

FILED**MAR 12 2020**SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CHANCERY DIVISION #5

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RECEIVED**MAR 12 2020**SUPERIOR COURT OF NEW JERSEY
COUNTY OF HUDSON
CHANCERY DIVISION #5

MICHAEL DEMARCO,

Plaintiff,

vs.

JEANNE DALY,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
HUDSON COUNTYDocket No. *C-47-20*

CIVIL ACTION

VERIFIED COMPLAINT

Plaintiff, Michael DeMarco (hereinafter "Plaintiff" or "DeMarco"), by and through his counsel, Scarinci & Hollenbeck, LLC, hereby alleges as follows:

THE PARTIES

1. Plaintiff, Michael DeMarco, is a resident of Jersey City, New Jersey.
2. Upon information and belief, Defendant, Jeanne Daly (hereinafter "Defendant" or "Daly") is a resident of Jersey City, New Jersey.

VENUE

3. Venue is proper in this Court because the cause of action accrued in this County and both parties are residents herein.

FACTS COMMON TO ALL COUNTS

4. In his private capacity, Plaintiff is the Chief Executive Officer of Mack-Cali Realty Corporation (hereinafter “Mack Cali”).

5. Plaintiff also serves as the President of a non-profit organization, Exchange Place Alliance (hereinafter “Alliance”).

6. Alliance’s goal is to preserve and advance Jersey City’s Exchange Place neighborhood (hereinafter “District”) by attracting new retail and businesses to the area, perform capital improvements, repairs and maintenance, landscaping, cleaning and conduct various programming.

7. In November 2016, Alliance formed a private, non-profit organization under the auspices of local law, called Special Improvement District (hereinafter “EPSID”).

8. EPSID is a mechanism through which commercial properties within the District pay a special assessment to provide funding for extended services with the goal of overall economic enhancement of the District.

9. EPSID holds monthly meetings at which members of the public are accommodated and allowed to speak.

10. EPSID also invites the public to join board members in lunches typically hosted by Alliance.

11. From its inception, EPSID has held its meetings in conference rooms within Mack Cali’s corporate offices in an effort to accommodate EPSID Board Members, all of whom are employed in the vicinity and within the District.

12. In July 2018, Defendant, along with several concerned citizens, began attending EPSID's meetings in order to monitor plans associated with Alliance's proposal to construct a public park for the District.

13. As part of its proposal, Alliance was to relocate a Polish monument to allow for the park's construction.

14. This proposal was opposed by some members of the public, including Defendant.

15. Defendant became a vocal opponent of Alliance's proposal, oftentimes expressing her strong opposition during EPSID's public meetings.

16. At all times, Defendant was welcomed by the EPSID Board and allowed to articulate her opinions, without prohibition or limitation.

17. On July 24, 2018, Defendant's crusade escalated. She began to publicly disparage EPSID's Board and Plaintiff, in particular, via her social media account.

18. Specifically, Defendant erroneously and egregiously alleged via Twitter that Plaintiff was part of a "collusion" to relocate the monument prior to the City's ordinance vote.

19. Defendant's Twitter post tagged Plaintiff's private employer, Mack Cali, and EPSID.

20. The Twitter post was discovered by Mack-Cali's Senior Vice President of Corporate Communications and Investor Relations, who, in turn, informed Plaintiff.

21. After strong public opposition, Alliance withdrew its proposed relocation of the monument.

22. Since the withdrawal of this proposal, Defendant is frequently the only member of the public in attendance at EPSID's meetings, aside from those invited by the Alliance.

23. On September 18, 2018, EPSID's Board voted unanimously to prohibit video recordings of future meetings.

24. EPSID's Board determined that video recording its proceedings interfered with its deliberations.

25. Further, the EPSID Board determined that preventing video recordings of future meetings was necessary in order to protect any proprietary information located within Mack-Cali's offices.

26. Defendant was present during the September 18, 2018 meeting and was advised that video recordings would no longer be allowed, although public attendance remained welcome.

27. On December 10, 2018, Mike Kulowski, a Jersey City resident and Defendant's cohort in her campaign against Plaintiff and EPSID, sent an email correspondence to Plaintiff while copying Defendant, Jersey City's Mayor, Steven Fulop, and Alliance's legal counsel.

28. Mr. Kulowski informed that Defendant was instructed to record EPSID's meetings "for my [Kulowski's] reference. All meetings related to Mr. Fulop I consider a crime scene."

29. On January 8, 2019, counsel for Alliance reached out to Mr. Kulowski to explain the purpose and bases behind EPSID's decision to prevent video recordings during their meetings.

30. In his reply, Mr. Kulowski aggressively informed counsel for Alliance that "[h]e can restore slavery with this "legal" reasoning" and threatened that Plaintiff will need to invite the Jersey City police and federal prosecutor in order to remove him from the meeting.

31. Mr. Kulowski further informed that “[a]t this point, EP Alliance board meetings are a crime scene for me, which I document for future use. Our current aim is to deligalize [sic] EP Alliance [sic], along with criminal federal prosecution of Mr. Fulop.”

32. Defendant was not only aware of Mr. Kulowski’s threats against Plaintiff and EPSID’s Board but was also an active participant.

33. Over the course of several months, Defendant continued to insist that video recordings be allowed during EPSID’s meetings, oftentimes becoming hostile and disruptive.

34. On numerous occasions, the EPSID Board was forced to call building security and Jersey City Police to protect themselves against Defendant’s attacks.

35. Plaintiff felt personally threatened by Defendant’s aggressive outburst and harassing demeanor during EPSID meetings.

36. Following months of personal attacks during EPSID meetings, Defendant began to accost Plaintiff via e-mail.

37. On September 21, 2019 Defendant began to send incessant e-mail correspondences to Plaintiff regarding the video recording rule and even requesting that EPSID move their monthly meeting to another location.

38. Despite numerous communications with EPSID’s legal counsel, Don Pepe, Esq. to explain the legal reasoning and validity behind EPSID’s decisions, Defendant continued to accost Plaintiff.

39. On January 22, 2020, Defendant’s harassment of Plaintiff reached a precipice when Defendant contacted a member of Mack Cali’s Board of Directors, Ms. Nori Gerardo Lietz.

40. In her email to Ms. Gerardo Lietz, Defendant wrongfully alleged that Plaintiff has “egregiously violated OPMA legislation... his dealings violate State and Federal laws governing nonprofits, as well as your own code.”

41. Paradoxically, Defendant claimed that Plaintiff was harassing her and even attempted to assault her by forcefully attempting to remove her phone from her hand.

42. Plaintiff concluded her remarkable tale by urging Plaintiff’s employer to investigate him, specifically stating: “My hope is for this to be addressed by the Trustees of Mack-Cali and an end put to this offensive behavior.”

43. As a result of Defendant’s actions, the Board of Trustees of Mack Cali conducted an investigation into Plaintiff, thereby tarnishing his reputation, causing significant embarrassment and negatively impacting his relationship with his employer.

COUNT ONE

TORTIOUS INTERFERENCE WITH A PROSPECTIVE ECONOMIC ADVANTAGE

44. Plaintiff reaffirms and realleges Paragraphs 1 through 43 as though fully set forth at length herein.

45. Plaintiff enjoys a contractual relationship with Mack Cali through his employment as their Chief Executive Officer and a reasonable expectation of continued economic benefits from that relationship.

46. That position is separate and apart from his volunteer position as President of Alliance, a non-profit organization.

47. Defendant intentionally and improperly interfered with Plaintiff's employment by contacting Plaintiff's superiors and spewing unfounded and malicious allegations against Plaintiff.

48. Defendant's unfounded allegations included violations of State and Federal law, a purported attempted assault and ethical violations of Mack Cali's code of conduct.

49. Defendant stated clearly that her intention of "informing" Plaintiff's employer of his purported wrongdoings was so they can "put an end to this offensive behavior".

50. As a direct consequence of Defendant's intentional and improper interference with Plaintiff's relationship with his employer, Plaintiff suffered through an internal investigation thereby causing irreparable harm to his reputation and embarrassment.

WHEREFORE Plaintiff, Michael DeMarco, requests that the Court find in its favor and award Plaintiff:

- (a) An Order enjoining Defendant from contacting members of Mack Cali's staff or Board of Trustees in any manner as it relates to Plaintiff;
- (b) An award of all costs and attorneys' fees;
- (c) Such other and further relief as this Court deems just.

COUNT TWO

DEFAMATION

51. Plaintiff reaffirms and realleges Paragraphs 1 through 50 as though fully set forth at length herein.

52. Defendant, through the use of social media and e-mail communications, has publicly disparaged Plaintiff.

53. As stated above, Defendant took to Twitter in order to allege that Plaintiff colluded to bypass a City Ordinance vote and push through Alliance's proposal to remove a Polish monument from the District.

54. Not only was this Twitter post aimed at Plaintiff, it was shared on a public forum and tagged Plaintiff's employer.

55. There can be no reasonable explanation for Defendant's inclusion of Plaintiff's employer than to maliciously malign his reputation in front of the entire Mack Cali organization.

56. Defendant's accusations were not only malicious, they were knowingly unfounded and made with a reckless disregard for its veracity.

57. Further, Defendant initiated contact with a Mack Cali Board of Trustees member in order to jeopardize Plaintiff's employment.

58. Defendant stated clearly that her intention of "informing" Plaintiff's employer of his purported wrongdoings was so they can "put an end to this offensive behavior".

59. As a direct consequence of Defendant's intentional and improper interference with Plaintiff's relationship with his employer, Plaintiff suffered through an internal investigation thereby causing irreparable harm to his reputation and embarrassment.

60. Again, Defendant's accusations were unfounded, unsubstantiated and made for the sole purpose of irreparably harming Plaintiff's reputation.

WHEREFORE Plaintiff, Michael DeMarco, requests that the Court find in its favor and award Plaintiff:

- (a) An Order enjoining Defendant from contacting members of Mack Cali's staff or Board of Trustees in any manner as it relates to Plaintiff;
- (b) An award of all costs and attorneys' fees;
- (c) Such other and further relief as this Court deems just.

DESIGNATION OF TRIAL COUNSEL

Maryam M. Meseha, Esq. is hereby designated as trial counsel for Plaintiff, Michael DeMarco.

JURY DEMAND

Plaintiff, Michael DeMarco, demands a trial by jury on all issues so triable.

CERTIFICATION

This is to certify that the within matter is not the subject of any other action currently pending in any Court.

Dated: March 11, 2020

By: /s/ Maryam M. Meseha
MARYAM M. MESEHA, ESQ.

CERTIFICATION

I, Michael DeMarco, hereby affirm under pain and penalties of perjury as follows:

I am the individual Plaintiff in the above captioned matter. I have read the foregoing Verified Complaint and know the contents thereof to be true from my own personal knowledge.

Dated: March ____, 2020


MICHAEL DEMARCO