



[Redacted] Mom

Mar 12, 2016, 3:00 PM

Hi Teresa. I'm really upset can u text me that picture of [Redacted]. Is she in it? This boy has a gun. I'm freaking out

She is not in



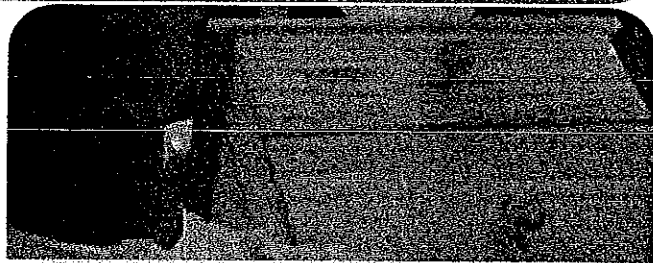
Text Message





[Redacted] Mom

She is not in it and I was told that she was the one who received the picture--- and she forwarded it---here it is



Text Message





[Redacted] Mom

media. She said she blocked them the day they showed up at the school and we're told to leave by your husband.

The boys



Text Message





[Redacted] Mom

The boys
happened to
be talking
after the
dance and I
overheard
the word
gun---when I
saw the
picture I told
them I was



Text Message





[Redacted] Mom

going to
notify the
police
because I
was very
disturbed
about the
gun. No one
should she
be sending
anyone
pictures of



Text Message





[Redacted] Mom

pictures of guns and the fact that a gun was in a picture sent by a child to another child needed to be addressed by the police before



Text Message





~~_____~~ Mom

anything
happened.

I totally
agree.

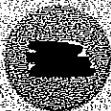
~~_____~~ is
not allowed
near
Kenilworth
other than to
go to school.
I'm really



Text Message



EXHIBIT B



iMessage

May 11, 2016, 11:30 AM

~~Redacted name~~

Hey ladies, I
didn't want to
disturb
you..... Just
wanted to
give you an
update with
what's
happening



iMessage





happening
with [REDACTED]'s
issue in
school..... My
husband and
I have a
meeting with
sister Juliet
and sister
Helen
tomorrow
afternoon at



iMessage





tomorrow
afternoon at
the school to
discuss
further. I
wanted to
say thank
you and also
apologize if
at any point
you or the



iMessage





you or the girls felt like it was in vain they stepped and stood up for [REDACTED]. I am extremely thankful. It is a serious issue for us and thanks to



iMessage





issue for us
and thanks to
you, we'll be
able to
address it
and
investigate
further. None
of our
children
should be
subject to



iMessage





and investigate further. None of our children should be subject to that kind of environment.



No apology



iMessage





~~_____~~

No apology
necessary
they will
always stick
up for their
friends it is
what they are
taught . This
nonsense
has to stop .
All of the



iMessage





All of the
parents want
a meeting so
if you get a
minute give
me a call.



~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

called Father
Joe and
sister and



iMessage





talked to
them both .
No one is
happy with
how it is
being
handled



No need to
apologize---
S [redacted] has
been



iMessage





[Redacted name]



[Redacted name]



No need to
apologize---
S [Redacted] has
been
complaining
about this for
several
months now
and like [Redacted]
said will
always stand



about this for
several
months now
and like ~~_____~~
said will
always stand
up for her
friends.
Please let
Me know if I
can do
everything and



iMessage





anything and
let me know
what
happens
tomorrow.

Just so
You know I
raised it with
Sister Helene
about 2
months ago



iMessage



EXHIBIT C

Mrs. Duffy came in. She gave each student a piece of paper and told us to write down on a piece of paper the first emotion we felt when we woke up in the morning. She then told us that "the voices in the back of our head" made us feel that way. That then proceeded into a discussion about "how we have control over who made us angry, upset, etc. We could also choose to feel good and create a positive environment." She said a positive environment started with forgiving others, because the past is behind us and we should start on a clean slate. [redacted] then raised her hand and asked how we could forgive people when they'll just do it again? Mrs. Duffy told her that she was just making a "negative assumption." [redacted] then said that she knew the person who's been doing this, and they wouldn't stop. Mrs. Duffy said she was "making up a story." She then addressed the class directly and told people to raise their hands if they would "get on board with her to stop gossiping, spread lies, and start forgiving others. Some people raised their hands, some people did not. ([redacted]) She told the people who did raise their hands to "change the negative ways of the people with their hands down." Sy [redacted] said she was standing up for herself and her friends. Mrs. Duffy asked her what standing up for herself meant and Sy [redacted] said it meant defending herself. Mrs. Duffy said that she shouldn't have to be defensive and that Sy [redacted] was wrong and she didn't want to admit it. Sy [redacted] said that she would admit if she was wrong, but Mrs. Duffy said that she wasn't telling the truth. (She then started talking to [redacted] but I didn't really pay attention to that) [redacted] raised her hand and asked why she should have to forgive someone else for defending her friend. Mrs. Duffy went into a discussion about insanity and said that it meant "repeating something over and over again much like you ([redacted]) are doing." [redacted] then said that "every time she has tried to forgive the person doing wrong things, they continue to repeat it, and technically that's what you just said." Mrs. Duffy said "it's this kind of animosity why wars are going on, why people are killing each other." [redacted] started crying, and Mrs. Duffy continued to yell and say that [redacted] should forgive. She said that "the fact that [redacted] was crying was because she wanted to forgive and get on board with her." [redacted] said that the reason why she was upset was because she wanted to stand up for her friends. I raised my hand and asked Mrs. Duffy why we should forgive if others aren't sorry. She said I was "making up a story." She went back to yelling at [redacted] again, that's when I started (unknowingly) scratching myself and [redacted] cried out and said I was bleeding. (I wasn't I was just extremely angry) Mrs. Duffy said that I made myself angry because of my own negativity. She told the people who were "on board" with her to raise their hands again ([redacted], Zach, Manny, Tyler, Alex, [redacted], Ethan, possibly [redacted]?) and told them to once again spread their positivity to us who did not raise our hands, because we were part of the problem by gossiping and spreading rumors. She then turned to the people who didn't raise their hand and asked us if we were killed tomorrow, would we be proud of what we're doing today? Sy [redacted] said yes, Mrs. Duffy started yelling at her, saying that she was spreading lies. Sy [redacted] said that she was standing up for herself and her friends, and that she took it to the authorities and nothing was happening. Mrs. Duffy then told her that it was out of her hands. I said that nothing was happening. Mrs. Duffy asked me "what do you think should happen? More spreading lies?" I told her that a proper punishment should be ordered. (suspension, expulsion, etc.) She said that punishments obviously weren't working so I had to "get on board with her" and forgive. At this point I tuned out because I was angry and her words weren't making any sense. NJHS had to go practice for the Mass and when we came back, she was talking to [redacted] who was upset and [redacted] who was crying. This apparently will make our class "change for the better."

EXHIBIT D

Today Ms. Duffy came in and talked to us. I was not really sure about what though. She started off and gave us a piece of paper. On that paper she said to write down what we felt in the morning. Everyone wrote it down and then said what we were feeling. Then Ms. Duffy said that it's the "voices in the back of your head." Then we went on to discuss about how we can control what made us feel happy or sad or mad, etc. Then she said that you should never have a negative personality. I agreed until [redacted] said that what happens if someone died would you be happy. Ms. Duffy said Yes you would because its how the human body works. Then I said " You just said that we can control how we feel so that does not make any sense." She then followed " Some things are just like that." Then Ms. Duffy went on and started to talk about starting on a clean page forgive and forget. [redacted] then asked how do you forget if someone has do it over and over and over again? Ms. Duffy then said then you need to go to the r authorities. I then said that we did and nothing has happened and that this person keeps doing it. She then starts a conversation about how we need to make a change in your lives. [redacted] and I both said we did and we will keep doing it. Then Ms. Duffy said that if we died tomorrow would you be proud of yourselves? I said " Yes I would in fact it would be very proud and I know my parents would be proud too because they know I did the right thing." I then told her that I am proud because I stood up for myself and my friends. Then Ms. Duffy said something about [redacted] making up stories and [redacted] began to cry. I stood up and walked right over to [redacted] and comforted her. Once I went over [redacted] soon followed. Ms. Duffy then asked me and [redacted] if we were willing to change. We said no because you are not making any sense to me. She then said well I don't want to talk to you anymore. She made me and [redacted] go back to our seats while my very good friend was crying. I sat back down. Ms. Duffy then said if this person was given a punishment would you be exited? I then said I would be very excited because I know that when walks back into the classroom I might see another person. [redacted] also said something but I do not know it word for word so you will have to ask him. At the end she said one last time so who is with me? [redacted], and I did not raise our hands and left it like that. I had to go to a NJHS meeting. When I came back [redacted] and [redacted] were both crying.

EXHIBIT E

THERESA E. MULLEN

[REDACTED]
S [REDACTED]
[REDACTED]

June 6, 2016

Via Hand Delivery and Via Facsimile (973) 497-4249

Dr. Margaret Dames, Ed.D.

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

I am the mother of three (3) children who currently attend St. Theresa School (STS) in Kenilworth, New Jersey, B [REDACTED], fourteen (14), S [REDACTED], twelve (12) and K [REDACTED], ten (10). B [REDACTED], who has been at the school for ten (10) years, since Pre-K 4, will be graduating tomorrow evening. S [REDACTED] has been at STS for eight (8) years, also since Pre-K 4 and K [REDACTED] for seven years because Pre-K 3 was available when she began school.

Page 12 of the current STS Handbook, states in pertinent part:

“Harassment occurs then, when one person makes repeated verbal, written, physical, or internet contact with another person who does not want these contacts. Bullying is a particular type of harassment that generally involves some force, whether overt or subtle.”

“Bullying/Cyber Bullying/Social Networking Behaviors are described but not limited to the 6 categories listed. All bullying behaviors are considered a severe offense.”

The 6 categories listed are:

- 1) Physical Aggression, which includes:
 - Physical acts that are demeaning and humiliating
- 2) Social Alienation, which includes:
 - Setting up another student/adult to look foolish or to embarrass
 - Setting up to take blame
 - Publicly humiliating
 - Rumor spreading
- 3) Written/Verbal Aggression

- 4) Intimidation
- 5) Sexual Harassment, which includes:

Inappropriate remarks, gestures, sounds
Physical acts that are degrading/demeaning

And

- 6) Racial or Ethnic Harassment.

Unfortunately, due to what can only be described as a very disturbing pattern of behavior, my husband and I have been at STS for scheduled appointments more times in the past 3 months than in the entire 10 years that my son has been attending school. This behavior, which initially involved students at STS was negatively affecting my daughter S[REDACTED]. However, due to the disturbing conduct and behavior of STS faculty and the school principal, S[REDACTED] has been re-victimized and now my son B[REDACTED] has also been negatively affected.

I am writing this letter as a result of the series of events which have occurred over these past few months, the last of which took place this past Friday at STS, June 3, 2016. A brief summary of these events follows in the paragraphs below due to time constraints with graduation taking place tomorrow.

On March 14, 2016 I made an urgent appointment with Sr. Helene, the school principal, for 2 reasons. The first reason was because I learned on the evening of March 11, 2016 after a Mother-Son dance at STS that an 8th grade female student received a picture of a gun from a male Brearley student who was frequenting STS property after school. My husband, who is a retired police captain in Kenilworth, had just recently asked these students to leave STS property because they were causing a disturbance. Immediately alarmed and concerned, I asked the STS student from whom I learned about the picture to send it to me.

I forwarded this picture to my husband and asked him to report the incident to the police, which he did the following morning. Because I was concerned for the safety of the STS community, I showed Sr. Helene this picture at the March 14, 2016 meeting and told her what I had learned. I asked my husband to tell Fr. Joe, the pastor of St. Theresa Church, about this incident, which he did that same day.

The second reason for the meeting was that my daughter S[REDACTED] told me on March 12, 2016 that two boys in her class were making sexually inappropriate gestures, including what can best be described as humping and gyrating on desks in class when the teacher, Sr. Juliatt had her back turned. She also said that they were saying sexually inappropriate things.

S[REDACTED] conveyed that she reported these incidents to Sr. Juliatt on several occasions and Sr. Juliatt told her that she would take care of it, but that the boys were still doing it. On March 12, 2016 I also learned from another mother that these boys were also saying sexually inappropriate things and I wanted to make sure Sr. Helene was aware of this behavior and would take the appropriate action.

This sexually inappropriate behavior did not cease and my daughter then repeatedly requested of Sr. Juliatt to speak to Sr. Helene, directly. These requests were denied.

On May 9, 2016, one of these boys told a female student to "suck his d***" in another class. My daughter asked to see the principal, along with 2 other girls and the teacher let them go. They were told they had to make an appointment and were made to wait for almost an hour. This student's mother is also an employee of the school.

What ensued after this report was made was this employee staring my daughter down in recess in a clear intimidation attempt, a smear campaign against her stating that she was a trouble-maker, that the girls in the class had an active imagination, that these girls were liars and so much more. Most of this occurred on school premises and can only be characterized as classic re-victimization and intimidation by faculty.

Shortly thereafter my daughter and two other students reported another incident to Sr. Helene where the word "rape" was used by one of these students.

Many parents, outraged, made appointments, including my husband and me, with Sr. Helene because nothing was being done to stop this behavior that had been going on for months and which was making students uncomfortable.

On May 18, 2016, Ms. Duffy, who I believe is a part-time substitute employee, was brought in as a guest speaker for the class. She basically re-victimized, harassed and intimidated the girls who came forward and attempted to make them feel guilty. One of these girls was even made to cry.

Outraged that the classic unacceptable re-victimization behavior was continuing I made another appointment with Sr. Helene. I also expressed my dissatisfaction that Sr. Juliatt failed to address the sexually inappropriate behavior and also refused to let my daughter report it to the principal.

To make things worse, the re-victimization and intimidation did not stop.

On May 20, 2016 Sydney was re-victimized again by another faculty member and was told that she was the problem in a class and that other teachers thought so.

On May 22, 2016 I logged on Power School to view my children's grades. Sydney's grades for the trimester were the worst in 8 years. Equally as disturbing was a 74 that Brian received from Sr. Juliatt in literature, which was his worst grade ever. Brian told me he had not even received the test grade yet.

I immediately wrote to Sr. Juliatt, who admitted that she had not distributed the test results.

Another appointment made and back at school on May 23, 2016 for the May 20, 2016 incident. Once again I expressed this "re-victimization" behavior and was told that it was a "coincidence" that Sydney was called out in class and made an example. Ironically enough, I learned during this meeting that Sydney had told this teacher the week before that she did not want to sit next to a classmate, the same classmate who said "suck my d***" and the same classmate who had been gyrating and who was exhibiting sexually inappropriate behavior.

Brianna received the test back. There were several red check marks indicating acceptable answers and one comment that not enough "words" from the story were used. Nothing else on a completely subjective test except for 5 definition questions which were entirely correct.

I reviewed the story and could not explain the poor grade to him. Brianna went to Sr. Juliatt and the test grade stood. The following week he took the Final Exam. His grade was perfect on the objective part of the exam, but again points were taken off in the subjective part. Brianna went to Sr. Juliatt and she would not change the grade. I am not permitted to see the Final Exam.

Since Brianna has been at STS he has been an exceptional student. To put things into perspective, during one of his high school entrance exams he was given an IQ test and he tested at the genius level. He was accepted into every high school to which he applied, received perfect scores on many sections of these tests and received about 25% of the entire scholarship monies awarded to his entire class of 28 students. Specifically, he received \$108,000 from four schools out of the approximate \$406,000 awarded in total. He has earned First Honors every year and was the only STS student to win an award in a core subject, (with the exception of Religion) at the Scholastic Olympics (Mathematics). I had no doubt that he might be the class valedictorian and have no doubt that this was a well known fact at STS for years, as teachers and parents had expressed to me he was the smartest child in the school, even before he was in 8th grade.

Because I was concerned that Brianna's recent subjective grades from Sr. Juliatt could affect his class standing, my husband met with Sr. Helene on May 31, 2016, expressed our concern and requested that before the valedictorian was announced that we be notified so that we could take the appropriate steps if it were not Brianna. I thought this was the best way possible to approach the situation and if Brianna was not the valedictorian, I could verify this with the figures and explain this to him. I could also determine what impact the recent subjective grades had on the final computations.

Sr. Helene agreed to notify my husband in advance.

Sr. Helene did not keep her word and announced the valedictorian and salutatorian to Brianna's class this past Friday, June 3, 2016 BEFORE she called my husband. Brianna was not the valedictorian. My husband was understandably upset and requested another meeting. He could not believe that Sr. Helene lied and expressed his dissatisfaction with her over the telephone. He then proceeded to the school to schedule the meeting and to pick-up the children because there was a school half-day. When he arrived the Police were there waiting for him because Sr. Helene had called them.

I was at work when all of this occurred and requested an immediate meeting, with Sr. Helene and Ms. Pakulski, who computed the class rankings. During this meeting Sr. Helene could offer no explanation why she failed to keep her word. I requested specifics about the numerical difference between valedictorian and salutatorian. However no information was provided to me other than it was by less than one point and that if you took Sr. Juliatt's class out of the mix, Brianna still would not have won, a rather "rehearsed" answer without any figures to back it up. I was also handed a numerical sheet with Brianna's alleged final averages without any back-up.

It is apparent why Sr. Helene did not keep her word---because a challenge now looks like sour grapes to the child that was announced as valedictorian. There is also no doubt that the timing of the announcement was carefully planned as it was announced on Friday. With STS being closed until today and graduation being tomorrow, there is little time to be heard.

There is no doubt what has happened here is classic re-victimization, intimidation and retaliation. First against a child who had the courage to come forward and report completely inappropriate sexual behavior and now against a child who has had a stellar academic record for 10 years. And finally a call to the Police against a parent who dared to question a STS Principal as to why she failed to keep her word.

This pattern of behavior which has also resulted in "protecting one's own" is completely unacceptable and I will not and cannot in good conscience allow this to continue.

It is unfortunate that I am left with no other alternative but to write this letter. I do so reluctantly and with a heavy heart. I was married at St. Theresa, all of my children were baptized there and my first job out of law school was with the Archdiocese of Newark. However I have 3 children in this school who have never been a behavioral or academic problem. All have been on the Honor Roll and ~~Sydney~~ and ~~Brian~~ are members of the Junior National Honor Society. I do not want ~~Kaitlyn~~, who has not yet been negatively affected, to be victimized.

I have tried repeatedly to speak to those in authority at STS to no avail and the victimization, retaliation and intimidation continues.

By way of this letter I am requesting an immediate meeting with the Archdiocese before graduation tomorrow evening. I am also requesting the written policy of how the valedictorian/salutatorian is computed be provided to me, including how the Advanced Math class is weighted, together with exactly how it was calculated this year with back-up figures so that I can confirm that it was accurately done. At least then I can give my son, who is clearly upset, the closure that he needs. There is no question that I have had mathematical discrepancies in the past which needed to be corrected.

I am also putting STS and the Archdiocese on notice to preserve all of these requested materials in the event that they are not voluntarily given to me.

Since time is of the essence here, I have not gone into greater detail of how poorly the sexually inappropriate behavior was addressed.

There is no doubt that those in authority STS violated the very provisions of its Handbook which address harassment and bullying with respect to my family and those students who were harassed for the reasons stated herein.

I ask that the Archdiocese immediately schedule the meeting requested and that these issues be addressed as this pattern can not be allowed to continue.

Very truly yours,


THERESA E. MULLEN

cc: Sr. Patricia Butler, SC
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

EXHIBIT F

THERESA E. MULLEN

[REDACTED]
[REDACTED] 076
[REDACTED]

June 8, 2016

Via Facsimile (973) 497-4249

Sr. Patricia Butler, SC

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Sr. Butler:

This letter will confirm our conversation yesterday wherein I declined your suggestion that I contact STS to make an appointment with Sr. Helene, Ms. Pakulski, myself and B. This letter is limited to the valedictorian issue.

As I stated in my June 6, 2016 letter, I have tried repeatedly to speak to those in authority at STS to no avail and the victimization, retaliation and intimidation continues. I will not allow B. to be subjected to this continued conduct and without the information I requested, B. would not have gotten the closure that he deserved and the closure that was promised before Sr. Helene chose to renege on her word.

There is no question that Sr. Helene did not keep her word. That is precisely why I requested an immediate meeting with the Archdiocese before graduation which was not granted.

At the meeting which both my husband and I attended with Sr. Helene, she could offer no explanation why she failed to keep her word. When I requested specifics about the numerical difference between valedictorian and salutatorian no specifics were given to me other than it was by less than one point and that if you took Sr. Juliett's class out of the mix, B. still would not have won. As previously noted, I found this response to be a rather "rehearsed" answer without any figures to back it up and I was also handed a numerical sheet with B.'s alleged final averages without any back-up.

Last year I was told that the valedictorian was decided by .01 of a point, making it clear that exact results were not secret at STS and that they were disclosed in past years. This numerical result from last year was confirmed at the meeting with Sr. Helene and Ms. Pakulski, yet I still was not given the information I requested, which begs the question---why not if there is nothing to hide, that Sr. Juliett's grades did not have an impact and that STS is certain that there were no miscalculations and that the results are accurate?

There is no doubt in my mind why Sr. Helene did not keep her word---because a challenge now looks like sour grapes to the child that was announced as valedictorian. There is also no doubt that

the timing of the announcement was carefully planned as it was announced on Friday leaving B■■■■ without the opportunity for closure before graduation. This conduct is wrong on so many levels for the reasons I previously expressed resulting in B■■■■ graduating yesterday without the answers that were promised by STS.

Yet despite the fact that the conduct of STS is a clear attempt to cast me in an unfavorable light for challenging the determination, I can not allow this bullying, re-victimization and intimidation to continue. Again I ask, if there is nothing to hide and the information used to calculate is readily accessible---why is it being withheld?

The pattern of behavior and conduct already described is deplorable and I am not abandoning my requests despite the fact that graduation is over without my child getting the closure that he deserved before graduation took place, a closure that was promised by Sr. Helene.

Before the valedictorian was announced, I wanted to be notified so that we could take the appropriate steps if it were not B■■■■. There is no question that this was the best way possible to approach the situation because it would have allowed me to verify the figures and to determine what impact the recent subjective grades had on the final computations. If STS were right, I could have explained everything to B■■■■ before graduation. STS purposefully, despite its promise to the contrary, wrongfully deprived me of this opportunity and there is no plausible explanation why.

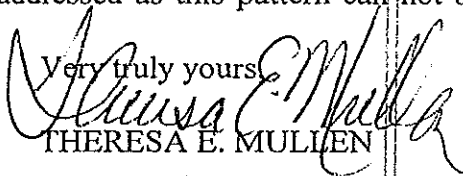
Once again I am requesting the written policy of how the valedictorian/salutatorian is computed be provided to me, including how the Advanced Math class is weighted, together with exactly how it was calculated this year with back-up figures so that I can confirm that it was accurately done. At least then I can give my son, who is still clearly upset, the closure that he needs. There is no question that I have had mathematical discrepancies in the past which needed to be corrected.

This pattern of behavior which has also resulted in "protecting one's own" continues.

If the Archdiocese refuses to give me this information, I remind STS and the Archdiocese by way of this letter that both have been put on notice to preserve all of these requested materials in the event that they are not voluntarily given to me and that additional action needs to be taken.

There is no doubt that those in authority STS violated the very provisions of its Handbook which address harassment and bullying with respect to my family and those students who were harassed for the reasons stated previously and herein.

I ask that the Archdiocese immediately schedule the meeting requested and provide me with the information I requested so that these issues be addressed as this pattern can not be allowed to continue.

Very truly yours,

THERESA E. MULLEN

cc: Dr. Margaret Dames, Ed.D.
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

EXHIBIT G

THERESA E. MULLEN

SC [REDACTED] 076

June 15, 2016

Via Facsimile (973) 497-4249

Dr. Margaret Dames, Ed.D.

Office of the Superintendent of Schools

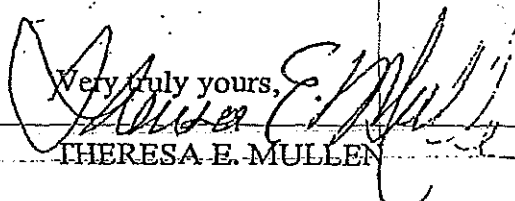
171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

It has been over one week since graduation and one week since my June 8, 2016 correspondence. I have not received any response. Every day that passes is another day where there is no closure for B[REDACTED].

As a result, I can only surmise that the Archdiocese has elected not to schedule the meeting I requested and has chosen not to supply me with the information I requested. Please be advised that if there is no response by week's end, I will have no other choice but to take this matter to the next level. I hope this is not necessary.

Very truly yours,


THERESA E. MULLEN

cc: Sr. Patricia Butler, SC
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

EXHIBIT H



ARCHDIOCESE OF NEWARK
ASSOCIATE SUPERINTENDENT FOR ELEMENTARY SCHOOLS

Entering the Third
Millennium proclaiming
in faith and love the
mission of Christ the
Redeemer!

June 13, 2016

Mrs. Theresa Mullen

~~2091 Oak Hill Road~~
~~Staten Island, NY 07070~~

Dear Mrs. Mullen,

When we spoke last week, I said that I would follow up on your statement that "due to the disturbing conduct and behavior of the STS faculty and the school principal, Sy [redacted] had been re-victimized and now my son B [redacted] has also been negatively affected". You then provided a summary of the events which you recounted in illustrating your statement.

In order to proceed, I am asking you to provide the following by June 17, 2017.

- Name of student(s) who exhibited sexually inappropriate behavior in Sy [redacted]'s class, specifying the class.
- The dates of misbehavior
- The names of students who were witness to the misbehavior
- Whether any of the inappropriate behavior was directed specifically at your daughter, as opposed to just generally occurring in class (and if so, please provide all facts indicating that sexually inappropriate activity was specifically directed at your daughter, identifying the dates, perpetrators and witnesses).

You also assert that unidentified school personnel re-victimized your daughter. With respect to this assertion, please provide:

- The names of the School personnel to whom you are referring, describe the action/comments re-victimizing your daughter, the dates(s), and the names of any witnesses.

Please be advised that we take seriously allegations of bullying and/or intimidation.

I am also looking into the issue of your assertion that B [redacted] should have been valedictorian.

I need the information I am requesting to look into this matter, and I hope I will have your cooperation in that regard.

Yours truly,


Sister Patricia Butler, SC

Associate Superintendent of Schools

cc: ✓ Sister Helene Godin, FMA
Margaret A. Dames, Ed.D.

THERESA E. MULLEN

~~2000 GERRARD ROAD~~

~~S. [REDACTED] 07107~~

~~(973) [REDACTED]~~

June 27, 2016

Via Facsimile (973) 497-4249

Sr. Patricia Butler, SC

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Sr. Butler:

This letter will serve as a response to your June 13, 2016 correspondence, in part, requesting the names of students who were involved in the sexually inappropriate behavior that was continuing for months at STS, as well as the names of the students who reported this behavior. This information can easily be obtained from Sr. Helene.

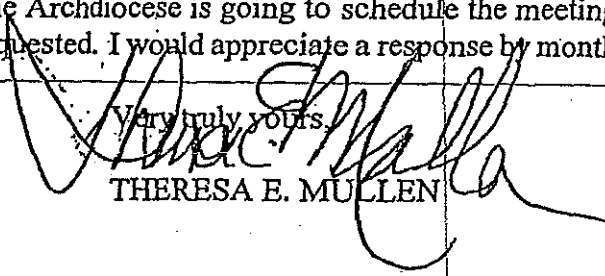
I did not name these students in my letters because it is the failure of STS to properly address what was occurring at the outset and the negative impact it had on my children that was my purpose in contacting the Archdiocese. As I stated in my initial correspondence "...due to the disturbing conduct and behavior of STS faculty and the school principal, S [REDACTED] has been re-victimised and now my son B [REDACTED] has also been negatively affected."

Other parents can speak for themselves. I also stated that many parents, outraged, made appointments, including my husband and me, with Sr. Helene because nothing was being done to stop this behavior that had been going on for months and which was making students uncomfortable. The 6th grade class is not that large. Certainly those parents can be contacted by the Archdiocese.

In addition, I did not assert that B [REDACTED] should have been valedictorian in any of my letters. The fact remains that despite all of my requests, I still do not know and I still have not been provided with the information requested which has denied me the opportunity to verify the results.

Once again, I am inquiring as to whether the Archdiocese is going to schedule the meeting and is going to supply me with the information I requested. I would appreciate a response by month's end.

Very truly yours,


THERESA E. MULLEN

cc: Dr. Margaret Dames, Ed.D
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

EXHIBIT I

From: Theresa E. Mullen <[REDACTED]>
Sent: Friday, November 4, 2016 8:02 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: STS Issues

Dear Deacon Joe:

It is my understanding that you tried to return Sydney's Basketball Registration forms to Scott yesterday despite the fact that there is no deadline on them and there is no prohibition on the CYO website with respect to Girls' playing on a Boys team that I saw. I ask that you please provide the reason in writing for this rejection before the end of today so I can take this to the next level.

In addition, I would also like to confirm that STS does not intend to take any further action about what I reported occurred at last Friday's Trunk or Treat to you on Saturday, wherein I was informed that Mr. and Mrs. Ranfeto excluded only Sydney and another girl from their car, followed by Mr. Ranfeto taunting her and then culminating in both of these parents confronting her, all on STS property. As you know, I told you this whole incident reduced Sydney to tears.

It is no coincidence that both of these children who were excluded reported what could be characterized as a serious incident to you about the child of these parents. In light of what happened to Sydney last year where she followed the "see something, say something" policy of which I am certain you are aware since it was clearly documented in letters I wrote to the school and to the Archdiocese, I cannot continue to let Sydney be "re-victimized" while those in authority fail to take appropriate action.

Finally when I met you for the first time last month, I scheduled a meeting to discuss, in part, what occurred last year with the Athletic Director at STS with respect to Girls Basketball and how he singlehandedly tried to dismantle the team. This year the same type of thing occurred and there is no doubt that there is a pattern of behavior which I believe is unacceptable and should not be tolerated. Please confirm that you will not be addressing this issue either.

As I stated in my earlier correspondence this week, I will be happy to provide you with copies of anything you need, if it has not been maintained in the STS files, if these are necessary before you respond. However, I cannot wait to receive a response any later than Monday due to what I believe are time sensitive issues.

Thank you, Theresa Mullen

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

EXHIBIT J

~~Subject: [REDACTED]~~

From: Joe Caporaso <[REDACTED]>
Sent: Friday, November 4, 2016 11:28 AM
To: Theresa E. Mullen
Subject: Response

Dear Theresa,

Initially I returned from a meeting to find the application on my desk addresses to Mr. Bui. I do not see Mr. Bui. I was returning it to Scott and I told him that he had to give it to Mr. Bui. But I also told Scott that it was my understanding that the deadline had past and also since your request was for ~~Scott~~ to join in the Boys' Basketball team that also was not possible because the diocese doesn't do that.

Deacon Joe

EXHIBIT K



PRE-SEASON BASKETBALL CLINICS FOR 5TH THROUGH 8TH GRADES ONLY

Hello STS Families and welcome to the 2016-2017 school year! While the JV and Varsity basketball season for 5th through 8th grades won't officially start until November, this year I'd like to start the registration process right away, to make sure I get all the players in early so I can order uniforms, organize the JV and Varsity teams, and find coaches accordingly. I'd like to remind you that you must have your Sports Physical done before the season starts, otherwise, you won't be able to practice or play. Therefore, if you intend to join the JV or Varsity basketball teams this year, you must fill out the attached registration form immediately and return to me ASAP. Without your registration, you will not be able to participate in the 4th Annual Pre-Season Basketball Clinics by Coach Paul Han!

That's right, for those who intend to join the JV or Varsity basketball teams, Coach Paul Han will run five clinics this year. These clinics are designed to focus on enhancing individual basketball skills prior to the basketball season. These are independent sessions. You can participate in as few or as many sessions as you'd like. The clinics are scheduled as follow (All dates/times subject to change):

Session	Date	Time	Cost
1	Sunday, 10/2/2016	6pm-7:30pm	\$5.00
2	Sunday, 10/9/2016	6pm-7:30pm	\$5.00
3	Monday, 10/10/2016	5:00pm-6:30pm	\$5.00
4	Sunday, 10/23/2016	6pm-7:30pm	\$5.00
5	Saturday, 10/29/2016	6pm-7:30pm	\$5.00

Please note: These Pre-Season Basketball Clinics are independent from, and are not the same as, the Winter Basketball Clinics for 1st through 4th grades, which will be scheduled between January and March of 2017. Also, the costs for these clinics are NOT included in the JV or Varsity registration fees. For these clinics, you pay as you go, and the money will be collected at the door. (Cash or checks made payable to the "STS Sports Committee".)

So, if you want to be on the basketball team this year, you must fill out the registration form and return it to me ASAP. Then, you can participate in Coach Han's excellent basketball clinics. Good luck with the new school year. Hope to see you at basketball!

If you have any questions, please don't hesitate to email me at anh.bui@nyu.edu.

Anh Bui
St. Theresa Athletic Director

2016-2017 JV & VARSITY BASKETBALL REGISTRATION FORM

NAME: Scott Phillips D.O.B.: [REDACTED]

GRADE ENTERING IN SEP. 2016 (Please circle one): (JV: 5th & 6th, Varsity: 7th & 8th)

ADDRESS: [REDACTED]

PARENT/GUARDIAN: Scott Phillips & Theresa Mullen

E-MAIL ADDRESS: [REDACTED]

Home phone: [REDACTED]

EMERGENCY CONTACTS:

Name	Phone	Relationship
Scott Phillips	[REDACTED]	FATHER
Theresa Mullen	[REDACTED]	MOTHER

Medical & Insurance Release Agreement

MEDICAL RELEASE:

I hereby authorize any representative on behalf of St. Theresa's Sports Committee to admit my child

Scott Phillips for first aid and/or hospital examination and care during the 2016-2017 basketball season sports program.

KNOWN ALLERGIES/MEDICAL CONDITIONS: (IF NONE, please indicate. If a medical condition exists, you will need to provide a Doctor's note that state your child is able to participate.)

None

INSURANCE RELEASE:

I hereby waive all responsibility to St. Theresa's School and any representative of St. Theresa's Sports Committee in case of accident or injury to my child

Scott Phillips
Signature of Parent/Guardian

11-1-16
Date

*Parents must provide a written note if they permit their child to walk home from a practice or game

2016-2017 JV & VARSITY BASKETBALL REGISTRATION FORM

Registration Fee & Other costs

The total Cost consists of the Required Registration Fee and the optional uniform fee. Please fill out the desired uniform option and add up the total cost below:

- The Required Registration Fee pays for the sports equipment, referees, league fees, court fees, trophies, award bonds, banners, competitions, playoff fees, and Sports Ceremony Awards Celebration.
- While all players are required to wear uniform, if a player can still use his/her uniform from the previous year, then new uniform is not required.
- If a player is moving from JV to Varsity and would like to use his/her JV uniform, all he/she needs is to put his/ her name on the uniform as required for playing Varsity.

Required Registration Fee - \$115.00 per child. If there are three (3) or more children in the program the fee is \$230.00 per family per sport.	\$115.00
Optional - JV Uniform	(\$50.00)
Optional - Varsity Uniform	(\$55.00)
Optional - Varsity players can add names to their existing JV uniforms (\$10.00)	
(Check Payable to St. Theresa Sports Committee)	Total Cost

If purchase uniform, please indicate uniform size below:

Both boys and girls uniform shirts and shorts can have youth and adult sizes:

- Youth: Sm, Md, Lg
- Adult: Xsm, Sm, Md, Lg, 1X or XLg, XX or Double XLg

Shirt Size	
Short Size	
Number	
Name (For Varsity Only)	

Parents: Please check here () if you are interested in coaching. We might contact you when there is a need for a coach.

Theresa Mullen [Redacted Signature]

2016 - 2017 Team Member Academic/Activity Policy

Dear Parents/Guardians and team members:

St. Theresa's School is "dedicated to the cultivation of academic excellence and the spiritual and social enrichment of each student." The Administration recognizes the important role of extra-curricular activities in the development of the whole child when such activities complement, rather than compete with the educational and spiritual dimensions of our program. Therefore, participation in our sports program requires that all student athletes meet the demands of both St. Theresa's academic and discipline code, as stated in our student handbook. Please read the following eligibility guidelines and sign the bottom portion of this page if you wish to have your child participate in our sports program. The academic/activity policy is as follows:

In order to participate on the team during the sports season, team members must maintain a passing average in major subject areas and in conduct in all classes. Eligibility is reviewed on report cards for all sports teams as St. Theresa's School. Teachers give grades for achievement and conduct. The grading scale is as follows:

S = Satisfactory I = Improvement needed (70% - 74%) U = Unsatisfactory (below 70%)

In order to participate in a game on a given day, the team member must be in school that day, or the Friday before a Saturday game.

If a team member receives a "u" on report cards he/she may not participate in practices or games for (2) weeks. The principal reserves the right to remove a team member from the team at anytime for improper behavior or for any reason she deems appropriate.

If a team member misses three (3) unexcused consecutive practices and or games, he/she will be dismissed from the team.

A team member who misses a practice immediately preceding a game will be benched for the first half of the game.

A team member who verbally, physically, or mentally disrespect or intimidate any of his/her teammates, our own coaches, coaches from other teams, referees, or organizers of events related to St. Theresa Sports Program, will be benched until the violation is being reviewed and resolved by either myself and/or our principal. If this behavior is repeated three times, the violating team member will be dismissed from the team.

I have read the above eligibility guidelines, have discussed it with my child and will abide by the criteria established by St. Theresa School.

Parent Signature: [Signature]

Student Signature: [Signature]

Date: 11-1-16

Sincerely,

Anh Bul
STS Athletic Director

2016 - 2017 PARENTS/GUARDIANS PARTICIPATION POLICY

Dear Parents/Guardians,

Please read the following policy carefully and then sign and date it at the bottom of the page.

It is wonderful that you support your child in his/her athletic activities and entrust him/her to St. Theresa Sports Program, its coaching staff, and the leagues or organizations under which we operate. You are an integral part of our program. You are encouraged to get involved with your child's activities. Therefore, parents, family members, and friends can attend scrimmages and games. However, only parents are allowed to be present during practices. Sibling(s) of a team member are allowed to be present during practices only if at least one of the parents is also present and will watch over the sibling(s). If the presence of the sibling(s) will distract the practice, other players, or coaches, the sibling(s) must be removed from the practice, and will not be allowed to return.

While we encourage you to get involved with your child's athletic activities, we strongly ask you respect the following rules:

- There shall be no cursing, screaming or yelling at your own child, our own players, or players from the opposing teams during practices, scrimmages or games.
- ~~There shall be no direct confrontation, verbal or and physical, or any other form of intimidation toward any other STS parent or parents from any other team.~~
- There shall be no direct confrontation, verbal or and physical, or any other form of intimidation toward any of our own coaches, coaches from other teams, referees, or organizers of events related to St. Theresa Sports Program.

Any parent, guardian, including any other family member or friend, who violates the above rules for the first time, will be asked to stay away from all practices, scrimmages, and games until the violation is addressed and resolved by either myself and/or our principal.

If the violation is repeated for the second time, then the offending person(s) will be indefinitely banned from attending any practice, scrimmage, or game.

If the violation happens for the third time, your child will be dismissed from the team, and possibly law enforcement will be asked to get involved regarding the violating person(s). Getting the involvement of the law enforcement is not limited to the third offense only, as it can happen at the first or second offense, depending on the severity of the case.

We strongly suggest that you follow the procedures below in dealing with any potential conflict:

- If you have any questions, issues, or concerns regarding your own child, another player and/or parents on our own team, a player and/or parents from any other team, a coach from another team, a referee, or any organizer of events related to St. Theresa Sports Program, please schedule a meeting with our own coaches and address the issue calmly and professionally. You should never confront the coaches before, during, or after the games, when emotions are high and everyone is on edge with high energy. If that does not address your concerns, then please reach out to me and I will try to mediate and help resolve the conflict. If that still does not address your concerns, then I will ask our principal to get involved.
- If you have any questions, issues, or concerns regarding our own coaches, please immediately bring that to my attention. I will try to mediate and help resolve any conflict. If that does not resolve the issues, then I will ask our principal to get involved.

I have read the above policies and will abide by the criteria established by St. Theresa School.

Parent Signature: Scott Helia

Date: 11-1-16

2016 - 2017 STS SPORTS AGREEMENT

St. Theresa's Sports is a volunteer organization. We need assistance to make our sports a success.

A Sports Agreement has been developed that requires each family to provide assistance to our refreshment stand. (AT LEAST 3 GAMES DEPENDING ON THE SCHEDULE).

It is the responsibility of the parents or guardians to fulfill their responsibility toward this work agreement. If the hours required for your scheduled games are not fulfilled, the player will not be eligible to play the following game. If the hours required for the season is not fulfilled, your child will not be eligible to play in the next season.

It is the responsibility of the parents to make sure their hours are properly logged in by the Head Coach.

Player's Name:

~~St. Theresa's Sports~~

Parent Signature:

Scott Phillips

Sport:

BASKETBALL

Date:

11-1-16

Sincerely,

Anh-Bui

STS Athletic Director

EXHIBIT L

Theresa E. Mullen

From: Bui, Anh [mailto:anh.bui@sttheresa.org]
Sent: Monday, December 09, 2013 11:05 AM
To: [redacted]
Subject: FW: M [redacted]

FYI. You will be getting a non-STS player.

From: Theresa Lee [mailto:theresalee@sainttheresakenilworth.org]
Sent: Monday, December 09, 2013 11:03 AM
To: Bui, Anh
Cc: [redacted]
Subject: M [redacted]

Dear Anh,
Happy Feast of the Immaculate Conception!

Mrs. [redacted] and I met this morning. She will contact you to pick up a registration form for [redacted]. As a parishioner and CCD student, she is eligible to play with our CYO Basketball team. However, I wasn't sure what the set up for the Winter Volleyball League is. M [redacted] will bring her daughter to school so we can meet sometime this week.

Do please keep me informed of M [redacted] status.

Thank you, Sr. Theresa

--
St. Theresa School
540 Washington Ave.
Kenilworth, NJ 07033
school: 908-276-7220 x201

Information from ESET Smart Security, version of virus signature database 9154 (20131210)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT M

THERESA E. MULLEN

26 [REDACTED] ROAD

[REDACTED]

November 8, 2016

Via Hand-Delivery

Dr. Margaret Dames, Ed.D

Sr. Patricia Butler, SC

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames and Sr. Butler:

This letter will serve as my 5th correspondence to the Archdiocese regarding my repeated requests for a meeting and for information. It has been OVER 5 months since my first request and absolutely nothing has been done to my knowledge.

There also has not been any response to my last correspondence dated June 27, 2016, despite the fact that the June 13, 2016 letter from the Archdiocese indicated that the issues I defined were being looked into. This last correspondence from the Archdiocese was sent almost 5 months ago.

As I stated in my initial correspondence, in pertinent part "...due to the disturbing conduct and behavior of STS faculty and the school principal, S [REDACTED] has been re-victimized. This "revictimization" has not ended in this new school year and less than two weeks ago, parents confronted S [REDACTED] on school property at a school function. I am attaching a recent e-mail dated November 4, 2016 sent to Deacon Joe, together with his response, which failed to address any action to be taken by STS with regard to the "trunk-or treat incident" described. (This response did address STS Girls Basketball which will be discussed below).

As I stated to Deacon Joe, it is no coincidence that S [REDACTED] was excluded after a serious incident was reported to him about the child of these parents. Adults and children have been instructed to follow the "see something, say something" policy which she did last year and again this year.

I will not continue to let S [REDACTED] be "re-victimized" while those in authority fail to take appropriate action.

I am also attaching the recent correspondence dated November 1, 2016 between myself, the St. Theresa Athletic Director (AD), Rich Donovan and Deacon Joe to which I have received no response, other than on November 4, 2016 from Deacon Joe as already noted and I asked to receive a response no later than yesterday.

While I am not going to get into the particulars of last year with respect to the Girls Basketball program in this letter, I believe that there is no question that there was an obvious attempt by the AD to sabotage the Girls program, which occurred again this year. I let it go last year because I was

given a short time to enter a team and to refute all of the misinformation that the Archdiocese received from the AD.

In light of what is contained in this correspondence, what is contained in the attachments and in last year's correspondence, I am asking for an immediate investigation of the AD's conduct by STS and the Archdiocese.

This year I am told that I will not be given any time to enter a Girls Team despite the fact that there was NO DEADLINE on the basketball forms distributed by the AD. (Emphasis supplied). In light of this decision, which I believe is completely unfair, I am also attaching my November 3, 2016 correspondence to the AD with the completed forms which included a request that Sy [redacted] be placed on the Boys 7th Grade Varsity Team, since there will be no Girls Team. There also has not been any response from the AD.

As I noted in my November 1, 2016 correspondence:

There is no doubt that Sy [redacted] is the best 7th Grade basketball player in the school—both boys and girls. I am not making that statement because she is my daughter. I am making it because it is true. If there is a dispute I am willing to have any independent evaluator chosen to evaluate and confirm.

I further stated:

If the Archdiocese will not let STS enter a girl's team, then the fact remains that Sy [redacted] wants to play basketball, deserves to play basketball and it is my assertion that she has to be given an opportunity to do so at STS because there is a basketball team upon which she can play. Again if there is a written rule to the contrary, please provide it to me immediately.

I have reviewed the 2015-2016 website and there is no restriction that I have seen. In addition, it states that "Rosters must be submitted by the first game." Therefore there is no question that Sy [redacted] can be added and that I can coach.

There is no question that Catholic school girls are and have been permitted to play on Boys basketball teams when there is no comparable Girls team. To that end I am attaching the pertinent page from the Holy Trinity Church website in Webster, NY which allows for this EXACT THING. (Emphasis supplied). The entire website can be found at <http://holytrinityweb.com/cyo.php>.

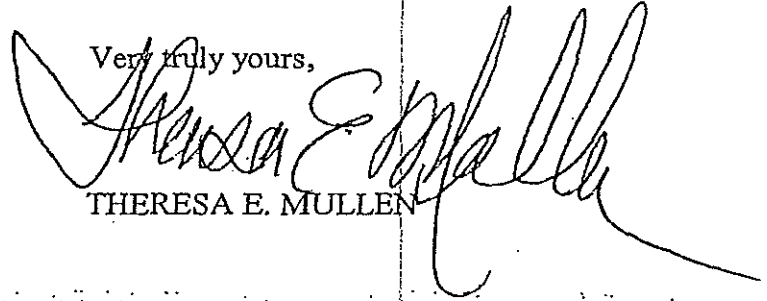
Once again, I am inquiring as to whether the Archdiocese is going to schedule a meeting, is going to supply me with the information I requested and if it is going to take immediate action to address all of the issues I have repeatedly outlined before something even worse occurs. I am also asking if the obvious continued re-victimization of Sy [redacted] is going to be permitted to continue without any consequences.

Certainly I cannot afford to let more time go by.

Finally, in accordance with my request last week regarding placing Sy [redacted] on the 7th grade Boys Basketball roster and naming me as a coach, time is also obviously of the essence because the CYO rules state that additions to the roster must be done before the first game. Therefore I need a written response which I have requested both from STS and from the Archdiocese. My email address is contained in the attachments, [redacted].

If I fail to receive a response by the close of business tomorrow, I will have no other choice but to take all of the aforementioned to the next level. I am not copying Rich Donovan on this email because of what he has stated. I am copying Deacon Joe as the current STS Principal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Theresa E. Mullen', written in a cursive style. The signature is positioned above the printed name.

THERESA E. MULLEN

cc: Deacon Joe Caporaso

EXHIBIT N

Theresa E. Mullen

From: Bui, Anh [an...]
Sent: Monday, February 24, 2014 3:58 PM
To: Bui, Anh
Subject: Congratulation to the Girls JV basketball team!!!

Hi all,

First of all, I'd like to congratulate the Girls JV basketball team for winning their playoff game this weekend! They are now qualify for the semi-final round, which will happen either this Saturday, March 1, or Sunday, March 2. More details is forth coming real soon.

I also would like to congratulate Coach Mullen & Coach Lissade for doing a fantastic job with the girls, and showed them the way win. The greatest lesson you've taught them this season is, in sports, as in life, success is not always measured by the records you hold. Instead, it's measured by how you fight in each and every game, how you strive to achieve your own goals, and how you learn ~~to work with others to create bonds & teamwork. All these, together with your never-give-up attitude, your believing in yourself,~~ and your team, are the trademarks of a winner! Win or lose in the semi-final, these girls are 100% winners in my eyes. I'm certain that, in your heart, you feel the same!

Good luck team!
Coach Bui☺

Information from ESET Smart Security, version of virus signature database 9469 (20140225)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT O

Theresa E. Mullen

From: Bui, Anh [REDACTED]
Sent: Monday, February 23, 2015 10:46 AM
To: ssp-5@stallions.com [REDACTED]
Subject: Next round of basketball playoffs

Congratulation for being the only STS team to win the first round of playoffs. As a reward, you will be playing against St. Helen at Helen next weekend. It's going to be either Sat., 2/28 or Sun., 3/1. All the hosting AD's and coaches are looking at the next playoff round and working on the date and time for these games. As soon as I have the info for your game, I will let you know.

Let's win the next game and go on, instead of go home. ☺
Go Stallions!!!

Information from ESET Smart Security, version of virus signature database 11220 (20150223)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT P

EXHIBIT Q

EXHIBIT R

Theresa E. Mullen

From: Bui, Anh [mailto:anh.bui@stsa.edu]
Sent: Friday, November 06, 2015 10:36 PM
To: Bui, Anh
Subject: About Girls Basketball

Hi all,

Since September, I've been working very hard in trying to form Girls JV and Varsity Basketball teams. By the time the deadline approached there were not enough players for neither team. I had to move 6th graders up to make one team - Girls Varsity Basketball team, which started with 9 players. But, immediately, one dropped out. That left the team with 8 players. Then, yesterday, another player dropped out, leaving the team with only 7 players. I reached out to the league and met with Sr. Helene today to go over the league's rule about the number of players required, and to explore all of our options. After carefully reviewing everything at hand, and taking serious consideration into our decision, I regret to inform you that we will not be having a girls basketball team this year. I will be sending home your complete refund next week.

Best regards,
Anh Bui, STS Athletic Director

Information from ESET Smart Security, version of virus signature database 12529 (20151106)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT S

ssp-9@comcast.net

From: [REDACTED]
Sent: Sunday, November 8, 2015 4:18 PM
To: Theresa E. Mullen
Subject: Re: Girls Basketball

Yay!!!! Thank you for all your effort Theresa . If you need help with anything just let me know

EL [REDACTED]

Sent from my iPhone

On Nov 8, 2015, at 3:02 PM, Theresa E. Mullen [REDACTED] > wrote:

HELLO!!!

I have GREAT NEWS!!! I met with Fr. Joe and Fr. Lito yesterday and we have a TEAM!!! I also spoke to Rich Donovan. Please confirm that you received this message!!! Additional information and practice schedule to follow, Theresa

From: Theresa E. Mullen [REDACTED]
Sent: Saturday, November 07, 2015 12:51 AM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Girls Basketball

Dear Parents:

I just received the email from Anh Bui regarding canceling the Girls Varsity season and wanted to let everyone know that I had no idea that this was going to happen. I have coached all of your girls in the past and want to continue doing so. I just looked up the CYO league rules 8 girls is enough for a team so we could still play as I am sure another girl could move up.

Being that I will probably see a lot of you at tomorrow's confirmation, I wanted to let everyone know beforehand. Since there are 5 eighth grade girls on the team who have played basketball for a number of years I am going to do everything that I possibly can to try to avoid the girls not having a team. Also if your children know of anyone who might want to play please let me know.

Thank you, Theresa Mullen

Information from ESET Smart Security, version of virus signature database 12529
(20151106)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT T

Theresa E. Mullen

From: Theresa E. Mullen [redacted]
Sent: Monday, November 09, 2015 8:31 AM
To: 'Bui, Anh'
Cc: [redacted]
Subject: RE: Girls Team

Since all 7 who had already committed have emailed you (if you need something formal from Sy [redacted] you can accept this email), the only thing from my end is at least another player which I already confirmed on Saturday. Sr. Helene will be receiving those papers this morning.

My children's paperwork has already been filled out and Scott will be bringing the check this morning to STS however he was confused from last time because as you know Sy [redacted] needs new shorts and I need the cost for that to add.

From: Bui, Anh [mailto:anh.bui@nyu.edu]
Sent: Monday, November 09, 2015 7:46 AM
To: [redacted], Bui, Anh
Subject: RE: Girls Team

Good morning,

This morning, two more parents emailed with their confirmations:

- [redacted]
 - [redacted]

I will keep you posted this morning as I will be communicating with Sr. Helene on the rest of the outstanding requirements.

Regards,
 Anh Bui, STS Athletic Director

-----Original Message-----

From: Bui, Anh [anh.bui@nyu.edu]
Received: Sunday, 08 Nov 2015, 11:40PM
To: [redacted]
Subject: RE: Girls Team

Hi Theresa & Fr. Lito,

I just want to give you the latest update before going to bed:

- So far, only 4 parents emailed me to reconfirm their daughter's desire to play on the new team:
 1. [redacted]
 2. [redacted]
 3. [redacted]
 4. [redacted]
- Missing items:
 - o A new roster with at least 8 names of players for the new team
 - o Completed and signed registration forms for the new players
 - o Registration fee (\$115) for new players
 - o Registration fee (\$115) for Sy [redacted]

Theresa E. Mullen

From: Bui, Anh [redacted]
Sent: Monday, November 09, 2015 11:39 AM
To: [redacted]@don.com, [redacted]@comcast.net
Cc: Bui, Anh
Subject: RE: Girls Team

Hi Theresa & Fr. Lito,

Sr. Helene and I spoked a few minutes ago. She informed me that she received the completed and signed registration forms for [redacted] & [redacted] (though, without payments). Sr. Helene thinks that that was an honest oversight and will make sure the fees are paid immediately. With these registration forms, St. Theresa School now has a Girls Varsity Basketball team with players. Therefore, I've informed the league that we have a team. Rich Donovan acknowledged that and we are in.

Thank you to both of you, and to Fr. Joe and Sr. Helene, for your assistance in this matter. Have a great day!

Regards,
Anh Bui, STS Athletic Director

From: Bui, Anh
Sent: Monday, November 09, 2015 7:46 AM
To: [redacted]@don.com, [redacted]@comcast.net, Bui, Anh
Subject: RE: Girls Team

Good morning,

This morning, two more parents emailed with their confirmations:

- [redacted]
- [redacted]

I will keep you posted this morning as I will be communicating with Sr. Helene on the rest of the outstanding requirements.

Regards,
Anh Bui, STS Athletic Director

-----Original Message-----

From: Bui, Anh [redacted]
Received: Sunday, 08 Nov 2015, 11:40PM
To: [redacted]@don.com, [redacted]@don.com, [redacted]@comcast.net, [redacted]@comcast.net
Subject: RE: Girls Team

Hi Theresa & Fr. Lito,

I just want to give you the latest update before going to bed:

- So far, only 4 parents emailed me to reconfirm their daughter's desire to play on the new team:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]

EXHIBIT U

Dear Theresa,

5/19/16

Thank you for insisting on having a basketball team for the girls. I think the girls, especially the 8th Graders, had a great time. I also want to thank you for getting the gym time for practices at Brealy. That really made things easier for all the teams to have enough practices. I really appreciate all your help!!!

I know this year has been tough between us as we did not see eye-to-eye on certain things & you might feel that I did not like you or that I was against you. But that's not the case at all. I think we both have the same goals & visions for the children at STS. So, we are on the same side. And I think you are a great coach, who know how to get the best out of the players. For all of these things you did, I want to thank you for all your help & look forward to another year next year. Ash

EXHIBIT V

THERESA E. MULLEN

November 18, 2016

Via Hand-Delivery

Dr. Margaret Dames, Ed.D

Office of the Superintendent of Schools

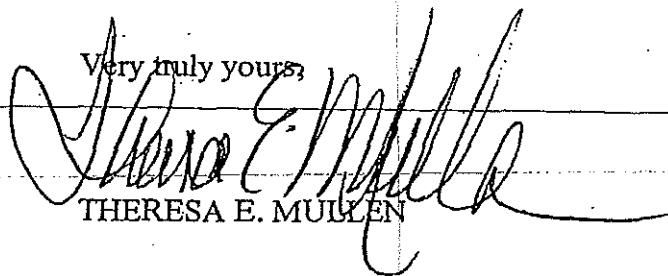
171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

This letter will serve as my 6th correspondence to the Archdiocese wherein I have repeatedly requested a meeting and information. The Archdiocese to date has not even given me the courtesy of a meeting despite my previous letters dated June 6, 2016, June 8, 2016, June 15, 2016, June 27, 2016 and November 11, 2016, in which I detailed serious concerns and issues at St. Theresa School.

This letter will serve as a final request for a meeting. If a meeting is not scheduled by the close of business today, I will have no choice but to file the appropriate legal paperwork on Monday, which I hope is not necessary.

Very truly yours,



THERESA E. MULLEN

cc: Cardinal-Elect Tobin

EXHIBIT W



Archdiocese of Newark

Entering the
Third Millennium,
proclaiming in faith and love
the mission of
Christ the Redeemer!

November 23, 2016

Mrs. Theresa Mullen

[Redacted address]

Dear Ms. Mullen,

After you and your husband met with Sister Pat Butler and myself on Tuesday, November 22, we called the CYO office. We did receive from the Union County, CYO, a description of the varsity boys and girls basketball leagues in grades 7 and 8. They are specific in that they have separate divisions for both the girls and boys at that age level. The information is enclosed.

We have also received a memo that was sent internally to all of the athletic directors definitively stating the final date for fielding a team. I have also enclosed that memo.

I would also include that Sister Pat has spoken to Deacon about continuing to monitor the students' behavior to avoid any occurrences or perceptions of "Bullying."

Sister Pat and I wish you a very Happy Thanksgiving and we will keep you and your family in our prayers.

Sincerely yours,

Margaret Dames

Margaret Dames, Ed.D.
Secretary for Education/Superintendent of Schools

Enclosures

cc: Sister Pat Butler
Deacon Joseph Caporaso

MD/lk

ARCHDIOCESAN CENTER

171 Clifton Avenue • Post Office Box 9500 • Newark • New Jersey 07104-0500 • (973)-497-4000

Pa. 92



(advertisedirect.asp?id=14)

Main Menu	
Ⓜ	Welcome http://www.leaguelineup.com/welcome.asp?url=uccyo&sid=432529841
Ⓜ	Division Descriptions http://www.leaguelineup.com/miscinfo.asp?menuid=31&url=uccyo&sid=432529841
Ⓜ	Divisions http://www.leaguelineup.com/divisionst.asp?url=uccyo&sid=432529841
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Ⓜ	Coaches Contact List http://www.leaguelineup.com/miscinfo.asp?menuid=38&url=uccyo&sid=432529841
Ⓜ	Directions http://www.leaguelineup.com/location.asp?url=uccyo&sid=432529841
Ⓜ	League Rules http://www.leaguelineup.com/miscinfo.asp?menuid=30&url=uccyo&sid=432529841
Ⓜ	Hand Outs http://www.leaguelineup.com/handouts.asp?url=uccyo&sid=432529841
Ⓜ	Playoff Schedule http://www.leaguelineup.com/miscinfo.asp?menuid=37&url=uccyo&sid=432529841
Ⓜ	All Star Game Schedule http://www.leaguelineup.com/miscinfo.asp?menuid=36&url=uccyo&sid=432529841
Ⓜ	Reporting Game Scores http://www.leaguelineup.com/miscinfo.asp?menuid=34&url=uccyo&sid=432529841
Ⓜ	What's the Call Ref? http://www.leaguelineup.com/miscinfo.asp?menuid=32&url=uccyo&sid=432529841
Ⓜ	Notes from CYO Director http://www.leaguelineup.com/miscinfo.asp?menuid=33&url=uccyo&sid=432529841
Ⓜ	Basketball Camps & Clinics http://www.leaguelineup.com/miscinfo.asp?menuid=35&url=uccyo&sid=432529841

Welcome Video Training (Mdeotraining.asp?url=uccyo&sid=432529841) | Weather (http://www.weather.com)

My Account

Directions to all gym sites can be found by clicking on the "Directions" tab on the left

The Union County CYO Youth Basketball League Archdiocese of Newark, New Jersey

The Union County CYO Basketball League is open to Girls and Boys in grades 2 to 12 who either attend a Catholic School or a Catholic CCD - Religious Education program within the Archdiocese of Newark, New Jersey.

The league plays a 12 game regular season schedule plus playoffs from November to March with all games played on weekends at the local parish and schools gyms.

Rookie:

This is a developmental league for boys and girls in the 2nd grade

This is a co-ed division with the emphasis on having fun while teaching the players the fundamentals of the game.

Peewee:

This is a development league for boys and girls in Grades 3 & 4

There are separate divisions for both the girls and the boys with the emphasis on having fun while teaching the players the fundamentals of the game.

The season will conclude with the Jim McElroy Memorial Tournament hosted by St. James in Springfield

JV - Junior Varsity:

A competitive travel division for girls and boys in grades 5 & 6.

There are separate divisions for both the girls and the boys in three divisions, Red, White and Blue based on the playing experience of the team roster.

The season will conclude with the league Playoffs in March.

Varsity:

A competitive travel division for girls and boys in grades 7 & 8.

There are separate divisions for both the girls and the boys in three divisions, Red, White and Blue based on the playing experience of the team roster.

The season will conclude with the league Playoffs in March.

High School:

A competitive travel division for boys in grades 9 through 12

These teams will be made up of student-athletes who are not playing on their high school Freshman, JV or Varsity basketball team.

The season will conclude with the league Playoffs in March.

Headlines

CYO Playoff Schedule (topnews.asp?url=uccyo&sid=432529841&itemid=1528957)

Watch JV & Varsity Finals Live from UC March 5 & 6 (topnews.asp?url=uccyo&sid=432529841&itemid=1524409)

CYO All Star Games (topnews.asp?url=uccyo&sid=432529841&itemid=1203117)

What's the Call Ref (topnews.asp?url=uccyo&sid=432529841&itemid=1203004)

SOCCER CAMPS - AGES 5-13

duisc.net

Boys and girls youth soccer camps during school break in manhattan, nyc



Dames, Dr. Margaret A.

From: Dames, Dr. Margaret A.
Sent: Wednesday, November 23, 2016 7:41 AM
To: Dames, Dr. Margaret A.
Subject: FW: CYO Paperwork Drop Off Reminder and Upcoming Dates!
Importance: High

From: Donovan, Richard
Sent: Wednesday, October 19, 2016 9:11 PM
To: anh.Bul@nyu.edu
Subject: CYO Paperwork Drop Off Reminder and Upcoming Dates!
Importance: High

Hello AD's

I know with this heat we've been having it seems more like Summer than Fall... but before you know it the basketball season will be here!

I wanted to reach out to you with some reminders again on our RAPIDLY approaching dates and deadlines.

Tuesday October 25th is the drop off night. This is the ABSOLUTE LATEST date you could let us know the CONFIRMED teams you plan to enter. There would be ABSOLUTELY NO WIGGLE ROOM to add teams after this date (except high school since HS cuts don't take place til early December). We would ABSOLUTELY need to have EVERY Pre Season Team Evaluation Form submitted by that night as well. We would also need ALL GYM TIMES this night.

Again this is Drop Off Night is going to be from 5:30pm to 8:30pm at St. Milkes in Cranford. Simply come in the usual door on the side of the school that faces the bell tower. Literally 5-10 minutes tops of your time!

Union County CYO
Youth Basketball League
JV and Varsity Division
2016-2017 League Rules
Revised as of 11/15/16

The purpose of this league is to give young athletes the opportunity to compete in a competitive environment against players from other Catholic communities. Developing skills, sportsmanship, teamwork, and discipline are the objectives of this Christian league and to act as Jesus calls us to act. The goals will be attained through the concerted efforts of all players, coaches, officials and the Archdiocese of Newark's Office of Youth Ministry CYO Athletic Program.

- League rules will be governed by the National Federation and as per NJSIAA. Remember that the high school rulebooks state that children in grades 8 and below should play no more than 24 minutes per game. Try to keep that in mind and use your substitutions.
- These rules must be at the scorer's table every game and in every coach's bag.
- Clarification of the specific Union County CYO league rules should be reviewed with coaches, referees and the official scorer prior to the game.
- It is mandatory that all parishes select a service project that must be performed prior to the season's end.

GAME TIMING

- Game time is forfeit time.
- JV and Varsity divisions will play eight (8) minute quarters, running time.
- The clock will only stop on all whistles in the last minute of every quarter.
- Other than during the last minute of each quarter, the clock will stop on shooting fouls, mandatory substitutions during the first half, extraordinary stoppages of play and, of course, during time outs.
- Half time shall be five (5) minutes.
- Two (2) minutes between quarters
- Overtime shall be 4 minutes with the clock running except stopping on all whistles in the last minute of each overtime period.
- If teams are still tied after the second overtime, the game is recorded as a tie for both teams.

MANDATORY SUBSTITUTION RULE

- The rule described below applies during the first half to the JV Red, White and Blue divisions and the Varsity White and Blue divisions.
- The rule described below does not apply to the Varsity Red divisions. There is no first half mandatory substitution rule for the Varsity Red divisions.
- This rule is to assure that all players are being used in the first half.

- There is a mandatory substitution rule in effect for only the first half of the game; second half is regular basketball substitutions at the coach's discretion. That being said, all divisions are subject to the "All Play" rule, which requires that everyone plays a minimum of eight minutes of each game, and at least four minutes in the first half.

Every 4 minutes during the first half, a new five must enter the game. The clock will stop at the first "dead ball" nearest the 4-minute mark for the changes to take place. A referee may stop play at an appropriate time to initiate substitutions.

Coaches must have their substitutions already determined for a quick substitution. This is not a timeout, this is just to sub. If the official feels that it is taking too much time, he/she may charge the offending team a time out. Free substitution is permissible in the second half.

~~A team with less than 10 players will select the starting five. The opposing coach may then select which of the five starters can be used to fill the gap in the second 4 minutes, and then continue to do so for each additional substitution, through halftime. If the team with less than 10 players has 8 or 9 players, the opposing coach cannot select the same player(s) to play three consecutive turns. If the team has 7 players, no player should play four consecutive turns. If the team has 6 players, no more than two players should play the entire half. Note that the opposing coach must choose to exert this right by the start of the second quarter, or forego the right for the remainder of the game.~~

Teams will be allowed to substitute during the first 8 minutes in the event a player is injured, or accumulates two fouls, or during the first half if a player is injured or accumulates 3 fouls. Again, the opposing coach has the option to pick the substitute.

~~Teams with more than ten players may substitute within the first 4 minutes so long as they have five different players available for the second 4 minutes. This would be accomplished by substituting at the 2:00 or 6:00 minute mark, thereby splitting the standard four minute rotation between two players.~~

In other words, teams with more than 10 players have two options:

- Rotate players in and out at four minute intervals, which results in some players playing eight minutes in the half and some players playing four minutes in the half, or
- Rotate players at the two, four and/or six minute intervals, which results in some (fewer) players playing eight minutes in the half and some players playing six minutes in the half.

Here is an example of how both scenarios work, assuming twelve players (each represented by a number below):

- Substitute only at four minute intervals (four "shifts" in the half):
 - 1, 2, 3, 4, 5 6, 7, 8, 9, 10 11, 12, 1, 2, 3 4, 5, 6, 7, 8
- Substitute at two, four and six minute intervals:
 - 1, 2, 3, 4, 5/6 7, 8, 9, 10, 11/12 1/2, 3, 4, 5, 6 7/8, 9, 10, 11, 12

In the first example, players 9, 10, 11 and 12 only play four minutes while players 1 through 8 play eight minutes. In the second example, players 5 and 6 switch at 2:00 minutes of the first quarter and players 11 and 12 switch at 6:00 minutes of the first quarter, players 1 and 2 switch at 2:00 minutes of the second quarter and players 7 and 8 switch at 6:00 minutes of the second quarter. This results in players 3, 4, 9 and 10 playing eight minutes in the first half, and the rest playing six minutes...a fairer distribution of time.

Subject to the injury or excess foul exceptions noted above, no player may play more than 4 minutes in any one quarter if a team has 10 or more available players. Note also that no matter the first half substitution, every player must play a minimum of eight minutes during the game, and at least four minutes in the first half (the All Play Rule).

Note that six players are required to start a game. Once the game is started, the game will continue despite the loss of eligible player(s) until a team has just one eligible player remaining.

ELIGIBILITY OF TEAMS AND PLAYERS

Rosters must adhere to CYO Athletic Program rules, including but not limited to the following:

Every team must qualify with the follow criteria:

1. The Coaches are Rutgers certified.
2. The Coaches have been through Protecting God's Children.
3. The Team completes a team service project that is signed off by the person or agency for which they performed the service.

Age Limitations:

- Any child who is 15 years of age prior to September 1 of the current school year is not eligible to compete in 7/8 grade basketball.
- Any child who is 13 years of age prior to September 1 of the current school year is not eligible to compete in 5/6 grade basketball.
- Any child who is 11 years of age prior to September 1 of the current school year is not eligible to compete in 3/4 grade basketball.

ROSTERS

We recommend teams have 10 or more players. A minimum of eight players is required on each team roster. A player can only be on 1 roster, as filed with the archdiocese. A maximum of 15 players is allowed on the roster but if more is needed, it will be considered on an individual basis. All roster players must play a minimum of 50% of the regular season games to be eligible for the playoffs. Coaches should save regular season scorebooks to prove the requirement.

Rosters must be submitted by the first game played with each player's name, grade, School attended, CCD program, date of birth and eligibility certification.

It has been brought to our attention that some players may be playing for more than one team in CYO. This is against the rules. If a player is recorded on two rosters (which is against the rules), whatever team the player has played for first is the roster that player is locked into for the entire season.

Note that six eligible players are required to start a game. Once the game is started, the game will continue despite the loss of eligible player(s) until a team has just one eligible player remaining.

There have been some coaches that have called the League Coordinator, in a bind, and asked if they can take some players from another team in their Parish, because they did not have enough to play the game. This is the only reason that the league "might" accept a roster change. The CYO League Coordinator will allow it for regular season games only because we do not want to re-schedule. But it must be under the following criteria:

A) League Coordinator must know at least 24 hours prior to the contest

B) The player(s) taken/used cannot be from a team in the same or a higher qualified division. Red division teams can ask Blue and/or White division players. White division teams can ask for Blue division players. A player from a younger group may also play up. Pee Wee can play JV and JV can play Varsity. A Pee Wee player cannot play in a Varsity game.

C) Your Athletic Director, opposing coach and AD are also informed by email at least 24 hours prior to the contest

We will penalize any team that has illegal players:

1. The coach and players will be banned from further games in the current season.
2. The team will not be able to participate in the playoffs.

The entire Parish will be on probation for this year and future years until further notice.

In general, all AD's must supervise the coaches in their program. It is the AD's responsibility to make sure they are doing everything right.

If you feel a team might be violating a rule, you must email the League Coordinator the facts of the situation. We do not deal with "HEAR SAY," especially from parents. We need facts and figures. You will not send the League Coordinator on a wild goose chase without all the facts. If you cannot stand behind your accusation or inquiry, then do not bring it to our attention.

GAME BALL

The use of the small youth or women's ball (28.5") is mandatory for JV and all Girls games and a full size ball must be used for Boys Varsity games. The ball must be leather or synthetic leather.

The Home Team will provide a game ball for each game. WE DO NOT WANT PLAYERS OR FANS BRINGING PERSONAL BASKETBALLS – please have ONLY THE COACH bring Team Balls for the teams to practice with. We want to avoid a safety issue with balls rolling onto the court during the games.

Fans are also discouraged from playing on the court during any stoppage in play.

OFFICIALS

Two referees per game - \$45 per official. Each team pays one official before the start of the game. Please pay by cash. NO VOUCHERS WILL BE ACCEPTED BY ANY OFFICIAL FOR PAYMENT.

FORFEITS

Game time is forfeit time.
Any team that forfeits a game is responsible for paying both referees.
Note: The team that is at the game does not pay any officials.

Two (2) checks for \$45.00 each (\$90.00 total) must be mailed to Tony Chodan at his address below prior to your next game or you may be removed from the league immediately.

ASSIGNOR OF OFFICIALS

Tony Chodan, Assignor of Officials,
57 Galloping Hill Road
Elizabeth, NJ 07208.
Cell – (908) 451-5596

SCORES AND STANDINGS

The winning coach is to report the scores no later than 24 hours after the game. See league web site for details.

LINEUP CARDS/SHEETS

Coaches must give a copy of the game lineup sheet to the opposing team and/or official scorer prior to the start of the game. This gives you more time to coach.

UNSPORTSMANLIKE CONDUCT

If there are unsportsmanlike incidences by players, coaches, team or fans, the League Coordinator may place the players, coaches, team and/or fans on probation for the season and possibly future seasons as decided by the League Coordinator. If the players, coaches, team and fans under suspension commit a second occurrence, they will be expelled from the league for this, and possibly future seasons. Let's remember that the league is for the kids.

TECHNICAL FOULS

Any player or coach who receives two technical fouls during a game will not be allowed to participate in the remainder of the game as well as their next two scheduled games – two (2) game automatic suspension. Ejected players also receive a subsequent two (2) game automatic suspension.

The suspended coach and or player will not be allowed in the gym during any games from which they are suspended. If a coach leaves the game as the result of technical fouls and there is no certified assistant to take his or her place, the game shall be a forfeit. If a suspended player and or coach participates in a league contest during their suspension period, that game will be forfeited and the individual will be expelled from the league until further notice. The expelled coach or player's parish will also be on probation until further notice.

A scoreboard and scorebooks will be used from start to finish. The Home team will be the official book. All teams are to hand the official scorer at the table a copy of your game roster. The game roster will have all your players' full names and uniform numbers on it so it can be transferred into the official scorebook. Failure to comply may deem the coach unsportsmanlike.

PRESS RULE

Red Divisions for JV Boys, Varsity Girls and Varsity Boys

A full court press will be allowed for the entire game unless one team leads the other by 15 or more points. The team ahead must then drop back to at least the division line (half court). The defensive team ahead by 15 or more points must allow the offensive team to get over half court. The trailing team may still press.

White, Black & Blue Divisions for JV Boys, Varsity Girls and Varsity Boys

No full court press will be allowed during the first half of the game. A full court press will be allowed for the second half of the game unless one team leads the other by 15 or more points. The team ahead must then drop back to at least the division line (half court). The defensive team ahead by 15 or more points must allow the offensive team to get over half court. The trailing team may still press.

Red & White Divisions for JV Girls

No full court press for the first three (3) quarters of the game. A full court press will be allowed during the 4th quarter of the game unless one team leads the other by 15 or more points. The team ahead must then drop back to at least the division line (half court). The defensive team ahead by 15 or more points must allow the offensive team to get over half court. The trailing team may still press.

TIME OUTS

There will be three 60 second timeouts and two 30 second timeouts per game, which can be carried over to overtime. An additional, full 60 second timeout will be granted for every overtime period. No cheerleaders are allowed to run on the court for a cheer during a 30 second timeout.

SCORING

If the gym in which you are playing has a 3 point arc, it will be used and the 3 pointer will be counted. No imaginary lines will be permitted.

MERCY RULE

All teams are encouraged to keep scoring to within 25 points. Any team that wins by 25 points or more is subject to the lopsided score rules and guidelines.

FOUL SHOTS

All foul shots must be attempted from behind the foul line. We do allow the JV girls to fall over the line without violation provided, in the official's opinion, they are not trying to gain an advantage on an errant shot to rebound.

UNIFORMS

Team uniforms will match in color, style, and contrast. If a t-shirt is to be worn under the uniform top, it must be white, gray, black or the primary color in the team uniform. All team members must wear the same color t-shirt, or individual players can choose to not wear a t-shirt.

All uniform shirts are to remain tucked in and the shorts are to be pulled up for the entire game. Failure by a player to comply may be deemed unsportsmanlike and technical fouls may be applied. Coaches, it is your responsibility to make sure your players are uniformed properly.

If your team does not have reversible jerseys, IT IS MANDATORY THAT YOUR TEAM HAS PINNEYS. IF OFFICIALS REQUEST THEIR USE, THE HOME TEAM MUST WEAR THE PINNEYS.

JEWELRY

No jewelry can be worn. Wearing Band-Aids applied over earrings is not acceptable. Ears should be pierced before or after the season. Please tell the parents that taking out the starter earrings for 1 hour will not hurt the process.

SNOW

All Site Managers must report to the League Coordinator no less than 2 hours prior to a weather cancellation. The League Coordinator will make the final decision and email the athletic directors for them to get to touch with their teams. The League Coordinator will also post the cancellation on the website.

FINAL DECISION

Any issue that might arise during the season, not noted as a rule or by-law or in print of any kind in this league, will be decided by the Coordinator of this league and thus the Coordinator's decision will be final.

The Union County, NJ CYO Youth Basketball League should take precedence over all other leagues. Teams will not be allowed to postpone or move any games within the schedule for other than weather related reasons. Games not played will be subject to forfeiture with a loss incurred by one or both teams. At the direction of the League Coordinator, exceptions may be considered.

Rich Donovan, UCNJ CYO Youth Basketball League Coordinator

donovari@ucan.org

Office -201-998-0088 ext 4150

Cell-908-447-4948

www.leaguelineup.com/uccyo



EXHIBIT X

Susan B. McCrea
Attorney at Law
24 Prospect Street
Westfield, New Jersey 07090
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Facsimile: 908-232-4351
Email - sbmccreafamilaw@aol.com

Charles H. Brandt, Esq.
(1968-2003)

Via Hand Delivery and Facsimile 973-497-4249

Dr. Margaret Dames, Ed.D.
Sr. Patricia Butler
Office of the Superintendent of Schools
171 Clifton Avenue
Newark, NJ 07104-0500

December 1, 2016

Re: Phillips v Archdiocese of Newark

Dear Dr. Dames & Sr. Butler:

This office has been retained to represent Scott Phillips on behalf of his minor children, Sydney Phillips and Brian Phillips. It is my understanding that Mr. Phillips and his wife met with both of you on Tuesday, November 22, 2016 after making at least six (6) requests over the past six months requesting this meeting as well as requesting other information. Enclosed please find copies of letters dated June 6, 2016, June 8, 2016, June 15, 2016, June 27, 2016, November 8, 2016 and November 18, 2016 detailing serious concerns and issues expressed as to St. Theresa School.

It is also my understanding that the information previously asked for still has not been provided. The information being requested includes but is not limited to the following:

1. The written policy of how the valedictorian/salutatorian is computed. (This would include how the Advanced Math class is weighted, together with exactly how it is calculated with back-up figures.)
2. Specifics about the existence of any CYO and/or St. Theresa School rule which would prohibit Sydney (or any female student) from playing on the 7th Grade Boys Basketball team when that student displays the required physical talent.
3. How the school will handle bullying.

From the correspondence supplied to me, it is apparent that there has not been any investigation into the current Athletic Director at St. Theresa's desire to dismantle the Girls' program for the past two (2) years. Sydney has been a student at St. Theresa's for nine years and along with her

athletic abilities, she deserves to play basketball on her school team and the law would support this as well.

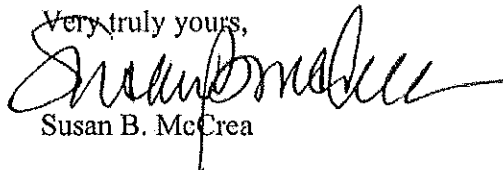
Also, after reading the correspondence, it is apparent that those in authority at St. Theresa's have violated the very provisions of its Handbook which addresses harassment and bullying. This violation by school authorities has resulted in the repeated re-victimization (beginning last year and continuing this year) of S█████ because the child stood up and reported inappropriate behavior (even though I am told she was wrongfully precluded from doing so initially by the faculty at St. Theresa). It also appears that B█████ has had to pay a price for his sister's reporting of that incident.

As for basketball, after review of the correspondence dated November 23, 2016 that was sent to Mr. Phillips and his wife, there is clearly no rule which precludes S█████ from playing. The fact that three (3) men have denied S█████ this right to play in the absence of any rule is discrimination in violation of Title IX 20 US Ch. 38 Section 1681 et seq. as well as relevant NJ statutes and case law. St. Theresa's already offers co-ed sports and there is no reason why that offer should not be extended to basketball other than discrimination. Given that St. Theresa's is the recipient of government funding it is subject to both federal and state law on discrimination.

It is also my understanding that the current Principal at St. Theresa does not object to S█████ playing, but that he was "told" by the male Athletic Director at St. Theresa this is not allowed without being able to cite to any Rule or precedent to the contrary. Even more disturbing, this denial appears to have been done in retaliation because Mr. Phillip's wife came forward last year and again this year about his improper conduct. S█████ is an outstanding basketball player who wants to play for her school.

Finally, I have been informed that every time Mr. Phillips and/or his wife request information or specifics about who is in charge, they are told by whomever they are speaking with at that time that it is not his or her responsibility. This denial of responsibility and accountability is of additional grave concern and also appears to be a clear attempt to give them the "runaround".

I do intend to file an Order to Show Cause in Court tomorrow unless I hear from you or your legal representative by the close of business today. S█████ has tried for the past several weeks to sign up for basketball and has been prevented from doing so. The first game will be happening this weekend so time is of the essence. I hope that these issues can be resolved without the Court's intervention.

Very truly yours,

Susan B. McCrea

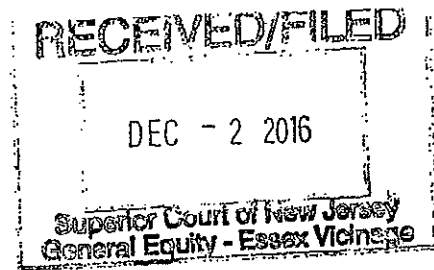
SBM:dsb

Enc.

CC: Cardinal-Elect Tobin
Mr. Scott Phillips

EXHIBIT Y

LAW OFFICES OF SUSAN B. MCCREA
24 Prospect St.
Westfield, NJ 07080
Phone:(908) 232-2122
Fax: (908) 232-4351
Attorney ID#008581987



C-248-14

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P AND B.P

VS.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, JOHN DOES 1-5,
JOHN DOE JOHN CORPORATIONS 1-
5,

Defendants

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY

CIVIL ACTION
VERIFIED COMPLAINT

Plaintiff, residing in the Township of Scotch Plains, County of Union, State of New Jersey, says:

FIRST COUNT

1. Upon information and belief and at all times herein, Defendant ARCHDIOCESE OF NEWARK (hereinafter Archdiocese) is a corporation organized and existing by virtue of the laws of STATE OF NEW JERSEY and with its corporate offices located in Essex County, NJ.
2. Upon information and belief and at all times herein, Defendant ST. THERESA SCHOOL (hereinafter School) is a corporation organized and existing by virtue of the laws of the State of New Jersey with its location in Kenilworth, NJ.
3. At all times herein, B.P. and S.P., minors, were students in good standing at the School;
4. Beginning in the early 2016, S.P. made numerous reports to her homeroom teacher about inappropriate sexual behavior and harassing behavior that were taking place in this classroom;

Pa5

5. When these Complaints were not properly addressed by the homeroom teacher, S.P. made numerous reports to her homeroom teacher to see the School Principal. These requests were denied by this teacher;

6. Finally when S.P. was in another class, she and others were permitted by another teacher to report these incidents to the Principal;

7. Incidents continued to occur, S.P. continued to report them and was taunted by various School personnel and/or its affiliates for doing so;

8. When these incidents were not properly addressed by the School, Plaintiff and/or his wife contacted the School on numerous occasions and met with School personnel to no avail. The School and/or the Archdiocese failed to properly address these occurrences despite repeated requests from Plaintiff and his wife;

9. Shortly thereafter, B.P., who was an outstanding student in this School and who was in the running to be the Valedictorian, received a "subjective" grade from S.P.'s homeroom teacher, which was by far lowest grade he had ever received. Thereafter points on subjective parts of exams from this teacher were taken off, thereby affecting his grade;

10. This conduct was also brought to the Principal of the School's attention and as a result, a request was made by Plaintiff for computation information before the Valedictorian was announced. The Principal granted this request;

11. The Principal failed to grant this request and called Plaintiff 2 school days before graduation after the results were computed. B.P. was not the Valedictorian;

12. When Plaintiff expressed dismay that the Principal had not kept her word, she called the Police, who were waiting for him at the School when Plaintiff arrived to pick up his 3 children;

13. Plaintiff requested a meeting and together with his wife went to the School. The School refused to give them any specific information despite the representation to the contrary and despite the fact that the School had disclosed this information in the past;

14. Subsequent attempts to contact the Archdiocese and/or School to requesting this information and information related to investigation and bullying and harassment policies were not successful before graduation and over the past 6 months;

15. The sexually inappropriate behavior continued into this year and also a threat of violence, including a threat to bring a weapon to school was made in S.P.'s class, which she reported together with another student;

16. Shortly thereafter, only S.P. and the other student were excluded on School property from a vehicle which was owned by the parents of the student at a "trunk or treat" event. The entire evening S.P. was taunted by these parents on School property which was reported to the School by the Plaintiff the very next morning. The School refused to do anything;

17. S.P. continues to be re-victimized which the School and the Archdiocese does nothing;

18. S.P. is also an outstanding athlete and has played Basketball at the School for years;

19. The Athletic Director (hereinafter AD) at the School acted improperly and dismantled the Girls Varsity Team this year;

20. This improper and discriminatory conduct by the AD began last year but the Team was saved through efforts of Plaintiff and his wife together with the Archdiocese and St. Theresa Church;

21. This year, the Archdiocese refused to make any effort to save this team, suddenly denying responsibility;

22. This year, Plaintiff and his wife made repeated attempts to contact the School, the Archdiocese and also St. Theresa Church to save this team due to the improper and discriminatory conduct by the AD. They also requested an investigation. All individuals at these entities have refused to provide information and/or to investigate as to the proper contact person despite repeated attempts by Plaintiff and his wife and have repeatedly advised them to contact the other;

23. Since there is no Girls team, S.P. made a request to play on the comparable 7th grade Boys team. There is no doubt that she would be a starting member and perhaps the best player on this team;

24. Despite the fact that the Rules do not specifically exclude participation, the Archdiocese and School refused to place S.P. on this team and returned her Registration form;

25. Despite repeated requests for a specific Rule barring play by S.P., none has been provided;

26. The male CYO program director, with whom Plaintiff had a subsequent conversation scoffed at this request;

27. The male Principal and AD denied this request although Plaintiff's subsequent conversation with the Principal has revealed that he does not have a specific objection;

28. Plaintiff and his wife also contacted the Archdiocese on numerous occasions and attempted to schedule meetings at various times. It took over 6 months for the Archdiocese to grant this meeting request with the Superintendent and the Union County Director, which just took place last week. However nothing was done and no documents which have been requested

for months were provided with the exception of part of the CYO basketball rules which were provided days ago despite repeated prior requests for same;

29. The Superintendent also denied any responsibility for the Basketball request and failed to provide any contact person at the Archdiocese despite repeated requests at this meeting, which took place in the Archdiocese building;

30. The CYO basketball rules do require that additions to the Roster be done by the first game, which upon information and belief is occurring this week-end;

31. Upon information and belief, the Archdiocese accepts Federal funding. Therefore this denial is in direct violation of Title IX and S.P. has the right to play for this team.

32. Therefore it is requested that this Court grant a preliminary injunction and place her on this team, effective today as irreparable harm would occur due to the fact that the season only spans several months;

33. S.P. has the right to play for her School and is being improperly deprived of the right to do do;

34. The Defendants, John Does 1-5, and John Doe Corporations 1-5 are fictitious names used for the purposes of pleading and are intended to represent any and all parties and/or individuals whose identities are presently unknown to the Plaintiff, who, together with the named Defendants, were responsible, in any way, for any of the aforementioned;

35. Defendants have violated Title IX, the NJ Law against Discrimination, the NJ law against Bullying and Harassment, and have also failed to follow various policies established;

36. They have also failed to comply with demands for information and for investigation, as well as to properly address incidents which occurred.

WHEREFORE, the Plaintiff demands all reliefs requested in the attached Order, jointly and severally, including specific performance, removal of personnel, damages, rescission of Federal funds, costs of suit, and such other relief as this Court deems appropriate and just.

Dated: 12/2/16


SUSAN B. MCCREA, ESQ.
Attorney for Plaintiff

CERTIFICATION

The undersigned certifies that to the best of her knowledge this matter is not the subject of any other pending action in any Court or of a pending arbitration proceeding and that no other action is contemplated at this time.

I further certify that all confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7.

Plaintiff hereby designates Susan B. McCrea, ESq. as the trial counsel in the within action.

Dated: 12/2/16


SUSAN B. MCCREA, ESQ.
Attorney for Plaintiff


CERTIFICATION AND VERIFICATION OF NON-COLLUSION

I am the Plaintiff in the foregoing Complaint. The allegations of the Complaint are true to the best of my knowledge, information and belief. The Complaint is made in truth and in good faith without collusion for the causes set forth therein.

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding now or contemplated and no other party should be joined in this action.

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

DATED:


SCOTT PHILLIPS

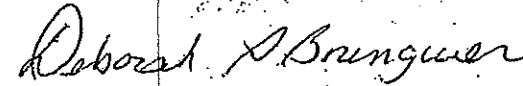

DEBORAH S. BRINGUIER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 2/6/2021

EXHIBIT Z

Christopher H. Westrick, Esq. (043721997)
 CARELLA, BYRNE, CECCHI, OLSTEIN,
 BRODY & AGNELLO, P.C.
 5 Becker Farm Road
 Roseland, New Jersey 07068
 (973) 994-1700
 Attorneys for Defendants The Roman Catholic
 Archdiocese of Newark (i.p.a. Archdiocese of Newark)
 and St. Theresa's R.C. Church (i.p.a St. Theresa School)

SCOTT PHILLIPS, AS GUARDIAN AD LITEM, ON BEHALF OF S.P. AND B.P.,	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION: ESSEX COUNTY DOCKET NO.: ESX-C-248-16
Plaintiff,	:	
v.	:	Civil Action
ARCHDIOCESE OF NEWARK, ST. THERESA SCHOOL, JOHN DOES 1-5, JOHN DOE JOHN CORPORATIONS 1-5,	:	CERTIFICATION OF REV. MSGR. THOMAS P. NYDEGGER, V.G.
Defendants.	:	

REV. MSGR. THOMAS P. NYDEGGER, V.G., of full age and upon his oath declares as follows:

1. I am a member, the Vice President and Vicar General and Moderator of the Curia of Defendant Roman Catholic Archdiocese of Newark (the "Archdiocese"), a defendant named in this action.
2. I am also a member and Vice President of St. Theresa's R.C. Church, Kenilworth, New Jersey ("St. Theresa"), an Archdiocesan parish. St. Theresa owns and operates defendant St. Theresa School. St. Theresa School does not have separate legal existence from St. Theresa.
3. I submit this certification in opposition to Plaintiff's application for preliminary relief in the above-captioned matter.

4. The Archdiocese and St. Theresa are separate and distinct New Jersey civil corporations.

5. The Archdiocese does not own, operate or control St. Theresa or St. Theresa School.

6. The Archdiocese is a New Jersey religious corporation incorporated under Title 16 of New Jersey Statutes. Its offices are located at 171 Clifton Avenue, Newark, New Jersey. It employs more than 200 people at the site. The Archdiocese is comprised of 511 square miles within Essex, Bergen, Hudson and Union Counties.

7. The Archdiocese was formed exclusively for religious, charitable, and educational purposes.

8. The Archdiocese's Certificate of Incorporation was filed in the Essex County Clerk's Office on October 29, 1908. A Certificate of Change of Name (from the Roman Catholic Diocese of Newark to the Roman Catholic Archdiocese of Newark) was filed by the Archdiocese on April 9, 1981 in the Essex County Clerk's Office. True copies of the Archdiocese's Certificate of Incorporation and Certificate of Change of Name are attached hereto as Exhibit A.

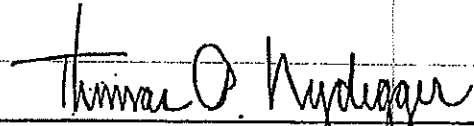
9. The Archdiocese is exempt from Federal Income tax under section 501(c)(3) of the Internal Revenue Code. A true copy of IRS correspondence from Jeffery I. Cooper, Director, Exempt Organizations Rulings and Agreements, dated May 27, 2016, and a copy of the pertinent parts of The Official Catholic Directory are attached hereto as Exhibit B.

10. St. Theresa is a New Jersey religious corporation incorporated under Title 16 of New Jersey Statutes. It is located at 541 Washington Avenue, Kenilworth, New Jersey.

11. St. Theresa was formed exclusively for religious, charitable, and educational purposes.

12. St. Theresa's Certificate of Incorporation was filed in the Union County Clerk's Office on July 9, 1945. A true copy of St. Theresa's Certificate of Incorporation is attached hereto as Exhibit C.

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



REV. MSGR. THOMAS P. NYDEGGER, V.G.

Dated: December 19, 2016

#630611v2

EXHIBIT AA

Donovan, Richard

From: Donovan, Richard
Sent: Tuesday, November 01, 2016 11:17 PM
To: 'Anh Bui'; jsttheresa@aol.com; helenegodin19@gmail.com; jcaporaso@mysts.org; principal@mysts.org
Cc: Donovan, Richard; Conboy, Tom
Subject: RE: STS Girls Varsity Basketball
Attachments: text convo pic.png; phone convo pic.jpg

On Friday morning October 28th Divisions would be locked and Steve would start his prep in making the scheduling packets for each program. With 19 programs this will take him almost 5 days to do. This would include all matchups, divisions etc.

Saturday November 5th would be the scheduling meeting at St. Agnes – 8:30am start.

So I get that she wants to live in the past and use that as her reference... but we are using a different timeline this year. One that the deadline passed a week ago and that volunteers have been working for 4 days now to prep for this weekend for.

After speaking with my Boss tomorrow I will make the recommendation that our Office bring this to the attention of Jim Goodness and the Communications Office tomorrow. I unfortunately do not see this getting any better before it gets worse and I honestly don't know how far she plans to take this. I just want to make sure if she reaches out to anyone in Chancery he is versed on the subject.

~~I will also defer to my Boss's and Jim's thoughts and decisions if my involvement in this moving forward presents any conflict of interest and if I should be removed from this situation.~~

Finally lol I just leave you with this... she likes to pull the "Catholic Card" at the end of her email. Might I remind you all that Jesus also made a whip and chased people out of the temple and flipped tables in anger – all actions he felt justifiable.

Have a good night... Go Cubbies!

Peace,
Rich +

Rich Donovan
Associate Director, Office of Youth & Young Adult Ministry
Archdiocese of Newark, NJ www.rcan.org
Archdiocesan Youth Retreat Center
499 Belgrove Dr, Kearny NJ 07032
Office 201-998-0088 x 4150
Cell 908-447-4948
Web: www.newarkovm.com

From: Theresa E. Mullen [REDACTED]
Sent: Tuesday, November 01, 2016 9:07 PM
To: Donovan, Richard <[REDACTED]>; 'Anh Bul' <[REDACTED]>
Cc: jsttheresa@aol.com; helenegod19@gmail.com; securityserviceplus@gmail.com; jcaporaso@mysts.org; principal@mysts.org
Subject: RE: STS Girls Varsity Basketball

This reply will serve as a response to the e-mails of Rich and Anh below. Since there are allegations by Rich of what was said in a one-on-one conversation that my husband had with him today, I am copying Scott on this email. Also I have no idea whose email is jsttheresa@aol.com and would like clarification.

The only reason I ever reached out to Rich is because I was directed to do so by Fr. Joe and Anh Bul. Rich knows that because I told him so each time. In fact, I contacted Rich for the first time last year when Fr. Joe directed me to do so. Fr.

EXHIBIT BB

Christopher H. Westrick, Esq. (043721997)
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendants, The Archdiocese of Newark
and St. Theresa's R.C. Church (i.p.a St. Theresa School)

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P. AND B.P.,

Plaintiff,

v.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, JOHN DOES 1-5,
JOHN DOE JOHN CORPORATIONS 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-C-248-16

Civil Action

CERTIFICATION OF ANH BUI

ANH BUI, of full age and upon his oath declares as follows:

1. I am a lay volunteer at St. Theresa's Roman Catholic Church in Kenilworth, New Jersey ("St. Theresa's") where I serve as the Athletic Director for their Roman Catholic Elementary School's Athletic Programs.
2. I have been involved in athletics at St. Theresa's for over a decade and I am the proud parent of two St. Theresa's alumnae.
3. Two of my daughters attended and graduated St. Theresa's School and participated in their Athletics Program participating in Volleyball, Basketball, and Softball.
4. Both as a parent of daughters and the Athletic Director, I strove and continue to strive to promote girls athletic teams and opportunities for female athletes.

13. On November 1, 2016, a week after my deadline to submit rosters, I received an application for S.P. to play basketball insisting she play on the boy's team.

14. This application was not given to me by the parents of S.P., rather the application was given by them to Deacon Joe, who in turn gave me the application.

15. This application was not only drastically late, as rosters and teams were already made, but there was no girl's team to play on.

16. It is unfortunate, but there was nothing I could do to accommodate such a tardy application.

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


ANH BUI

Dated: December 17, 2016

#630567v1

FILED

JUL 06 2018

A.C.J.C.

EXHIBIT CC

Christopher H. Westrick, Esq. (043721997)
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700

Attorneys for Defendants, The Archdiocese of Newark
and St. Theresa's R.C. Church (i.p.a St. Theresa School)

SCOTT PHILLIPS, AS GUARDIAN AD	:	SUPERIOR COURT OF NEW JERSEY
LITEM, ON BEHALF OF S.P. AND B.P.,	:	CHANCERY DIVISION; ESSEX COUNTY
	:	DOCKET NO.: ESX-C-248-16
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civil Action
ARCHDIOCESE OF NEWARK, ST.	:	
THERESA SCHOOL, JOHN DOES 1-5,	:	CERTIFICATION OF RICHARD
JOHN DOE JOHN CORPORATIONS 1-5,	:	DONOVAN
	:	
Defendants.	:	

RICHARD DONOVAN, of full age and upon his oath declares as follows:

1. I am employed by the Archdiocese of Newark as an Associate Director of Youth Ministry.
2. In that capacity I oversee, coordinate, and manage all athletics for the Archdiocese of Newark, including coordinating the UCNJ CYO Basketball league.
3. I am also a parishioner at St. Theresa's Roman Catholic Church ("St. Theresa's").
4. Two of my daughters attend St. Theresa's School and one participated in their Athletics Program, the other competes in girls gymnastics privately not associated with St. Theresa's School.
5. Both as a parent of daughters and the Associate Director of Youth Ministry, I strove and continue to strive to promote girls athletic teams and opportunities for female athletes.

6. My role as Associate Director is not to become involved with the day to day management issues of fielding teams.

7. That role is left to the Schools themselves, Athletic Directors, Coaches, and personal responsibility of the parents.

8. In my capacity as Associate Director for Youth Ministry, it is my duty to set deadlines for compliance by Schools/Teams in order to participate.

9. Failure to follow the rules and deadlines set out by both myself and the rules results in the team and/or players in violation and unable to participate.

10. Every year well over 100 teams and 1000 players participate in the Union County CYO league.

11. Due to the sheer number of teams and players, the rules were set up to enable the league to run smoothly. Advanced planning and participation early on by all stakeholders is imperative to the success of the league. No exceptions are made for any team or player who cannot or will not comply with the rules.

12. The 2016-2017 season is no different. Over 160 teams are participating with well over 1000 youths playing basketball. Over 160 teams and 1000 players were able to comply with the rules and meet all deadlines and obligations.

13. To my knowledge, the league has never made an exception for even one player.

14. Attached hereto is a true and accurate copy of the 2016-2017 JV/Varsity Rules as Exhibit 1.

15. Attached hereto is a true and accurate copy of the CYO Athletics Handbook as Exhibit 2.

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



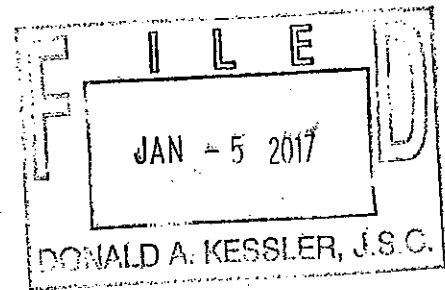
RICHARD DONOVAN

Dated: December 19, 2016

#630579v1

EXHIBIT DD

Prepared by the Court



SCOTT PHILIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P. AND B.P.,

Plaintiff,

v.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, ET AL.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - GENERAL EQUITY
ESSEX COUNTY

DOCKET NO.: ESX-C-248-16

ORDER

THIS MATTER coming before the Court on the application of the Plaintiff Scott Philips (Susan B. McCrea, Esq. appearing) in the presence of Defendant Archdiocese of Newark and St. Theresa School (Christopher Westrick, Esq. appearing), and the Court having considered the argument of counsel, and for the reasons stated on the record, and for good cause shown:

IT IS on the 5th day of January, 2017 hereby **ORDERED**:

1. Plaintiff's Order to Show Cause seeking preliminary injunctive relief is DENIED.
2. Plaintiff's Application for a Stay Pending Appeal is DENIED.

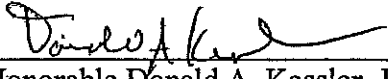

Honorable Donald A. Kessler, J.S.C.

EXHIBIT EE

Superior Court of New Jersey
Appellate Division
AMENDED Disposition on Application for Permission to File Emergent Motion

Case Name: Scott Phillips as GAL for S.P. and B.P. v. Archdiocese of Newark and St. Theresa School

Appellate Division Docket Number: (if available): _____

Trial Court or Agency Below: _____

Trial Court or Agency Docket Number: ESX-C-248-16

DO NOT FILL IN THIS SECTION – FOR COURT USE ONLY

II. The application for leave to file an emergent motion on short notice is **Granted** on the following terms:

- A. By no later than **Friday, 1/13/17, at 3:00p.m.**, one copy of the motion for emergent relief must be delivered to the chambers of Judges **O'Connor** and **Whipple**, and to all counsel/self-represented litigants. Copies must also be sent to the trial judge or agency whose decision is being appealed. If this is a newly-filed appeal, one copy each of the notice of appeal or motion for leave to appeal, and any indigency motion, must also be delivered to the judges and all counsel/self-represented parties.

The applicant must file the original and one copy of the motion for emergent relief with the Clerk of the Appellate Division in Trenton, by no later than the day after those papers are due to the judges' chambers, _____. If the matter is not yet pending in the Appellate Division, the applicant must, on that same schedule, file with the Clerk's Office, attention Emergent Applications Unit, the original and one copy of a notice of appeal or motion for leave to appeal, together with the required fees or a motion to proceed as an indigent. [Note: This schedule anticipates that copies may be faxed to the judges' chambers and to adversaries, but they must be overnight mailed or hand delivered to the Clerk's Office. Failure to file with the Clerk's Office or to submit the required fees may result in dismissal of the appeal and vacating of any stays granted.]

- B. Opposition must be served and filed by no later than **Tuesday, 1/17/17, at 3:00 p.m.**

- C. Other terms:

If the trial court is going to provide a statement of reasons, it must do so by Tuesday, 1/1⁹/17, at 3:00 p.m.



HON. AMY O'CONNOR, J.A.D.

1/10/17

Date

**Superior Court of New Jersey
Appellate Division
Disposition on Application for Permission to File Emergent Motion**

Case Name: Scott Phillips as GAL for S.P. and B.P. v. Archdiocese of Newark and St. Theresa School

Appellate Division Docket Number: (if available): _____

Trial Court or Agency Below: _____

Trial Court or Agency Docket Number: ESX-C-248-16

DO NOT FILL IN THIS SECTION – FOR COURT USE ONLY

II. The application for leave to file an emergent motion on short notice is **Granted** on the following terms:

A. By no later than **Tuesday, 1/10/17, at noon**, one copy of the motion for emergent relief must be delivered to the chambers of Judges **O'Connor** and **Whipple**, and to all counsel/self-represented litigants. Copies must also be sent to the trial judge or agency whose decision is being appealed. If this is a newly-filed appeal, one copy each of the notice of appeal or motion for leave to appeal, and any indigency motion, must also be delivered to the judges and all counsel/self-represented parties.

The applicant must file the original and one copy of the motion for emergent relief with the Clerk of the Appellate Division in Trenton, by no later than the day after those papers are due to the judges' chambers, _____. If the matter is not yet pending in the Appellate Division, the applicant must, on that same schedule, file with the Clerk's Office, attention Emergent Applications Unit, the original and one copy of a notice of appeal or motion for leave to appeal, together with the required fees or a motion to proceed as an indigent. [Note: This schedule anticipates that copies may be faxed to the judges' chambers and to adversaries, but they must be overnight mailed or hand delivered to the Clerk's Office. Failure to file with the Clerk's Office or to submit the required fees may result in dismissal of the appeal and vacating of any stays granted.]

B. Opposition must be served and filed by no later than **Friday, 1/13/17, at 3:00 p.m.**.

C. Other terms:

If the trial court is going to provide a statement of reasons, it must do so by 1/13/17, at 3:00 p.m.



HON. AMY O'CONNOR, J.A.D.

1/16/17

Date

EXHIBIT FF



ARCHDIOCESE OF NEWARK
SECRETARY FOR CATHOLIC EDUCATION/SUPERINTENDENT OF SCHOOLS

Entering the Third
Millennium proclaiming
in faith and love the
mission of Christ the
Redeemer!

February 1, 2017

Mr. Scott Phillips
Hon. Theresa Mullen

██████████ Oak Hill Road

██████████ ██████████ NJ 07076

Re: **Sydney ██████████ and Kaitlyn ██████████**

Dear Mr. Phillips and Judge Mullen:

On August 30, 2016, you executed the attached Acknowledgement of the 2016-17 St. Theresa's Parent/Student Handbook. At page 14, the Handbook sets forth the following:

The fact that a student has been registered at St. Theresa School indicates that its rules, regulations, and consequences have been examined and accepted by parents and guardians.

* * *

If a parent implicates St. Theresa School in a legal matter, or names St. Theresa School as a defendant in a civil matter, the parent/guardian will be requested to remove their children immediately from the school.

I have attached a photocopy of page 14 for your reference and a copy of your signed acknowledgement and receipt of parent/student handbook.

Based upon your ongoing lawsuit against St. Theresa's, pursuant to this provision of the Handbook you are hereby requested to remove Sydney and Kaitlyn from the school immediately.

We wish Sydney and Kaitlyn good luck with their future endeavors. Thank you.

Very truly yours,

Margaret A. Dames

Margaret A. Dames, Ed.D.
Secretary for Catholic Education/Superintendent of Schools

Attachments
MAD/lk

ARCHDIOCESAN CENTER

171 Clifton Avenue · Post Office Box 9500 · Newark · New Jersey 07104-0500 · (973)-497-4260

Racial or Ethnic Harassment

- Telling jokes with racial or ethnic targets
- Exclusion due to racial or cultural group membership
- Racial or ethnic slurs
- Verbal accusations or put downs
- Public humiliation
- Destroying or defacing property due to racial or cultural group membership
- Physical or verbal attacks due to group membership

Actions that violate the law, threaten or cause harm to another student or staff members, disrupt or impede the welfare and progress of the school community, or bring discredit to the school will not be tolerated. Such actions or other severe violations of school rules may result in immediate expulsion. If a student persists in violating basic obligations of courtesy, consideration, respect, cooperation, or safety, a conference will be scheduled with the Principal, parent, and student. All subsequent discipline, counseling, consultation, and corrective action plans will be viewed as positive home-school efforts to help the student to improve behavior. If these cooperative efforts of parents and school staff prove ineffective, the student will be subject to expulsion or may be denied re-admittance to the school. Parents should be aware that some harassment might have legal consequences.

If a student's behavior is generally disruptive and uncooperative, it will be necessary to ask the parents to choose another school for the child. We cannot sacrifice the education of the whole class because of the disruptive behavior of one student.

- **Conduct**
- **General Rules/Consequences**
- **List of Offenses**
- **Documentation**

Conduct

The students of St. Theresa School are expected to behave in a manner that will reflect favorably on the school during school hours and at any out of school activity. Students will take responsibility for their actions by accepting any disciplinary action as described in this SCHOOL DISCIPLINARY PLAN.

The fact that a student has been registered at St. Theresa School indicates that its rules, regulations, and consequences have been examined and accepted by parents and guardians. It is expected that the judgment of school authorities concerning the discipline of the students will be respected and supported by parents and guardians. If conflict arises, parents and guardians are expected to discuss the problem privately with those concerned and not in front of the student or other parents or guardians.

If a parent implicates St. Theresa School in a legal matter, or names St. Theresa School as a defendant in a civil matter, the parent/guardian will be requested to remove their children immediately from the school.

**St. Theresa School
Kenilworth, NJ**

**Acknowledgement and Receipt of Parent/Student Handbook
2016-2017**

I acknowledge receipt of the Parent/Student Handbook containing the policies, rules, and regulations for Saint Theresa School for the 2016-2017 school year. I have read the Handbook or will read it as soon as possible. I understand and agree that the Handbook is binding on the students and parents during the current academic year. I understand and agree that the Administration of the school will have the authority set forth in the Handbook.

I understand that the policies, rules, and regulations contained in the Handbook are established for the welfare and benefit of the students. I understand my responsibility to support the school in the policies it has established and to see that my child adheres to the rule and regulations set forth in the Handbook.

ADDENDUM – PLEASE READ CAREFULLY AND INITIAL

St. Theresa School reserves the right to suspend educational services if financial obligations to the school are not met. This includes, but is not limited to tuition, re-registration, Home-School Association obligations, Before School/After School Care.

Please initial here: 

Name of child(ren)

S. Phillips

K. Phillips

Signature of Parent/Guardian

Scott Phillips

Date

8-30-16

-----Original Message-----

From: Christopher Westrick <CWestrick@carellabyrne.com>

To: sbmccreafamlaw <sbmccreafamlaw@aol.com>

Sent: Wed, Feb 1, 2017 4:56 pm

Subject: Phillips v. Archdiocese of Newark, et als.

Ms. McCrea,

As a courtesy, I am providing you with a copy of a letter from the Superintendent of Schools that is being hand delivered to your clients this afternoon. I believe the letter is self-explanatory but to avoid any confusion, neither Sydney Phillips nor Kaitlyn Phillips should be coming to St. Theresa's School tomorrow morning or any day thereafter.

Christopher H. Westrick, Esq.

Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.

5 Becker Farm Road

Roseland, N.J. 07068

(973) 994-1700 (973) 994-1744 (Fax)

<http://www.carellabyrne.com> | cwestrick@carellabyrne.com | <http://www.carellabyrne.com/attorneys/christopher-h-westrick/>

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IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

EXHIBIT GG



Business Mail

GALLERY
Phillips
Morris Gallery
100 Park Hill Road
North Haven, New Jersey

EXHIBIT HH

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO. ESX-C-248-16

----- :
SCOTT PHILLIPS, AS GUARDIAN AD :
LITEM, ON BEHALF OF S.P. AND :
B.P., :

Plaintiff, :

V. :

ARCHDIOCESE OF NEWARK, ST. :
THERESA SCHOOL, JOHN DOES :
1-10, JOHN DOE JOHN :
CORPORATIONS 1-5, :
Defendants. :

CIVIL ACTION
Transcript of:
Videotape recorded
conversation
February 2, 2017

----- :
T R A N S C R I P T of the stenographic
Notes of the videotaped proceedings in the
above-entitled matter as taken by MARIA GEORGELES, a
Certified Court Reporter, Certified Court Transcriber
and Notary Public of the State of New Jersey.

SCHULMAN, WIEGMANN & ASSOCIATES

CERTIFIED COURT REPORTERS

216 STELTON ROAD

SUITE C-1

PISCATAWAY, NEW JERSEY 08854

(732) - 752 - 7800

Page 2

1 PRESENT:
 2 Theresa Mullen
 3 Scott Mullen
 4 Deacon Joe
 5 Father Vincent
 6 John Zimmerman, Kenilworth Police Chief
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 8
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 11
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 13
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Page 4

1 MS. MULLEN: Who, S.P. or K.P.?
 2 A VOICE: K.P..
 3 MS. MULLEN: Yeah?
 4 A VOICE: S.P. was (Indiscernible).
 5 A VOICE: Two minutes. Hi. How are
 6 you?
 7 MS. MULLEN: What happened, K.P.?
 8 A VOICE: We were talking
 9 (Indiscernible).
 10 MS. MULLEN: What did you say?
 11 (Indiscernible).
 12 A VOICE: It was something in church.
 13 (Indiscernible). Oh, the speaker (Indiscernible).
 14 A VOICE: Yeah. So how many years have
 15 you been -- 18, 17?
 16 MS. MULLEN: 17 in May. 17 in May.
 17 A VOICE: (Indiscernible).
 18 MS. MULLEN: Yup.
 19 A VOICE: (Indiscernible).
 20 MS. MULLEN: 17 in May.
 21 A VOICE: But that's -- (Indiscernible)
 22 they always have a story.
 23 MS. MULLEN: 17 years in May and 27
 24 collective years at this school.
 25 A VOICE: She just closed the door.

Page 3

1 MS. MULLEN: (Indiscernible) take him to
 2 school. He needs to be in school on time.
 3 A VOICE: Yeah. Okay.
 4 (Indiscernible).
 5 (Whereupon, there is a cell phone ringing.)
 6 A VOICE: Yeah (Indiscernible).
 7 A VOICE: Excuse me.
 8 MS. MULLEN: Yes?
 9 A VOICE: They want to speak to you and
 10 the kids in the office.
 11 MS. MULLEN: Me and the children?
 12 Yeah, that's fine. Come on, guys.
 13 A VOICE: Hello. All right, we're
 14 going to go. (Indiscernible).
 15 A VOICE: (Indiscernible). He wouldn't
 16 let me carry it though.
 17 A VOICE: (Indiscernible).
 18 A VOICE: Hi Liam, how are you? Do you
 19 want to come in? Hi Brian, with the best coat ever.
 20 I still see you, Brian.
 21 A VOICE: (Indiscernible).
 22 A VOICE: (Indiscernible).
 23 A VOICE: (Indiscernible).
 24 A VOICE: She had a good answer the
 25 other day.

Page 5

1 MS. MULLEN: That's the morning
 2 assembly.
 3 A VOICE: But they never close the
 4 door.
 5 MS. MULLEN: All right. So they shut
 6 the door. It's no big deal.
 7 A VOICE: (Indiscernible).
 8 MS. MULLEN: That was a long time,
 9 John.
 10 A VOICE: What's with the
 11 (Indiscernible)? What do you need to say?
 12 A VOICE: (Indiscernible).
 13 MS. MULLEN: What? (Indiscernible).
 14 A VOICE: (Indiscernible) how is Brian?
 15 MS. MULLEN: Scott's on his way to take
 16 him to Seton Hall Prep. I didn't want him to be late
 17 to school. He's doing good.
 18 A VOICE: (Indiscernible)?
 19 MS. MULLEN: He's running track.
 20 A VOICE: Oh, I thought he was on the
 21 basketball team.
 22 MS. MULLEN: Oh, at St. Theresa's in --
 23 oh, they've one a couple, they lost a couple.
 24 A VOICE: We just started that a few
 25 years ago.

Page 6

1 MS. MULLEN: Yeah, he's -- I don't know
 2 what their record is. Maybe two and three or
 3 something.
 4 A VOICE: (Indiscernible).
 5 MS. MULLEN: Yeah. He's playing for
 6 St. Theresa's. And he's -- he made the honor roll at
 7 Seton Hall Prep. So he's still doing really well,
 8 first honors.
 9 A VOICE: And how many kids are in the
 10 school, how many (Indiscernible)?
 11 MS. MULLEN: 266 freshman. He's a
 12 Seton Scholar, and there's 23 kids in that class.
 13 A VOICE: It's nice. It's a nice
 14 (Indiscernible).
 15 MS. MULLEN: Yeah. He loves it. He
 16 absolutely loves it.
 17 A VOICE: What does he want to major
 18 in?
 19 MS. MULLEN: What does he want?
 20 A VOICE: What does he want to major
 21 in? It's too early for that.
 22 MS. MULLEN: I think some kind of math
 23 or something. He's amazing in math.
 24 A VOICE: (Indiscernible) not sure, you
 25 know, they just --

Page 7

1 A VOICE: (Indiscernible).
 2 MS. MULLEN: Yeah?
 3 A VOICE: (Indiscernible).
 4 A VOICE: What was his name, Dominic?
 5 Yeah, I think his name was Dominic.
 6 A VOICE: (Indiscernible).
 7 A VOICE: (Indiscernible).
 8 A VOICE: (Indiscernible).
 9 MS. MULLEN: All right.
 10 A VOICE: (Indiscernible).
 11 MS. MULLEN: All right. So the morning
 12 assembly is almost over.
 13 A VOICE: (Indiscernible).
 14 MS. MULLEN: (Indiscernible).
 15 A VOICE: (Indiscernible).
 16 MS. MULLEN: So they never -- that door
 17 is usually open?
 18 A VOICE: That's always open. They
 19 never close it.
 20 A VOICE: Never close it.
 21 MS. MULLEN: All right.
 22 A VOICE: Only when (Indiscernible).
 23 MS. MULLEN: Okay.
 24 A VOICE: (Indiscernible).
 25 A VOICE: (Indiscernible).

Page 8

1 A VOICE: (Indiscernible).
 2 A VOICE: (Indiscernible).
 3 MS. MULLEN: All right. That's fine.
 4 A VOICE: (Indiscernible).
 5 A VOICE: S.P..
 6 A VOICE: Hi S.P..
 7 (Whereupon, there is a lot of background
 8 noise.)
 9 A VOICE: S.P..
 10 A VOICE: (Indiscernible).
 11 MS. MULLEN: All right. Don't worry
 12 about it.
 13 A VOICE: I wanted her to come. I
 14 wanted to (Indiscernible).
 15 MS. MULLEN: (Indiscernible) all right.
 16 You'll see her every day (Indiscernible).
 17 A VOICE: Not anymore.
 18 MS. MULLEN: (Indiscernible).
 19 A VOICE: I guess (Indiscernible).
 20 A VOICE: Theresa?
 21 MS. MULLEN: Yes?
 22 A VOICE: You can come in, and S.P.
 23 (Indiscernible).
 24 MS. MULLEN: Okay.
 25 A VOICE: (Indiscernible) will stay out

EXHIBIT II



PO BOX 4003
ACWORTH, GA 30101

Billing period
Account number
Invoice number

Jan 13, 2017 - Feb 12, 2017

KEYLINE



THERESA E MULLEN

See last page for payment options and how to split your bill.

Questions? Visit vzw.com/contactus

Hi Theresa, here's your bill for this month.



One-time charges See page 3

~~11.00~~

The Verizon Plan X Large 12GB

~~60.00~~

Theresa E Mullen 9

~~60.00~~

Theresa E Mullen 00

~~00.00~~

Theresa Mullen 9

~~00.00~~

Theresa Mullen 9

~~00.00~~

Surcharges

~~00.00~~

Taxes and government fees

~~00.00~~

~~00.00~~

Due March 7

Talk activity - continued

Feb 2	8:33 AM	[REDACTED]	Kenilworth, NJ	Cranford, NJ	1	--	--	--
Feb 2	8:34 AM	[REDACTED]	Kenilworth, NJ	Cranford, NJ	5	--	--	--
Feb 2	8:40 AM	[REDACTED]	Kenilworth, NJ	Cranford, NJ	1	--	--	--
Feb 2	8:41 AM	[REDACTED]	Kenilworth, NJ	Cranford, NJ	1	--	--	--

EXHIBIT JJ



Kenilworth Police Department

567 Boulevard, Kenilworth, NJ 07033

Phone: 908-276-1700 Fax: 908-276-1822 Mun. Code: 2008

Investigation Report



Incident Details:

Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	St. Class
17-02323	08:47	02/02/17	08:47	02/02/17	09:12	02/02/17		X

Incident Type: Criminal Trespass 2C:18-3

Incident Location:	
Street #	Street Name
540	Washington Avenue
Intersection / Cross Street of:	
Business / Common Location Name	
St Theresa's School	

Contact Information: Victim Suspect Complainant Witness Driver Arrest Passenger Missing Business Other

Code	Contact Name #	MI	Suffix	Age	Sex	Race	DOB	SSN
C	Bejgrowicz, Joseph			72	M	1B	07/03/1944	

Address						Home Phone		Cell Phone
541 Washington Ave, Kenilworth, NJ 07033						908-276-2220		

Code	Contact Name #	MI	Suffix	Age	Sex	Race	DOB	SSN
C	D'Agostino, Vincent			51	M	1B	01/30/1966	

Address						Home Phone		Cell Phone
541 Washington Ave, Kenilworth, NJ 07033								

Code	Contact Name #	MI	Suffix	Age	Sex	Race	DOB	SSN
C	Caporaso, Deacon Joseph			68	M	1B	03/21/1948	

Address						Home Phone		Cell Phone
540 Washington Ave., Kenilworth NJ						908-276-7220		

Code	Contact Name #	MI	Suffix	Age	Sex	Race	DOB	SSN
S	Mullen, Theresa				F	1B		

Address						Home Phone		Cell Phone
540 Washington Ave, Kenilworth NJ						908-276-7220		

Property Information:

Value of Stolen Property	Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total
Value of Stolen Property Recovered							

Automobile Information:

Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN

Narrative:

Narrative
 Det Pickton and I were dispatched to St. Theresa's school on the possibility of a unwanted guest. School officials informed us that Sydney and Caitlin Phillips were expelled from the school yesterday and were not welcomed back but believe they will arrive at school this morning with their parents. At approximately 0800 hrs Scott Phillips and Theresa Mullen arrived at school with their children Sydney and Caitlin. At that point the parents were informed the children were expelled. Theresa Mullen explained that she did not agree with the expulsion and in the letter she received from the school it states the school "requested" her children not come back to St. Theresa's. Ms Mullen explained that she is denying the schools request and her children are not leaving the school. At that time I walked back to the school office and spoke to

Officer of Record: DSgt. Jim Grady 29 **Date:** 02/02/17 **Other Reports Filed:** MVA Arrest DV DWI DWIQ Tow SD CI TRO **Reviewed By:** JG

SHA	Prop.	Evdn	UOF	Prst	Supp X	Juv	Bias	Pris	JG
-----	-------	------	-----	------	--------	-----	------	------	----



Kenilworth Police Department

567 Boulevard, Kenilworth, NJ 07033

Phone: 908-276-1700 Fax: 908-276-1822 Mun. Code: 2008

Investigation Report



Narrative Continued (Page 2)

Case Number

17-02323

Deacon Joe and Father Joe (the schools admistration). They informed me to keep Mr Phillips and Ms Mullen in the school as they wish to talk to them about the matter. I then informed Det Pickton that the school officials would like speak to the parents. Det Pickton escorted Mrs Mullen to the office to meet with the school administration and Chief Zimmerman. I was informed that Mr Phillips had to leave to drive his son to school. At that point Mrs Mullen met with school officials in a closed door meeting as the children waited in the hallway. At the conclusion of the meeting the school officials informed Ms Mullen that her children are expelled and she is no longer welcomed on the property. Ms Mullen refused to leave. The school administration again asked Mrs Mullen numerous times to leave the property and each time she refused to do so. The school administration then asked the police to remove Mrs Mullen and her children from the school. Father Joe stated he would be signing a complaint for Trespassing due to Mrs Mullen's refusal to leave the school property. Myself, Det Pickton, Chief Zimmerman and Ptl Kaverick were finally able to remove Mrs Mullen and her children from the school. Mrs Mullen finally walked off the school property but did so unwillingly. Father Joe was explained the complaint procedure.

Officer of Record Date

DSgt. Jim Grady 29

02/02/17

EXHIBIT KK



Kenilworth Police Department

567 Boulevard, Kenilworth, NJ 07033

Phone: 908-276-1700 Fax: 908-276-1822 Mun. Code: 2008

CAD Report



Case #	Case #	Date	Dispatched	Arrived	Response	Officer	
17-02323	17-02323	02/02/17	08:47	08:48	08:49	09:12	
Type		Subtype	Priority	Category			
		1B					
Description				Location			
Criminal Trespass 2C:18-3				St Theresa's School			
Address				City/State/Zip			
540 Washington Avenue							
Name		Address		City/State/Zip			
Mullen, Theresa		[REDACTED]					
<p>Det. Pickton req a unit at St. Theresa's school. Dispatched Ptl. Kaverick who reports removed disorderly person.</p>							
Officer	Unit	Dispatched	Arrived	Response	Time	Remarks	
Ptl. Sean Kaverick	45	53	08:48	08:49	09:12	00:00	
Total Response Time for all calls						00:00:44	
Dispatcher						kcampos	

EXHIBIT LL



540 Washington Avenue, Kenilworth, NJ 07033
908-276-7220 fax 908-709-1103

January 2017

Dear Parents,

We are in the process of re-registering our current students for the school year 2017-2018. We ask you to fill out the paperwork completely and return it with the appropriate fees by Monday, February 6, 2017. Families with outstanding tuition balances, from the current school year, will not be accepted until the family is current. We will be opening up registration to new families on Tuesday, February 7, 2017. It is very important that we have your completed registration by that date so we can guarantee you a place in our school.

PLEASE NOTE:

Cut-off date: Students entering PK3 must be 3 years old on or before October 1.

Students entering PK4 must be 4 years old on or before October 1.

Students entering Kindergarten must be 5 years old on or before October 1.

We aim to keep tuition affordable by raising it only to cover the necessary cost of education. For the 2017-2018 school year the increase will be as follows:

***Active Parishioner:** any Parish in the Archdiocese of Newark (Regular Church Attendance and \$400.00 annual contribution to the parish is suggested).

There is a form to be filled out by Pastors from other Parishes.

\$4675.00 for on child

\$8950.00 for two children

\$12,725.00 for three children

Home-School Association: We have an active Home-School Association that supports our academic program and enables us to keep our tuition rates affordable. Your participation in this organization is crucial and is a wonderful way for you to take an active role in your child's education. In June, you will receive a Home-School contract which describes fundraising opportunities available to you. Each family is required to fulfill one of the options on the contract.

Uniforms: Students in grades PK3-8 are required to wear school uniforms. Our uniform company is Co-Ed uniform in Elmwood Park. They will be here in the spring for fittings. You can also go to the store to purchase.

God bless you and your families.

Sincerely,

A handwritten signature in cursive script that reads "Deacon Joe Caporaso".

Deacon Joe Caporaso

Principal

EXHIBITMM

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART
MIDDLESEX COUNTY, NEW JERSEY
DOCKET NO. MID-C248-16
APPEAL NO. _____

STATE OF NEW JERSEY,)	COPY
)	
Plaintiff,)	
)	
vs.)	TRANSCRIPT
)	
)	OF
THERESA MULLEN,)	
)	
Defendant.)	HEARING
)	

Place: Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903
Date: July 20, 2017

BEFORE:
HON. L. ALBERTO RIVAS, J.S.C.

TRANSCRIPT ORDERED BY:
BARRY J. WIEGMANN

APPEARANCES:
BRIAN D. GILLET, ESQ.
(Middlesex County Prosecutor's Office)
Attorney for the State.

EDWARD J. KOLOGI, ESQ.
(Kologi Simitz)
Attorneys for the Defendant.

CHRISTOPHER WESTRICK, ESQ.
(Carella, Byrne, Cecchi, Olstein
Brody & Agnello, P.C.)
Attorney for the Archdiocese of Newark.

Transcriber: Maria Georgeles, C.C.R., AD/T 655
Schulman, Wiegmann & Associates
Certified Court Reporters
216 Stelton Road Suite C-1
Piscataway, New Jersey 08854
(732) - 752 - 7800

1 denied leave to amend the complaint as to this count
2 and some other aspects.

3 Well, as I said a moment ago, that denial
4 is without prejudice. And based upon -- I've been
5 lead trial counsel on this matter since December.
6 Based on my experience, that count is going to
7 resurface. They're going to reformulate it and
8 reassert it. I have no doubt in my mind they will do
9 that. So that puts me in a precarious position.

10 THE COURT: Well, I assume you understand
11 what I'm driving at.

12 MR. WESTRICK: Absolutely I understand. I
13 just don't know --

14 THE COURT: Which is like, how we can
15 accomplish that?

16 MR. WESTRICK: Yeah.

17 THE COURT: And the question is -- and the
18 way we would accomplish that would be, frankly would
19 be if your clients say, listen, we don't want to
20 pursue the criminal part of it. We're content with
21 vindicating whatever interests we perceive to have
22 been injured doing it in a civil context. That's the
23 question for your client, and to see if their
24 interests --

1 as a question of unilaterally dismissing this claim,
2 this charge, the answer is no.

3 THE COURT: Okay. Well, as part of a
4 bilateral agreement, what would be the bilateral
5 conditions --

6 MR. WESTRICK: I don't know if -- would
7 there be a situation, could there possibly be
8 circumstances under which that might be agreeable to
9 my client? That's possible. Like I said a few
10 minutes ago, I don't want to close the door.

11 THE COURT: All right.

12 MR. WESTRICK: I'll always listen, but as a
13 matter of unilateral dismissal, no, I can say that
14 with certainty.

15 THE COURT: Well, I understand that. But
16 that's what I'm trying to figure out. This is
17 something that you guys --

18 MR. GILLET: I don't know if we can.

19 THE COURT: What?

20 MR. GILLET: I'm sorry to interrupt you,
21 Judge. I don't know if we can --

22 MR. KOLOGI: Judge, there's only one person
23 who can, and it's the person -- the priest who signed
24 the complaint and he's not here. We've got everybody

EXHIBIT NN

GENERAL RELEASE

This General Release ("Release") is made by and among Theresa E. Mullen ("Mullen"), with an address of [REDACTED], St. Theresa's R.C. Church ("St. Theresa") (and any and all employees, agents, and/or volunteers thereof), with an address of 540 Washington Street, Kenilworth, New Jersey 07033; and the Roman Catholic Archdiocese of Newark (the "Archdiocese") (and any and all employees, agents, and/or volunteers thereof), with a place of business located at 171 Clifton Avenue, Newark, New Jersey 07104 (the Archdiocese and St. Theresa are hereinafter sometimes referred to together as the "Releasers").

WITNESSETH:

WHEREAS, Mullen has attempted to assert claims, including but not limited to malicious prosecution (the "Claims") for events occurring on February 2, 2017 against the Releasers and others, relating to alleged conduct by Releasers; and

WHEREAS, the Releasers contend that they have significant defenses to the Claims including, but not limited to, defenses based upon the applicable rules and statutes of limitations, and, therefore, deny any liability with respect to the Claims and any other claims that Mullen may believe that she has against them; and

WHEREAS, the Very Rev. Joseph Bejgrowicz ("Bejgrowicz"), in his capacity as Pastor of St. Theresa, has filed a criminal complaint against Mullen, in a matter captioned *State v. Theresa Mullen*, Complaint S-2017-000023 ("Trespass Action"), filed in the Kenilworth Municipal Court and presently pending before the Hon. Alberto Rivas, A.J.S.C. in the Superior Court of New Jersey, Middlesex County; and

WHEREAS, notwithstanding the above, to avoid the expense, delay and uncertainty of litigation, the parties hereto desire to settle and dismiss any and all such Claims based upon the events of February 2, 2017 and any other claims that Mullen may have against the Releasors and/or others pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

1. **No Admission of Liability.** The entry into this Release shall not be deemed, taken or construed at any time or place by the parties hereto or by any other person or entity to be an admission of fact or liability by the parties hereto, it being the understanding and intent of the parties that each has entered into this Release to avoid the expense, delay and uncertainty of litigation by settling all claims which may have been asserted with respect to this matter and any other claims. This Release has been entered into without any concession of liability or non-liability whatsoever and has no precedential or evidentiary value whatsoever. The parties intend that this Release and its terms be subject to the full protection provided by Federal Rule of Evidence 408, New Jersey Rule of Evidence 408, and all similar provisions of law (whether by statute, rule or common law) that protect settlements or settlement communications from admission at trial or other use.

2. **General Release.** For and in consideration of the Release, Mullen for herself and her predecessors, successors, assigns, agents, heirs, spouses, partners, civil union partners, administrators, executors and insurers (hereinafter collectively the "Mullen Releasors") hereby completely and unconditionally releases and discharges the Releasors and their predecessors, successors, assigns and heirs and their past and present personal representatives, executors,

administrators, officers, managers, directors, shareholders, cardinals, archbishops, bishops, pastors, priests, deacons, nuns, brothers, sisters, trustees, members, employees, volunteers, agents, attorneys, insurers, representatives, parishes, schools, parent corporations, holding companies, subsidiaries and affiliates (hereinafter collectively the "Church Releasees") from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever in law, admiralty or equity, whether now known or unknown, vested or contingent, accrued or yet to accrue, which against the Church Releasees, the Mullen Releasors can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever for the events occurring on February 2, 2017 including, but not limited to: (a) all claims against the Releasors, whether now known or unknown including, but not limited to, the Claims and any and all other claims referred to herein; (b) all claims against the Releasors that the Mullen Releasors are unaware of; and (c) all claims against the Releasors not mentioned herein. The foregoing notwithstanding, the Mullen Releasors do not release the Releasors from their obligations as contained within this Release.

3. **Bejgrowicz Release.** Bejgrowicz has agreed to voluntarily dismiss with prejudice the Trespass Action.

4. **Integrated Agreement.** This Release contains the entire integrated agreement between the parties and supersedes all prior oral or written agreements, commitments or understandings with respect to the matters provided for herein and no modification hereof shall be binding upon the party affected unless set forth in writing and duly executed by each of the other parties hereto.

5. **Successors and Assigns.** Each of the covenants and agreements contained in this Release by or on behalf of any of the parties shall bind and inure to the benefit of their respective heirs, guardians, personal and legal representatives, successors and assigns; provided however, that this Release may not be assigned by a party without the express prior written consent of all of the other undersigned parties. Any assignment without such consent shall be null and void. No permitted assignment by any party shall release such party of its obligations hereunder.

6. **Joint Drafting.** This Release is executed voluntarily by the parties without any duress or undue influence on the part, or on behalf, of them. Each of the parties participated in drafting this Release after consulting with counsel, and each has read and fully reviewed each of the provisions of this Release and has relied on the advice and representation of competent legal counsel of its own choosing. Each and every term and provision of this Release has been mutually agreed to and negotiated by the undersigned parties and shall be construed simply according to its fair meaning and not strictly for or against any party.

7. **Representation Regarding Legal Counsel and Comprehension of Document.** In entering into this Release, Mullen represents and acknowledges that: (i) she is and has been represented by Counsel at all times including, but not limited to, during the negotiation and at the time of execution of this Release; (ii) she has relied upon the legal advice of said counsel; (iii) the terms and conditions of the Release have been completely read and explained to her by said counsel; and (iv) she fully understands and voluntarily accepts those terms and conditions.

8. **Partial Invalidity.** Each and every term and provision of this Release is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not effect the legality or validity of the remainder of this Release.

9. **Governing Law.** This Release shall be governed by the laws of the State of New Jersey applicable to contracts made and to be wholly performed therein, without regard to conflicts of law rules or principles. Any and all litigation under this Release shall be conducted only in the courts of the State of New Jersey and the courts of the United States located in New Jersey. The parties submit to the jurisdiction of the courts of the State of New Jersey and the courts of the United States located in New Jersey, regardless of any party's domicile at the time of any such litigation and agree to mediate as set forth above.

10. **Waiver of Breach.** The failure of any party hereto at any time to enforce any of the provisions of this Release shall not be deemed or construed to be a waiver of any such provision, nor to in any way affect the validity of this Release or any provision hereof or the right of any of any party hereto to thereafter enforce each and every provision of this Release. No waiver of any breach of any of the provisions of this Release shall be effective unless set forth in a written instrument executed by the party against whom or which enforcement of such waiver is sought; and no waiver of any such breach shall be construed or deemed to be a waiver of any other or subsequent breach.

11. **Sense and Circumstance.** Unless the context otherwise requires, whenever used in this Release, the singular shall include the plural, the plural shall include the singular, and the masculine gender shall include the neuter and feminine gender, and vice versa.

12. **Counterparts.** This Release may be executed in one or more counterparts, each of which shall for all purposes be deemed to be an original and all of which when taken together shall constitute the same instrument notwithstanding that the parties may not have signed the same counterpart.

13. **Survival of Warranties.** All warranties and other obligations set forth in this Release shall survive the settlement date and shall continue in full force and effect according to their terms.

[INTENTIONALLY LEFT BLANK]

14. Paragraph Headings. The paragraph headings contained in this Release are for reference purposes only and shall not affect in any way the meaning or interpretation of this Release.

IN WITNESS WHEREOF, the parties, intending to be bound, have caused this Release to be executed on the date set forth below their name.

THERESA E. MULLEN
Dated: _____

STATE OF _____

SS.:

COUNTY OF _____

I CERTIFY that on _____, 2017,

THERESA E. MULLEN,

personally came before me and acknowledged under oath, to my satisfaction, that this person:

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

Signed and sworn to before me on
this _____ day of _____, 2017.

ROMAN CATHOLIC ARCHDIOCESE
OF NEWARK

ST. THERESA R.C. CHURCH including
ST. THERESA SCHOOL, KENILWORTH,
NJ

By: _____
REV. MSGR. THOMAS P. NYDEGGER
Title: Vicar General and Moderator of the
Curia

By: _____
REV. MSGR. THOMAS P. NYDEGGER
Title: Vice President
Dated: _____

Dated: _____

EXHIBIT 00

Disposition on Application for Permission to File Emergent Motion

Case Name: Scott Phillips as GAL for S.P. and B.P. v. Archdiocese of Newark and St. Theresa School

Appellate Division Docket Number: (if available): _____

Trial Court or Agency Below: _____

Trial Court or Agency Docket Number: Esx-C-248-16

DO NOT FILL IN THIS SECTION – FOR COURT USE ONLY

II. The application for leave to file an emergent motion on short notice is **Granted** on the following terms:

- A. By no later than **noon on 2/6/17**, one copy of the motion for emergent relief must be delivered to the chambers of Judges **O'Connor and Whipple**, and to all counsel/self-represented litigants. Copies must also be sent to the trial judge or agency whose decision is being appealed. If this is a newly-filed appeal, one copy each of the notice of appeal or motion for leave to appeal, and any indigency motion, must also be delivered to the judges and all counsel/self-represented parties.

The applicant must file the original and one copy of the motion for emergent relief with the Clerk of the Appellate Division in Trenton, by no later than the day after those papers are due to the judges' chambers, _____. If the matter is not yet pending in the Appellate Division, the applicant must, on that same schedule, file with the Clerk's Office, attention Emergent Applications Unit, the original and one copy of a notice of appeal or motion for leave to appeal, together with the required fees or a motion to proceed as an indigent. [Note: This schedule anticipates that copies may be faxed to the judges' chambers and to adversaries, but they must be overnight mailed or hand delivered to the Clerk's Office. Failure to file with the Clerk's Office or to submit the required fees may result in dismissal of the appeal and vacating of any stays granted.]

- B. Opposition must be served and filed by no later than **noon on 2/7/17**.

- C. Other terms:

Pending appeal, defendants' expulsion of children from school is stayed. Both children shall be permitted to attend St. Theresa School.



HON. AMY O'CONNOR, J.A.D.

February 3, 2017

Date

EXHIBIT PP



Archdiocese of Newark

Office of Communications & Public Relations
171 Clifton Ave.
Newark, NJ 07104
www.rcan.org

contact:

Jim Goodness
(973) 497-4186 (Office)
(973) 202-2317 (Cell)

For Release
March 20, 2017

**Statement of James Goodness,
Vice Chancellor and Director of Communications,
On Recent Developments in
Phillips et al. vs. Roman Catholic Archdiocese of Newark et al.**

The plaintiffs in the pending lawsuit against the Archdiocese and St. Theresa's Church in Kenilworth have filed a motion asking the court to permit them to add new claims and parties to the case. They are seeking to sue several Church and Archdiocesan employees, including St. Theresa's Pastor, for actions performed in their official capacities. They also seek to add defamation claims against over eighty (80) individuals, including many current and former St. Theresa's parents and parishioners, for comments posted online about this matter. Many of these comments were posted in an online petition that was neither authorized nor endorsed by St. Theresa's or the Archdiocese.

The Archdiocese and St. Theresa's will continue to defend themselves against this baseless lawsuit. Further, they will urge the court not to permit the addition of many of St. Theresa's valued parents and parishioners as defendants.

####



Archdiocese of Newark

Office of Communications & Public Relations
171 Clifton Ave.
Newark, NJ 07104
www.rcan.org

contact:

Jim Goodness
(973) 497-4186 (Office)
(973) 202-2317 (Cell)

For Release
March 22, 2017

**Statement of James Goodness,
Vice Chancellor and Director of Communications,
On Recent Developments in
Phillips et al. vs. Roman Catholic Archdiocese of Newark et al.**

The plaintiffs in the pending lawsuit against the Archdiocese and St. Theresa's Church in Kenilworth have filed a motion asking the court to permit them to add new claims and parties to the case. They are seeking to sue several Church and Archdiocesan employees, including St. Theresa's Pastor, for actions performed in their official capacities. They also seek to add defamation claims against over eighty (80) individuals, including many current and former St. Theresa's parents and parishioners, for comments posted online about this matter. Many of these comments were posted in an online petition that was neither authorized nor endorsed by St. Theresa's or the Archdiocese.

The Archdiocese and St. Theresa's will continue to defend themselves against this baseless lawsuit. Further, they will urge the court not to permit the addition of many of St. Theresa's valued parents and parishioners as defendants.

#####



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[ABOUT US](#) [OFFICES & MINISTRIES](#) [WORSHIP & PARISH LIFE](#) [EDUCATING IN FAITH](#) [OUTREACH & GIVING](#)

[SHARING THE FAITH](#)

Statement Concerning Matters at St. Theresa School, Kenilworth

February 2, 2017

The following is a statement from James Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark.

Parents and guardians of every student at St. Theresa School receive a Parent and Student Handbook at the beginning of each school year. The Handbook specifically states:

"If a parent implicates St. Theresa School in a legal matter, or names St. Theresa School as a defendant in a civil matter, the parent/guardian will be requested to remove their children immediately from the school."

Mr. Phillips agreed in writing to the terms of the Handbook on August 30, 2016.

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ARCHDIOCESE
of NEWARK

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[SHARING THE FAITH](#)

Statement on CYO Sports Issues

February 15, 2017

The following is a statement from James Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark.

While the unfortunate situation at Saint John's School in Clark has affected many, the Archdiocese of Newark has special concern for the students involved – the two girls and the boys on the Saint John's JV Black team, and all other students participating in the league – who have been upset through no fault of their own. The CYO basketball program is organized not only for the enjoyment of the students involved, but also to teach them the importance of fair play, good and healthy competition and how faith can be expressed through sports and in community.

By their very nature, competitive sports call for rules and regulations. What is more, the educational purpose of CYO athletics needs policies that create a safe and healthy environment for the athletes, while serving the goals of the Catholic Youth Organization.

For more than two decades, the rules and practices in the Archdiocese of Newark CYO call for boys-only and girls-only teams in older grades. The rule recognizes that some sports, like basketball, feature greater physical contact and aggression as student players age and mature. The logic is similar to the rules requiring the separation of players by age groupings. Both rules seek to reduce the possibility of injury to a younger, smaller child by older and more physically developed athletes.



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Statement Concerning Recent Developments in Phillips et al. vs. Archdiocese of Newark et al.

March 22, 2017

The following is a statement from James Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark.

The plaintiffs in the pending lawsuit against the Archdiocese and St. Theresa's Church in Kenilworth have filed a motion asking the court to permit them to add new claims and parties to the case. They are seeking to sue several Church and Archdiocesan employees, including St. Theresa's Pastor, for actions performed in their official capacities. They also seek to add defamation claims against over eighty (80) individuals, including many current and former St. Theresa's parents and parishioners, for comments posted online about this matter. Many of these comments were posted in an online petition that was neither authorized nor endorsed by St. Theresa's or the Archdiocese.

The Archdiocese and St. Theresa's will continue to defend themselves against this baseless lawsuit. Further, they will urge the court not to permit the addition of many of St. Theresa's valued parents and parishioners as defendants.



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Statement on Latest Actions in Phillips v. Archdiocese of Newark et al

June 29, 2017

The following is a statement from James Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark.

In her most recent filing in this matter, the attorney for the plaintiffs states that “no one is above the law.”

Yet, to date, every step that the plaintiffs have taken, every statement they have made, shows that they do not believe their own attorney’s words.

The plaintiffs have demonstrated clearly and strongly that, in their minds, the rules and laws of St. Theresa School and Parish do not apply to them.

For them, rules may be fine for other parents and students in the St. Theresa community, but not for them; everyone must treat them and their children differently.

St. Theresa School is the education ministry of the parish of St. Theresa in Kenilworth. At the heart of this education ministry is a 63-year old tradition of collaboration among parents, students and school administration, working together to foster Gospel values and provide a nurturing academic and moral environment. Parents embrace these rules in

order to serve the best interests of all of its students. Ask all the other parents at St. Theresa, and you will learn that these rules work.

The plaintiffs' actions threaten to shatter this nurturing environment. Through their lawsuit and subsequent actions the plaintiffs have created intimidation and fear in parents, school officials and, yes, students. Indeed, the plaintiffs have announced to the world that they do not accept St. Theresa's collaborative approach to a Catholic education.

That said, we need to ask the question: "If the plaintiffs do not wish to abide by the rules; if they do not wish to embrace St. Theresa's long-held educational philosophy; and if they are, as only they contend, the recipients of such injustice, then why do they persist in forcing their children to attend St. Theresa School?"

What's more, the plaintiffs have sought to use the court to attack and silence scores of parents in the St. Theresa community who, because they love St. Theresa School, have spoken out in support of its goals and the way it is run. How can such attacks foster collaboration?

We can only surmise that the plaintiffs wish to impose their own rules on the community, and replace collaboration with diktat.

The Archdiocese and St. Theresa Parish and School continue to urge the court to recognize the bad behavior of the plaintiffs, dismiss this case, and allow St. Theresa School, its faculty, parents and students to begin a new school year in September without the disruption that the plaintiffs' continued presence surely will cause.

The Archdiocese of Newark is not in the business of excluding kids from school. Quite the contrary: parents, teachers, administrators and benefactors make serious sacrifices to carry out this vital area of our mission. The issue is not, and never has been, sports. It is the serenity of a school community. Only a grievous threat to the well-being of our teachers, students and families would justify such an extraordinary measure.

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Statement on the Hearing Held June 29, 2017 in the Matter of Phillips v. Archdiocese of Newark et al

June 30, 2017

The following is a statement from James Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark.

We are disappointed that the court yesterday declined to recognize that a private, religious-affiliated school has the right to govern itself according to its own rules and practices. The Archdiocese and St. Theresa School have provided more than sufficient precedent in case law from New Jersey and elsewhere in the country, as well as certifications from members of the hierarchy of the Archdiocese and parish, to support such a finding.

However, we are hopeful that the court ultimately will conclude the obvious – that the decisions that St. Theresa School has made in this matter are solely within the rights of the Catholic Church as protected by the First Amendment, were made according to its particular laws and rules, and were made for the greater benefit of students and families of the St. Theresa community.

At the same time, we are optimistic that the court next week will dismiss the plaintiffs' request to expand their lawsuit to include as defendants in this case some 80 individuals – mostly parents of St. Theresa School students. By this action, the plaintiffs have sought to punish individuals for exercising on social media their Constitutionally-guaranteed right to express an opinion that the plaintiffs' lawsuit and actions are harming both the students of St. Theresa School and the school's reputation as an excellent Catholic school.

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Statement on Today's Decision in the Matter of Phillips v. Archdiocese of Newark et al

August 14, 2017

(Statement of James Goodness, Vice Chancellor and Director of Communications Archbishop of Newark on Today's Decision in the Matter of Phillips v. Archdiocese of Newark et al)

We are thankful that the court has recognized that St. Theresa's School, a private Catholic school within the Roman Catholic Archdiocese of Newark, acted appropriately according to the Church's rules and practices, and consistent with its absolute rights as protected by the First Amendment.

From the beginning of this unfortunate affair, we have asserted clearly and consistently that the school and the Archdiocese took the steps they did for two sole reasons. We sought to ensure that the school and the men and women who undertook this ministry could continue to fulfill the school's Catholic mission for the benefit of the children and parents it serves. We also sought to protect the serenity and well-being of a larger school and parish community that has been victimized by the behavior of two parents who would not accept the rules by which the school operates. At all times we acted not to punish anyone, but to protect the vital Catholic mission of a community of learning and faith.

We wish also to be clear that this is not a day for rejoicing. Although the family at the center of this lawsuit was unsuccessful in its efforts to disrupt and inflict further damage on the school community, we wish them no ill will. It is our hope that the parents will learn from this experience as they seek alternative venues for their children's education and athletic recreation.

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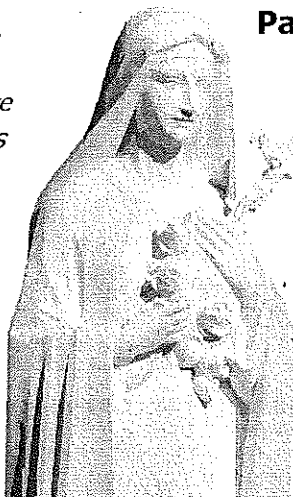
The Church of Saint Theresa

• 541 Washington Avenue • Kenilworth, NJ 07033 • — • Phone: 908-272-4444 • 908-272-4424 •

Come and See ...

Parish Staff

Rev. Vincent A. D'Agostino, *Parochial Vicar*
Fr. Michele M. Pedroni, *Parochial Vicar*
Rev. Msgr. Venantius M. Fernando, *In Residence*
Rev. Joseph S. Bejgrowicz, *Pastor/Emeritus*
Deacon Joseph Caporaso, *Principal*
Sr. LouAnn Fantauzza, *Asst. to the Principal*
Sister Monique Huart, FMA,
Religious Education Director
Mr. Edward Wesley, *Director of Music*
Mr. Rich Donovan,
Coordinator of Youth Ministry
Mrs. Theresa Adubato, *Office Assistant*
Linda Koski, *Office Assistant*



Parish Contacts

Rectory Office (908) 272-4444
Rectory Fax (908) 272-4424
email: stparish@thechurchofsttheresa.org
Website: <http://www.thechurchofsttheresa.org>
Convent (908) 276-5028
Saint Theresa School (908) 276-7220
email: info@sainttheresakenilworth.org
Website: <http://www.mysts.org>
Religious Education Office (908) 276-4681
email: CCD@icatholiczone.org
Youth Ministry Office (908) 276-5990
email: Rich@stmtym.com
Website: <http://www.stmtym.org>

We Invite You to Celebrate the Eucharist with Us

Weekday: 7:00 am, 9:00 am
Monday and Wednesday:
7:00 am, 9:00 am & 7:30 pm
Saturday 7:00 am and 9:00 am
5:30 pm Sunday Vigil Mass
Sunday: 7:30 am, 9:00 am, 10:30 am,
12:00 pm (Noon), 5:00 pm
Holy Days: As Listed in Weekly Bulletin and Website

Rectory Office Hours

Monday & Friday: 9 am - 5 pm, Tuesday, Wednesday,
Thursday: 9 am - 3 pm. Other evenings by appointment.
Our Priests are always available for emergency sick calls.

Parish Registration

Registering as a member or simply updating your information for our parish is an important aspect of our Catholic community life. It is an opportunity to identify our parishioners and allow us to serve our parish community accordingly. In doing so, we will be able to recognize the needs of our parishioners and provide the services our families may require.



Parish Stewardship Mission Statement

We, the People of God of the Saint Theresa Parish Community, empowered by our baptism, seek to bring the "Good News" into our daily lives through the active participation in the celebration of the liturgies and the example of our daily living, using the gifts of our time, talent and treasure for the benefit of all in the community.

Baptism

We ask parents (and, if possible, Godparents) to attend the Baptismal Preparation sessions prior to scheduling a Baptism. This should be scheduled at least two months in advance of the Baptism.

Marriage

Contact the Rectory at least one year in advance of date, and before finalizing any other arrangements. Pre Cana arrangements are made by visiting the website of the Archdiocese of Newark's Family Life Ministry Office at www.rcan.org/familife/precana.htm.

Anointing of the Sick

The Sacrament of Anointing is available to anyone of advanced age or serious illness. A priest is always available for emergency sick calls. Please let us know of any homebound persons who would like Communion on a regular basis. Please call the Rectory.

Reconciliation

Monday: After 7:30 pm Mass
Saturday: 11:00 am until 12:00 pm (Noon)

Devotions

Miraculous Medal Novena every Monday at the 9:00 am and the 7:30 pm Masses
St. Jude Novena every Wednesday at the 9:00 am and the 7:30 pm Masses.
First Friday Exposition and Devotion including the Litany of the Sacred Heart of Jesus on First Friday of every month at 9:00 am Mass
St. Theresa Novena every Thursday at the 9:00 am Mass
Divine Mercy every First Sunday of the Month, beginning at the hour of mercy 3:00 pm

Bingo Hours

Friday 7:30 pm – Saturday 12:30 pm – Sunday 7:00 pm

Bulletin Articles and Web Notices

Deadline is at 5 pm on the Monday prior to the Sunday. To Submit information, drop off to the rectory marked Bulletin, email to stparish@thechurchofsttheresa.org.



The Church of Saint Theresa

Receive Me

July 2, 2017 :-: The Thirteenth Sunday In Ordinary Time



If we die
with Christ...

we shall LIVE!

From the Pastor's Desk



Dear parishioners,

I wish to share with you a letter that Cardinal Tobin addressed to the Parish of St. Theresa.



Archdiocese of Newark

OFFICE OF THE ARCHBISHOP

June 28, 2017

Dear Parishioners of St. Theresa,

In this period when you are witnessing so many changes in your parish, I thought it was opportune and fitting to write to you to express my personal support as your Bishop and Shepherd.

First, I want to thank Father Joseph Bejgrowicz for so many dedicated years of ministry to the Parish of St. Theresa. Many of you have gathered unforgettable memories, as Father Joe baptized your children, celebrated their First Communion and Confirmation and was at your side in joyful and sad moments of your life. As Father Joe moves to this new stage of his life, I believe that the best way to defend his legacy is to continue to support him as well as the parish community of St. Theresa to which he has dedicated so many years of his ministry. Your new Administrator—Father Giovanni Rizzo—also needs the support of your prayers and your backing as he has accepted with enthusiasm the challenge to minister to your community. I am confident that he will do so with tremendous zeal which marked his 17 years of priesthood until now.

I know that transition periods are always times a bit unsettling and challenging. I experienced this myself as I came to the Archdiocese of Newark from a different Diocese in the United States. Therefore, I want to thank you for accepting at this time two more challenges that I have asked you to assume. The first one is the transfer of Father Vincent D'Agostino who has been your Parochial Vicar at St. Theresa's for the past year. Although Father Vincent is young in the priesthood, as you know, he is a man of experience who was professionally successful in the legal field. At this time, I have asked him to help the new Pastor of St. Elizabeth in Wyckoff and to support him in the testing mission which lays ahead. Father Vincent understood the pressing need and obediently accepted to move forward to this new assignment. I thank him for his generosity. I thank you for your understanding and personal sacrifice and I ask you to accompany Father Vincent in this new mission with the support of your prayers.

The second challenge I am setting in front of you is to welcome to your parish a newly ordained priest, Father Michele Pedroni. The initial years of the priesthood are very important for the formation of the clergy. The reason I have sent Father Michele to St. Theresa's is that I trust you will welcome him and will help him—together with Father Giovanni—to grow in holiness through the ministerial service of your parish community. Father Michele will bring to St. Theresa the enthusiasm and the zeal which characterizes the newly ordained priests. In return, I am sure you will be there for him and share with him the joyful spirit that is a trademark of your parish.

With gratitude for your cooperation in this matter and with the firm conviction that "we can do all things in Him who gives us the strength" (1. Corinthians 4:13), I impart on you my Fatherly blessing.

Sincerely yours in Christ the Redeemer,

Cardinal Joseph W. Tobin C.Ss.R.
Archbishop of Newark

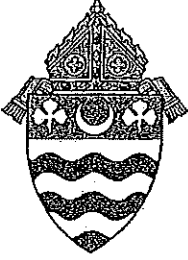
lml

Archdiocesan Center

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We thank the Cardinal for his manifestation of affection and esteem toward our Parish and we look forward to the occasion of having him as beloved guest among us.

God Bless You,
Fr. Giovanni Rizzo



Archdiocese of Newark

Office of Communications & Public Relations

171 Clifton Ave.

Newark, NJ 07104

www.rcan.org

contact:

Jim Goodness

973-497-4186

973-202-2317 (cell)

goodneja@rcan.org

For Release

June 30, 2017

**Statement of James Goodness,
Vice Chancellor and Director of Communications,
Archdiocese of Newark,
On the Hearing Held June 29, 2017 in the Matter of
Phillips v. Archdiocese of Newark et al**

We are disappointed that the court yesterday declined to recognize that a private, religious-affiliated school has the right to govern itself according to its own rules and practices. The Archdiocese and St. Theresa School have provided more than sufficient precedent in case law from New Jersey and elsewhere in the country, as well as certifications from members of the hierarchy of the Archdiocese and parish, to support such a finding.

However, we are hopeful that the court ultimately will conclude the obvious – that the decisions that St. Theresa School has made in this matter are solely within the rights of the Catholic Church as protected by the First Amendment, were made according to its particular laws and rules, and were made for the greater benefit of students and families of the St. Theresa community.

At the same time, we are optimistic that the court next week will dismiss the plaintiffs' request to expand their lawsuit to include as defendants in this case some 80 individuals – mostly parents of St. Theresa School students. By this action, the plaintiffs have sought to punish individuals for exercising on social media their Constitutionally-guaranteed right to express an opinion that the plaintiffs' lawsuit and actions are harming both the students of St. Theresa School and the school's reputation as an excellent Catholic school.

####



Archdiocese of Newark

Office of Communications & Public
Relations

171 Clifton Ave.

Newark, NJ 07104

contact:

Jim Goodness
973-497-4186
973-202-2317 (cell)
goodneja@rcan.org

For Release
June 29, 2017

**Statement of James Goodness,
Vice Chancellor and Director of Communications,
Archdiocese of Newark,
On The Latest Actions in the Matter of
Phillips v. Archdiocese of Newark et al**

In her most recent filing in this matter, the attorney for the plaintiffs states that “no one is above the law.”

Yet, to date, every step that the plaintiffs have taken, every statement they have made, shows that they do not believe their own attorney’s words.

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That said, we need to ask the question: “If the plaintiffs do not wish to abide by the rules; if they do not wish to embrace St. Theresa’s long-held educational philosophy; and if they are, as only they contend, the recipients of such injustice, then why do they persist in forcing their children to attend St. Theresa School?”

What’s more, the plaintiffs have sought to use the court to attack and silence scores of parents in the St. Theresa community who, because they love St. Theresa School, have spoken out in support of its goals and the way it is run. How can such attacks foster collaboration?

We can only surmise that the plaintiffs wish to impose their own rules on the community, and replace collaboration with *diktat*.

The Archdiocese and St. Theresa Parish and School continue to urge the court to recognize the bad behavior of the plaintiffs, dismiss this case, and allow St. Theresa School, its faculty, parents and students to begin a new school year in September without the disruption that the plaintiffs’ continued presence surely will cause.

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####

Note to Editors: A hearing on this matter will take place at 1:30 p.m. on Thursday, June 29, 2017 at the Wilentz Justice Center, 212 Washington Street, Newark.



In Memoriam

Host: Ronald Carolan * Aunt, Helen Carolan

Wine: Parishioner Intentions

Sanctuary Lamp: Parishioner Intentions

Saturday, July 1

- 7:00 AM Joseph Giacalone (25th Ann.) * Loving Family
- 7:00 AM Ernesto Ebron, Jr. * Anne Mary Hayes
- 9:00 AM Francesco Bertolucci *
Tommaso & Maria Jose Pugliese
- 5:30 PM Felicia (23rd Ann.) & Albert (41st Ann.) Addler *
Family

Sunday, July 2

- 7:30 AM Julia Barbarise (Ann.) * The Family
- 7:30 AM Carmen Casais * Joana Canico & Family
- 9:00 AM Rosary Altar Society
- 10:30 AM Stella Orozco * Family
- 12:00 PM Nodia Aguirre * The Martin Family
- 5:00 PM Bernard (Bud) Smith (16th Ann.) *
Ginny & Tony Lepore

Monday, July 3

- 7:00 AM Domenica Spalliero * Pino Rizzo
- 9:00 AM Lauren Kaylor * Elizabeth Huegel
- 7:30 PM Joseph (Bud) Lepore (9th Ann.) *
Tony & Ginny Lepore

Tuesday, July 4

- 7:00 AM Walter & Mary Ostrowski * Family & Adele Damrau
- 9:00 AM Francisco Nicolas (Birthday) * Capati Family

Wednesday, July 5

- 7:00 AM Mary Pierry * Son
- 9:00 AM Medardo Ojeda * Milano Family
- 7:30 PM Diane Grossschmidt (Birthday) *
Dolores & Marshall Graham

Thursday, July 6

- 7:00 AM Zosimo & Candelaria Paguntalan *
Celso & Amy Paguntalan
- 9:00 AM Katherin Grahm * Fred & Antonia Mazzeo

Friday, July 7

- 7:00 AM Dolores Cerbie * The Budis Family
- 9:00 AM Maria Greco Cuppari (2nd Ann.) * Sister-In-Law,
Domenica Cuppari
- 9:00 AM Pasquale Cuppari * Cuppari Family

Saturday, July 8

- 7:00 AM Mary Irene Price * Karen & Susan Dougherty
- 9:00 AM Medardo Ojeda * Cedeno Family
- 5:30 PM Reinaldo A. Modernel (3rd Ann.) *
Wife, Marita & Son, Reinaldo Andres Modernel

Sunday, July 9

- 7:30 AM John Grondin (Birthday) * The Grondin Family
- 9:00 AM Albert (29th Ann.) & Lillian (7th Ann.) Phillips *
The Phillips Family
- 10:30 AM Raffaele Calello (5th Ann.) *
Caterina Barranta & Family
- 12:00 PM Robert J. & Anne Monahan (Birthday)*
AnnMarie, Bob & Christina Monahan
- 5:00 PM Mendeline Rivera Feliciano * Marie Hornlein

ADULT BIBLE STUDY CONTINUES!

Join us on the dates listed below from 8-9pm for the continuation of our Adult Bible Study. We will meet every other Monday night in the Chapel for an hour of reflection on Holy Scripture. Following is our upcoming schedule. For information, contact John Tintera at (908) 265-6148 or our Bible Study webpage <http://www.st-theresa-bible.com/>

- July 10 - Jeremiah 1-25
- July 24 - Jeremiah 26 - 52



CCD REGISTRATION

New registration and re-registration forms are now available for Fall 2017 Religious Ed Classes. The forms are available at the Religious Ed Office (located above the school gym) and in the vestibule of the Church. Please contact the office at 908-276-4681 ccd@icatholiczone.org
Please note: Students who plan to return for 7th grade after a year or more of not attending CCD classes need to take a placement test to determine their grade level. For further info please contact the Religious Ed Office.

All are welcome to join in the celebration as St. Rafael's Church welcome's Fr. Joe Bejgrowicz!

346 East Mount Pleasant Avenue
Livingston, NJ 07039
July 9th, Mass at 11:30am
Barbeque following in Tobias Hall
Please contact the rectory if you are interested in attending. 908-272-4444.

Dear Parishioners,

I want to thank you for these past 24 years, as together, we "**continue the mission**" of our parish by being a welcoming community of faith and inviting everyone to share their time, talent and treasures and continue to build up our community of faith.

Thank you for your beautiful cards and gifts. They mean a lot to me. What means the most though is your continued prayers for me and for the Church.

I welcome hearing from you and can be reached at St. Raphael's Church, 346 East Mt. Pleasant Avenue, Livingston, NJ 07039, 973-992-9490

THE KENILWORTH SENIORS HOST A TRIP TO RESORTS CASINO IN ATLANTIC CITY EVERY FIRST THURSDAY OF THE MONTH

The cost is \$32 per person and will receive back \$30 in comp dollars. A 50/50 and Bingo will be played on the way down and a movie and a snack on the return trip. For information & reservations call Emily Grimaldi at (908) 272-6329.

EXHIBIT RR

WE STAND WITH STS! End the misrepresentation of St. Theresa School in Kenilworth



Saint Theresa Students & Parents



Saint Theresa Students & Parents

136

Supporters

In December 2016, Saint Theresa Catholic Elementary School was named by one of its school and parishioner's families in a lawsuit. What began as a family's litigation to allow their daughter to play on a boys' catholic youth organization basketball team turned into a sideshow of speculation,

misreporting and spectacle. Going viral in the national news, media outlets picked up the story as told by the family and ran a one-sided exaggerated and distorted tale. Under a gag order because of the litigation the school was not afforded the ability to give any perspective in the matter and was left unable to defend itself.

This is where we come in. **WE STAND WITH STS!!**

We are parents, alumni, families and parishioners who know, love and appreciate St. Theresa Elementary School, the parish community and what it does for our children and our families.

We are uniting to tell the side of the story not being showcased in the media. The one of a principal and school who readily offered options and support to the family that slanders its name. STS teaches their students respect, dignity, charity and responsibility to become “good Christians and honest citizens” and held to these principals in this. They followed rules outlined by the Catholic Youth Organization and the Archdiocese of Newark. They worked with what capacity they could to provide alternatives to the student when there was no school basketball team due to lack of interest. The options were met with a lawsuit and a refusal of cooperation from the family.

Worse yet, it was met with negative comments to the media and disparaging remarks about not only the school but the students in it. STS students were collateral damage to this family’s grudge against the school. They were misrepresented by the girl as jealous and intolerant. They were subject upon arriving to school with media vans and reporters. Police enforcement was dispatched to school property for the safety of the students. Their privacy and the privacy of the families attending the school were violated by the attention brought on. Attention which this family seemingly relished. A family who told reporters their interpretation of reality, that they were met with defensiveness rather than the reality that they subjected their girls to this spectacle to inspire, influence, and embolden the attention.

Attention that afforded this family and their daughters opportunities with national organizations, basketball stars and media personalities. All opportunities that were obtained by falsely claiming injustice. Our students don’t deserve this. Our faculty doesn’t deserve this. The good name of this educational institution doesn’t deserve this. We collectively are tired of the misrepresentation.

WE STAND WITH STS in rejecting the claim that the school and the students in any way bullied, rejected or discriminated against this family.

WE STAND WITH STS in knowing that our principal and our faculty went and do go far beyond what they need to do on a daily basis to accommodate and work with our children.

WE STAND WITH STS in its achievements in inclusion, flexibility and progressive thinking.

WE STAND WITH STS in knowing that it followed rules and protocols and tried their best to make accommodations.

WE STAND WITH STS in knowing that this issue has gone far beyond a girl not being able to play basketball and has grown to a family’s vindictiveness.

WE STAND WITH STS because WE ARE STS!

We are the parents who volunteer our time to assist, coach, lead and impact. We are the students who learn, grow, love and work together. We are the teachers who nurture, teach, give and inspire. We are the people who know beyond the shadow of a doubt that the negativity of ONE family will not bear witness to the resilience and confidence of all the others. ***WE STAND WITH STS!!***

Please join me in getting the message out that STS is not what is being portrayed. We recommend that you share information here and also reach out to each of these parties (see list below.) We feel that the Archdiocese and the nation overall needs to hear from everyone as we feel they've only heard one side of the story. Please share what is in your heart and what you feel is pertinent.

- Include personal testimonies and stories of your positive experiences at the school; interactions within the community, the value of the Catholic education your child(ren) receive.
- How important St. Theresa School is to the community and the parish itself
- Personal successes of your students, stories of how the faculty and administration has helped your family and children.

Here are the people you can reach out to:

- Cardinal Joseph William Tobin, C.Ss.R., D.D., Archbishop of Newark, Archdiocese of Newark, PO Box 9500, Newark, NJ 07104-0500
- Dr. Margaret Dames, Ed.D., Superintendent for Catholic Schools for the Archdiocese of Newark, (973) 497-4260, SchoolsOffice@rcanschools.org
- Sr. Patricia Butler, SC, Elementary School Administration and Essex and Union County Elementary Schools for the Archdiocese of Newark, butlerpa@rcan.org
- Jim Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark, 973-497-4186, goodneja@rcan.org
- Jonathan Azzara, Public Relations Specialist, 973-497-4193, azzarajo@rcan.org

This petition will be delivered to:

- **Archdiocese of Newark**
Cardinal Joseph William Tobin, C.Ss.R., D.D.
- **Archdiocese of Newark Catholic Schools**
Dr. Margaret Dames, Ed.D., Superintendent for Catholic Schools
- **Elementary School Administration and Essex and Union County Elementary Schools**
Sr. Patricia Butler

3 more decision makers...

- **St. Theresa School**
Deacon Joe Caporaso
- **ice Chancellor and Director of Communications for the Archdiocese of Newark**
Jim Goodness
- Tom Haydon

[Read the letter](#)

Letter to

Archdiocese of Newark Cardinal Joseph William Tobin, C.Ss.R., D.D.

lementary School Administration and Essex and Union County Elementary Schools St. Patricia
Butler
St. Theresa School Deacon Joe Caporaso
ice Chancellor and Director of Communications for the Archdiocese of Newark Jim Goodness
Tom Haydon

We Stand With STS! End the misrepresentation of St. Theresa School in Kenilworth.

OK

- [catholic schools](#)
- [rules and policies](#)
- [youth basketball](#)
- [new jersey](#)

Saint Theresa Students & Parents started this petition with a single signature, and now has 136 supporters. Start a petition today to change something you care about.

Start a petition

Updates

1. 2 days ago
Petition update

Keep it Going. The Lawsuits are hopefully over but our good name is still being smeared.

I'm taking this from a comment on the NJ.com article which I think highlights many of this group's feelings. She is a 13 year old kid. All the "hoop"la will be over, media will be gone, and she still has to go to school with these kids...

2. 5 days ago
100 supporters
3. 6 days ago
Saint Theresa Students & Parents started this petition

Reasons for Signing

Fred Soos

1 year ago ago

I have been a parishioner at St. Theresa's for over 30 years. It's a shame that all the good that is done by the St Theresa's church and school is forgotten because of some very biased reporting. St Theresa's is an integral part of the Kenilworth community and helps and affects people from all over North Jersey, not just Kenilworth. The St Theresa's food bank supplies hundreds of families regardless of their affiliation, residency faith etc. Father Joe has never turned away anyone or ever turned his back on someone in need. Father Joe has embraced Pope Francis' call to serve everyone who needs it and does so with kindness, compassion and a smile every time. I am proud to call Father Joe a friend and every prouder that St Theresa's is a model of Catholic caring, goodwill and compassion.

Share
Tweet
Report

Michael Devlin

1 year ago ago

As an alumni of the school, lifelong parishioner and friend of Fr Joe, I find all of these accusations to be laughable. The Church, the school are important institutions to our community. Fr Joe has been a pillar of the same.

EXHIBIT SS

S[REDACTED], thank you!

P-51

On Saturday, February 18, 2017, 1 908-265-7403 <[REDACTED]> wrote:

Good morning,

I'm writing in reference to a petition from St Theresa's families that showed up on my Facebook wall today. I feel disheartened at the fact of what is written in poor taste against this girl playing basketball. She is a member of the St Therasas family and other parents doing this shows immoral and unethical conduct. If the desicion was made, then allow it. I feel these parents have personal issues against a child and I'm urging the administration to stop this petition.

I hope the setting at the game tomorrow is healthy for all.

Thank you,

Suzanne [REDACTED]ki

ssp-9@comcast.net

From: Theresa Mullen <[REDACTED]>
Sent: Saturday, February 18, 2017 10:45 AM
To: Joe Caporaso
Subject: On-line Petition

Dear Deacon Joe:

Last night I learned that an on-line petition which disparages my family and most importantly my daughters was published on social media and also in the Star Ledger. I am sure it has gone viral by now in places I will never see.

This mean-spirited petition also states things that are absolutely false and uses the STS Logo. I believe it started and was posted by an STS parent.

Unfortunately Sydney independently discovered this together with horrible comments by STS parents and others. There are even likes I am told by STS faculty.

No child should ever be subjected to this type of behavior.

This revictimization of Sydney and now most recently Kaitlyn continues without end.

There are no words I can use to express just how devastated I am about what has happened and what continues to happen to my young children.

I am at such a loss right now.

Last year I repeatedly came to the school and wrote endless letters all in an effort to discuss what was happening.

Now my children who were raised at STS and who love STS continue to be repeatedly traumatized over and over again.

I am also very concerned about what might happen at tomorrow's basketball game.

I am attaching the link with this email for your review.

https://www.change.org/p/archdiocese-of-newark-catholic-schools-we-stand-with-sts-end-the-misrepresentation-of-st-theresa-school-in-kenilworth?source_location=minibar

Theresa Mullen

Sent from my iPhone

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

<http://www.eset.com>

EXHIBIT TT

THERESA E. MULLEN
[REDACTED]
[REDACTED]

February 23, 2017

PERSONAL AND CONFIDENTIALVia Hand Delivery

Joseph W. Cardinal Tobin, C.Ss.R., D.D.
Archdiocese of Newark
171 Clifton Avenue Newark, NJ 07104-0500

Dear Cardinal Tobin:

I had tears of joy in my eyes when Sydney Phillips went onto the court to play her first basketball game at St. Theresa School in Kenilworth this past Sunday to resounding cheers from the crowd.

On February 2, 2017, I had very different tears in my eyes when S [REDACTED], 13 and K [REDACTED], 11, were met by three police officers, including the Police Chief, the only pastor they have ever known, the school principal and the associate pastor, all who blocked their entrance when they tried to go to school at St. Theresa in Kenilworth. I am the mother of these girls and I was devastated.

When I read the February 3, 2017 article in the Star Ledger about the St. John's basketball team having to forfeit its season because two girls were playing on its JV basketball team in Clark who had played all season long and who had played at St. John's for 4 years, I had sadness as well.

On February 16, 2017 I read the article about the St. John's team and discovered you changed your mind and allowed these girls to play for the remainder of the season. The Press Release attached to this article stated that you also decided to rescind the expulsion of my daughters. I first learned of your decision through the newspaper as neither myself, my husband, nor my husband's attorney were notified.

There was another article in the Star Ledger on February 17, 2017. When discussing the expulsion, it was reported that you said: "I was appalled when I read they were removed. It was a requirement that I think was fairly unique to that parish and it seemed to be unnecessarily punitive not only to the 7th grader but also her little sister."

When I read your remarks, they lead me to believe that you might not be fully aware of what has been happening at St. Theresa for almost one year.

Since I am not sure if you know certain information because you just began serving on January 6, 2017, I am enclosing the following for your review together with some additional information so that you can draw your own conclusions:

- 1) Letters I wrote to the Archdiocese on June 6, 2016, June 8, 2016, June 15, 2016, June 27, 2016, November 8, 2016 and November 18, 2016. These letters detailed serious concerns I had at St. Theresa School. I repeatedly asked for meetings to address these concerns and my

requests were ignored. It was not until November 22, 2016 when a meeting took place. At this meeting my husband and I expressed to Dr. Dames and Sr. Butler that we did not want to take these issues to Court. Dr. Dames responded: "Have your lawyer contact our lawyer;"

- 2) A copy of the 4th degree criminal charges that were brought against me by the Pastor at St. Theresa related to the February 2, 2017 expulsion which are still pending;
- 3) The pertinent part of the November 1, 2016 email from Richard Donovan, current CYO Director for the Archdiocese and Associate Director of Youth Ministry wherein Mr. Donovan states to various St. Theresa administrators and to his boss, Tom Conboy when referring to me:

"Finally lol I just leave you with this...she likes to pull the "Catholic Card" at the end of her email. Might I remind you all that Jesus also made a whip and chased people out of the temple and flipped tables in anger—all actions he felt justifiable.";

- 4) Copies of handwritten cards from many of S█████'s classmates who wrote consoling her on the day of the expulsion. These cards were initially confiscated by the 7th grade teacher and then returned by the principal upon request from one of S█████'s female classmates;
- 5) Copies of Facebook posts that were given to Deacon Joe at the St. Theresa meeting on February 16, 2017, which was called by the Archdiocese and at which St. Theresa found a police presence was necessary for a second time (the police were also present for a third time at the basketball game last weekend which again included the Police Chief). These posts include the St. Theresa Home School Association President, current JV Volleyball coach and parent of a 5th grader on social media who publicly stated that you were a "coward" and "a politician who hides behind the cross." Her husband stated that my husband and I were "assholes" and called our entire family including my children "douchebags." Also enclosed are the public posts from the current 7th grade class mother and her husband who placed S█████'s picture on their social media pages and made subsequent negative comments. Unfortunately S█████ (and even some of her classmates) have seen most, if not all of these comments on their own;
- 6) Copies of negative public Facebook posts made by St. Theresa faculty after the basketball game this past Sunday (the first game in which S█████ played); also forwarded to Deacon Joe. Included in these comments in response to that of Ms. Ferris, who is a Teacher's Aide at St. Theresa, is a response from a Patricia Rimli Blicharz (whose name does not sound familiar) EXCLUSIVELY about my child (S█████) that says:

"Wow You go boys. I hope you play awesome. As for the P.O.S Sit your ass down and shut your pie hole. MONKEY DICK.

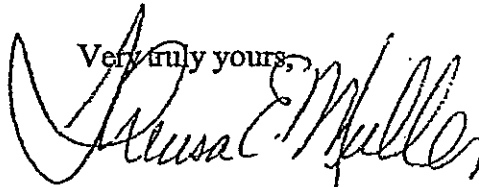
S█████ is only a 13 year old girl; and

- 7) Copies of a Petition seemingly endorsed by St. Theresa based upon the use of its logo (without the comments that can be viewed on-line) against our family started by St. Theresa parents, which refer to S█████ as "jealous and intolerant." S█████ is a National Junior

Honor Society Member and is the Student Council Treasurer, a position of trust to which she was elected by the St. Theresa student body last year. This Petition was updated on Tuesday night and states in pertinent part: "Keep it Going." The "Keep it Going" part refers to comments posted on nj.com. Should you wish to view the numerous articles written about the issues at St. Theresa and St. John, you will see that many of these comments are so vile, so personal in nature and so untrue. If you look at the comments posted in particular of besh9094 and beezlebrox, which collectively total in the hundreds, it is my belief that you will come to the conclusion they could have only been made by someone at the Archdiocese and/or St. Theresa. I am also enclosing my correspondence to Deacon Joe about this Petition and related responses regarding the Petition and Face Book posts from my husband and his counsel.

As a mother, my ultimate responsibility is to protect, nurture and teach my children. I have chosen to do that by raising them in the Catholic faith in which I was raised. After reading the enclosed, I would welcome the opportunity to meet with you privately to discuss this matter and if at all possible before the new set of legal papers that are to be filed with the Court on March 1, 2017.

Very truly yours,

A handwritten signature in black ink, appearing to read "Theresa E. Mullen". The signature is written in a cursive style with a large initial "T" and "M".

TERESA E. MULLEN

THERESA E. MULLEN

[REDACTED]
[REDACTED]
[REDACTED]

June 6, 2016

Via Hand Delivery and Via Facsimile (973) 497-4249

Dr. Margaret Dames, Ed.D.

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

I am the mother of three (3) children who currently attend St. Theresa School (STS) in Kenilworth, New Jersey, Brian, fourteen (14), Sydney, twelve (12) and Kailey, ten (10). Brian, who has been at the school for ten (10) years, since Pre-K 4, will be graduating tomorrow evening. Sydney has been at STS for eight (8) years, also since Pre-K 4 and Kailey for seven years because Pre-K 3 was available when she began school.

Page 12 of the current STS Handbook, states in pertinent part:

"Harassment occurs then, when one person makes repeated verbal, written, physical, or internet contact with another person who does not want these contacts. Bullying is a particular type of harassment that generally involves some force, whether overt or subtle."

"Bullying/Cyber Bullying/Social Networking Behaviors are described but not limited to the 6 categories listed. All bullying behaviors are considered a severe offense."

The 6 categories listed are:

- 1) Physical Aggression, which includes:

Physical acts that are demeaning and humiliating

- 2) Social Alienation, which includes:

Setting up another student/adult to look foolish or to embarrass

Setting up to take blame

Publicly humiliating

Rumor spreading

- 3) Written/Verbal Aggression

- 4) Intimidation
- 5) Sexual Harassment, which includes:

Inappropriate remarks, gestures, sounds
Physical acts that are degrading/demeaning

And

- 6) Racial or Ethnic Harassment.

Unfortunately, due to what can only be described as a very disturbing pattern of behavior, my husband and I have been at STS for scheduled appointments more times in the past 3 months than in the entire 10 years that my son has been attending school. This behavior, which initially involved students at STS was negatively affecting my daughter Sydney. However, due to the disturbing conduct and behavior of STS faculty and the school principal, Sydney has been re-victimized and now my son Brian has also been negatively affected.

I am writing this letter as a result of the series of events which have occurred over these past few months, the last of which took place this past Friday at STS, June 3, 2016. A brief summary of these events follows in the paragraphs below due to time constraints with graduation taking place tomorrow.

On March 14, 2016 I made an urgent appointment with Sr. Helene, the school principal, for 2 reasons. The first reason was because I learned on the evening of March 11, 2016 after a Mother-Son dance at STS that an 8th grade female student received a picture of a gun from a male Brearley student who was frequenting STS property after school. My husband, who is a retired police captain in Kenilworth, had just recently asked these students to leave STS property because they were causing a disturbance. Immediately alarmed and concerned, I asked the STS student from whom I learned about the picture to send it to me.

I forwarded this picture to my husband and asked him to report the incident to the police, which he did the following morning. Because I was concerned for the safety of the STS community, I showed Sr. Helene this picture at the March 14, 2016 meeting and told her what I had learned. I asked my husband to tell Fr. Joe, the pastor of St. Theresa Church, about this incident, which he did that same day.

The second reason for the meeting was that my daughter Sydney told me on March 12, 2016 that two boys in her class were making sexually inappropriate gestures, including what can best be described as humping and gyrating on desks in class when the teacher, Sr. Juliatt had her back turned. She also said that they were saying sexually inappropriate things.

Sydney conveyed that she reported these incidents to Sr. Juliatt on several occasions and Sr. Juliatt told her that she would take care of it, but that the boys were still doing it. On March 12, 2016 I also learned from another mother that these boys were also saying sexually inappropriate things and I wanted to make sure Sr. Helene was aware of this behavior and would take the appropriate action.

This sexually inappropriate behavior did not cease and my daughter then repeatedly requested of Sr. Juliatt to speak to Sr. Helene, directly. These requests were denied.

On May 9, 2016, one of these boys told a female student to "suck his d***" in another class. My daughter asked to see the principal, along with 2 other girls and the teacher let them go. They were told they had to make an appointment and were made to wait for almost an hour. This student's mother is also an employee of the school.

What ensued after this report was made was this employee staring my daughter down in recess in a clear intimidation attempt, a smear campaign against her stating that she was a trouble-maker, that the girls in the class had an active imagination, that these girls were liars and so much more. Most of this occurred on school premises and can only be characterized as classic re-victimization and intimidation by faculty.

Shortly thereafter my daughter and two other students reported another incident to Sr. Helene where the word "rape" was used by one of these students.

Many parents, outraged, made appointments, including my husband and me, with Sr. Helene because nothing was being done to stop this behavior that had been going on for months and which was making students uncomfortable.

On May 18, 2016, Ms. Duffy, who I believe is a part-time substitute employee, was brought in as a guest speaker for the class. She basically re-victimized, harassed and intimidated the girls who came forward and attempted to make them feel guilty. One of these girls was even made to cry.

Outraged that the classic unacceptable re-victimization behavior was continuing I made another appointment with Sr. Helene. I also expressed my dissatisfaction that Sr. Juliatt failed to address the sexually inappropriate behavior and also refused to let my daughter report it to the principal.

To make things worse, the re-victimization and intimidation did not stop.

On May 20, 2016 Sy [redacted] was re-victimized again by another faculty member and was told that she was the problem in a class and that other teachers thought so.

On May 22, 2016 I logged on Power School to view my children's grades. Sy [redacted]'s grades for the trimester were the worst in 8 years. Equally as disturbing was a 74 that B [redacted] received from Sr. Juliatt in literature, which was his worst grade ever. B [redacted] told me he had not even received the test grade yet.

I immediately wrote to Sr. Juliatt, who admitted that she had not distributed the test results.

Another appointment made and back at school on May 23, 2016 for the May 20, 2016 incident. Once again I expressed this "re-victimization" behavior and was told that it was a "coincidence" that Sy [redacted] was called out in class and made an example. Ironically enough, I learned during this meeting that Sy [redacted] had told this teacher the week before that she did not want to sit next to a classmate, the same classmate who said "suck my d***" and the same classmate who had been gyrating and who was exhibiting sexually inappropriate behavior.

Br. received the test back. There were several red check marks indicating acceptable answers and one comment that not enough "words" from the story were used. Nothing else on a completely subjective test except for 5 definition questions which were entirely correct.

I reviewed the story and could not explain the poor grade to him. Br. went to Sr. Juliett and the test grade stood. The following week he took the Final Exam. His grade was perfect on the objective part of the exam, but again points were taken off in the subjective part. Br. went to Sr. Juliett and she would not change the grade. I am not permitted to see the Final Exam.

Since Br. has been at STS he has been an exceptional student. To put things into perspective, during one of his high school entrance exams he was given an IQ test and he tested at the genius level. He was accepted into every high school to which he applied, received perfect scores on many sections of these tests and received about 25% of the entire scholarship monies awarded to his entire class of 28 students. Specifically, he received \$108,000 from four schools out of the approximate \$406,000 awarded in total. He has earned First Honors every year and was the only STS student to win an award in a core subject, (with the exception of Religion) at the Scholastic Olympics (Mathematics). I had no doubt that he might be the class valedictorian and have no doubt that this was a well known fact at STS for years, as teachers and parents had expressed to me he was the smartest child in the school, even before he was in 8th grade.

Because I was concerned that Br.'s recent subjective grades from Sr. Juliett could affect his class standing, my husband met with Sr. Helene on May 31, 2016, expressed our concern and requested that before the valedictorian was announced that we be notified so that we could take the appropriate steps if it were not Br.. I thought this was the best way possible to approach the situation and if Br. was not the valedictorian, I could verify this with the figures and explain this to him. I could also determine what impact the recent subjective grades had on the final computations.

Sr. Helene agreed to notify my husband in advance.

Sr. Helene did not keep her word and announced the valedictorian and salutatorian to Br.'s class this past Friday, June 3, 2016 BEFORE she called my husband. Br. was not the valedictorian. My husband was understandably upset and requested another meeting. He could not believe that Sr. Helene lied and expressed his dissatisfaction with her over the telephone. He then proceeded to the school to schedule the meeting and to pick-up the children because there was a school half-day. When he arrived the Police were there waiting for him because Sr. Helene had called them.

I was at work when all of this occurred and requested an immediate meeting, with Sr. Helene and Ms. Pakulski, who computed the class rankings. During this meeting Sr. Helene could offer no explanation why she failed to keep her word. I requested specifics about the numerical difference between valedictorian and salutatorian. However no information was provided to me other than it was by less than one point and that if you took Sr. Juliett's class out of the mix, Br. still would not have won, a rather "rehearsed" answer without any figures to back it up. I was also handed a numerical sheet with Br.'s alleged final averages without any back-up.

It is apparent why Sr. Helene did not keep her word—because a challenge now looks like sour grapes to the child that was announced as valedictorian. There is also no doubt that the timing of the announcement was carefully planned as it was announced on Friday. With STS being closed until today and graduation being tomorrow, there is little time to be heard.

There is no doubt what has happened here is classic re-victimization, intimidation and retaliation. First against a child who had the courage to come forward and report completely inappropriate sexual behavior and now against a child who has had a stellar academic record for 10 years. And finally a call to the Police against a parent who dared to question a STS Principal as to why she failed to keep her word.

This pattern of behavior which has also resulted in "protecting one's own" is completely unacceptable and I will not and cannot in good conscience allow this to continue.

It is unfortunate that I am left with no other alternative but to write this letter. I do so reluctantly and with a heavy heart. I was married at St. Theresa, all of my children were baptized there and my first job out of law school was with the Archdiocese of Newark. However I have 3 children in this school who have never been a behavioral or academic problem. All have been on the Honor Roll and Sydney and Brian are members of the Junior National Honor Society. I do not want Kathleen, who has not yet been negatively affected, to be victimized.

I have tried repeatedly to speak to those in authority at STS to no avail and the victimization, retaliation and intimidation continues.

By way of this letter I am requesting an immediate meeting with the Archdiocese before graduation tomorrow evening. I am also requesting the written policy of how the valedictorian/salutatorian is computed be provided to me, including how the Advanced Math class is weighted, together with exactly how it was calculated this year with back-up figures so that I can confirm that it was accurately done. At least then I can give my son, who is clearly upset, the closure that he needs. There is no question that I have had mathematical discrepancies in the past which needed to be corrected.

I am also putting STS and the Archdiocese on notice to preserve all of these requested materials in the event that they are not voluntarily given to me.

Since time is of the essence here, I have not gone into greater detail of how poorly the sexually inappropriate behavior was addressed.

There is no doubt that those in authority STS violated the very provisions of its Handbook which address harassment and bullying with respect to my family and those students who were harassed for the reasons stated herein.

I ask that the Archdiocese immediately schedule the meeting requested and that these issues be addressed as this pattern can not be allowed to continue.

Very truly yours,


THERESA E. MULLEN

cc: Sr. Patricia Butler, SC
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

THERESA E. MULLEN

June 8, 2016

Via Facsimile (973) 497-4249
Sr. Patricia Butler, SC
Office of the Superintendent of Schools
171 Clifton Avenue Newark, NJ 07104-0500

Dear Sr. Butler:

This letter will confirm our conversation yesterday wherein I declined your suggestion that I contact STS to make an appointment with Sr. Helene, Ms. Pakulski, myself and B. This letter is limited to the valedictorian issue.

As I stated in my June 6, 2016 letter, I have tried repeatedly to speak to those in authority at STS to no avail and the victimization, retaliation and intimidation continues. I will not allow B. to be subjected to this continued conduct and without the information I requested, B. would not have gotten the closure that he deserved and the closure that was promised before Sr. Helene chose to renege on her word.

There is no question that Sr. Helene did not keep her word. That is precisely why I requested an immediate meeting with the Archdiocese before graduation which was not granted.

At the meeting which both my husband and I attended with Sr. Helene, she could offer no explanation why she failed to keep her word. When I requested specifics about the numerical difference between valedictorian and salutatorian no specifics were given to me other than it was by less than one point and that if you took Sr. Juliett's class out of the mix, B. still would not have won. As previously noted, I found this response to be a rather "rehearsed" answer without any figures to back it up and I was also handed a numerical sheet with B.'s alleged final averages without any back-up.

Last year I was told that the valedictorian was decided by .01 of a point, making it clear that exact results were not secret at STS and that they were disclosed in past years. This numerical result from last year was confirmed at the meeting with Sr. Helene and Ms. Pakulski, yet I still was not given the information I requested, which begs the question--why not if there is nothing to hide, that Sr. Juliett's grades did not have an impact and that STS is certain that there were no miscalculations and that the results are accurate?

There is no doubt in my mind why Sr. Helene did not keep her word--because a challenge now looks like sour grapes to the child that was announced as valedictorian. There is also no doubt that

the timing of the announcement was carefully planned as it was announced on Friday leaving B. without the opportunity for closure before graduation. This conduct is wrong on so many levels for the reasons I previously expressed resulting in B. graduating yesterday without the answers that were promised by STS.

Yet despite the fact that the conduct of STS is a clear attempt to cast me in an unfavorable light for challenging the determination, I can not allow this bullying, re-victimization and intimidation to continue. Again I ask, if there is nothing to hide and the information used to calculate is readily accessible---why is it being withheld?

The pattern of behavior and conduct already described is deplorable and I am not abandoning my requests despite the fact that graduation is over without my child getting the closure that he deserved before graduation took place, a closure that was promised by Sr. Helene.

Before the valedictorian was announced, I wanted to be notified so that we could take the appropriate steps if it were not B. There is no question that this was the best way possible to approach the situation because it would have allowed me to verify the figures and to determine what impact the recent subjective grades had on the final computations. If STS were right, I could have explained everything to B. before graduation. STS purposefully, despite its promise to the contrary, wrongfully deprived me of this opportunity and there is no plausible explanation why.

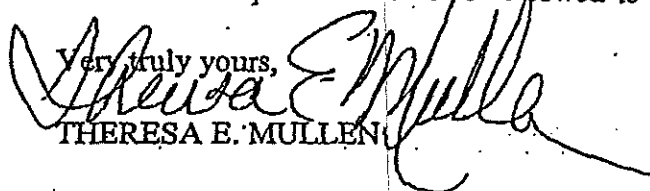
Once again I am requesting the written policy of how the valedictorian/salutatorian is computed be provided to me, including how the Advanced Math class is weighted, together with exactly how it was calculated this year with back-up figures so that I can confirm that it was accurately done. At least then I can give my son, who is still clearly upset, the closure that he needs. There is no question that I have had mathematical discrepancies in the past which needed to be corrected.

This pattern of behavior which has also resulted in "protecting one's own" continues.

~~If the Archdiocese refuses to give me this information, I remind STS and the Archdiocese by way of this letter that both have been put on notice to preserve all of these requested materials in the event that they are not voluntarily given to me and that additional action needs to be taken.~~

There is no doubt that those in authority STS violated the very provisions of its Handbook which address harassment and bullying with respect to my family and those students who were harassed for the reasons stated previously and herein.

~~I ask that the Archdiocese immediately schedule the meeting requested and provide me with the information I requested so that these issues be addressed as this pattern can not be allowed to continue.~~

Very truly yours,

THERESA E. MULLEN

cc: Dr. Margaret Dames, Ed.D.
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

THERESA E. MULLEN

June 15, 2016

Via Facsimile (973) 497-4249

Dr. Margaret Dames, Ed.D.

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

It has been over one week since graduation and one week since my June 8, 2016 correspondence. I have not received any response. Every day that passes is another day where there is no closure for Biddis.

As a result, I can only surmise that the Archdiocese has elected not to schedule the meeting I requested and has chosen not to supply me with the information I requested. Please be advised that if there is no response by week's end, I will have no other choice but to take this matter to the next level. I hope this is not necessary.

Very truly yours,


THERESA E. MULLEN

cc: Sr. Patricia Butler, SC
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

THERESA E. MULLEN

June 27, 2016

Via Facsimile (973) 497-4249

Sr. Patricia Butler, SC

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Sr. Butler:

This letter will serve as a response to your June 13, 2016 correspondence, in part, requesting the names of students who were involved in the sexually inappropriate behavior that was continuing for months at STS, as well as the names of the students who reported this behavior. This information can easily be obtained from Sr. Helene.

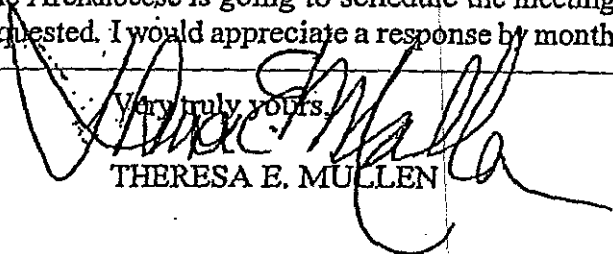
I did not name these students in my letters because it is the failure of STS to properly address what was occurring at the outset and the negative impact it had on my children that was my purpose in contacting the Archdiocese. As I stated in my initial correspondence "...due to the disturbing conduct and behavior of STS faculty and the school principal, Sy [redacted] has been re-victimized and now my son B [redacted] has also been negatively affected."

Other parents can speak for themselves. I also stated that many parents, outraged, made appointments, including my husband and me, with Sr. Helene because nothing was being done to stop this behavior that had been going on for months and which was making students uncomfortable. The 6th grade class is not that large. Certainly those parents can be contacted by the Archdiocese.

In addition, I did not assert that B [redacted] should have been valedictorian in any of my letters. The fact remains that despite all of my requests, I still do not know and I still have not been provided with the information requested which has denied me the opportunity to verify the results.

Once again, I am inquiring as to whether the Archdiocese is going to schedule the meeting and is going to supply me with the information I requested. I would appreciate a response by month's end.

Very truly yours,


THERESA E. MULLEN

cc: Dr. Margaret Dames, Ed.D
Sr. Helene Godin, FMA
Fr. Joseph Bejgrowicz

THERESA E. MULLEN

November 8, 2016

Via Hand-Delivery

Dr. Margaret Dames, Ed.D
Sr. Patricia Butler, SC
Office of the Superintendent of Schools
171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames and Sr. Butler:

This letter will serve as my 5th correspondence to the Archdiocese regarding my repeated requests for a meeting and for information. It has been OVER 5 months since my first request and absolutely nothing has been done to my knowledge.

There also has not been any response to my last correspondence dated June 27, 2016, despite the fact that the June 13, 2016 letter from the Archdiocese indicated that the issues I defined were being looked into. This last correspondence from the Archdiocese was sent almost 5 months ago.

As I stated in my initial correspondence, in pertinent part "...due to the disturbing conduct and behavior of STS faculty and the school principal, S. [redacted] has been re-victimized. This "revictimization" has not ended in this new school year and less than two weeks ago, parents confronted S. [redacted] on school property at a school function. I am attaching a recent e-mail dated November 4, 2016 sent to Deacon Joe, together with his response, which failed to address any action to be taken by STS with regard to the "trunk-or treat incident" described. (This response did address STS Girls Basketball which will be discussed below).

As I stated to Deacon Joe, it is no coincidence that S. [redacted] was excluded after a serious incident was reported to him about the child of these parents. Adults and children have been instructed to follow the "see something, say something" policy which she did last year and again this year.

~~I will not continue to let S. [redacted] be "re-victimized" while those in authority fail to take appropriate action.~~

I am also attaching the recent correspondence dated November 1, 2016 between myself, the St. Theresa Athletic Director (AD), Rich Donovan and Deacon Joe to which I have received no response, other than on November 4, 2016 from Deacon Joe as already noted and I asked to receive a response no later than yesterday.

While I am not going to get into the particulars of last year with respect to the Girls Basketball program in this letter, I believe that there is no question that there was an obvious attempt by the AD to sabotage the Girls program, which occurred again this year. I let it go last year because I was

given a short time to enter a team and to refute all of the misinformation that the Archdiocese received from the AD.

In light of what is contained in this correspondence, what is contained in the attachments and in last year's correspondence, I am asking for an immediate investigation of the AD's conduct by STS and the Archdiocese.

This year I am told that I will not be given any time to enter a Girls Team despite the fact that there was NO DEADLINE on the basketball forms distributed by the AD. (Emphasis supplied). In light of this decision, which I believe is completely unfair, I am also attaching my November 3, 2016 correspondence to the AD with the completed forms which included a request that Sydney be placed on the Boys 7th Grade Varsity Team, since there will be no Girls Team. There also has not been any response from the AD.

As I noted in my November 1, 2016 correspondence:

There is no doubt that Sydney is the best 7th Grade basketball player in the school—both boys and girls. I am not making that statement because she is my daughter. I am making it because it is true. If there is a dispute I am willing to have any independent evaluator chosen to evaluate and confirm.

I further stated:

If the Archdiocese will not let STS enter a girl's team, then the fact remains that Sydney wants to play basketball, deserves to play basketball and it is my assertion that she has to be given an opportunity to do so at STS because there is a basketball team upon which she can play. Again if there is a written rule to the contrary, please provide it to me immediately.

I have reviewed the 2015-2016 website and there is no restriction that I have seen. In addition, it states that "Rosters must be submitted by the first game." Therefore there is no question that Sydney can be added and that I can coach.

There is no question that Catholic school girls are and have been permitted to play on Boys basketball teams when there is no comparable Girls team. To that end I am attaching the pertinent page from the Holy Trinity Church website in Webster, NY which allows for this EXACT THING. (Emphasis supplied). The entire website can be found at <http://holytrinityweb.com/cyo.php>.

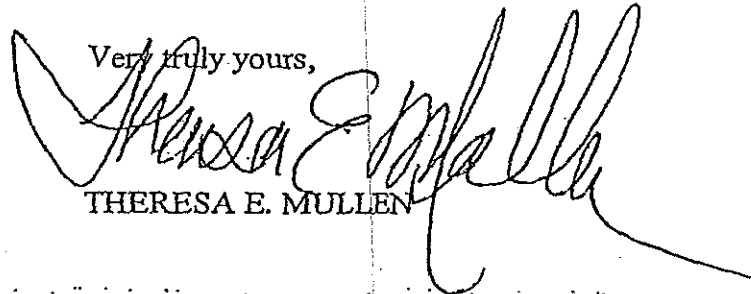
Once again, I am inquiring as to whether the Archdiocese is going to schedule a meeting, is going to supply me with the information I requested and if it is going to take immediate action to address all of the issues I have repeatedly outlined before something even worse occurs. I am also asking if the obvious continued re-victimization of Sydney is going to be permitted to continue without any consequences.

Certainly I cannot afford to let more time go by.

Finally, in accordance with my request last week regarding placing Sydney on the 7th grade Boys Basketball roster and naming me as a coach, time is also obviously of the essence because the CYO rules state that additions to the roster must be done before the first game. Therefore I need a written response which I have requested both from STS and from the Archdiocese. My email address is contained in the attachments, Sydney@holytrinityweb.com.

If I fail to receive a response by the close of business tomorrow, I will have no other choice but to take all of the aforementioned to the next level. I am not copying Rich Donovan on this email because of what he has stated. I am copying Deacon Joe as the current STS Principal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Theresa E. Mullen', written in a cursive style. The signature is positioned above the printed name.

THERESA E. MULLEN

cc: Deacon Joe Caporaso

THERESA E. MULLEN

November 18, 2016

Via Hand-Delivery

Dr. Margaret Dames, Ed.D

Office of the Superintendent of Schools

171 Clifton Avenue Newark, NJ 07104-0500

Dear Dr. Dames:

This letter will serve as my 6th correspondence to the Archdiocese wherein I have repeatedly requested a meeting and information. The Archdiocese to date has not even given me the courtesy of a meeting despite my previous letters dated June 6, 2016, June 8, 2016, June 15, 2016; June 27, 2016 and November 11, 2016, in which I detailed serious concerns and issues at St. Theresa School.

This letter will serve as a final request for a meeting. If a meeting is not scheduled by the close of business today, I will have no choice but to file the appropriate legal paperwork on Monday, which I hope is not necessary.

Very truly yours,


THERESA E. MULLEN

cc: Cardinal-Elect Tobin

2

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER
2008 S 2017 000023

THE STATE OF NEW JERSEY
VS.

THERESA MULLEN

KENILWORTH BOR MUNICIPAL COURT
567 BOULEVARD
KENILWORTH NJ 07033-0000
908-276-1104 COUNTY OF: UNION

ADDRESS: **[REDACTED]**
[REDACTED] NJ **[REDACTED]**

of CHARGES: **1** CO-DEFTS: POLICE CASE #:

DEFENDANT INFORMATION
 SEX: EYE COLOR: DOB:
 DRIVER'S LIC. #: DL STATE
 SOCIAL SECURITY #: SBI #
 TELEPHONE: **[REDACTED]**
 LIVSCAN PCN #:

COMPLAINANT NAME: **JOSEPH BEJGROWICZ**

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **02/02/2017** in **KENILWORTH BORO**, **UNION** County, NJ c
 WITHIN THE JURISDICTION OF THIS COURT, AFTER HER DEFENDANT CHILDREN WERE
 EXPELLED FROM SCHOOL, AFTER NUMEROUS REQUESTS FOR DEFENDANT TO LEAVE ST. THERESA
 SCHOOL SHE STILL REFUSED TO LEAVE. KENILWORTH POLICE DEPARTMENT WAS ASKED TO
 ASSIST IN HAVING DEFENDANT LEAVE.

THIS IS VIOLATION OF **2C:18-3B**
 PROBABLE CAUSE WAS FOUND BY JUDGE VITALE

In violation of:

Original Charge	1) 2C:18-3B	2)	3)
Amended Charge			

CERTIFICATION:

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

Signed: *Joseph Bejgrowicz* Date: 2/10/17

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS

Probable cause IS NOT found for the issuance of this complaint:

Signature of Court Administrator or Deputy Court Administrator _____ Date _____ Signature of Judge _____ Date _____

Probable cause IS found for the issuance of this complaint-summons:

SUMMONS: YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of _____ at the following address:

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: Appearance Date: **02/21/2017** Time: **09:00AM** Phone: _____
 Signature of Person Issuing Summons *Judge Vitale* Date 2/10/17

Domestic Violence - Confidential Related Traffic Tickets or Other Complaints Serious Personal Injury/ Death-Involved

Special conditions of release:
 No phone, mail or other personal contact w/victim
 No possession firearms/weapons
 Other (specify):

3

On Friday morning October 28th Divisions would be locked and Steve would start his prep in making the scheduling packets for each program. With 19 programs this will take him almost 5 days to do. This would include all matchups, divisions etc.

Saturday November 5th would be the scheduling meeting at St. Agnes – 8:30am start.

So I get that she wants to live in the past and use that as her reference... but we are using a different timeline this year. One that the deadline passed a week ago and that volunteers have been working for 4 days now to prep for this weekend for.

After speaking with my Boss tomorrow I will make the recommendation that our Office bring this to the attention of Jim Goodness and the Communications Office tomorrow. I unfortunately do not see this getting any better before it gets worse and I honestly don't know how far she plans to take this. I just want to make sure if she reaches out to anyone in Chancery he is versed on the subject.

~~I will also defer to my Boss's and Jim's thoughts and decisions if my involvement in this moving forward presents any conflict of interest and if I should be removed from this situation.~~

Finally lol I just leave you with this... she likes to pull the "Catholic Card" at the end of her email. Might I remind you all that Jesus also made a whip and chased people out of the temple and flipped tables in anger – all actions he felt justifiable.

Have a good night... Go Cubbies!

Peace,
Rich +

Rich Donovan
Associate Director, Office of Youth & Young Adult Ministry
Archdiocese of Newark, NJ www.rcan.org
Archdiocesan Youth Retreat Center
499 Belgrove Dr, Kearny NJ 07032
Office 201-998-0088 x 4150
Cell 908-447-4948
Web: www.newarkovm.com

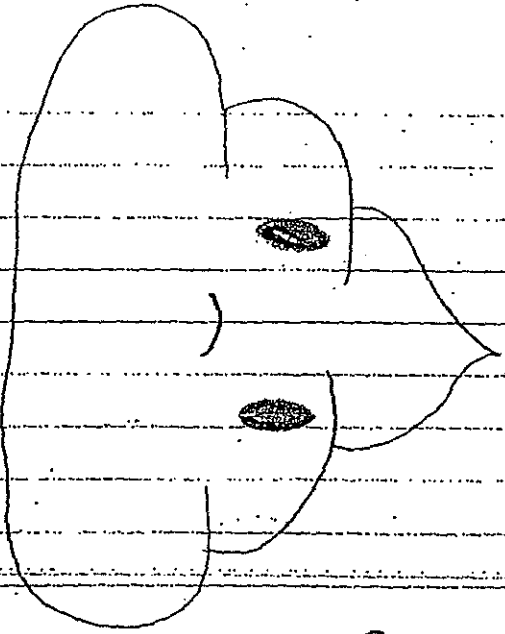
From: Theresa E. Mullen [mailto:ssp-9@comcast.net]
Sent: Tuesday, November 01, 2016 9:07 PM
To: Donovan, Richard <DONOVARI@rcan.org>; 'Anh Bul' <anh.bul@nyu.edu>
Cc: jsttheresa@aol.com; helenegod1n19@gmail.com; securityserviceplus@gmail.com; jcaporaso@mysts.org; principal@mysts.org
Subject: RE: STS Girls Varsity Basketball

This reply will serve as a response to the e-mails of Rich and Anh below. Since there are allegations by Rich of what was said in a one-on-one conversation that my husband had with him today, I am copying Scott on this email. Also I have no idea whose email is jsttheresa@aol.com and would like clarification.

The only reason I ever reached out to Rich is because I was directed to do so by Fr. Joe and Anh Bul. Rich knows that because I told him so each time. In fact, I contacted Rich for the first time last year when Fr. Joe directed me to do so. Fr.

4

STAY



STRONG

~~Love~~

and love

Dear ~~Sam~~

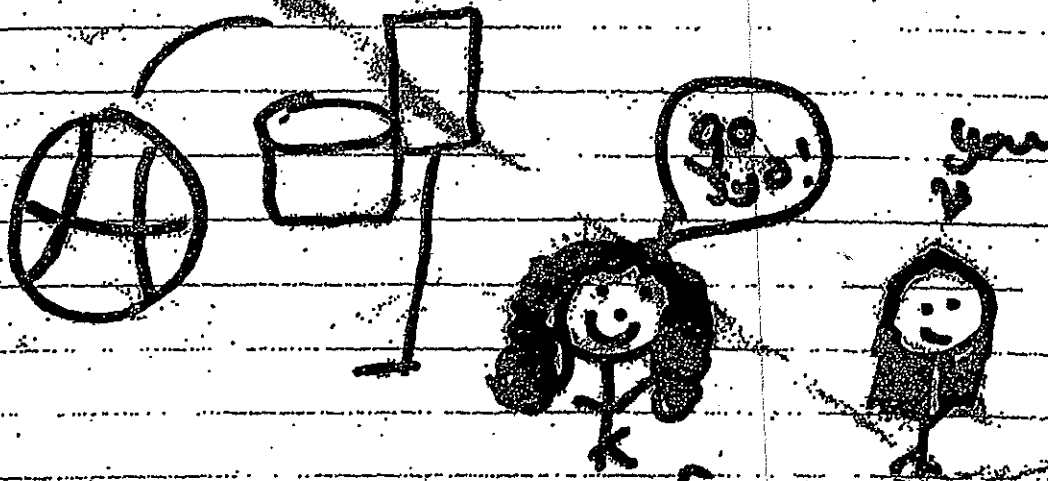
We miss you so much. School isn't the same with out you. You deserve to be here. You are such an amazing friend + person. You are such an amazing basketball player. We miss you!

~~Love~~
~~_____~~
~~_____~~

Dear Syd

I miss you Syd,
class isn't the
same anymore, I wish
you could come back,
I'm sorry this isn't the
best, I'm not artistic,
we all really miss you
your such an amazing
person

Love,



(I know I ~~am~~ ^{me} stink at drawing)

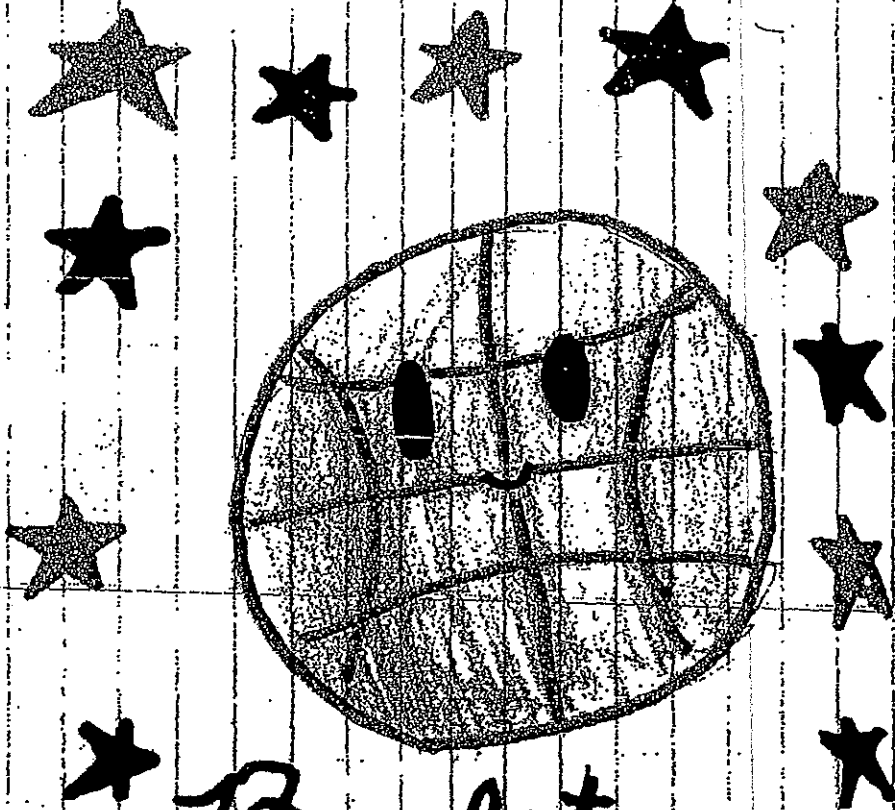
Dear ~~Mr~~

We cant stop crying.

We miss you already its
so quiet

Love

~~MM~~



Be dat

~~BLANK~~



~~BLANK~~

Dear Sybil, I cant believe this day has come... I will never forget you. You will always be my bestie 4 ever until we die. - ~~_____~~ ♥

~~_____~~
Ove

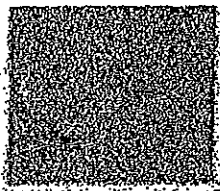
Dear Sybil, I am so upset you are leaving. I am so upset I will never forget you. You will always be one of my best friends. - ~~_____~~

Dear Sybil, What's Good? Heaven! I were one of my best friends and I'm so sad you won't be able to see my face every day. I will still annoy you every day over the phone and try to see you w/ the bomb.com - ~~_____~~ ♥

Dear Sybil Its ~~_____~~ this is last minute but I have to say you were my best friend and we will happily see each other more. Its not the same without you. I was looking forward to graduated with you, but now that will never happen. we will always be SOAP... ~~_____~~ ♥

~~_____~~ ~~_____~~ ~~_____~~ ~~_____~~ ♥
~~_____~~ ♥

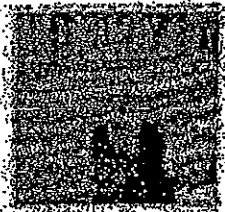
5



Theresa Roseanne Brand

Agree totally

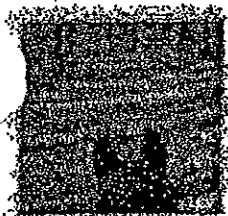
3 minutes ago · Like · Reply



Nicki Janeczek Popola

Tobin is a coward.

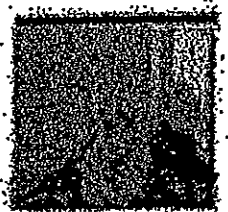
1 minute ago · Like · Reply



Nicki Janeczek Popola

A politician that hides behind a cross.

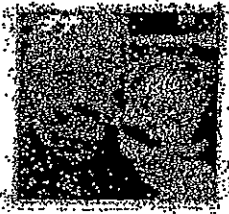
Just now · Like · Reply



Christine Pepe Mattos

Unfortunately the reality in the past several years has been if you threaten the





Matt Popola

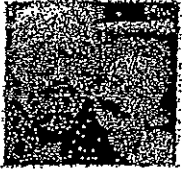
So you take your kids out, and the assholes truly do win. Their kids are learning lousy lessons, but let's keep teaching our kids to be upstanding Christian citizens. If there's a bully in the class, and all the kids pay no heed, the bully has no power over them. Do not cut and run, STS Parents! Fight by staying! Perhaps Tobin thought it in the best interest of the students, here and now, to get rid of the heat. I agree with that.

the class, and all the kids pay no heed, the bully has no power over them. Do not cut and run, STS Parents! Fight by staying! Perhaps Tobin thought it in the best interest of the students, here and now, to get rid of the heat. I agree with that. But to sacrifice your kids' education because of one douchebag family is just reactionary.

1 minute ago • Like • Reply

Someone is writing a comment...

What's on your mind?



Matt Popola shared Wanda Grimaldi's post.

3 mins · 🗨️

Where's mom during all this?



Wanda Grimaldi with Robert A Grimaldi.

50 mins · 🗨️

Very well said!!!!



Parents of basketball girl who sued school are teaching her narcissism, not justice



Wanda Grimaldi

You play hard, you are going to fall hard.

3 minutes ago · Like · Reply



Rich Harrington

Unfortunately, the real cost is that the reputation of this exceptional school is being dragged through the mud over one child and an **EXTRACURRICULAR** activity. This hurts hundreds of families who simply want a great education for their children.

Just now · Like · Reply

*** Someone is writing a comment...



Robert A Grimaldi shared Wanda Grimaldi's post — at 9 Church of St. Theresa - Kenilworth, N.J.

39 mins · Kenilworth · @

And as Paul Harvey used to say and now the rest of the story

Well at least a little bit more

And they should really stop putting the adolescent photo on these things

And they should post pictures of the parents instead



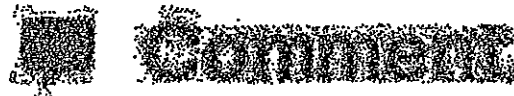
Wanda Grimaldi with Robert A Grimaldi.

1 hr · @

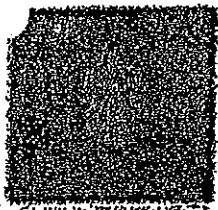
Very well said!!!!



they will have to ensure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.



4



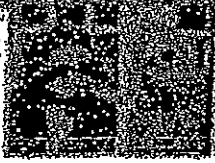
Patricia Rimli Blicharz

Wow You go boys. I hope you play awesome. As for the P.O.S sit your ass down and shut your pie hole. MONKEY DICK.

14 minutes ago · Like · Reply



Denise Wulstein Jacome



Mary Ferris

49 mins ·

May God bless our boys today as they play their last game. Unfortunately, due to cowardice, they will have to endure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.



Like

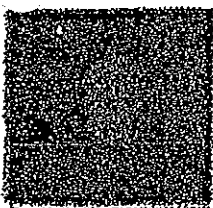


Comment



Share

004



Patricia Rimli Blicharz

Wow You go boys. I hope you



Wanda Grimaldi

Can't say, I Never saw them play. But I can say this. Rules are rules! And it seems if they don't like the rules they sue.....CYO rules are different from Public school rules. I send my child to STS for those rules. It's about the whole picture here.

1 minute ago · Like · Reply



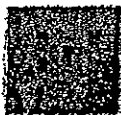
Write a reply...



Wanda Grimaldi

You play hard, you are going to fall hard.

3 minutes ago · Like · Reply



Rich Harrington

Unfortunately, the real cost is that the reputation of this exceptional school is being dragged though the mud over one child and an EXTRACURRICULAR activity. This hurts hundreds of families who simply want a great education for their children.

Just now · Like · Reply



Someone is writing a comment...



Robert A. Grimaldi shared Wanda Grimaldi's post — at Church of St. Theresa - Kenilworth, NJ.

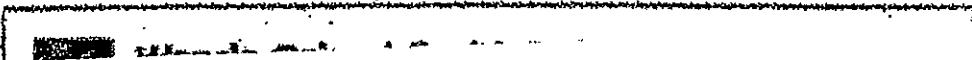
39 mins · Kenilworth ·

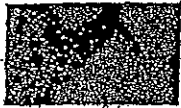
And as Paul Harvey used to say and now the rest of the story

Well at least a little bit more


And they should really stop putting the adolescent Photo on these things

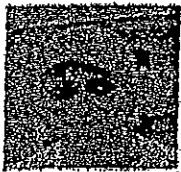
And they should post pictures of the parents instead





Yes!

49 minutes ago · Like ·  1 · Reply



Robert A Grimaldi

A little bit of the other side

At least this part of the media address the parents and stop dragging the child who has nothing to do with it through the headlines

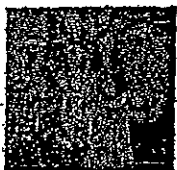
28 minutes ago · Like ·  3 · Reply



Lucille Cier

I agree 100 percent!!

24 minutes ago · Like ·  1 · Reply



Lisa Muscolino Bergamotto

Mark's basketball team just played against a team with two girls on it.. St. John the apostle, a team in our diocese and CYO. why there and not at St. Theresa's?

Seems like this is personal not policy.

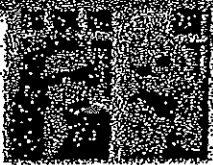
9 minutes ago · Like · Reply



Wanda Grimaldi

Those girls were removed from the team after the coach made a mistake. He admits his mistake too! And yes it is personal... It does seem like the Phillips have personal issues with STS.

6



Mary Ferris

13 mins ·

May God bless our boys today as they play their last game.

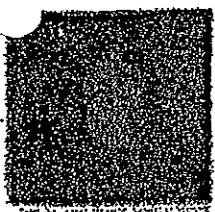
Unfortunately, due to cowardice, they will have to endure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.

Like

Comment

Share

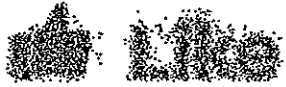
4



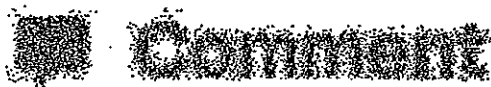
Patricia Rimli Blicharz

Wow You go boys. I hope you

...way you have to ensure someone
who publicly degraded them, and
bullied the system. I'm sure you
will all see it on the news.



Like

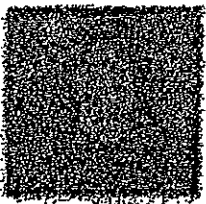


Comment



Share

004



Patricia Rini Blicharz

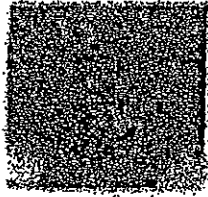
Wow You go boys. I hope you
play awesome. As for the
P.O.S Sit your ass down and
shut your pie hole. MONKEY
DICK.

14 minutes ago · Like · Reply



Denise Wulstein Jacome

✦ [Like](#) ✦ [Reply](#)



Amber Protz Sierant

I didn't go either...

hope getting her way

gets her far because

in the process her

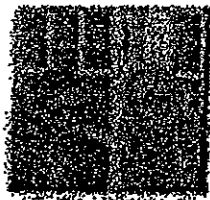
family screwed a lot of

other nice rule

following people

32 minutes ago · Like ·

✦ 2 · Reply

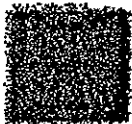


Mary Ferris

Absolutely honey

30 minutes ago · Like ·

Reply



Write a reply...

7

teresa E. Mullen

From: sbmccreafamlaw@aol.com
Sent: Tuesday, February 21, 2017 11:20 AM
To: CWestrick@carellabyrne.com
Cc: [REDACTED]
Subject: Re: Facebook posts

Dear Mr. Westrick: The email address that I cc my correspondence on is to Mr. Phillips and Ms. Mullen's home email address. The most recent correspondence was sent to you from Mr. Phillips. The family has used the same email address for years. How are you concluding otherwise?

I will forward to you a better facebook page that is not "cut off". The facebook page is from Ms. Ferris who is a tea aide at STS. Mr. Phillips' email indicates that this post is from Ms. Ferris. Thank you. Susan B. McCrea

~~sbmccreafamlaw@aol.com~~

-----Original Message-----

From: Christopher Westrick <CWestrick@carellabyrne.com>
To: sbmccreafamlaw <sbmccreafamlaw@aol.com>
Sent: Tue, Feb 21, 2017 11:09 am
Subject: RE: Facebook posts

Ms. McCrea:

I am aware of this although I cannot tell from what Ms. Mullen supplied where this came from as it is cut off.

Furthermore, you emphatically told me on Sunday that

~~Ms. Mullen is not my client. If the Principal (Deacon Joe) of STS chooses to forward Ms. Mullen's correspondence to your office he certainly has every right to do so but it would not be appropriate for me to comment any further as to same as she is not my client and is currently not a named Plaintiff in the case.~~

I note that you continue to copy Ms. Mullen on emails as you have done throughout this matter. So do you represent Ms. Mullen or not? If not, then she will be dealt with directly, not through you. Please advise.

Christopher H. Westrick, Esq.

Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.

5 Becker Farm Road
Roseland, N.J. 07068

(973) 994-1700 (973) 994-1744 (Fax)

<http://www.carellabyrne.com> | cwestrick@carellabyrne.com | <http://www.carellabyrne.com/attorneys/christopher-h-westrick/>

From: sbmccreafamlaw@aol.com [mailto:sbmccreafamlaw@aol.com]
Sent: Tuesday, February 21, 2017 10:15 AM
To: Christopher Westrick
Cc: [REDACTED]
Subject: Facebook posts

Theresa E. Mullen

From: Theresa E. Mullen [s...]
Sent: Tuesday, February 21, 2017 8:37 AM
To: 'Joe Caporaso'
Subject: RE: Facebook posts
Attachments: Facebook Posts.pdf

Here is the attachments.

From: Theresa E. Mullen [s...]
Sent: Tuesday, February 21, 2017 8:35 AM
To: 'Joe Caporaso'
Subject: Facebook posts

Dear Deacon Joe:

Attached please find additional Facebook posts that have come to my attention involving STS faculty since Thursday's meeting which were brought to my attention after Sunday's basketball game. The post with 49 minutes on top is from Mary Ferris. Scott Phillips

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Susan B. Mullen

From: sbmccreafamlaw@aol.com
Sent: Sunday, February 19, 2017 12:05 PM
To: CWestrick@carellabyrne.com
Cc: [REDACTED]
Subject: Re: Phillips v. Archdiocese et al

Dear Mr. Westrick: Please see a corrected version of my email of today below. In my haste to send it to you before basketball game I had a couple of typos. I did not want you to misunderstand any part of the email by virtue of those errors. Very truly yours, Susan B. McCrea

sbmccreafamlaw@aol.com

-----Original Message-----

From: sbmccreafamlaw.sbmccreafamlaw@aol.com
To: CWestrick <CWestrick@carellabyrne.com>
Cc: [REDACTED]
Sent: Sun, Feb 19, 2017 11:39 am
Subject: Phillips v. Archdiocese et al

Dear Mr. Westrick:

I am in receipt of your email of Saturday, February 18, 2017 including Ms. Mullen's communication to Deacon Joe. I ask that you please refrain from sending me self-serving and divisive correspondence. As you know, I have at least twice tried to resolve this matter with you but Defendants have chosen not to come to the table and communicate regarding the same. That is their choice however sending this type of correspondence is not helpful or productive.

Ms. Mullen is not my client. If the Principal (Deacon Joe) of STS chooses to forward Ms. Mullen's correspondence to your office he certainly has every right to do so but it would not be appropriate for me to comment any further as to same as she is not my client and is currently not a named Plaintiff in the case.

With respect to the balance of your email, on behalf of Mr. Phillips, who is certainly aware of the petition, I am not exactly sure as to what you are referring. Is it only the comments attached to the petition that contains STS logo or is it the comments that Deacon Joe was provided with on Thursday, February 16, 2017, at the STS meeting called by the Archdiocese (by another parent) who also brought it to my clients attention? These comments include the STS Home Association President, current JV Volleyball coach and parent of a 5th grader at STS on social media who publicly stated that Cardinal Tobin was a "coward" and "a politician who hides behind the cross". Or is it the public comments on social media by her husband that called my client and his wife "assholes" and called the entire family including their children "douchebags"? Or is it the comments by the current 7th grade class mother and her husband who placed S.P.'s picture on their social media pages and made subsequent negative comments? Mr. Phillips was given these comments at the STS meeting and gave his copy to Deacon Joe.

Much of your email also addresses a police presence. To be clear the police were present on February 2, 2017, the day of explosion, at the request of your clients (the chief and two other officers), they were called by your client to the meeting at STS called by the Archdiocese on February 16, 2017 when Ms. Mullen arrived and now I learn they are being called by your client again for the basketball game this afternoon where S.P. will be playing per the Courts Order. The police presence these several times is absolutely consistent with my clients position that he and his family have been bullied, harassed, embarrassed and humiliated. Seemingly STS and the Archdiocese not only condones this behavior but encourages it.

My client has NEVER contacted the police and your gratuitous comments about whether you would call the police on my client was a former police captain and that his wife should call the police serves no other purpose than to inflame.

In addition, your comments about the Press are unwarranted, are also used to inflame and have absolutely nothing to do with my client. Your clients have previously given comments to the Press, have published its own Press Release on the Archdiocese website and have disseminated a Press Release with my clients name on it to every STS family at the time and throughout the many thousands of people who have read the Archdiocese website.

How your clients have handled the Press in the past, how they intend to handle the Press today if the Press chooses to cover the basketball game or how your clients choose to handle the Press going forward is their choice. How the Press chooses to cover this matter and how they have chosen to cover the matter in the past is their decision, not my client's.

Finally, I cannot help but comment about your statement that Defendants intend to fully comply with the Courts Order. Certainly, my clients and I have never suggested otherwise.

~~Very truly yours, Susan B. McCrea~~

sbmccreafamlaw@aol.com

----- Forwarded message -----

From: Theresa Mullen <~~smullen@comcast.net~~>
Date: Saturday, February 18, 2017
Subject: On-line Petition
To: Joe Caporaso <jcaporaso@mysts.org>

Dear Deacon Joe:

Last night I learned that an on-line petition which disparages my family and most importantly my daughters was published on social media and also in the Star Ledger. I am sure it has gone viral by now in places I will never see.

This mean-spirited petition also states things that are absolutely false and uses the STS Logo. I believe it started and was posted by an STS parent.

~~Unfortunately, Sy [redacted] independently discovered this together with horrible comments by STS~~
parents and others. There are even likes I am told by STS faculty.

No child should ever be subjected to this type of behavior.

This revictimization of Sy [redacted] and now most recently K [redacted] continues without end.

There are no words I can use to express just how devastated I am about what has happened and what continues to happen to my young children.

I am at such a loss right now.

Last year I repeatedly came to the school and wrote endless letters all in an effort to discuss what was happening:

Now my children who were raised at STS and who love STS continue to be repeatedly traumatized over and over again.

I am also very concerned about what might happen at tomorrow's basketball game.

I am attaching the link with this email for your review.

https://www.change.org/p/archdiocese-of-newark-catholic-schools-we-stand-with-sts-end-the-misrepresentation-of-st-theresa-school-in-kenilworth?source_location=minibar

Theresa Mullen

Sent from my iPhone

Information from ESET Smart Security, version of virus signature database 12804 (20151231)

resa E. Mullen

From: Susan B McCrea [sbmccreafamlaw@aol.com]
Sent: Saturday, February 18, 2017 2:49 PM
To: scott phillips; s [REDACTED]
Subject: Fwd: On-line Petition

Sent from my iPhone

Begin forwarded message:

From: Christopher Westrick <CWestrick@carellabyrne.com>
Date: February 18, 2017 at 1:17:30 PM EST
To: "sbmccreafamlaw@aol.com" <sbmccreafamlaw@aol.com>
Cc: "Charles M. Carella" <CMCarella@carellabyrne.com>
Subject: Fwd: On-line Petition

Ms. McCrea,

The below email, sent by your client to Deacon Joe a short while ago, has been forwarded to me.

Ms. Mullen seems to suggest a safety concern regarding "what might happen at tomorrow's basketball game". I have reviewed all comments to the referenced petition as of this writing, and do not see any threat nor suggestion of any violence such as would give rise to a safety concern. If I did, I would call the police myself. My clients have previously been advised to contact the Kenilworth Police Department concerning tomorrow's game. Before seeing this email, we felt it would be wise to request a police presence in light of the media attention your clients have brought to this case and the near certainty that they have invited press to attend the game. You should know that the press is NOT WELCOME on STS property and will be asked to leave immediately, so the Phillips family should not invite the press onto STS property nor encourage or enable them into accessing the property.

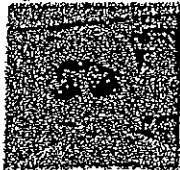
Notwithstanding the above, if your clients believe it is warranted or necessary due to a perceived danger or safety concern, I would suggest they contact the Kenilworth Police Department themselves. Since Mr. Phillips is a retired police officer I would assume he knows this already, but it bears repeating.

STS and the Archdiocese fully intend to comply with the court order issued yesterday.

Christopher H. Westrick, Esq.
Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.
5 Becker Farm Road
Roseland, N.J. 07068
(973) 994-1700 (973) 994-1744 (Fax)
<http://www.carellabyrne.com> | cwestrick@carellabyrne.com

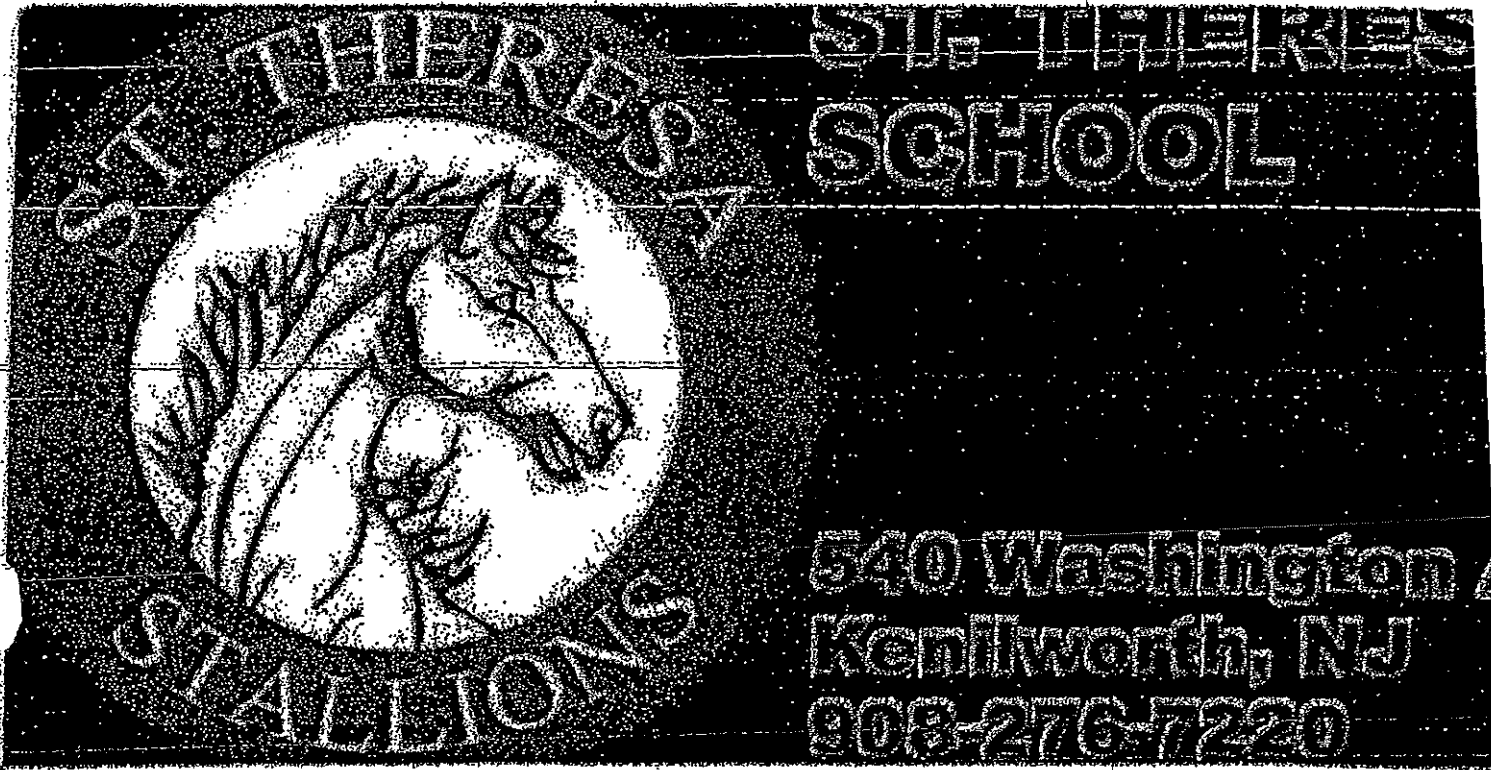
Begin forwarded message:



Robert A Grimaldi

32 mins · 🌐

Make this go viral



Archdiocese of Newark Catholic Schools: We Stand With STS! End the misrepresentation of ...
change.org

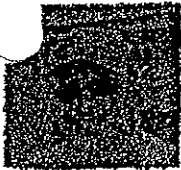


1

Like

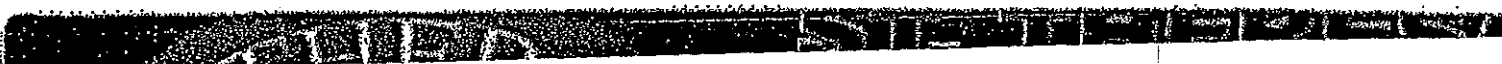
Comment

Share



Robert A Grimaldi shared a link.

33 mins · 🌐



WE STAND WITH STS! End the misrepresentation of St. Theresa School in Kenilworth



Saint Theresa Students & Parents



Saint Theresa Students & Parents

136

Supporters

In December 2016, Saint Theresa Catholic Elementary School was named by one of its school and parishioner's families in a lawsuit. What began as a family's litigation to allow their daughter to play on a boys' catholic youth organization basketball team turned into a sideshow of speculation,

misreporting and spectacle. Going viral in the national news, media outlets picked up the story as told by the family and ran a one-sided exaggerated and distorted tale. Under a gag order because of the litigation the school was not afforded the ability to give any perspective in the matter and was left unable to defend itself.

This is where we come in. **WE STAND WITH STS!!**

We are parents, alumni, families and parishioners who know, love and appreciate St. Theresa Elementary School, the parish community and what it does for our children and our families.

We are uniting to tell the side of the story not being showcased in the media. The one of a principal and school who readily offered options and support to the family that slanders its name. STS teaches their students respect, dignity, charity and responsibility to become "good Christians and honest citizens" and held to these principals in this. They followed rules outlined by the Catholic Youth Organization and the Archdiocese of Newark. They worked with what capacity they could to provide alternatives to the student when there was no school basketball team due to lack of interest. The options were met with a lawsuit and a refusal of cooperation from the family.

Worse yet, it was met with negative comments to the media and disparaging remarks about not only the school but the students in it. STS students were collateral damage to this family's grudge against the school. They were misrepresented by the girl as jealous and intolerant. They were subject upon arriving to school with media vans and reporters. Police enforcement was dispatched to school property for the safety of the students. Their privacy and the privacy of the families attending the school were violated by the attention brought on. Attention which this family seemingly relished. A family who told reporters their interpretation of reality, that they were met with defensiveness rather than the reality that they subjected their girls to this spectacle to inspire, influence, and embolden the attention.

Attention that afforded this family and their daughters opportunities with national organizations, basketball stars and media personalities. All opportunities that were obtained by falsely claiming injustice. Our students don't deserve this. Our faculty doesn't deserve this. The good name of this educational institution doesn't deserve this. We collectively are tired of the misrepresentation.

WE STAND WITH STS in rejecting the claim that the school and the students in any way bullied, rejected or discriminated against this family.

WE STAND WITH STS in knowing that our principal and our faculty went and do go far beyond what they need to do on a daily basis to accommodate and work with our children.

WE STAND WITH STS in its achievements in inclusion, flexibility and progressive thinking.

WE STAND WITH STS in knowing that it followed rules and protocols and tried their best to make accommodations.

WE STAND WITH STS in knowing that this issue has gone far beyond a girl not being able to play basketball and has grown to a family's vindictiveness.

WE STAND WITH STS because WE ARE STS!

We are the parents who volunteer our time to assist, coach, lead and impact. We are the students who learn, grow, love and work together. We are the teachers who nurture, teach, give and inspire. We are the people who know beyond the shadow of a doubt that the negativity of ONE family will not bear witness to the resilience and confidence of all the others. ***WE STAND WITH STS!!***

Please join me in getting the message out that STS is not what is being portrayed. We recommend that you share information here and also reach out to each of these parties (see list below.) We feel that the Archdiocese and the nation overall needs to hear from everyone as we feel they've only heard one side of the story. Please share what is in your heart and what you feel is pertinent.

- Include personal testimonies and stories of your positive experiences at the school; interactions within the community, the value of the Catholic education your child(ren) receive.
- How important St. Theresa School is to the community and the parish itself
- Personal successes of your students, stories of how the faculty and administration has helped your family and children.

Here are the people you can reach out to:

- Cardinal Joseph William Tobin, C.Ss.R., D.D., Archbishop of Newark, Archdiocese of Newark, PO Box 9500, Newark, NJ 07104-0500
- Dr. Margaret Dames, Ed.D., Superintendent for Catholic Schools for the Archdiocese of Newark, (973) 497-4260, SchoolsOffice@rcanschools.org
- Sr. Patricia Butler, SC, Elementary School Administration and Essex and Union County Elementary Schools for the Archdiocese of Newark, butlerpa@rcan.org
- Jim Goodness, Vice Chancellor and Director of Communications for the Archdiocese of Newark, 973-497-4186, goodneja@rcan.org
- Jonathan Azzara, Public Relations Specialist, 973-497-4193, azzarajo@rcan.org

This petition will be delivered to:

- **Archdiocese of Newark**
Cardinal Joseph William Tobin, C.Ss.R., D.D.
- **Archdiocese of Newark Catholic Schools**
Dr. Margaret Dames, Ed.D., Superintendent for Catholic Schools
- **Elementary School Administration and Essex and Union County Elementary Schools**
Sr. Patricia Butler

3 more decision makers...

- **St. Theresa School**
Deacon Joe Caporaso
- **ice Chancellor and Director of Communications for the Archdiocese of Newark**
Jim Goodness
- Tom Haydon

[Read the letter](#)

Letter to
Archdiocese of Newark Cardinal Joseph William Tobin, C.Ss.R., D.D.

Archdiocese of Newark Catholic Schools Dr. Margaret Dames, Ed.D., Superintendent for Catholic Schools
Elementary School Administration and Essex and Union County Elementary Schools Sr. Patricia Butler
St. Theresa School Deacon Joe Caporaso
Diocese Chancellor and Director of Communications for the Archdiocese of Newark Jim Goodness
Tom Haydon

We Stand With STS! End the misrepresentation of St. Theresa School in Kenilworth.

OK

catholic schools

rules and policies

youth basketball

new jersey

Saint Theresa Students & Parents started this petition with a single signature, and now has 136 supporters. Start a petition today to change something you care about.

Start a petition

Updates

1. 2 days ago
Petition update

Keep it Going. The Lawsuits are hopefully over but our good name is still being smeared.

I'm taking this from a comment on the NJ.com article which I think highlights many of this group's feelings. She is a 13 year old kid. All the "hoop"la will be over, media will be gone, and she still has to go to school with these kids...

2. 5 days ago
100 supporters
3. 6 days ago
Saint Theresa Students & Parents started this petition

Reasons for Signing

I am a graduate of St. Theresas and I know these people well. I am the kind of person who does not have problems with many people, but these parents are destroying my Salesian family. I learned a lot at St. Theresas, and I do not think I could have got a better education anywhere else. One thing I learned

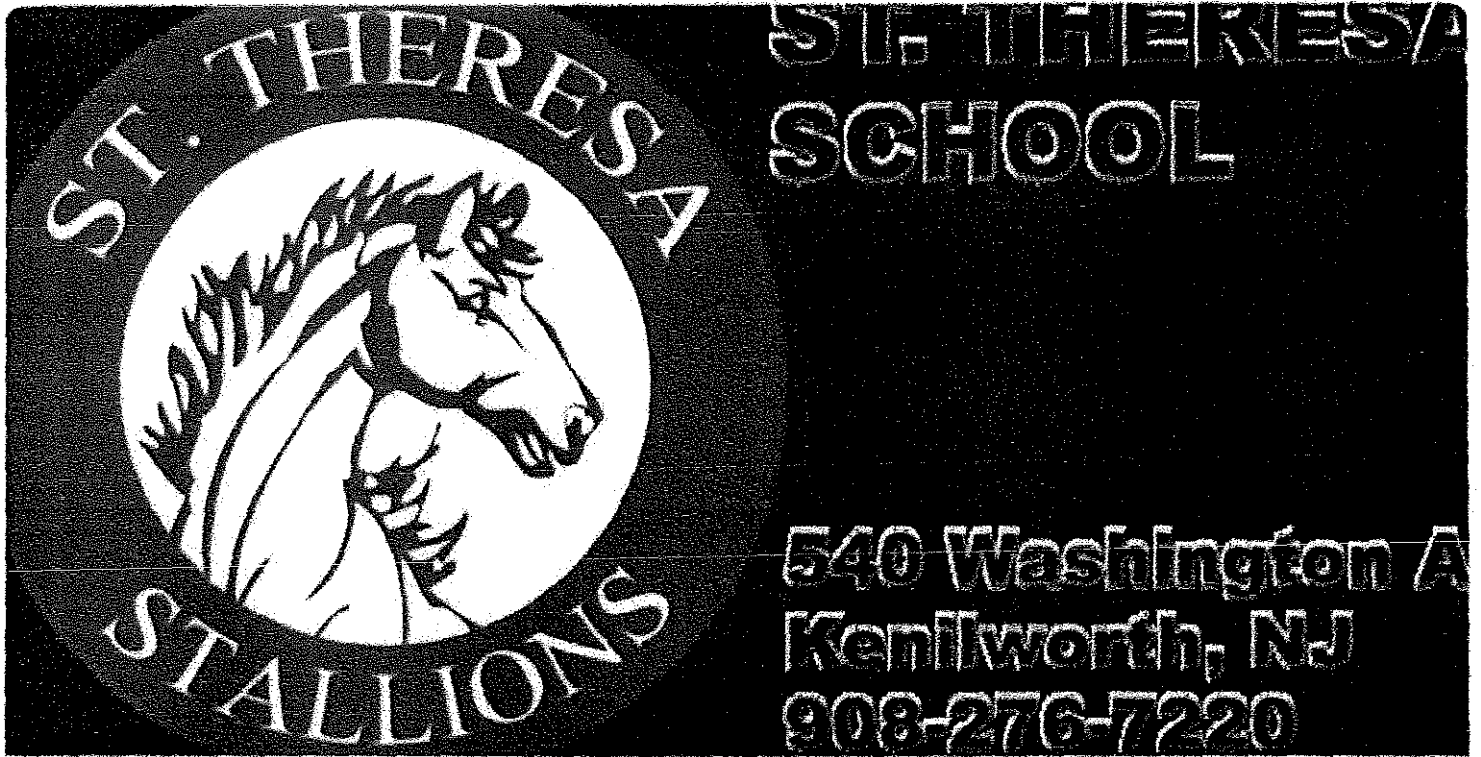
EXHIBIT UU



Robert A Grimaldi

32 mins ·

Make this go viral



Archdiocese of Newark Catholic Schools: We Stand With STS! End the misrepresentation of ...

change.org



Like

Comment

Share

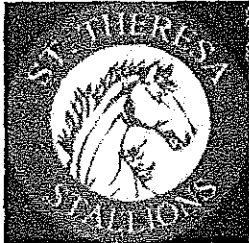


Robert A Grimaldi shared a link.

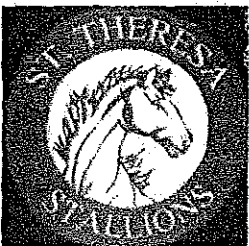
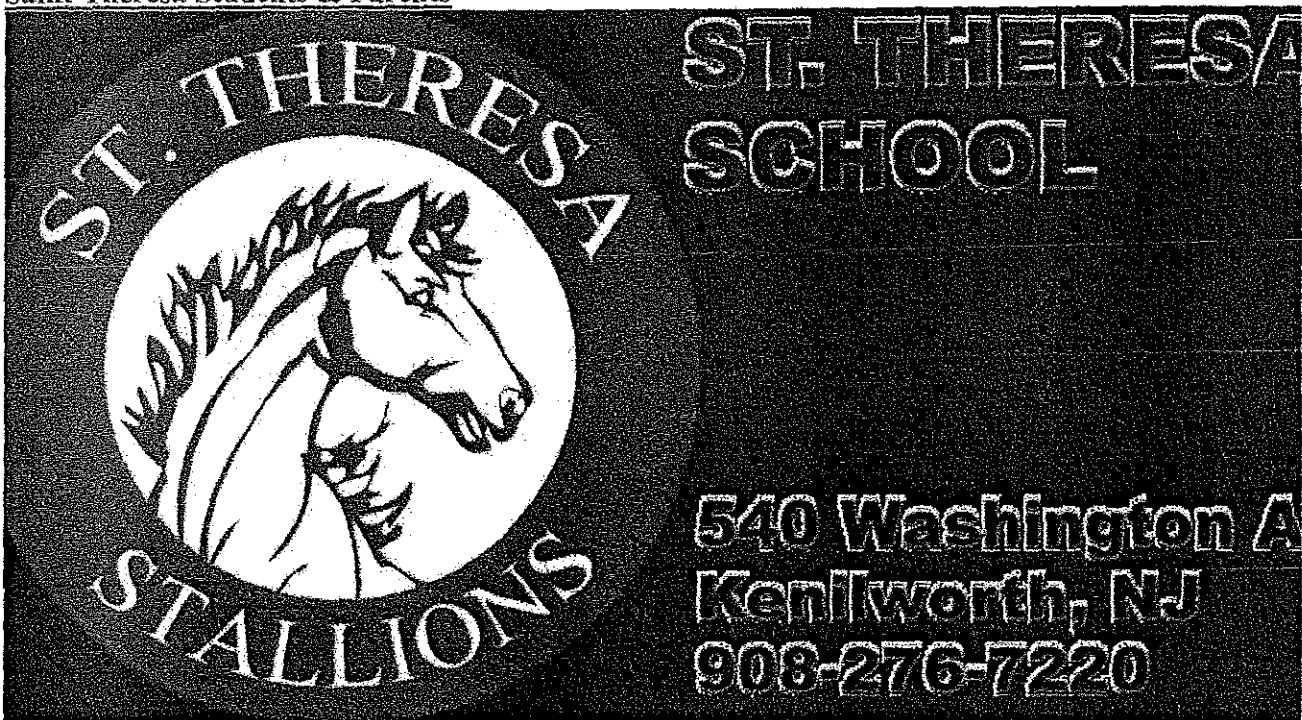
33 mins ·



WE STAND WITH STS! End the misrepresentation of St. Theresa School in Kenilworth



Saint Theresa Students & Parents



Saint Theresa Students & Parents


136


Supporters


In December 2016, Saint Theresa Catholic Elementary School was named by one of its school and parishioner's families in a lawsuit. What began as a family's litigation to allow their daughter to play on a boys' catholic youth organization basketball team turned into a sideshow of speculation,




Parents of basketball girl who sued school are teaching her narcissism, not justice

 New York Post

 Like


 Comment

 Share

 3



Andrea Zagorski Schuster
Love this article

26 minutes ago · Like ·  1 · Reply



Carolyn Coppola
Enough is enough. You lost, live without

18 minutes ago · Like · Reply

This is on Robert
Grimaldi's page





Wanda Grimaldi

Can't say, I Never saw them play. But I can say this. Rules are rules! And it seems if they don't like the rules they sue.....CYO rules are different from Public school rules. I send my child to STS for those rules. It's about the whole picture here.

1 minute ago · Like · Reply



Write a reply...



Wanda Grimaldi

You play hard, you are going to fall hard.

3 minutes ago · Like · Reply



Rich Harrington

Unfortunately, the real cost is that the reputation of this exceptional school is being dragged though the mud over one child and an EXTRACURRICULAR activity. This hurts hundreds of families who simply want a great education for their children.

Just now · Like · Reply



Someone is writing a comment...



Robert A Grimaldi shared **Wanda Grimaldi's** post — at **Church of St. Theresa - Kenilworth, NJ.**

39 mins · Kenilworth ·

And as Paul Harvey used to say and now the rest of the story

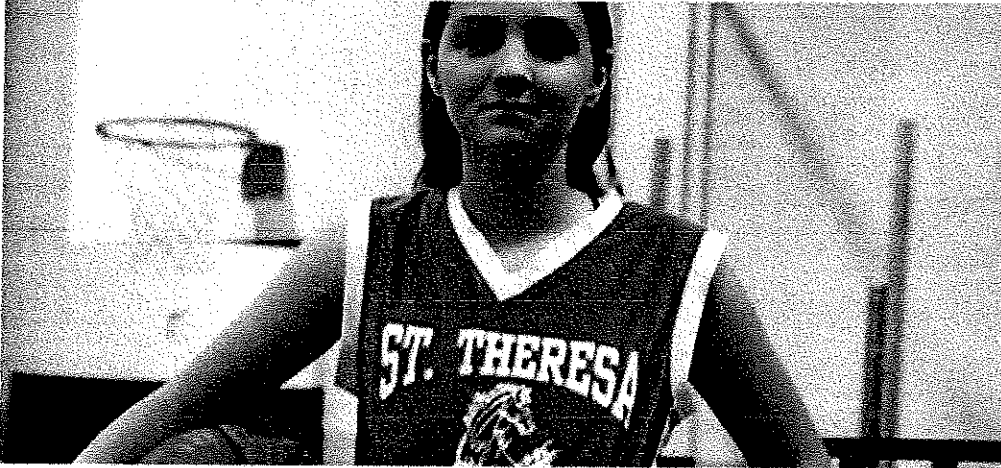
Well at least a little bit more

And they should really stop putting the adolescent Photo on these things


And they should post pictures of the parents instead





Wanda Grimaldi with **Robert A Grimaldi**




Parents of basketball girl who sued school are teaching her narcissism, not justice

 New York Post

 Like

 Comment


 Share

 3



Andrea Zagorski Schuster

Love this article

26 minutes ago · Like ·  1 · Reply



Carolyn Coppola

Enough is enough. You lost, live without

16 minutes ago · Like · Reply

This is on Robert
Grimaldi's page





Friends · Nothing to show



Wanda Grimaldi shared a link.

1 hr · 🌐



Archdiocese of Newark Catholic Schools: We Stand With STS! End the misrepresentation of ...

Kelly Donovan just signed this petition on Change...



1



Like



Comment



Share

Like · Reply · February 17 at 11:13pm



Remove

Fran Bigg This is terrible

Like · Reply · February 18 at 10:53am

Write a comment...

Press Enter to post.

Bottom of Form



Robert A Grimaldi

· February 17 at 5:08pm ·

Make this go viral



Archdiocese of Newark Catholic Schools: We Stand With STS! End the misrepresentation of St. Theresa School in Kenilworth.

On December 2017, Saint Theresa Catholic Elementary School was named by one of its school and parishioner's families in a lawsuit. What began as a family's litigation to allow their daughter to play on a boys' catholic youth organization basketball team turned into a sideshow of speculation, misrep...
change.org

Top of Form

LikeShow more reactions

CommentShare

777

1 share

Comments



What's on your mind?



Matt Popola shared Wanda Grimaldi's post.

3 mins · 👤

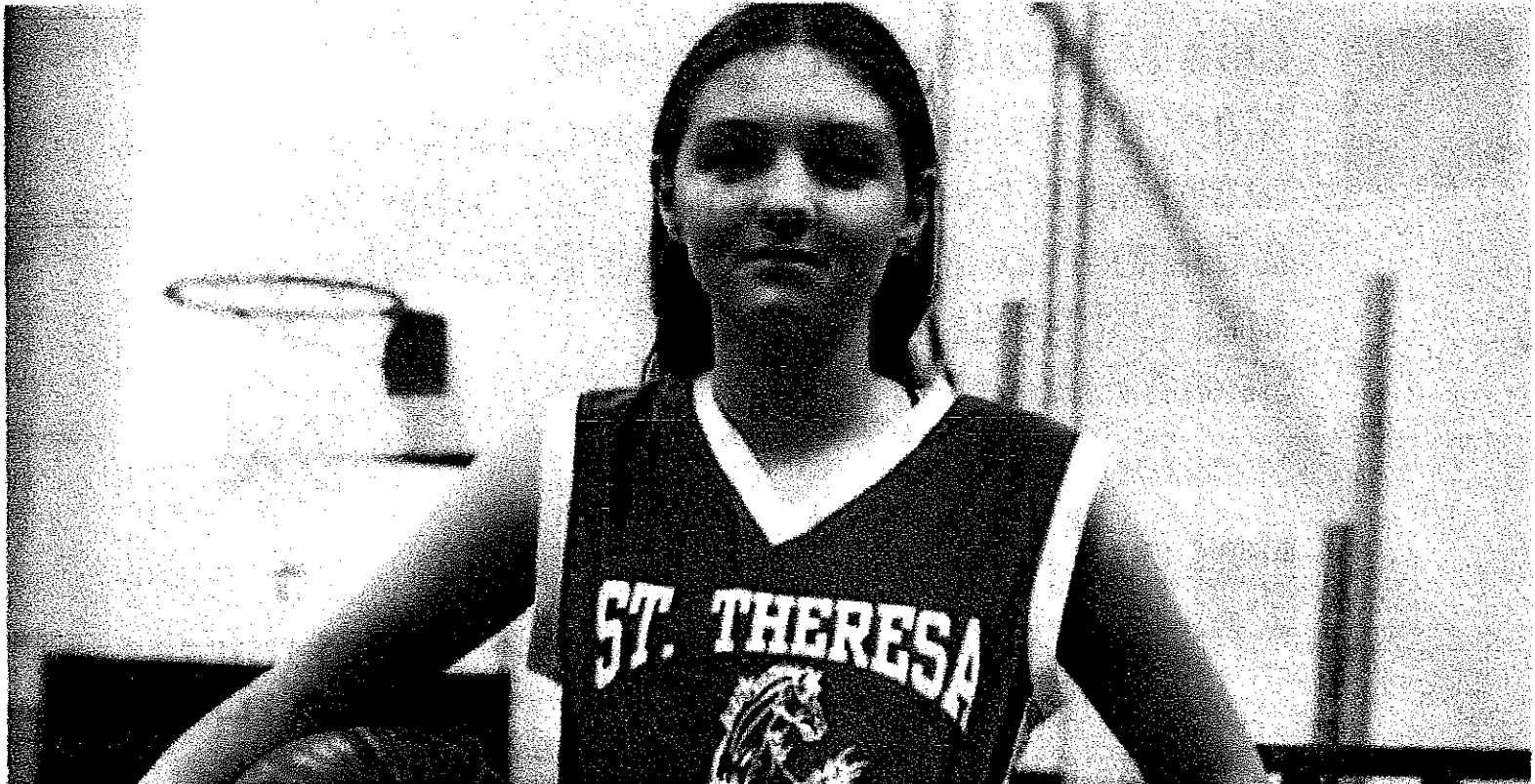
Where's mom during all this?



Wanda Grimaldi with Robert A Grimaldi.

50 mins · 🌐


Very well said!!!!!!



Parents of basketball girl who sued school are teaching her narcissism, not justice



Yes!


49 minutes ago · Like ·  1 · Reply



Robert A Grimaldi

A little bit of the other side


At least this part of the media address the parents and stop dragging the child who has nothing to do with it through the headlines

28 minutes ago · Like ·  3 · Reply



Lucille Cier

I agree 100 percent!!

24 minutes ago · Like ·  1 · Reply



Lisa Muscolino Bergamotto

Mark's basketball team just played against a team with two girls on it.. St. John the apostle, a team in our diocese and CYO. why there and not at St. Theresa's?

Seems like this is personal not policy.

9 minutes ago · Like · Reply



Wanda Grimaldi

Those girls were removed from the team after the coach made a mistake. He admits his mistake too! And yes it is personal... It does seem like the Phillips have personal issues with STS.



Matt Popola

So you take your kids out, and the assholes truly do win. Their kids are learning lousy lessons, but let's keep teaching our kids to be upstanding Christian citizens. If there's a bully in the class, and all the kids pay no heed, the bully has no power over them. Do not cut and run, STS Parents! Fight by staying! Perhaps Tobin thought it in the best interest of the students, here and now, to get rid of the heat. I agree with that.

the class, and all the kids pay no heed, the bully has no power over them. Do not cut and run, STS Parents! Fight by staying! Perhaps Tobin thought it in the best interest of the students, here and now, to get rid of the heat. I agree with that. But to sacrifice your kids' education because of one douchebag family as just reactionary.

1 minute ago · Like · Reply

...
Someone is writing a comment...



Write a reply...



Matt Popola

So you take your kids out, and the assholes truly do win. Their kids are learning lousy lessons, but let's keep teaching our kids to be upstanding Christian citizens. If there's a bully in the class, and all the kids pay no heed, the bully has no power over them. Do not cut and run, STS Parents! Fight by staying! Perhaps Tobin thought it in the best interest of the students, here and now, to get rid of the heat. I agree with that. But to sacrifice your kids' education because of one douchebag family as just reactionary.

1 hour ago · Like ·  1 · Reply



Christine Pepe Mattos

The issue is when issues are not addressed and your paying for it. Honestly I didnt sign up for this drama and dishonestly. I send my child there not only for his education but primarily for to be in an environment that demonstrates honestly and a high standard of morals. This is what I expected and what is preached but is not returned,

1 hour ago · Like ·  2 · Reply



49 mins · 2

May God bless our boys today as they play their last game. Unfortunately, due to cowardice, they will have to endure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.



Like



Comment



Share



4



Patricia Rimli Blicharz

Wow You go boys. I hope you play awesome. As for the P.O.S Sit your ass down and

4 HOURS ago · Like · 1 · Reply



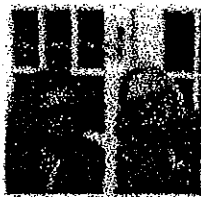
Amber Protz Sierant

I didn't go either...

hope getting her way
gets her far because
in the process her
family screwed a lot of
other nice rule
following people

32 minutes ago · Like ·

2 · Reply



Mary Ferris

Absolutely honey

30 minutes ago · Like ·

Reply



Write a reply...

Can't wait to see which high school is brave enough to take this mess on and the I can't wait until mommy finds them all a job

1 hour ago · Like ·  1 · Reply

Maria Bui

apparently they are aiming for Oak Knoll...

1 hour ago · Like ·  1 · Reply

Annie Mortimer

Well at least your daughter will be out by then

1 hour ago · Like ·  1 · Reply

Maria Bui

nope, it will be her senior year. Their oldest girl is a 7th grader and ANa is a Sophomore now

1 hour ago · Like ·  1 · Reply

Maria Bui

Honestly I really don't give a hoot

1 hour ago · Like ·  1 · Reply

Gerry Iannini Pompei


She was the judge this year at one of OKS'S Mock Trials.

1 hour ago · Like ·  1 · Reply

Maria Bui



She was the judge this year at one of OKS"S Mock Trials.

1 hour ago · Like ·  1 · Reply



Maria Bui


Gerry Iannini Pompei yup Hopefully Ana does not do mock trial

1 hour ago · Like · Reply



Annie Mortimer


Of course getting that foot in the door

1 hour ago · Like ·  1 · Reply



Maria Bui


Annie Mortimer of course. Everything is carefully planned.

1 hour ago · Like ·  1 · Reply



Carolyn Coppola

Ooo. A rich school to sue.

56 minutes ago · Like ·  1 · Reply



Maria Bui

Carolyn Coppola hahahahaha

56 minutes ago · Like · Reply



Jennifer Okoniewski

So they think that boys & girls should be treated equally but they are sending their son to an all boys school & possibly planning to send their daughter to all girls school. I guess being treated equal

EXHIBIT VV



Kenilworth Policemen's Benevolent Association Local 135
P.O. Box 277 Kenilworth, NJ 07033

07/10/2017

Dear Scott Phillips,

I regret to inform you that members of the Kenilworth PBA have requested a Judiciary Committee be formed to investigate you for violating New Jersey State PBA bylaws. The violations are Conduct Unbecoming and Oath of a Member by sign, deed, or token. Due to the nature of the charges and to avoid a conflict of interest, this matter has been forwarded to the Union County Conference PBA to impanel a Judiciary Committee for a fair and impartial review.

Fraternally,

Ryan Kernan

President PBA 135

EXHIBITWW



49 mins



May God bless our boys today as they play their last game.

Unfortunately, due to cowardice, they will have to endure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.



Like



Comment



Share



4



Patricia Rimli Blicharz

Wow You go boys. I hope you play awesome. As for the P.O.S Sit your ass down and

they will have to ensure someone who publicly degraded them, and bullied the system. I'm sure you will all see it on the news.



Like



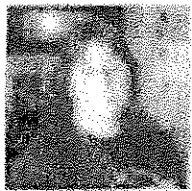
Comment



Share



4



Patricia Rimli Blicharz

Wow You go boys. I hope you play awesome. As for the P.O.S Sit your ass down and shut your pie hole. MONKEY DICK.

14 minutes ago · Like · Reply



Denise Wulstein Jacome

EXHIBIT XX

Another N.J. Catholic school stops girls from playing on boys hoops team



By Tom Haydon | NJ Advance Media for NJ.com

Email the author | Follow on Twitter

on February 03, 2017 at 8:33 AM, updated February 03, 2017 at 1:04 PM

CLARK -- A second Catholic elementary school has had an issue with girls playing on a boys basketball team.

Two fifth-grade girls were pulled off a boys team at St. John the Apostle School in Clark last weekend, and the team has been forced to forfeit the games in which the girls were members, officials confirmed Thursday.

However, the two girls, who were allowed to play with the boys by mistake, have been placed on girls teams at the school, and the boys team is continuing its season in the playoffs, said Jim Goodness, spokesman for the Archdiocese of Newark that oversees the school.

News of the girls being removed from the team comes as the archdiocese faced a legal battle over Sydney Phillips, who was a student at St. Theresa's School in Kenilworth and wanted to play on the seventh-grade boys basketball team.

When archdiocese denied the request, Sydney's father, Scott Phillips, filed a lawsuit.



Why family is making a full-court press to get daughter on boys basketball team

The suit claims the school does not have a specific rule prohibiting their daughter, a seventh grader, from playing on the boys team

On Wednesday, St. Theresa's notified Scott Phillips that both Sydney and her younger sister, Kaitlyn, were being kicked out of the school.

The archdiocese says its Catholic schools provide co-ed teams through the fourth grade, but the CYO league requires boys and girls to play on separate teams from fifth grade up.

Sydney Phillips had played on a girls teams at St. Theresa' in prior years, but the girls team was cancelled for this season because not enough players applied, school officials say.

Goodness on Thursday said that the two girls at St. John the Apostle in Clark had played on a co-ed team last year, and the school athletic director took the same players for the fifth grade team this season.

The mistake was not discovered until last weekend when Richard Donovan, director of CYO athletics for the archdiocese, saw the fifth-grade team playing a game. Donovan notified the athletic director.

"(The athletic director) admitted that he messed-up," Goodness said.

Scott Phillips, in his lawsuit against St. Theresa's, claimed there was no rule prohibiting girls from playing on boys teams, which the school and archdiocese disputed. A judge ruled that there was no legal requirement for a girl to be allowed on a boys team.

Phillips was appealing the decision when the school expelled his two daughters.

The archdiocese issued a statement saying that the school handbook requires that a student be removed if the parents involve the school in a legal matter.

Scott Phillips said he was shocked by the dismissals.

Tom Haydon may be reached at thaydon@njadvancedmedia.com. Follow him on Twitter [@Tom_HaydonSL](https://twitter.com/Tom_HaydonSL). Find NJ.com on [Facebook](#).

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P. 48

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Phone:(908) 232-2122
Fax: (908) 232-4351
Attorney ID#008581987

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P AND B.P

VS.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, JOHN DOES 1-5,
JOHN DOE JOHN CORPORATIONS 1-
5,

Defendants

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY

Civil Action

Docket # C-248-16

CERTIFICATION OF MARK
BERGAMOTTO

I, MARK BERGAMOTTO, of full age hereby on oath deposes as follows:

1. I am a parent of 3 children who attend St. Theresa School (STS).
2. My son, a 5th grader, is a current player on the Boys JV Basketball Team at STS.
3. He was permitted to join the team on November 15, 2016.
4. Attached as Exhibit A are exchanges between myself and the current coach, dated November 15, 2016 which indicate that I completed the registration forms on behalf of my son on November 14, 2016 and sent them to school with my son on November 15, 2016.
5. Attached as Exhibit B is a copy of the check that I signed on November 14, 2016 made payable to the STS Sports Program so he could play.
6. Also attached as Exhibit C is further correspondence date November 17, 2016 between myself and the current coach about another student at STS who was permitted to join the

team after my son. In this correspondence I requested that the coach bring the application form to practice that evening so the paperwork could be filled out.

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

Dated:

1/10/2017


MARK BERGAMOTTO

EXHIBIT A

1:28 PM

Ok, thanks!

Tuesday, November 15, 2016

Damian we filled out the registration form last night I have Mark bring it in today with a check Paul Rainer David's father is also going to do the same thing they're going to print it out today and turn it in tomorrow for David. I'm sure everything will be fine.

6:31 AM

I'm going to send you my and Lisa's email and I'm also going to include Paul Raynor's as well.

EXHIBIT B

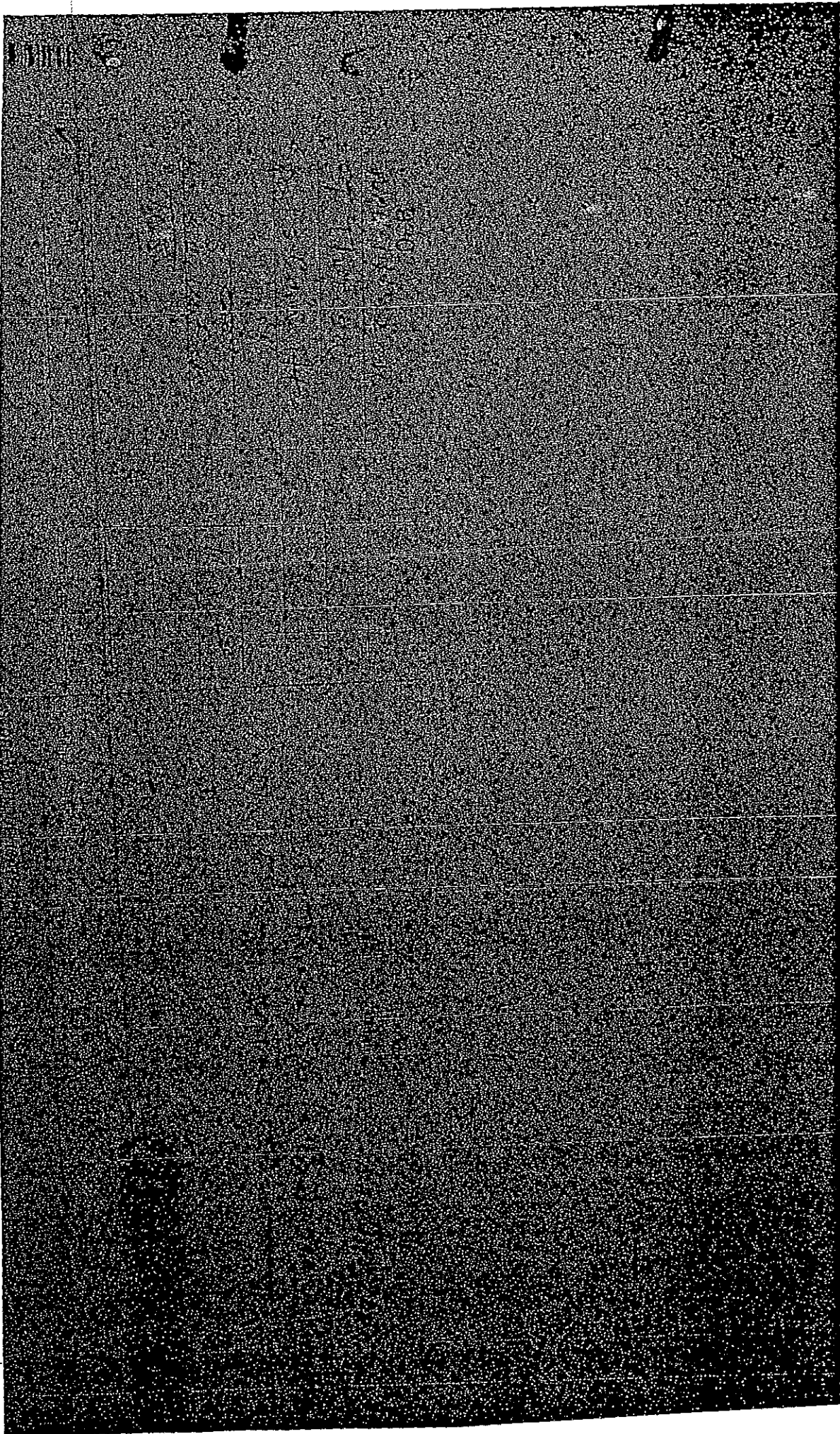


EXHIBIT C

6:40 AM

Raynorp3@gmail.com

Thursday, November 17, 2016

Damian can you bring the paperwork that needs to be filled out tonight to give to David Rainer I already gave them the medical forms but they need the other five pages that they need to sign the release and choose their uniform size?

7:47 AM

Saturday, November 19, 2016

Damien I apologize I

Saturday and Sunday.
They were planned in
advance and we had
already accepted

2:03 PM

Monday, November 21, 2016

Hey Damien it's Mark
please remind me
tomorrow night I
have to pick up those
concussion papers to
fill out thanks

10:01 PM

D

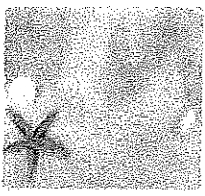
Sure

10:01 PM

Tuesday, November 29, 2016

Hey Damien what
time is practice

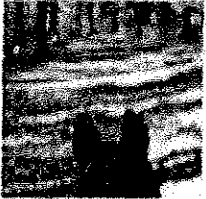
EXHIBIT YY



Theresa Roseanne Brand...

Agree totally

3 minutes ago · Like · Reply



Nicki Janeczek Popola

Tobin is a coward.

1 minute ago · Like · Reply



Nicki Janeczek Popola

A politician that hides behind a cross.

Just now · Like · Reply



Christine Pepe Mattos

Unfortunately the reality in the past several years has been if you threaten the school they will back off. I

EXHIBIT ZZ

July 11, 2017

Mr. Scott Phillips
Hon. Theresa Mullen, J.S.C.

[REDACTED]
[REDACTED]

Re: Sydney and Kaitlyn Phillips

Dear Mr. Phillips and Judge Mullen,

Please be advised that St. Theresa's School fully agrees with, adopts, and endorses the ecclesiastical and educational decision regarding the denial of re-enrollment of [REDACTED] Phillips and Kaitlyn Phillips for the 2017-18 Academic Year, as set forth in the attached April 3, 2017 correspondence from Dr. Margaret Dames, Superintendent of Schools for the Archdiocese of Newark.

We wish you and your children the best of luck with their future academic endeavors.

Very Truly Yours,



Deacon Joseph Caporaso
Principal, Saint Theresa School

Enclosure

EXHIBIT

AAA

FILE
JUL 19 2017

Prepared by the Court

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P., B.P. &
K.P.,

Plaintiffs,

v.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, JOHN DOES 1-5,
JOHN DOE JOHN CORPORATIONS 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO.: ESX-C-248-16

Civil Action

**ORDER REGARDING
JULY 18, 2017 AND JULY 19, 2017
HEARING**

THIS MATTER having come before the Court at the Court's direction based upon emails sent to the Court regarding case management matters and the Court having conducted a case management conference on July 18, 2017 for the purpose of addressing various case management matters to facilitate the hearing on July 24, 2017 which was scheduled on June 8, 2017, and for good cause shown, and for the reason stated on the record on July 18, 2017 and today:

IT IS ON this 19 day of July, 2017;

ORDERED as follows:

1. Plaintiff's application for a stay of the trial scheduled for July 24, 2017 pending appeal is denied.
2. Plaintiff's application for a stay barring the deposition of Theresa Mullen pending appeal is denied.
3. Theresa Mullen shall appear for deposition on July 19, 2017 at 1:00 p.m., provided she receives permission to be excused from her job responsibilities to appear at the deposition. The notice to take Theresa Mullen's deposition was sent to Ms. McCrea who

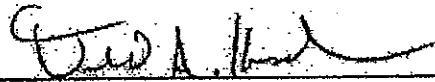
represented that she is serving as counsel to Theresa Mullen although Ms. McCrea has withdrawn her representation. The deposition shall proceed as ordered in paragraph 2 of the Amended Order dated July 13, 2017 since the Court is satisfied that Ms. Mullen has notice of the deposition.

4. Both parties shall comply with the Court Rules with respect to calling any non-party witness at trial and shall issue and serve trial subpoenas, in accordance with the rules of court.
5. As ordered in paragraph 9 of the Amended Order dated July 13, 2017, in advance of the plenary hearing, the parties shall endeavor to stipulate as to all facts and documents to be considered at the plenary hearing which are otherwise not contested. All joint exhibits shall be marked with a "J" designation. All other documents shall be marked with a "P" or "D" identification as appropriate. The parties shall provide the Court with an index of all documents including a column reflecting the marking of documents for identification and the admission of documents into evidence. The exhibits and the document lists shall be submitted to the Court in a notebook at the beginning of the plenary hearing on July 24, 2017. Documents shall be exchanged by the parties by July 21, 2017 at 10:00a.m.
6. Plaintiff is barred from questioning any non-party parent subpoenaed by him about the contents of the letters written to Defendants and are barred from confronting these witnesses regarding the substance or the truth or falsity of the letters based on the holding in Carmona v. Resorts Int'l Hotel, Inc., 189 N.J. 354, 376 (2007) and Toto v. Princeton Twp., 404 N.J. Super. 604, 619 (App. Div. 2009) and are only permitted to inquire as to whether Defendants asked or solicited them to write these letters and had a bias against

the Plaintiff known to the Defendant or about facts which would show Defendants did not reasonably rely on the letters.

7. Neither party shall call any child as a witness in this matter.
8. The parameters of hearing are set forth in the paragraph 2 of the Court's Order Regarding June 29, 2017 Hearing. (Said Order referred to the June 29 hearing. However, the Order was intended to address the July 24, 2017 hearing.)
9. The Court shall not adjourn this matter based on Plaintiff's oral objection of incomplete discovery (not embodied in a motion or detailed submission to the Court) since Plaintiff has not demonstrated that alleged incomplete discovery would supply a missing element of the case, Mohamed v. Inglesia Evangelica Oasis De Salvacion, 424 N.J. Super. 489, 498 (App. Div. 2012) (citing J. Josephson, Inc. v. Crum & Forster Ins. Co., 293 N.J. Super. 170, 204 (App. Div. 1996)) or would patently change the outcome of the case Minoia v. Kushner, 365 N.J. Super. 304, 307 (App. Div. 2004). Moreover, discovery objections were not timely brought before this Court in accordance with the Court's direction in paragraph 4 of the Court's June 8, 2017 Order.
10. The Court will schedule the date for the appearance of Theresa Mullen as agreed upon by counsel and Cardinal Tobin for August 3, 2017, subject to any motion to bar either of their testimony.
11. Defendants shall produce witnesses employed by them who requested to appear for trial testimony, subject to the Court's determination of any application made to the Court based on case law authority.

12. Defendants are permitted to brief the issue of whether Cardinal Tobin and James Goodness can be called as witnesses at the hearing commencing July 24, 2017, by Thursday, July 20, 2017.
13. Defendants shall produce the statement prepared by counsel which was read out loud in the presence of others by Deacon Joe on the date on the first expulsion (on or about February 2, 2017).
14. Defendant shall promptly address Brittney Dvesorak's availability for trial.
15. Msgr. Nydegger is deemed to be a proper signatory to the answers to interrogatories.
16. Sister Perez's last known address shall be promptly provided to Plaintiff.
17. A copy of this Order has been served on all counsel by the Court.



Donald A. Kessler, J.S.C.

Prepared by the Court

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P., B.P. &
K.P.,

Plaintiffs,

v.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, et al.,

Defendants.

FILED
JUL 31 2017
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: ESSEX COUNTY
DOCKET NO.: ESXC-G-1243-JGS.C.
DONALD A. RESSLER, JGS.C.

Civil Action

**ORDER REGARDING IDENTITY OF
THIRD-PARTY WITNESSES**

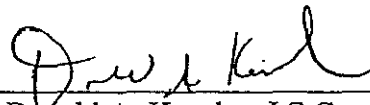
THIS MATTER being opened to the Court on July 31, 2017 on Susan McCrea, Esq.'s oral application relating to the identity of third-party witnesses, and for the reasons stated on the record, the Court Orders as follows:

IT IS ON this 31st day of July, 2017;

ORDERED as follows:

1. The identity of any parent or other third-party witness for either party shall not be publically discussed or disclosed to the public without further Order of the Court.
2. Prior to trial, the Court shall hold a hearing for the purpose of sealing parent or third-party witness' statements in connection with discovery.
3. Any parent or other third-party witness identified by the Plaintiff or Theresa Mullen shall be disclosed to Defendants, Archdiocese of Newark and St. Theresa School, on the condition that Defendants shall not take any adverse action with respect to the enrollment or status of any children at their schools.
4. The Court may bar any testimony at trial to which an appropriate response was not provided during discovery.

5. A copy of this Order has been served on all counsel by the Court.

A handwritten signature in cursive script, appearing to read "Donald A. Kessler".

Donald A. Kessler, J.S.C.

FILED
AUG - 1 2017

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - ESSEX COUNTY
DOCKET NO.: ESX-C-248-16

Prepared by the Court

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P., B.P. &
K.P.,

Plaintiffs,

v.

ARCHDIOCESE OF NEWARK, ST.
THERESA SCHOOL, et al.,

Defendants.

Civil Action

ORDER TO SEAL

THIS MATTER coming before the Court based on the hearing today, and for the reasons stated on the record, and for good cause shown:

IT IS ON this 1st day of August, 2017;

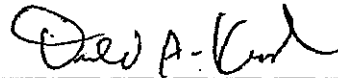
ORDERED as follows:

1. The Court seals the following identification numbers in the record documents:

- i. 16-A
- ii. 16-B
- iii. 16-C
- iv. 16-D
- v. 16-E
- vi. 16-F
- vii. 16-G
- viii. 16-H
- ix. 16-I
- x. 16-J
- xi. 16-K
- xii. 16-L
- xiii. 15
- xiv. 38
- xv. 39
- xvi. 41
- xvii. 17
- xviii. 27
- xix. 28

xx. 29

2. Neither party may refer to the specific contents of any of these letters during examination of the witnesses without the permission of Court.
3. A copy of this Order has been served on all counsel by the Court.



Donald A. Kessler, J.S.C.