

THE LAW OFFICES OF MICHAEL BOTTON, LLC
Michael Botton, ESQ (MB8412)
1314 Main Street
Belmar, NJ 07719
Phone: (732) 894-3686
Attorney for Plaintiff

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

ISAAC TAWIL

Plaintiff

v.

JACKSON TOWNSHIP; JACKSON
TOWNSHIP TOWN COUNCIL; ROBERT A.
NIXON individually and as Member of the
Jackson Township Town Council; and ABC
Corporations (#1-#10), JOHN DOES (#1-#10)
and JANE DOES (#1-#10)

Defendant(s)

Civil Action No.: 3:18-CV-00706 (PGS)
(DEA)

**NOTICE OF MOTION TO AMEND
THE COMPLAINT PURSUANT TO
F.R.C.P. 15(a)(2)**

To: Howard B. Mankoff, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin
425 Eagle Rock Avenue, Suite 302
Roseland, NJ 07068
973-618-0685
Attorneys for the Defendants

PLEASE TAKE NOTICE that as soon as counsel may be heard, the undersigned attorneys for the Plaintiff, Isaac Tawil, shall move on a Motion for Leave to File an Amended Complaint pursuant to F.R.C.P. 15(a)(2) to the U.S. District Court, District of New Jersey located at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608.

PLEASE TAKE FURTHER NOTICE that in support of said motion, Plaintiff shall rely on the Letter Brief and Certification of Counsel submitted herein.

PLEASE TAKE FURTHER NOTICE that Plaintiff waives oral argument unless timely opposition is filed.

Dated: May 17, 2018

Michael Botton /s/
MICHAEL BOTTON, ESQ.
1314 Main Street
Belmar, NJ 07719
Attorney for the Plaintiff

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**LETTER BRIEF IN SUPPORT OF
MOTION TO AMEND THE
COMPLAINT**

Dear Judge Sheridan:

Please accept this letter brief in lieu of a more formal legal memorandum in support of the Plaintiff's Motion to Amend the Complaint against Defendants in the above-captioned matter.

BACKGROUND

On January 17, 2018, Plaintiff, Isaac Tawil, through his attorneys at The Law Office of Michael Botton, LLC, filed a complaint against the Defendants, Jackson Township, Jackson Township Town Council, Robert A. Nixon, ABC Corps 1-10, John Does 1-10 and Jane Does 1-

10. On February 28, 2018, Plaintiff filed an Amended Complaint to correct minor spelling errors. On April 2, 2018, Defendants filed a 12(b)(6) Motion to Dismiss that is currently scheduled for May 21, 2018. Plaintiff's counsel requested consent from Defendants' counsel but consent to amend the complaint was refused. Plaintiff now requests leave to amend the complaint to clear up any confusions or ambiguities regarding Plaintiff's causes of action that were brought up in Defendants' Motion to Dismiss.

LEGAL ARGUMENT

F.R.C.P. 15(a)(2) states that a party may amend its pleading only with the opposing party's written consent or the court's leave. The Court should freely give leave when justice so requires.

A general presumption exists in favor of allowing a party to amend its pleadings. Boileau v. Bethlehem Steel Corp., 730 F.2d 929, 938 (3d Cir. 1984). Leave to amend a complaint should be granted freely in the absence of undue delay or bad faith on the part of the movant as long as the amendment would not be futile and the opposing party would suffer no undue prejudice. Forman v. Davis, 371 U.S. 178, 182 (1962).

A motion to amend a complaint can be denied if the court can find these elements present: (1) undue delay; (2) bad faith or dilatory motive; (3) undue prejudice to the opposition; (4) repeated failures to correct deficiencies with previous amendments; and (5) futility of the amendment. Riley v. Taylor, 62 F.3d 86, 90 (3d Cir. 1995). Amendment of the complaint is "futile" is it will not cure the deficiency in the original complaint or if the amended complaint cannot withstand a renewed motion to dismiss. Jablongski v. Pan Am. World Airways, Inc., 863 F.2d 289, 292 (3d Cir. 1988). Delay alone does not justify denying a motion to amend. Cureton

v. Nat'l Collegiate Athletic Ass'n, 252 F.3d 267, 273 (3d Cir. 2001). Unless the delay at issue will prejudice the non-moving party, a movant need not establish a compelling reason for its delay. Formosa Plastics Corp. v. Ace American Insurance Company, 259 F.R.D. 95, 100 (D.N.J. 2009).

F.R.C.P. 15(a)(1)(B) makes clear that an amended complaint is a permissible response to a Rule 12(b) motion. As stated in the Advisory Committee Notes to the 2009 amendment to Rule 15, a “responsive amendment may avoid the need to decide the motion [to dismiss] or reduce the number of issues to be decided and will expedite determination of issues that otherwise might be raised seriatim.” F.R.C.P. Advisory Committee Notes 2009.

In the case at hand, Plaintiff filed a first amended complaint on February 28, 2018 which did not change the relief sought in the first complaint. Instead of filing an Answer to the Amended Complaint, Defendants’ filed a 12(b)(6) motion to dismiss for failure to state a claim on April 2, 2018. Defendants’ Motion is seemingly based on allegations that Plaintiff’s causes of actions are unclear and not plead with specificity. Particularly, Defendants appear to have read the Amended Complaint to include a claim for malicious prosecution. In fact, neither Plaintiff’s Complaint nor First Amended Complaint includes a claim for malicious prosecution. As such, in response to Defendants’ Motion to Dismiss, Plaintiff is requesting leave from the Court to file a Second Amended Complaint which will clear up any ambiguities regarding Plaintiff’s causes of action. Further, this amendment will cause no undue delay or undue prejudice as the case is fairly new and no formal discovery has been exchanged at this time.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests leave from the Court to file a Second Amended Complaint to clear up any concerns that Defendants or the Court may have regarding Plaintiff's causes of action.

Respectfully submitted,

Michael Botton /s/

MICHAEL BOTTON, ESQ.

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1314 Main Street
Belmar, NJ 07719
Phone: (732) 894-3686
Attorney for Plaintiff

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Defendant(s)

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(DEA)

COUNSEL CERTIFICATION

I, Michael Botton, being of full age, do hereby certify as follows:

1. I am an attorney licensed to practice in the State of New Jersey.
2. I am the Managing Partner of The Law Office of Michael Botton, LLC, counsel for the Plaintiff; as such, I am fully familiar with the facts as stated herein.
3. On January 17, 2018, Plaintiff, Isaac Tawil, through his attorneys at The Law Office of Michael Botton, LLC, filed a complaint against the Defendants, Jackson Township, Jackson Township Town Council, Robert A. Nixon, ABC Corps 1-10, John Does 1-10 and Jane Does 1-10.

4. On February 28, 2018, Plaintiff filed an Amended Complaint to correct minor spelling errors.
5. On April 2, 2018, Defendants filed a 12(b)(6) Motion to Dismiss that is currently scheduled for May 21, 2018.
6. Defendants' Motion is seemingly based on allegations that Plaintiff's causes of action are unclear and not plead with specificity.
7. Defendants appear to have read the amended complaint to include a claim for malicious prosecution; in fact, neither Plaintiff's Complaint nor First Amended Complaint includes a claim for malicious prosecution.
8. Plaintiff's counsel requested consent from Defendants' counsel but consent to amend the complaint was refused.
9. Plaintiff now requests leave to amend the complaint to clear up any confusions or ambiguities regarding Plaintiff's causes of action that were brought up in Defendants' Motion to Dismiss. See Exhibit A, a true and accurate copy of Plaintiff's Second Amended Complaint.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 16, 2018



MICHAEL BOTTON, ESQ.

Attorney for the Plaintiff

Exhibit A

THE LAW OFFICES OF MICHAEL BOTTON, LLC
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Attorney for Plaintiff

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and JANE DOES (#1-#10)

Defendant(s)

Civil Action No.: 3:18-CV-00706 (PGS)
(DEA)

SECOND AMENDED COMPLAINT

Plaintiff, Isaac Tawil, residing at 41 Pitney Rd, Jackson, NJ, by way of Amended
Complaint against the Defendants says:

PARTIES

1. Plaintiff Isaac Tawil is a citizen of the State of New Jersey.
2. Defendant Jackson Township is a township incorporated within Ocean County, State of New Jersey with a mailing address of 95 W. Veterans Highway, Jackson, NJ 08527.
3. Defendant Jackson Township Town Council is a governing body for the Township of Jackson and is located at 95 W. Veterans Highway, Jackson, NJ 08527.

4. Defendant Robert A. Nixon (hereafter “Nixon”) at all times during the events herein set forth, was an elected member of the Jackson Twp. Town Council and acted in his capacity as an agent, servant and/or employee of the city and/or individually.
5. Defendant John Does (#1-10), Jane Does (#1-10) and ABC Corporations (#1-10), inclusive, represent other individuals and/or entities unknown to the Plaintiff at this time, who participated in the causes of Plaintiff’s damages and who will be specifically identified through discovery.

SUBJECT MATTER JURISDICTION

This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (Federal Question) in that the claims herein arise under U.S. Const. Amend. I; 42 U.S.C. § 1983 & 42 U.S.C.A. § 2000CC as more fully set forth below.

VENUE

Venue is appropriate in the United States District Court, District of New Jersey, pursuant to 28 U.S.C. § 1391(b) as all the parties to this action are located in the State of New Jersey as stated above.

SUBSTANTIVE ALLEGATIONS

1. Plaintiff, Isaac Tawil, (hereafter “Mr. Tawil) is a resident of Jackson Township and lives at 41 Pitney Lane, Jackson, NJ 08527.
2. Mr. Tawil is an Orthodox Jew.
3. As part of his observance of the Jewish Faith, Mr. Tawil is required to pray three times a day and, if at all possible, it should be done with a quorum of at least 10 men. An

additional requirement of the Jewish Faith is the observance of the Sabbath every week from sundown Friday evenings until sundown on Saturday night.

4. As part of observance of the Sabbath, members of the Orthodox Jewish community are unable to operate any machinery or turn on/off electricity. As a result, when getting together to pray during the Sabbath, Orthodox Jews must walk to their synagogue or place of worship. Because Mr. Tawil does not live within walking distance of a synagogue, he invites other Orthodox Jews that live within walking distance of his house to pray with him during the Sabbath; a prayer on Friday nights starting just before sundown that lasts approximately one hour, again Saturday morning for 2 ½ hours, and again Saturday evening shortly before sundown and ending about 15 to 20 min after sundown on Saturday night.
5. In an attempt to prevent Mr. Tawil from observing the Jewish faith under the guise of enforcing a zoning ordinance, Defendant Nixon, in his position as a member of the Town Council, directed Jackson Township zoning officers to stake out his home on Friday nights. On several occasions a zoning officer was parked outside 41 Pitney Lane in Jackson supervising Mr. Tawil and his guests coming to his house to practice the Jewish Faith. The repeated presence of these officers had a chilling effect, was intimidating, became a form of harassment, and discouraged people from visiting Mr. Tawil during this time. Mr. Tawil was being denied his right to pray at his home by the actions of the Jackson Township Code Enforcement.
6. On or about March 6, 2016, an email was sent by Kenneth Pieslak to a citizen of Jackson Township regarding 41 Pitney Lane. The email states that Jackson Township has been

monitoring the home for months, that neighbors had been interviewed and none had reported any complaints.

7. On or about June 10, 2016 and June 11, 2016, a code compliance officer was sent to monitor Mr. Tawil's home.
8. On June 13, 2016, Kenneth Pieslak, Code Compliance Supervisor had informed Robert Nixon that nothing disruptive was reported and that a neighbor was interviewed stating they do not have any complaints.
9. Upon information and belief, on June 24, 2016 and June 25, 2016, a code compliance officer was again sent by Defendants to monitor Mr. Tawil's home on Friday and Saturday evening.
10. On June 27, 2016, Kenneth Pieslak informed Robert Nixon that the officer observed no activity in or around the residence besides for cars parked in the driveway. Pieslak also stated they would continue to monitor observations.
11. That same day, Helene Schlegel, Jackson Township Business Administrator, sent an email to Robert Nixon stating that after finding nothing significant for two weeks, there is no need for further overtime on the matter, that any further overtime must be pre-approved by administration, and they already expended too many tax dollars on the property to find there are no issues.
12. In response, Defendant Nixon requested a meeting to address his concerns with the Property.
13. Upon information and belief, in July 2016, Defendant Nixon again requested an officer be sent to monitor Mr. Tawil's home.

14. Upon information and belief, on July 20, 2016, Helene Schlegel informed Defendant Nixon and Mayor Michael Reina that code enforcement had been making pass-throughs by Plaintiff's home at least once a day for a week and observed no activity.
15. On or about August 23, 2016, Defendant Nixon requested another meeting with Helene Schlegel to discuss what, if any, actions were going to be taken regarding Mr. Tawil's home.
16. On or about September 19, 2016, Helene Schlegel sent an email to Defendant Nixon and Mayor Reina advising that valuable time and money was being wasted sending officers to Mr. Tawil's home.
17. Even after a zoning officer's multiple reports to the Township and Mr. Nixon that there was no unlawful activity at 41 Pitney Lane, Mr. Nixon continued to direct Township personnel to intimidate and harass Mr. Tawil and his guests. This behavior started on or about June of 2016 and continued until January of 2017.

COUNT 1

(Violation of Equal Protection Clause of the Fourteenth Amendment)

18. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 17 of the Complaint as if fully set forth herein.
19. The Fourteenth Amendment of the Constitution states that "All persons born or naturalized in the US and subject to the jurisdiction thereof, are citizens of the US and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the US; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

20. The Equal Protection Clause requires states treat an individual in the same manner as others in similar conditions and circumstances.
21. As a Jewish man residing in Jackson Township, Mr. Tawil was the focal point of monitoring and investigations for months by the Jackson Township, Town Council, and Robert Nixon.
22. Defendants sent government officials on multiple occasions to stake out Mr. Tawil's home in the hopes of finding a violation of a town ordinance so that Defendants could prevent Mr. Tawil from inviting friends to pray in his home on Fridays and Saturdays.
23. Even when Defendants were made aware that no violations had been committed, Defendants continued to monitor Mr. Tawil's home, thereby causing fear, harassment, and intimidation to him and his family to practice their religion in their own home.
24. These acts by the Defendants have deprived the Plaintiff of his life and liberty protected under the Equal Protection Clause of the Fourteenth Amendment.
25. The Defendant Nixon and Officers John and Jane Doe (#1-10), as Jackson Township employees, in their capacity as Jackson Township employees, deprived Tawil of his federal constitutional and statutory rights.
26. This is a violation of 42 U.S.C. § 1983.
27. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.
28. **WHEREFORE**, Plaintiff demands against the Defendants a Judgment as follows:
 - (a) That Defendants pay full costs of this action to the Plaintiffs;
 - (b) For compensatory damages;
 - (c) For punitive damages;

- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT II

(First Amendment Free Exercise of Religion)

29. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 28 of the Complaint as if fully set forth herein.
30. The Free Exercise Clause of the First Amendment reserves the right of American citizens to accept any religious belief and engage in religious rituals. This Clause protects religious beliefs and actions made on behalf of those beliefs.
31. The Defendant Nixon, and officers John and Jane Doe (#1-#10), as Jackson Township employees, in their capacity as Jackson Township employees used their position(s) to intimidate and harass Mr. Tawil to deprive him of his right to practice his religion under the color of a zoning law with the intent to inhibit Mr. Tawil's free exercise of his first amendment right to freedom of religion.
32. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT III

(42 U.S.C.A. § 2000CC)

33. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 32 of the Complaint above as if fully set forth herein.

34.

35. Defendant Nixon in his capacity as an employee of Jackson Township and the Defendant Jackson Township itself violated 42 U.S.C.A. § 2000CC when attempting to use a zoning statute to restrict Isaac Tawil's right to practice his religion.

36. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT IV

(State Law – N.J.S.A. Const. Art. 1, § 3)

37. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 36 of the Complaint above as if fully set forth herein.

38. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment.

39. As a Jewish man residing in Jackson Township, Mr. Tawil was the focal point of monitoring and investigations for months by the Jackson Township, Town Council, and Robert Nixon.

40. Defendants sent government officials on multiple occasions to stake out Mr. Tawil's home in the hopes of finding a violation of a town ordinance so that Defendants could prevent Mr. Tawil from inviting friends to pray in his home on Fridays and Saturdays.

41. Even when Defendants were made aware that no violations had been committed, Defendants continued to monitor Mr. Tawil's home, thereby causing fear, harassment, and intimidation to him and his family to practice their religion in their own home.

42. The Defendant Nixon and Officers John and Jane Doe (#1-10), as Jackson Township employees, in their capacity as Jackson Township employees, deprived Tawil of his State constitutional and statutory rights.

43. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT V

(Civil Conspiracy)

44. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 43 of the Complaint above as if fully set forth herein.
45. Civil Conspiracy is a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, a principal element of which is to inflict a wrong against or injury upon another, and an overt act that results in damage.
46. The individual Defendants conspired as set forth above to subject Mr. Tawil with harassments and intimidation to prevent him from exercising his right to practice the Jewish Faith in violation of his U.S Constitutional and New Jersey Constitutional right in the free exercise clause of both.
47. The actions of the individual Defendants were taken in their capacities as elected officials, appointed officers, or employees of the Defendants Nixon, officers John and Jane Doe (#1-10) of Jackson Township and Jackson Township Council are therefore attributable to Jackson Township.
48. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

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- (c) For punitive damages;

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(e) For such further relief as the Court shall deem just and proper.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton (MB) MB8412
The Law Offices of Michael Botton, LLC
1314 Main Street
Belmar, NJ 07719
Phone: (732) 894-3686
Attorney for the Plaintiff

JURY DEMAND

PLEASE TAKE NOTICE that Plaintiff demands a trial by jury on all issues.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton, Esq. MB8412
Law Office of Michael Botton, LLC
Attorneys for Plaintiffs

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that MICHAEL BOTTON, ESQ., is hereby designated as Trial Counsel.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton, Esq. MB8412
Law Office of Michael Botton, LLC
Attorneys for Plaintiffs

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3. Defendant Jackson Township Town Council is a governing body for the Township of Jackson and is located at 95 W. Veterans Highway, Jackson, NJ 08527.

4. Defendant Robert A. Nixon (hereafter “Nixon”) at all times during the events herein set forth, was an elected member of the Jackson Twp. Town Council and acted in his capacity as an agent, servant and/or employee of the city and/or individually.
5. Defendant John Does (#1-10), Jane Does (#1-10) and ABC Corporations (#1-10), inclusive, represent other individuals and/or entities unknown to the Plaintiff at this time, who participated in the causes of Plaintiff’s damages and who will be specifically identified through discovery.

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1. Plaintiff, Isaac Tawil, (hereafter “Mr. Tawil”) is a resident of Jackson Township and lives at 41 Pitney Lane, Jackson, NJ 08527.
2. Mr. Tawil is an Orthodox Jew.
3. As part of his observance of the Jewish Faith, Mr. Tawil is required to pray three times a day and, if at all possible, it should be done with a quorum of at least 10 men. An

additional requirement of the Jewish Faith is the observance of the Sabbath every week from sundown Friday evenings until sundown on Saturday night.

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5. In an attempt to prevent Mr. Tawil from observing the Jewish faith under the guise of enforcing a zoning ordinance, Defendant Nixon, in his position as a member of the Town Council, directed Jackson Township zoning officers to stake out his home on Friday nights. On several occasions a zoning officer was parked outside 41 Pitney Lane in Jackson supervising Mr. Tawil and his guests coming to his house to practice the Jewish Faith. The repeated presence of these officers had a chilling effect, was intimidating, became a form of harassment, and discouraged people from visiting Mr. Tawil during this time. Mr. Tawil was being denied his right to pray at his home by the actions of the Jackson Township Code Enforcement.
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7. On or about June 10, 2016 and June 11, 2016, a code compliance officer was sent to monitor Mr. Tawil's home.
8. On June 13, 2016, Kenneth Pieslak, Code Compliance Supervisor had informed Robert Nixon that nothing disruptive was reported and that a neighbor was interviewed stating they do not have any complaints.
9. Upon information and belief, on June 24, 2016 and June 25, 2016, a code compliance officer was again sent by Defendants to monitor Mr. Tawil's home on Friday and Saturday evening.
10. On June 27, 2016, Kenneth Pieslak informed Robert Nixon that the officer observed no activity in or around the residence besides for cars parked in the driveway. Pieslak also stated they would continue to monitor observations.
11. That same day, Helene Schlegel, Jackson Township Business Administrator, sent an email to Robert Nixon stating that after finding nothing significant for two weeks, there is no need for further overtime on the matter, that any further overtime must be pre-approved by administration, and they already expended too many tax dollars on the property to find there are no issues.
12. In response, Defendant Nixon requested a meeting to address his concerns with the Property.
13. Upon information and belief, in July 2016, Defendant Nixon again requested an officer be sent to monitor Mr. Tawil's home.

14. Upon information and belief, on July 20, 2016, Helene Schlegel informed Defendant Nixon and Mayor Michael Reina that code enforcement had been making pass-throughs by Plaintiff's home at least once a day for a week and observed no activity.
15. On or about August 23, 2016, Defendant Nixon requested another meeting with Helene Schlegel to discuss what, if any, actions were going to be taken regarding Mr. Tawil's home.
16. On or about September 19, 2016, Helene Schlegel sent an email to Defendant Nixon and Mayor Reina advising that valuable time and money was being wasted sending officers to Mr. Tawil's home.
17. Even after a zoning officer's multiple reports to the Township and Mr. Nixon that there was no unlawful activity at 41 Pitney Lane, Mr. Nixon continued to direct Township personnel to intimidate and harass Mr. Tawil and his guests. This behavior started on or about June of 2016 and continued until January of 2017.

COUNT 1

(Violation of Equal Protection Clause of the Fourteenth Amendment)

18. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 17 of the Complaint as if fully set forth herein.
19. The Fourteenth Amendment of the Constitution states that "All persons born or naturalized in the US and subject to the jurisdiction thereof, are citizens of the US and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the US; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

20. The Equal Protection Clause requires states treat an individual in the same manner as others in similar conditions and circumstances.
21. As a Jewish man residing in Jackson Township, Mr. Tawil was the focal point of monitoring and investigations for months by the Jackson Township, Town Council, and Robert Nixon.
22. Defendants sent government officials on multiple occasions to stake out Mr. Tawil's home in the hopes of finding a violation of a town ordinance so that Defendants could prevent Mr. Tawil from inviting friends to pray in his home on Fridays and Saturdays.
23. Even when Defendants were made aware that no violations had been committed, Defendants continued to monitor Mr. Tawil's home, thereby causing fear, harassment, and intimidation to him and his family to practice their religion in their own home.
24. These acts by the Defendants have deprived the Plaintiff of his life and liberty protected under the Equal Protection Clause of the Fourteenth Amendment.
25. The Defendant Nixon and Officers John and Jane Doe (#1-10), as Jackson Township employees, in their capacity as Jackson Township employees, deprived Tawil of his federal constitutional and statutory rights.
26. This is a violation of 42 U.S.C. § 1983.
27. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.
28. **WHEREFORE**, Plaintiff demands against the Defendants a Judgment as follows:
 - (a) That Defendants pay full costs of this action to the Plaintiffs;
 - (b) For compensatory damages;
 - (c) For punitive damages;

- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT II

(First Amendment Free Exercise of Religion)

29. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 28 of the Complaint as if fully set forth herein.
30. The Free Exercise Clause of the First Amendment reserves the right of American citizens to accept any religious belief and engage in religious rituals. This Clause protects religious beliefs and actions made on behalf of those beliefs.
31. The Defendant Nixon, and officers John and Jane Doe (#1-#10), as Jackson Township employees, in their capacity as Jackson Township employees used their position(s) to intimidate and harass Mr. Tawil to deprive him of his right to practice his religion under the color of a zoning law with the intent to inhibit Mr. Tawil's free exercise of his first amendment right to freedom of religion.
32. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT III

(42 U.S.C.A. § 2000CC)

33. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 32 of the Complaint above as if fully set forth herein.

34.

35. Defendant Nixon in his capacity as an employee of Jackson Township and the Defendant Jackson Township itself violated 42 U.S.C.A. § 2000CC when attempting to use a zoning statute to restrict Isaac Tawil's right to practice his religion.

36. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT IV

(State Law – N.J.S.A. Const. Art. 1, § 3)

37. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 36 of the Complaint above as if fully set forth herein.

38. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment.

39. As a Jewish man residing in Jackson Township, Mr. Tawil was the focal point of monitoring and investigations for months by the Jackson Township, Town Council, and Robert Nixon.

40. Defendants sent government officials on multiple occasions to stake out Mr. Tawil's home in the hopes of finding a violation of a town ordinance so that Defendants could prevent Mr. Tawil from inviting friends to pray in his home on Fridays and Saturdays.

41. Even when Defendants were made aware that no violations had been committed, Defendants continued to monitor Mr. Tawil's home, thereby causing fear, harassment, and intimidation to him and his family to practice their religion in their own home.

42. The Defendant Nixon and Officers John and Jane Doe (#1-10), as Jackson Township employees, in their capacity as Jackson Township employees, deprived Tawil of his State constitutional and statutory rights.

43. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;
- (d) For interest, attorney's fees and costs of suit; and
- (e) For such further relief as the Court shall deem just and proper.

COUNT V
(Civil Conspiracy)

44. Plaintiff hereby repeats and incorporates by reference all of the allegations set forth in paragraphs 1 through 43 of the Complaint above as if fully set forth herein.

45. Civil Conspiracy is a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, a principal element of which is to inflict a wrong against or injury upon another, and an overt act that results in damage.

46. The individual Defendants conspired as set forth above to subject Mr. Tawil with harassments and intimidation to prevent him from exercising his right to practice the Jewish Faith in violation of his U.S Constitutional and New Jersey Constitutional right in the free exercise clause of both.

47. The actions of the individual Defendants were taken in their capacities as elected officials, appointed officers, or employees of the Defendants Nixon, officers John and Jane Doe (#1-10) of Jackson Township and Jackson Township Council are therefore attributable to Jackson Township.

48. As a proximate result of Defendants' actions, Mr. Tawil was injured and suffered physical, mental, emotional and economic injury.

WHEREFORE, Plaintiff demands against the Defendants a Judgment as follows:

- (a) That Defendants pay full costs of this action to the Plaintiffs;
- (b) For compensatory damages;
- (c) For punitive damages;

(d) For interest, attorney's fees and costs of suit; and

(e) For such further relief as the Court shall deem just and proper.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton (MB) MB8412
The Law Offices of Michael Botton, LLC
1314 Main Street
Belmar, NJ 07719
Phone: (732) 894-3686
Attorney for the Plaintiff

JURY DEMAND

PLEASE TAKE NOTICE that Plaintiff demands a trial by jury on all issues.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton, Esq. MB8412
Law Office of Michael Botton, LLC
Attorneys for Plaintiffs

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that MICHAEL BOTTON, ESQ., is hereby designated as Trial Counsel.

Dated: May 16, 2018

Michael Botton, Esq. /s/

Michael Botton, Esq. MB8412
Law Office of Michael Botton, LLC
Attorneys for Plaintiffs