

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

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**ADELE BONAR, BARBARA BOHI,  
CARYN RYAN, KIMBERLY DAVISON  
and SAMEER SHAH,**

**Plaintiffs,**

**vs.**

**NEW JERSEY SCHOOLS DEVELOPMENT  
AUTHORITY,**

**Defendant.**

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: **NO.**  
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: **COMPLAINT**  
: **AND JURY DEMAND**  
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Plaintiffs for their complaint against Defendant, New Jersey Schools Development Authority state:

**JURISDICTION AND VENUE**

Pursuant to *28 U.S.C.A. § 1331*, this Court has subject matter jurisdiction over this action because it involves a federal question arising under the First and Fourteenth Amendments to the United States Constitution, and *42 U.S.C.A. § 1983*. Venue is proper in this District because Defendant is located in New Jersey, Plaintiffs were employed in New Jersey and all of the acts and transactions giving rise to the violations of law complained of occurred in this District.

**FIRST COUNT**  
**(Violation of 42 U.S.C. 1983)**

1. Defendant, New Jersey Schools Development Authority (“SDA”) is an entity affiliated with, but not part of, the New Jersey Department of the Treasury. The SDA is a State agency responsible for funding and managing new construction, modernization and renovation of school facilities projects in 31 New Jersey school districts known as the “SDA Districts.”

2. The SDA is headquartered at 32 East Front Street, Trenton, New Jersey.

3. In January 2018, Democrat, Philip Murphy, took office as Governor of New Jersey.

4. Governor Murphy appointed Democrat, Lizette Delgado Polanco, Chief Executive Officer (“CEO”) of the SDA on or about August 1, 2018.

5. At the time of Lizette Delgado Polanco’s appointment as CEO of the SDA, Plaintiffs, Adele Bonar (“Bonar”), Barbara Bohi (“Bohi”), Kimberly Davison (“Davison”), Caryn Ryan (“Ryan”), Sameer Shah (“Shah”) were long-tenured, good performing employees of the SDA.

6. In the two-month period following Lizette Delgado Polanco’s appointment as CEO of the SDA, Plaintiffs and approximately 30 other SDA employees were discharged without notice or cause.

7. Defendant discharged Plaintiffs and other SDA employees (a) to make room for the hiring of political patrons of Lizette Delgado Polanco and/or the Democratic Party and/or (b) because they were not political supporters of Lizette Delgado Polanco and/or the Democratic Party.

8. The positions formerly held by Plaintiffs were non-policy making positions and did not require Plaintiffs to be patrons of Lizette Delgado Polanco, her administration and/or the Democratic Party.

9. Following the discharge of Plaintiffs and other SDA employees, approximately 40 political patrons of Lizette Delgado Polanco and/or the Democratic Party were hired by the Defendant.

10. The SDA’s discharge of Plaintiffs: (a) to make room for the hiring of political patrons of Lizette Delgado Polanco and/or the Democratic Party and/or (b) because Plaintiffs

were not political supporters of Lizette Delgado Polanco and/or the Democratic Party violated Plaintiffs' rights to free speech and free political association as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

11. The SDA's unconstitutional discharge of Plaintiffs violated *42 U.S.C.A. § 1983*.

12. As a result of the SDA's violation of Plaintiffs' federal constitutional rights and violation of *42 U.S.C.A. § 1983*, Plaintiffs have suffered and will in the future suffer damages including but not limited to economic loss, emotional distress and other damages.

**WHEREFORE**, Plaintiffs demand judgment against Defendant, New Jersey Schools Development Authority, for compensatory damages, punitive damages, statutory attorneys' fees and costs, interest and all other relief that the Court deems equitable and just.

**SECOND COUNT**  
**(Violation of the New Jersey Civil Rights Act)**

13. Plaintiffs repeat the allegations contained in the previous count and incorporate them into this count.

14. Article I of the New Jersey Constitution guarantees the right to free speech and free political association to all persons.

15. In addition to the SDA's violation of Plaintiffs' federal constitutional rights, the SDA's discharge of Plaintiffs: (a) to make room for the hiring of political patrons of Lizette Delgado Polanco and/or the Democratic Party and/or (b) because Plaintiffs were not political supporters of Lizette Delgado Polanco and/or the Democratic Party violated Plaintiffs' rights to free speech and free political association as guaranteed by Article I of the New Jersey Constitution.

16. The SDA's unconstitutional discharge of Plaintiffs violated the New Jersey Civil Rights Act.

17. As a result of the SDA's violation of Plaintiffs' federal and state constitutional rights and the New Jersey Civil Rights Act, Plaintiffs have suffered and will in the future suffer economic loss, emotional distress and other damages.

**WHEREFORE**, Plaintiffs demand judgment against Defendant, New Jersey Schools Development Authority, for compensatory damages, punitive damages, statutory attorneys' fees and costs, interest and all other relief that the Court deems equitable and just.

**THIRD COUNT**  
**(Violation of CEPA)**

18. Plaintiffs repeat the allegations contained in the previous counts and incorporate them into this count.

19. It is believed and therefore alleged that Plaintiffs Davison and Shah were selected for discharge in part due to activity protected by the New Jersey Conscientious Employee Protection Act ("CEPA").

20. Beginning in late 2017 and continuing until the date of Plaintiff, Davison's discharge, Davison complained to SDA management about employees in the SDA's Legal Department pervasively abusing time, including but not limited to, being paid for hours that they were not working.

21. Davison believed that the misconduct she reported was unlawful.

22. The SDA ignored Davison's complaints, threatened her and shunned her in retaliation for her reports of unlawful activity.

23. The SDA identified Davison for discharge to make room for the hiring of Defendant's political patrons in part due to her complaints about the unlawful abuse of time by employees in the SDA's Legal Department.

24. Beginning in late 2016 and continuing up until the date of Plaintiff, Shah's discharge, Shah complained to SDA management that certain project management employees were committing rampant financial abuse in violation of the SDA's operating authority resulting in significant financial losses to the SDA.

25. Shah believed that the misconduct he reported was unlawful.

26. The SDA ignored Shah's complaints and threatened him, and otherwise retaliated against him for his reports of unlawful activity. Among other threats, one SDA executive told Shah that he would be fired as soon as the new Democratic administration came in to office.

27. The SDA targeted Shah for discharge to make room for the hiring of Defendant's political patrons in part due to his complaints about financial abuse in violation of the SDA's operating authority.

28. Plaintiffs, Davison and Shah's complaints to the SDA are protected activity under CEPA.

29. The SDA's retaliatory acts against Plaintiffs, Davison and Shah, for engaging in protected activity violated CEPA.

30. As a result of Defendant's CEPA violation, Plaintiffs, Davison and Shah, have suffered and will in the future suffer damages including but not limited to economic loss, emotional injury and other damages.

**WHEREFORE**, Plaintiffs, Kim Davison and Sameer Shah, demand judgment against Defendant, New Jersey Schools Development Authority, for compensatory damages, punitive damages, interest, statutory attorneys' fees and costs, and all other relief that the Court deems equitable and just.

**JURY DEMAND**

Plaintiffs demand a trial by jury.

SZAFERMAN, LAKIND, BLUMSTEIN  
& BLADER, P.C.  
Attorney for Plaintiffs

/s/ Daniel S. Sweetser  
BY: DANIEL S. SWEETSER

Dated: July 2, 2019