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LAUREN VOLPE ***Plaintiff,*** **v.** **WEST ORANGE BOARD OF EDUCATION and XAVIER FITZGERALD** ***Defendants.***	: : : : : : : : : : :	**SUPERIOR COURT OF NEW JERSEY** **ESSEX COUNTY** **LAW DIVISION** **DOCKET NO.** **COMPLAINT** **JURY TRIAL DEMANDED**

PRELIMINARY STATEMENT

Lauren Volpe ("Plaintiff"), by and through her counsel, Franklin J. Rooks, Jr., Esquire, of Morgan Rooks PC brings this Complaint against West Orange Board of Education (hereinafter referred to as "Defendant WO" or "District") and Xavier Fitzgerald ("Defendant Fitzgerald"). Defendant WO and Defendant Fitzgerld are collectively referred to herein as "Defendants." Plaintiff is seeking all available relief under the New Jersey Law Against Discrimination.

JURISDICTION & VENUE

1. Jurisdiction is proper as Defendants are subject to the personal jurisdiction of this Court.
2. Venue is proper under New Jersey Rules of Civil Procedure 4:3-2 as a defendant corporation is deemed to reside in any county in which it does business.
3. The actions complained of herein primarily took place within Essex County, New Jersey.

116. Mr. Pantalena told Plaintiff that Defendant Fitzgerald told him to bring the boxes to her office.

117. Through Mr. Pantalena, Plaintiff learned that she was being transferred.

118. Later that day, Defendant Fitzgerald informed Plaintiff that she was being transferred to Roosevelt Middle School.

119. On June 17, 2025, Superintendent Hayden Moore issued a formal written transfer notice to Plaintiff.

120. The June 17, 2025 transfer notice stated that Plaintiff was being transferred to the position of School Counselor at Roosevelt Middle School effective September 1, 2025.

121. Plaintiff had worked at the School for approximately fourteen years and had built long-standing relationships with students, parents, and staff.

122. Plaintiff's transfer by Defendant Fitzgerald was involuntary, punitive, and materially adverse.

123. Defendant WO's transfer of Plaintiff followed her protected complaints about Defendant Fitzgerald and demonstrated the truth of Defendant Fitzgerald's repeated statements suggesting he had authority or "carte blanche" to transfer employees whom he viewed as being a "problem."

124. Defendant Fitzgerald remained at the School even though Plaintiff had complained about him and even though other employees had lodged discrimination complaints about him.

125. In August 2025, Plaintiff filed an Affirmative Action complaint.

126. Defendant WO commenced an investigation into Plaintiff's allegations of harassment and hostile work environment created by Defendant Fitzgerald.

127. Defendant WO engaged Victoria Holmes, Esq. of Cleary Giacobbe Alfieri Jacobs, LLC, to review information, meet with Plaintiff, interview Defendant Fitzgerald and other individuals, review relevant documents, and prepare a confidential report.

128. On or about February 25, 2026, Superintendent Hayden Moore issued a written Investigation Findings letter to Plaintiff (the "Letter").

129. The Letter stated that the investigation of Defendant Fitzgerald was complete.

130. The Letter stated that the evidence presented during the investigation was sufficient to sustain a finding of unlawful conduct with regard to Plaintiff's allegations of harassment and/or hostile work environment.

131. The Letter further stated that Defendant would take remedial action it deemed necessary to remediate the action and prevent future conduct.

132. The Letter confirmed that Plaintiff's complaints were substantiated, stating that she had been subjected to unlawful harassment and/or a hostile work environment.

133. The Board's findings were issued after Plaintiff had already endured years of harassment and after Plaintiff had already been transferred out of the School.

134. Defendant Fitzgerald's harassment of Plaintiff consisted of a cumulative series of pervasive discriminatory events.

THE NEW JERSEY LAW AGAINST DISCRIMINATION

135. The New Jersey Law Against Discrimination ("NJLAD") sets forth that "[a]ll persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public