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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.

PARTIES

4. Plaintiff is an adult female who at all times relevant to this action was employed Defendant WO.

5. Defendant WO is a municipal entity who operates a school system in West Orange, New Jersey.

6. Upon information and belief, Defendant Fitzgerald is a New Jersey resident.

STATEMENT OF FACTS

7. Plaintiff has worked as an educator and school counselor for approximately thirty years.

8. Plaintiff identifies as a Caucasian female.

9. Plaintiff has been employed by Defendant WO since 2001.

10. Defendant WO operates the Liberty Middle School (the “School"), which is located at 1 Kelly Drive, West Orange, New Jersey.

11. Plaintiff worked at the School as a school counselor.

12. Defendant Fitzgerald was the Principal of the School.

13. Defendant Fitzgerald is Black.

14. Defendant Fitzgerald exercised supervisory authority over Plaintiff during her employment at the School.

15. Beginning in or around 2023, Defendant Fitzgerald cultivated a toxic and hostile working environment based on race, as well as other protected traits.

16. On or about May 18, 2023, in the presence of Plaintiff and others, Defendant Fitzgerald referred to special education students as “SPEDS.”

17. Defendant Fitzgerald used the term "SPEDS" multiple times, which Plaintiff found offensive and derogatory toward children with disabilities.

18. Defendant Fitzgerald also stated that the school was having an "outbreak of ESL [English as a Secondary Language] students."

19. Defendant Fitzgerald falsely accused Plaintiff of being racist and used racially charged narratives to discredit her professional reputation.

20. On or about September 29, 2023, Plaintiff participated in a meeting involving Defendant Fitzgerald, Stephanie Bryson, a school counselor, and Frank Urgiles, a student assistance counselor, concerning the Crown Act and a seventh-grade student who was permitted to wear a hat or head covering in school notwithstanding the dress code.

21. New Jersey's Crown Act was signed into law on December 19, 2019.

22. The Crown Act is an acronym for "Create a Respectful and Open World for Natural Hair."

23. The Crown Act pertains to race-based discrimination and is intended to include traits historically associated with race, such as hair texture, hair type, and hairstyles.

24. Defendant Fitzgerald directed Plaintiff to send an email to teachers concerning the Crown Act issue.

25. Because Defendant Fitzgerald's directive was unclear and because issues involving student head coverings and the Crown Act were sensitive, Plaintiff sought clarification before sending the email.

26. Plaintiff attempted to speak with Defendant Fitzgerald concerning the CROWN Act issue, but he was unavailable or occupied.